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## **DOCTOR OF PHILOSOPHY**

**Work to live : the function of prison labour in the Russian prison system.**

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WORK TO LIVE:  
THE FUNCTION OF PRISON LABOUR  
IN THE RUSSIAN PRISON SYSTEM

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Submitted for the degree of PhD in Criminology and Criminal Justice

2001

to the Centre for Comparative Criminology and Criminal Justice  
School of Social Sciences at the University of Wales, Bangor

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WORK TO LIVE:  
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IN THE RUSSIAN PRISON SYSTEM

## ABSTRACT

Work was the dominant activity of prisoners in Russia for most of the twentieth century and was justified according to the philosophies prevalent in Tsarist and Soviet society. Since the collapse of the Soviet Union in 1991, no specific ideology has emerged. Consequently, there is an absence of clear justifications for prison labour in Russia today. The main concern of this thesis, therefore, is with the function that prison labour serves in Russia in the early twenty-first century, now that it is no longer driven by a dominant ideology, as historically was the case. As Russia is becoming integrated into Europe, so too it is exposed to trends in prisons there, and officials recognise the obligation to comply with international instruments affecting the treatment of prisoners. Recent political and economic developments have adversely affected prison budgets in Russia. For this and other reasons, despite its good intentions, the central administration is finding it difficult to meet obligations to treat prisoners humanely. The second purpose of this thesis is to examine whether trends in European imprisonment will emerge in Russia, and how this might affect complying with international regulations. The study discovered that while staff extol the rehabilitative benefits of prison labour, nowadays, it has become the mechanism for survival for the staff and prisoners in institutions cut off from the wider economy and which can no longer rely on financial support from Moscow. In the most literal sense prisoners are working to live. Goods and services, which once were fully integrated - by command from the Moscow government – into an enormously complex and differentiated economy, are now bartered in the micro-economies of the local community. The findings will be dealt with in relation to the European Rules and the further implications in terms of management of the prison system.



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## CHAPTER 1

### Introduction

#### Research Context

This thesis is a study of prison labour in the Russian<sup>1</sup> prison system. The topic emerged out of the dissertation of an MA in Criminology, which looked at applying theoretical approaches to the forced labour camps of the Stalin period (1926-1952). Throughout the Soviet period prison labour was integrated into the Soviet command economy. From the outset, the aim of this study was to look at how prison labour operates since the collapse of the Soviet Union in 1991.

Prison labour is ingrained in the lives of Russian people. This was graphically illustrated in the spring of 1999 when broadcasts appeared on Russian television marking the two hundredth anniversary of the birth of Russia's greatest poet, Alexander Pushkin. Vivid images of modern-day Russians in real life settings reading aloud Pushkin's poetry were broadcast. Groups of children were shown playing and singing lullabies by Pushkin. Doctors were shown, during rare moments of rest at work, recounting their favourite Pushkin poem. Market vendors debated the most poignant lines of Pushkin's poetry.

Most striking out of all the broadcasts was a series of images from Butyrka prison in Moscow and Kresti' prison in St. Petersburg depicting groups of prisoners reflecting on the importance of Pushkin's poems in their lives. Russian prison authorities were unconcerned about broadcasting images from these prisons both of which have been described, as 'demoralising places, uncomfortable physically and psychologically and where the stench is unbearable due to over 80% overcrowding (Walmsley 1996, Moscow Centre for Prison Reform 1998b). Evidently it is national pride, a mark of a civilised society, which has overridden concerns over human rights. In some societies such broadcasts could be regarded

<sup>1</sup> Throughout the thesis I will use the terms USSR and The Soviet Union interchangeably to refer to the period of the Soviet Union, 1917-1991. I will refer to the pre-Soviet period as Tsarist Russia and I will describe the post-Soviet period from 1991 until the present day as Russia.

as exploitative. Indeed it is hard to conceive of broadcasts of prisoners held in British prisons reading from Shakespeare. Yet in Russia the decision to include prisoners into the broadcasts was justified by a senior prison official as,

Entirely normal since prisoners played an important role in Russian society for most of the twentieth century<sup>2</sup>.

This comment refers directly to the system of Soviet forced labour camps, the Gulag (*Glavnoie Upravlenie Lagerie*), (Central Administration of Camps), where several millions were incarcerated and almost certainly, where several millions died (Conquest 1994). In order to understand this comment fully, it is instructive to present a brief history of forced labour in Russia.

The Soviet Union has had a long history of forced labour, as did Germany and wartime Japan. The role that prisoners played in Soviet society has been told most famously by Alexander Solzhenitsyn. His memoir, *The Gulag Archipelago*, is not only a vivid oral account of eleven years inside the giant Gulag prison camps, but also, it warns the reader that Russia will forever struggle to rid itself of a 'Gulag mentality' because forced labour concentration camps were incorporated into the Soviet Union's nascent manufacturing base and burgeoning ideology. The viewpoint of the Moscow Centre for Prison Reform (MCPR) (1998) is that the legacy of Soviet forced labour has yet to be fully addressed by the central prison administration because the topic raises hard questions about the brutalities meted out by the Soviet regime. The MCPR argues that a 'Gulag mentality' can be found in the present day criminal justice system in the form of an arbitrary sentencing system and in the appalling conditions in prison establishments. The situation of acknowledging that a massive penal empire exploited citizens for the sake of the

<sup>2</sup> Source: Assistant Deputy Minister of the Russian prison system General Alexander Il'yich Zubkov in response to a question raised by a representative from the Moscow Centre for Prison Reform. The comment was made during a press conference to mark the opening of an exhibition on tuberculosis in Russian prisons at the Russian parliament in Moscow, April 1999, which I attended.



regime is made considerably more complicated by the fact that there is yet to be a consensus on the extent of forced prison labour throughout the Soviet period.

Prison labour grew quickly in the early twentieth century in the Soviet Union, but it became a gigantic operation from 1930 onwards. At that time, it acquired a major economic significance as forced labour was used to develop natural resources – from timber and coal to diamonds and gold – in inhospitable northern and other Siberian regions, where wage labour was considered too expensive by the regime.

How many ‘*zeks*’ (prisoners) were incarcerated? What was the extent of forced labour? How many died in the Gulag? Firm figures are as impossible to come by in these areas as are Soviet economic growth rates. Any official data is likely to be imprecise due to the practice of falsifying official records leaving considerable latitude for legitimate debate and disagreement (see Bacon 1994). Even so, by the 1980’s it became indisputable that prison labour was not incidental but central to the Soviet regime. The most telling testimonies reveal that the Soviet regime manufactured deviance through the subversion of ideology in order to create a factory of workers, necessary for maintaining the Soviet centralised economy. The regime also dispensed fear through the arbitrary use of crime legislation which led to the creation of a disciplined society – probably the most controlled society of the twentieth century - subservient to the ideology of Marxism/Leninism. In the honeymoon period of the Russian Revolution criminal justice practitioners posited that crime did not exist in perfect socialist societies. According to Soviet criminology, crime was a decadent western phenomenon (Pashukanis 1978). Under Stalin, the regime manipulated ideology so as to theorise that crime did exist, but that all crime was anti-Soviet thus it upset the harmony of the USSR and disrupted the path to the utopian vision of Soviet society that was promulgated at that time. Imprisonment, particularly prison labour, became the ideological tool in the war against capitalism (prisoners would undergo rigorous forced political re-correction). At the same time prison labour



was massively important for the economic sustainability of the Soviet Union such that for most of the twentieth century, prisoners were forced into working on ambitious economic projects.

The practice of forced labour provokes outrage and condemnation (Alcock 1971). The international community began to take notice of forced labour in non-carceral environments as early as 1930 when the first international covenants were brought into place prohibiting the import of forced labour products. The International Labour Organisation (ILO) considered the use of forced labour for political and economic purposes in penal environments and it was found that the utilisation of forced labour for these ends was rife in the communist bloc (Alcock 1971). Despite this, forced labour was excluded from an international ban effective from 1930. The absence of a ban on forced labour, coupled with a lack of clear policy guidelines from governments on which the ILO could rely for the development of a co-ordinated effort to suppress the exploitation of prisoners in developing countries, meant that there was no ban on using forced labour for political and economic ends.

When a massive system of forced labour concentration camps was discovered in several countries in Europe after World War Two the 1930 convention on forced labour was re-drafted. In the 1957 convention, the utilisation of forced labour for political and economic purposes was prohibited. The Soviet regime opposed this covenant and other post-war treaties such as the UN Minimum Standard Rules for the Treatment of Prisoners (1955) on the grounds that signatory nations comprised, an 'unholy alliance of capitalist states' (Zemskov 1991b: 24). The Soviet regime shunned international pressure to prohibit forced labour for political and economic ends until the eventual collapse of the USSR in 1991.

Despite the vivid accounts from Soviet dissidents which reveal how forced labour was a despotic form of ideological and economic slavery whose determinants went way beyond crime control in the usual sense, the topic has

received surprisingly little attention compared to the extensive publications under the banner of 'Holocaust Literature' (see Bauman 1989, Kershaw and Lewin 1997). Forced labour has instead appeared little more than a footnote, and at best as a chapter, in dense historiographies on aspects of the communist period.

The topic has also escaped attention in criminology. In the years that immediately followed perestroika a couple of descriptive articles emerged on the Russian prison system, which paved the way for more empirical investigations (King 1994, King and Mikhlin 1994). While the closed nature of Russian society until 1991 did not permit criminological research by western academics, it is still surprising that criminologists have hitherto neglected to investigate forced labour due to developments in the discipline in the last decade. Over the last ten years analysts of crime and punishment have argued that criminology has had, a 'chary and ambivalent view of theory' (Sparks 1997: 410). Consequently, recent academic debates have surveyed the larger domains of social and political thinking which criminology intersects. Such a survey can be found in the theoretical literature that begins with Rusche and Kirchheimer (1939) and extends through to Melossi and Pavarini (1981) to Foucault (1979) and Garland (1990) where the analysis settles on the interaction of punishment and the sources of social power. Yet theorists continue to neglect to include Russia's prison system in their analysis of such theories despite the Russian system functioning for most of the twentieth century to perform social, political and economic expectations.

On a more practical level, western criminologists have focused on the political and cultural changes that have led to a massive increase in the prison population of the American prison system; the adoption of rigorous technological advances in social control; increased managerialism; the massive enterprise of prison building. Such trends in the American prison system are surfacing all over Europe and it is widely accepted that member states of the Council of Europe (including Russia since 1996) will converge in favour of greater private sector involvement (see Ruggiero *et. al*, 1995). As the pace for European Unity quickens,



these trends may have implications for the management of the Russian prison system as in 1999, Russia had the highest prison population in the world. That year, there were 730 persons held per 100, 000 of the population compared to America, which had 680 persons per 100, 000 of the population (Walmsley 2000). In order to alleviate state funding of the prison system Russian prison authorities may move towards contracting out prison labour to private industries. This is massively important for the future direction of Russia's prison system as the farming out of prisoners work to private industries may raise questions analogous to forced labour – though this may be off-set by agreements about wages and conditions.

### **Rationale for the research**

The thesis on Russian prison labour came about for two reasons. The first is to do with the impact of the collapse of communism on the function of prison labour. Based on some theoretical conclusions from an MA in Criminology, it emerged that Soviet prison labour functioned in response to the economic plans, the ultimate aim of which was to sustain the idea a Soviet centralised economy. According to the Soviet ideological literature, the consequence of utilising prison labour was that prisoners became the prototype of the perfect Soviet worker; an individual engaged at the highest level of political theory and physically able to produce goods that would benefit Soviet society (Brunovsky 1931). The Soviet prison system was unique because prisoners worked in order that the Soviet Union, as an economy and as a political ideology could endure. Soviet prison establishments must, therefore, be looked at as much more than institutions for reform or punishment. When communism collapsed, the Soviet Union fragmented into regionally managed governments (*oblasti*) with no clear-cut central ideology dictating political governance. The fragmentation is likely to impact on perceptions and policies on prison labour and it might be interesting to see whether there is hangover from the Soviet era (as might be expected) or whether western

ideas will surface and what forms these ideas might take.

The second reason for embarking on a study of Russian prison labour is to examine how present day prison labour practices comply with international regulations on implementing and maintaining human rights in prisons, particularly in the area of providing work. It has already been mentioned that the Soviet regime opposed international legislation banning forced labour on the grounds that legislation was 'capitalist' and therefore a threat to the Soviet Union. In the immediate post-Soviet period Russian officials expressed anxieties over the forced labour issue. Specifically, there were concerns about the section of the UN Rules (1955) and the European Prison Rules (1987) that state that all prisoners serving sentences are required to work. King (1994) argued that this would not be an area of concern for the new more democratic Russia as prison labour has become voluntary in most societies due to an overall shortage of work in prison. In the ten years since the collapse of communism, there have been very clear signs that Russia is moving towards alternative forms of rehabilitation in place of work (see King 1994). Yet, regardless of how much the harsh and brutal past of imprisonment in Russia has been softened by an accent upon rehabilitation that is increasingly moving towards European models, Russian society is facing several crises that will impact on the ability of authorities to adhere to international rules. Russia has been in decline as a result of the turbulence that ensued after the collapse of communism. The economy teeters on the brink of collapse, the political infrastructure is unstable, poverty is escalating and the institutions are in decline.

As Russia looks forward to the possibility of joining the European Union the strength of its regulation and laws will be increasingly open to scrutiny, and this is of growing importance to prison authorities as well as prison specialists. Precisely how Russian prison authorities are sustaining an over-populated under-resourced prison population in the current climate while claiming to be moving toward better standards of care and treatment of offenders will be critical in determining



Russia's position at an international level (Zubkov *et. al* 1998). And if the trend towards greater private sector involvement is happening in Russia, what form will this take and most crucially how will this impact on maintaining human rights? Related to this point is that the Russian prison system could provide a critical test case of how societies in the twenty-first century operate prison systems amid periods of turmoil and social change.

### **Original contribution**

The present study examines an under-investigated area in criminology (the Russia prison system) and in the process makes several contributions to knowledge. Beyond mere description, and most important, the main contribution lies with a study that considers prison labour in relation to international instruments designed to promote humane containment. This study makes an additional contribution to the study of prison labour by presenting empirical evidence of how prisons operate in societies in transition. Although the research will focus on the Russian system of prison labour it is hoped that lessons, which might be drawn, will have relevance for the provision of prison work in other jurisdictions including the UK.

### **Aims of the thesis**

The aims are as follows:

1. To describe and analyse the operation of prison labour in the Russian prison system today. It is clearly impossible to develop a meaningfully representative sample of institutions given the scale and geographical spread of the Russian prison system that would be within the scope of this thesis. What is intended is to collect data from one prison region and to explore the function and constraints surrounding the operation of prison labour since the prison system is no longer driven by a centralised ideology, as was historically the case.

2. To raise policy issues on the conditions and circumstances surrounding prison labour within the context of the European Prison Rules (1987).

The message of this thesis is that there will be increasing difficulties in providing suitable work for prisoners since perestroika and that prison authorities, like their counterparts in the west, will be concerned to provide alternatives to prison labour. It is considered that the current state of fragmentation of prison management and policy has led to the prison regions themselves being responsible for devising their own perspectives on imprisonment and prison labour. The thesis is therefore vitally concerned with exploring the types of ideas and perspectives that are used by the regional authorities to justify imprisonment.

### **Methodology**

This study is essentially problem driven and inductive, and as such does not engage in theory testing. Given that prison labour in Russia has in the past been a reflection of Marxist/Leninist ideology, it was desirable to utilise an approach that examined the different meanings and justifications that underpin the use of prison labour. The original proposal was for a case study of an *oblasti*' (prison region). During a pilot trip, it was agreed that the Ryazan region seemed to be a suitable research venue. Ryazan region contains seven colonies of varying type. While there are other types of colonies that do not figure in the penal landscape of Ryazan, a regionally based study was deemed as more manageable in scope and more meaningful when it comes to interpretation because the study will present what is actually available within one region. This arguably might have provided a microcosm of the system as a whole, though it would have been subject to questions in terms of its *representativeness*.

The design for the main study was constructed while in Russia and turned out to be a comparative study of two types of regime in two regions, one region in Smolensk western Russia and one region in Omsk, Siberia. This had the potential



of adding a new and interesting dimension given that approximately 3,000 kilometres separated the two regions in question from each other. In some respects, this was more powerful because it permitted two types of comparison, first between regimes and second between regions. The research could now ask, is the location of the colonies a factor determining the principles and practices of prison labour? And when compared, could the differences between the regions account for much? It turns out that the differences between regions were more important than between regimes. The question of representativeness, therefore, becomes more important and this would not have arisen from the original design. Moreover some data surfaced on the relationship of the colonies to their regional headquarters in two - not just one - regions.

The purpose of the main study was to collect data on all the main ways that prisoners were occupied from four large penal colonies. These were a strict and general regime for men in Smolensk prison region and a strict and general regime for men in Omsk prison region. It emerged from the pilot study and from work conducted by King (1994) that prison labour has been in steady decline in Russian prison colonies since 1991. The main study sought to investigate whether new alternative strategies were in place that could be regarded as aiming to achieve the goal of imprisonment. The focus of the interviews was to capture what prison labour means in terms of any stated objectives. How respondents view any alternative reform strategies that were in place was also a focus of the fieldwork. All the prisoners were asked about their experiences of prison labour, the levels and types of remuneration and training and whether they believed that prison labour was useful. Prison staff were asked questions about the issues just mentioned and about the relationship between the regions and the Moscow headquarters in terms of funding and accountability. For reasons to do with manageability of the project, which is reported further in Chapter 4, a follow-up study of former prisoners was not undertaken.

In terms of the methods, there was no guarantee that any particular form of

data would be available and no guarantee about what kinds of research methods would be permitted. A multi-method approach was deployed, leaning on ethnographic techniques – mainly cultural anthropology - that involved living in the natural setting of the four prison colonies. It was essential to be flexible and opportunistic when gathering the data so that methods could be changed should the circumstances demand it. At the end of the fieldwork, data was collected from 224 semi-structured interviews. In total, 31 prisoners and 193 prison staff were interviewed. The Chiefs of each of the two prison regions and one of the Assistant Deputy Ministers of the prison system, were also interviewed<sup>3</sup>.

### **The thesis**

Prison labour in Russian prisons today operates in new and distinct ways. Under the present system people are sent to prison as a punishment in response to the crime problem and no longer for political reasons. Although ostensibly prisons are expected to reform or rehabilitate as well as punish, prisoners now have to work in order to live and not for the sake of the economy. Indeed the fact that they have to do this and the manner in which they do this is precisely because of the collapse of the old economy. Central government funding, resources and support are no longer guaranteed and so it is left to the regions themselves to provide for, and sustain, the prison system. Essential resources are provided through a system of barter. As it currently operates, prison labour is not just a mechanism for achieving the reform of prisoners. It has become the very means of survival for the colony and for the staff, as well as for the prisoners. Only when the basic need for survival is met, can the stated objectives of the establishments be pursued. The ways in which prison labour is used to provide essential resources varied across regions in Russia, but within regions the funding of the colonies and also the perspectives adopted, was found to be the same.

<sup>3</sup> At the time of the study there were five Deputy Assistant Ministers, and one Assistant Minister to



This finding presents two ironies; one is that under both the old and the new system there is a danger of falling foul of the international rules about forced labour. The other is that the present system of utilising barter may mean that prisoners are more likely to be engaged in work like that which is carried on outside and which they might do on release and so prison labour is arguably rehabilitative.

### **Chapter breakdown**

The thesis continues with a literature review in Chapters 2 and 3. Chapter 2, *Prison Labour: Punishment, Reformation and Economics* deals with the theoretical literature and the Russian material. The theoretical literature analyses prison labour as punishment linked to the social structure of capitalism. The Soviet material deals with prison labour as reformatory in the context of communism. Both types of literature raise issues about the use of forced labour as a means to provide for a developing industrial base. A discussion of the changes that took place in Soviet criminal justice under Stalin, which helped shape the Soviet structures and encourage a predilection for arbitrary sentencing throughout the twentieth century explains how the ideological nature of Soviet criminal justice provided the conditions for exploiting prison labour on a massive scale. Included in Chapter 2 are interviews with three survivors of Stalin's Gulag. The testimonies from victims of the Gulag forced labour camps have been questioned for their validity. The intention of including them in the present study is to provide primary evidence from Stalin's Gulag and to bring to criminology a little-used source for understanding the nature and experience of imprisonment.

The third chapter, *Contemporary Prison Labour Practices: Maintaining Standards* looks at studies of prison labour in contemporary prison systems which currently operate within tacitly assumed contexts governed by the European Prison the Minister of Justice.

Rules. These studies explore the different emphases given to prison labour as one element in the repertoire of approved methods dealing with sentenced prisoners. This chapter will conclude by considering any criminological studies Russian prison prisons.

Chapter 4, *Doing Research in 4 Russian Prison Colonies: Poetry, Protocol and the Steppes of Siberia* describes the various methodologies, quantitative and qualitative, used at the two fieldwork phases in what proved to be a difficult area of investigation. Central in Chapter 4 is a discussion of the problems and pitfalls in conducting prisons research at a particularly turbulent time in Russian society and in prisons that had previously never been visited by western observers. Results from the fieldwork are presented in Chapters 5, 6 and 7.

The fifth chapter *Prison Labour in Smolensk Prison Region* presents the data from the first prison region visited, the Smolensk prison region located in western Russia. Chapter 6, *Prison Labour in Omsk Prison Region* presents findings from Omsk prison region in western Siberia. Particular attention is paid to how decentralisation of the prison system and the dwindling of central funds that followed the collapse of communism have impacted on both the management of the prison colonies and the implementation of policies and strategies designed to bring about the stated objectives of the regimes.

Chapter 7, *Comparisons between Smolensk and Omsk Prison Regions* brings together the two prison regions for a description and explanation of any similarities or differences between the regions in how they implement prison labour. Some theoretical concepts and ideas that emerged as the data was being analysed, particularly Merton's functional analysis approach, are considered as possible explanations of the current situation in prison labour. In Chapter 8 *Russian Prison Labour and the European Prison Rules*, the extent to which current practices of the *necessity* of at least some prisoners having to work to survive breach the covenants on forced labour. The necessity of some prisoners working to survive may mean that such a priority is given to this such that it

subordinates the other aims of treatment of prisoners thus breaching the European Prison Rules.

Chapter 9 *Conclusion*, presents a summary of the findings and some conclusions that can be drawn from the findings on Russian prison labour and the state of penology in Russia today as well as areas for future research about prison labour and international rules. Given the unique nature of this study, it was felt that personal conclusions should also be presented.



## CHAPTER 2

### **Prison Labour: Punishment, Reformation and Economics**

Punishment as a disciplinary apparatus modelled on the example of the factory represents, in terms of loss of total autonomy, the highest point of subordination and thus of suffering (Melossi and Pavarini 1981: 187)

#### **Introduction**

This study attempts to assess the function of prison labour<sup>4</sup> in the Russian prison system today. In most societies prison labour provokes controversy. It is not difficult to understand why this is the case. Throughout history, analysts have made diametrically opposed claims about prison labour. Using the religious language of redemption and salvation, some penal reformers have asserted that an appropriate system can reform prisoners (Gordon 1996). Others, who believe that prison labour should be punitive to annul the crime perpetrated, take a more retributive approach (Sebba 1999). Others still have argued that prison labour, properly managed, can be profitable: this would help defray the costs of confinement (Harding 1997). For other commentators, prison labour epitomises forced labour and the exploitation of prisoners (Paz 1992).

These different theoretical and empirical justifications for prison labour suggest that it is about much more than providing prisoners with something to do during custody. To be more precise, prison labour is complex and dynamic because it functions in order to bring about the goal of imprisonment, which operates in accordance with evolving penal philosophies in society. Penal philosophies in society change continually: imprisonment has functioned as: an expression of state power; a statement about morality; a vehicle for social control; a set of symbols that display a cultural ethos, and as an institution motivated by the

<sup>4</sup> In some parts of the thesis, I refer to prison labour and in other parts prison work. It should be noted that both terms refer to the same activity and the terms are used interchangeably based on how analysts describe the system in the literature and in the interviews presented in the data chapters.



wider economy. Garland (1990) concludes that imprisonment and penal sanctions (in this case study, prison labour) cannot be isolated from their varied socio-political functions. Thus, the justifications for prison labour are never clear-cut and opposed claims (punishment and reformation) can operate at the same time.

What, therefore, is the best way of understanding prison labour in Russia? In considering what has just been mentioned about possible reasons why prison labour provokes controversy, perhaps the biggest obstacle facing criminal justice systems is how to protect prisoners from exploitation. One approach might be to examine how prison labour operates in relation to the protection afforded to prisoners to prevent exploitation. It is now recognised throughout the world that while it is a requirement that all prisoners must work, where they work for political or economic objectives, this can be described as 'forced labour'. The term forced, in the literal sense, means coercion. In the context prison labour, criminological studies show that this coercion usually occurs with a 'bigger purpose' than simply to annul a crime or to reform their character, for example the wider economy or for the punishment dissidents (Garland 1990, Smartt 1996). Used in this way, prison labour might fall foul of international treaties designed to protect prisoners from exploitation (The UN Minimum Standard Rules for the Treatment of Offenders 1955 Preamble). The literature that deals with how prison labour might be exploited for economic and political purposes, due to trends in imprisonment, falls into three categories: theoretical literature, empirical studies and literature on the Russian and Soviet prison labour system.

Pre-eminent amongst theories on prison labour is the work of Rusche and Kirchheimer (1939), Melossi and Pavarini (1981), and Foucault (1979). Each of these theoretical traditions has emphasised such concepts as 'discipline' and 'work ethic' as having a more explanatory value: prison labour functioned in response to the need to produce individuals adjusted to the norms of an industrial society, which laid the foundation for legitimising the exploitation of prisoners. The intention is to work through each of the theoretical traditions in turn treating each

not as a rigid model to which Russian prison labour can be applied, but as a source of understanding the relationship between prison labour and the wider political economy. There is a link between the theoretical literature and the Soviet material in that both discuss prison labour in relation to the existing social relations: one capitalism and the other communism. Since both types of literature make links between exploitation and prison labour they will be considered in the context of international conventions and treaties which prohibit forced labour.

Chapter 3, *Contemporary Prison Labour Practices: Maintaining Standards*, presents the empirical studies, which look at the justifications for prison labour. The empirical studies appear to be written in the spirit of the European Prison Rules and the UN Standard Minimum Rules for the Treatment of Offenders. The studies presented explore, with different emphases, the use of prison labour as one element in the collection of approved methods of dealing with sentenced prisoners. What underpins these studies is that prison labour and alternative methods should be constructive. All the justifications for prison labour can be seen in this light and this indeed is how it is seen in the European and UN Rules. The reservation of the international rules governing prison labour is that the need for financial gain may subordinate the goals of reform. This is most noticeable in the studies that discuss the emergence of the private sector in the prisons in the West. This was also a consideration of King (1994) who discusses Russia's prison system in the immediate post-perestroika period in the context of the European Rules and how trends around the world (the increased role of the private sector, the emergence of alternative methods to work) might impact on Russia. The chapter will conclude with his work, as it is the only other empirical investigation into Russia's prison system and it sets the scene for this study.

In some parts of the literature chapters, a more narrative and descriptive approach is adopted in order to provide a context for this hitherto neglected topic.



## 2.1 Part 1 Theoretical studies

Although the theoretical studies describe the ways that prison labour operated in western prison systems, they provide a conceptual basis for understanding how the exploitation of prison labour came about as a result of the demands for its use in the wider economy, which is essentially how the system operated for most of the twentieth century in Russia.

### 2.1.1 Forced labour, the economy and class discipline: the work of Rusche and Kirchheimer, Melossi and Pavarini and Foucault

Writing from a Marxist perspective<sup>5</sup>, Rusche and Kirchheimer (1939) argue in *Punishment and Social Structure* that it is 'illusory' (Rusche and Kirchheimer 1939:141-142) to assume that prison labour exists to reform individuals convicted of crimes. They insist that prison labour is a punitive measure that is inextricably linked to power relations,

It is necessary to strip from the social institutions of punishment its ideological veils and to describe it in terms of its real relationships (Rusche and Kirchheimer 1939:5).

The 'real relationships' they refer to are the links between the rise of capitalism and changes in criminal justice (Rusche and Kirchheimer 1939). Punishment for punishment's sake, slavery and transportation were re-assessed for their economic usefulness and consequently replaced by convict labour and training in the discipline of industry to be conducted in Houses of Correction (Rusche and Kirchheimer 1939). These institutions were aimed at combining the poor house (targeting the lower classes), the workhouse (already housed by the lower classes), and the penal institution (establishments filled with the lower classes as a result of begging and vagrancy laws) (Ignatieff 1978). Hard labour, hard bed and reform

<sup>5</sup> Rusche and Kirchheimer do not state explicitly that they are writing from a Marxist perspective. Because their thesis is 'reductionist', it is now assumed to be Marxist (see Garland 1990: 88-89).



were the goals of prisons in closely monitored regimes where, it was hoped, prisoners after receiving a vocational training would take their skills and swell the labour market further (Melossi 1985)<sup>6</sup>. The rise of prison labour gave way to the practice of forced labour as a result of social policies which were geared towards furthering industry, regulating wages, working conditions and regulating the poor who were perceived as docile (Rusche and Kirchheimer 1939). Labour regulation was vital to the sustainability of capitalism and the social control of the recalcitrant classes (Hudson, 1997) and all social policies thereafter were geared towards protecting both the economy and the power of central authority (Spitzer 1983)<sup>7</sup>.

According to Rusche and Kirchheimer, prison labour's role came to be determined by the labour market, so it is not exclusively a mode of punishment or reform. This is an important part of their thesis on the exploitation of prisoners through work, as they argue that the labour market is the key to power in any society. In a typically Marxist tone they state,

Every system of production tends to discover punishments which correspond to its productive power relationships' (Rusche and Kirchheimer 1939:5).

The groups who pre-dominate in society impose this power on other spheres of life, which in turn sustain the dominance of one class over another. Prison labour operates as an apparatus that allows dominant classes to impose power that is necessary for controlling deviant classes, producing a docile workforce imbued with capitalist work ethic (Howe 1994). This is effectively a punitive system in which the poor are punished for supposed docility.

<sup>6</sup> According to Ignatieff (1978), the London Bridewell (1555) was the first market led institution that contracted out vagabond labour to local tradesmen. European prisons following the Bridewell example similarly utilised prison labour in this way (Foucault 1979). As Rusche and Kirchheimer show, in every way, the economy directed penal policy (see Rusche and Kirchheimer 1939:50, 52 and 69).

<sup>7</sup> This was evident throughout Europe. In Tsarist Russia tax laws were designed to regulate deviant behaviour. Individuals were fined heavily if they did not adhere to norms designed to create a civilised and obedient class (Hughes 1998: 135).

Rusche and Kirchheimer state that as prisoners' work is forcibly extracted, its use will fluctuate depending on the demand of the labour market. Generally speaking, in times of shortage - and therefore high value - of labour, punishments become more lenient, and prisoners are put to more useful work because of demand. Whereas in times of excess - and therefore low value - of labour, punishments become harsher and less constructive because the state is supplied with a 'free labour' force that it can put to useful work. It follows then that in times of labour shortage more prisoners are put to work and in times of labour abundance, prisoners work less. The theory posited is that imprisonment is integral to the economic interests of society and the development of industry where prisoners came to be exploited as the need to produce more from less gathered pace (Rusche and Kirchheimer 1939:141-142).

Rusche (1978) also found that in the industrial period, the regime of labour was to be sufficiently unpleasant to deter the lowest social classes from committing crime and to reform individuals. The concept *less eligibility* states that convicted prisoners were less morally deserving than the least well off persons who were enjoying freedom in society, and should therefore not be allowed to enjoy a lifestyle superior to those outside prisons and workhouses (see also Melossi 1985). The less eligibility doctrine also aimed to train prisoners in how to be perfect workers with an 'unconditional submission to authority' so that they would submit willingly to their fate as a lower class. Furthermore, in order that prison labour become 'integral to the whole social system' (Rusche and Kirchheimer 1939:207), all aspects of the prisoners personal life were integrated into the economy of the prison,

Economic developments fitted in with the aims of the reformers...the possibilities of reform were surrendered to every crisis in the labour market (Rusche and Kirchheimer 1939:151).

Rusche and Kirchheimer add,



It is certain that the houses of correction were very valuable for the national economy as a whole...and reform was a secondary issue to the economy (Rusche and Kirchheimer 1939:50).

The quotes just presented can be looked at in two ways. First, by surrendering their class-consciousness to the economy, prisoners would become fully reformed into fit members of society. Second, the direct economic significance of prison labour was as much to do with establishing a work ethic as it was to do with achieving the goal of imprisonment, such that the goal of imprisonment was only achievable if economic needs were met. Upon reading Rusche and Kirchheimer's thesis, it is clear that to satisfy the demands of a burgeoning industrial society it was essential to first create a workforce trained in the discipline of production. But production came to depend on prison labour and so prisoners were forced into working to meet economic demands. This is essentially punitive but so long as it could be justified in wider economic terms, that by forcing prisoners to work, technological advancements could be achieved and (capitalist) societies would benefit, forced labour was tolerated. This would later be significant in the twentieth century when the covenants of the International Labour Organisation did not prohibit forced labour where it could be justified for national economic development.

Rusche and Kirchheimer extend their thesis and consider that more brutal penal methods tend to be in place when there is an abundant supply of work because the state does not require the work skills of prisoners. When prison labour could no longer be directly involved in the labour market the Treadwheel and the Crank were useless punitive labour (Garland 1990).

Rusche and Kirchheimer have made an important contribution to understanding the conditions that may lead to the exploitation of prisoners: the demands of the market and the need to provide labour that is cheaper than free labour. Described by Taylor (1997) as 'complex in its conclusions' (Taylor 1997:



268)<sup>8</sup>, Rusche and Kirchheimer's theories on the labour market, and less eligibility have formed the basis for many other studies investigating the relationship between prisons, the economy and society (see Ignatieff 1978)<sup>9</sup>.

The materialist reductionist stance adopted by Rusche and Kirchheimer has been criticised for being 'single minded' (Garland 1990: 106) in that they exclude political, social and psychological aspects of prison labour from their thesis. But the most important point to make about Rusche and Kirchheimer, not addressed in any of the theoretical literature, is the irony that their analysis linking punishment to social structure, specifically prison labour and the labour market, was developed as a critique of capitalism by writers, subsequently thought of as Marxists. Yet their thesis is as applicable to state-socialist societies as it is to capitalist societies. This is why Russia is an interesting test case for their theory. It is not evident from the text whether they assumed their hypothesis to be testable only in western prison environments. An indication of their position emerges from a paper by Rusche in 1978 in which he argues that only with the dismantling of capitalist structures, will true penal reform be achieved whereby society will be in a position to offer its citizens a reasonable standard of living and security. As section 2.2 will show, the labour market was instrumental in shaping penal policy and prison labour practices in state socialist societies along similar lines to those outlined by Rusche and Kirchheimer (see Buchholz *et. al.* 1974).

Melossi and Pavarini (1981) have in recent times discussed prison labour from a more radical, macro-sociological viewpoint. They extend Rusche and Kirchheimer's thesis and posit the theory that once the punitive element of forcing prisoners to work to respond to the needs of capital has been implemented, then

<sup>8</sup> Other commentators have made similar comments. According to Foucault (1979) the thesis presented by Rusche and Kirchheimer is 'a great work' (Foucault 1979: 24). In a more recent commentary, Morgan (1997) describes their work as 'pioneering' (Morgan 1997: 1142).

<sup>9</sup> See also Box and Hale (1986), Box (1987) Garland and Young (1983).

strategies for reform can be introduced<sup>10</sup>. They argue that the penal sphere was (and continues to be see Melossi (2000)) designed to produce a factory of *disciplined* proletarians within a capitalist setting who are then subject to reform through rules, norms and regulation. Foucault (1979) also sees prison labour's function as creating the ideal disciplined worker, but its role is part of a wider analysis of power in society.

Underlying Melossi and Pavarini's Marxist thesis *The Prison and the Factory* is that prison labour has evolved from a religious oriented form of punishment in pre-capitalist societies (Melossi and Pavarini 1981:5), into a method whereby the consumption of capital, the organisation of labour, class composition, workers' movements and the relationship between the state and civil society underpinned penal policy. As more labour was needed to fulfil the needs of western capitalism, so governments relinquished the need for harsh penal methods in favour of productive labour.

Melossi and Pavarini first locate the rise in prison labour as concurrent with the criminalisation of poverty and the subsequent creation of the proletariat (Melossi and Pavarini 1981). Their historical account reveals how the new unemployed could not be incorporated into the nascent manufacturing base and were subsequently 'turned into' beggars, robbers and vagabonds whose lifestyle came to be associated with idleness, and whose poverty became synonymous with criminality. Melossi and Pavarini argue that criminal justice legislation such as the 1530 Vagrancy Act, and the New Poor Law Act in 1834 (Melossi and Pavarini 1981, Hudson 1997) aimed at reaffirming class boundaries by targeting the unruly and forcing peasants and the poor into workhouses (Melossi and Pavarini 1981),

<sup>10</sup> Melossi and Pavarini state that their approach is Marxist, 'We were by no means the first to attempt a redefinition of the penal question from a Marxist framework' (Melossi and Pavarini 1981:1).



In this way, forced labour in workhouses or houses of correction was geared towards breaking working class resistance; it compelled labourers to accept the most exploitative conditions (Melossi and Pavarini, 1981:15).

The Rasphuis in Amsterdam was the first prison to incorporate the rhetoric outlined by Melossi and Pavarini. This prison was managed according to the needs of *manufacture* from the types of labour, (pulverisation), to the objectives, (fatiguing labour aimed to curb docility), to the involvement of local industries (Melossi and Pavarini 1981, Spierenburg 1991). The result of this practise was that prisoners remained faithful to their lower class, thus preserving hegemonic power,

The criminal must accept their fate as propertyless without threatening property' (Melossi and Pavarini 1981:149).

The prison became the ideal model of society where bourgeois ideals were applied to the training of people, especially the poor, in order that they accept an order of discipline - an almost fatalistic 'post in life' - that rendered them proletarians. The logic underpinning reform was that by providing work to the unemployed they were reformed from idle, bereft individuals into perfect proletarians. Expanding Rusche's concept of *less eligibility*, Melossi and Pavarini argue that outside prisons, free workers looking into the prisons and seeing the horrors of poor conditions, low wages and exploitation, accepted the low standards of free labour as being at least preferable to those in prisons or workhouses.

Key to Melossi and Pavarini's thesis is that as a result of the complexities in monitoring possible exploitation prison labour practices, so the boundaries between the prison and the factory, especially regarding the relationship between employer and employee, become one and the same. The factory depends on contractual discipline, whereas the prison inflicts coerced discipline. The factory utilises the disciplined citizen, whereas the prison produces the disciplined citizen. Finally, 'for the worker the factory is like the prison' (loss of liberty and subordination); 'for the inmate, the prison is like the factory' (work and discipline)



(Melossi and Pavarini 1981:188). In order to ensure that common principles between the factory and the prison are maintained, the prison becomes 'a technology of power' in which inspection, discipline and obedience are all a part. While the inspection principle guarantees discipline, the production principle guarantees adherence to capitalist rhetoric, turning prisoners into fit members of capitalist society trained in the discipline of production (perfect proletarians).

Melossi and Pavarini's thesis is consistent with Rusche and Kirchheimer's arguments where they argue that it is illusory to perceive of prison labour as about reform. Rather, it is the task of punishing the poor and then turning them into a worker which drives the goal of imprisonment than the production of useful labour (Garland 1990, Hudson 1997). Their thesis is more integrative than Rusche and Kirchheimer's in that it offers a more meaningful critique of the social relations of capitalism (labour, products and workers). Although not stated explicitly, their arguments provide an interesting context for understanding the difficulty in regulating forced labour particularly in societies where it is justified as essential for developing an industrial base. The most important critique of their work is that it is remarkable that they were writing during the Soviet period (in 1981) and yet they exclude the Soviet forced labour from their thesis, as a contemporary example, on how prisoners are coerced into becoming a proletarian workforce. In addition, their arguments are at times confusing in the claims made. Although they assert that prison labour in the west has never operated successfully as a viable unit of economic production (Melossi and Pavarini 1981:144), like Rusche and Kirchheimer they tend to over-emphasise the role of prison labour in relation to the economy. The causal forces of the rise of prison labour identified in this Marxist account – those of class and economy – are by no means as clear cut or exclusive. For example they exclude the role of religion, social and psychological factors, social policies, ideology and culture in maintaining capitalist ideology.

Turning attention to Foucault (1979), his account of prison labour is that it has a disciplinary function that arises from forcing the idle into work. The topic of

prison labour occupies a very small part of Foucault's sprawling social history of imprisonment<sup>11</sup>. While Melossi and Pavarini see prison labour as reflective of class relations, Foucault sees the principle that he identifies as being characteristic of modern imprisonment – of which forced labour and training are fundamental – as being social control.

Foucault argues that the goal of imprisonment is linked to power (Foucault 1980). His view explores the linkages between the structure of power: institutions, strategies and control and the individual (Foucault 1979). In order for punishment to be effective a degree of understanding or 'know-how' (Garland 1990:138) of the subject, upon whom power over the body occurs, is required. Imprisonment, therefore, is about the relationship between the body, power and knowledge (Foucault 1979, 1980). Foucault presents a vivid account of how reform of prisoners occurs after they engage in forced labour. He defines reform as correcting criminals' behaviour and it is achieved through training the body to adhere to norms and regulation. The most effective method of training the body occurs by teaching order, imposing (forcing) structure, and through, 'the correct use of the body' (Foucault 1979:152) so that nothing remains idle. He uses terms such as 'political anatomy' and 'mechanics of power' to describe how power has a hold over bodies in order that resistance is curtailed and docility maintained (Foucault 1979:153). Timetables are then used to organise time and rhythm and regulate repetition. Routines are repeated in order that maximum advantages and consolidation of order is achieved (Foucault 1979).

Given that the object is to *correct*, rather than to *punish*, the sanctions used involve work, exercises, lessons and training which bring conducts into pervading standards of discipline. According to Foucault out of this goal of transforming the body through treatment and correction, emerged a style of imprisonment that

<sup>11</sup> See Foucault 1979:239-248.



isolated prisoners into monotonous and secretive activity (Foucault 1979)<sup>12</sup>. Solitary work contributes to the proper implementation of the power-knowledge-body relationship because the prisoner is 'handed over to himself, and descends into his own conscience' (Foucault 1979:238)<sup>13</sup>. According to Foucault, prisoners are both the cogs and the products of the machine that mechanises work according to the norms of the industrial society (Foucault 1980). Society's major institutions soon began to imitate the goal of imprisonment (treatment). The end result, is a society where even non-criminals subscribe to observation and discipline and into which prisoners are released fit to conform to society.

Although Foucault does not discuss forced labour directly, his theory suggests that the conditions in most western societies might lead to forced labour: an imbalance of power, economic demands and the need to instil a work ethic in industrialising nations,

Foucault's thesis can be critiqued on a number of levels to do with inconsistencies between the claims and the evidence he provides (see Garland 1990:160-169). Another criticism of his work is that his account of imprisonment excludes relationships between discipline and the organisation of work around capital, which is surprising given the manner in which Foucault describes his work as descending from 'essential reference points' in Rusche and Kirchheimer's thesis (Foucault 1979:24).

The theories presented contribute to the study of prison labour in that each looks outside the prison to see how the conditions of modernity emerged in the

<sup>12</sup> For prison labour to be properly implemented and controlled, the prisoner must be observed at all times. The habitat for the power-knowledge-body pyramid is Panopticism based on the ideas, never fully realised, of Jeremy Bentham in 1791. The idea behind Panopticism is that prisoners are kept in conditions of constant surveillance and constant purposeful, penitent and corrective training. In order to escape further infraction of rules, prisoners would assume that they were being watched and behave properly at all times (Foucault 1979).

<sup>13</sup> Foucault provides a descriptive account of the systems in operation in two prisons: the Auburn Prison in New York, where work was conducted in absolute silence and the Cherry Hill prison in Philadelphia where work was conducted in silence and in isolation from other prisoners. Foucault uses these two prisons to show how disciplined bodies were created.



prison and shaped modes of punishment which provided the basis for the exploitation of prisoners. Rusche and Kirchheimer see prison labour as *punitive* because it functions solely in response to capitalism and not in response to penological aims: it can therefore be described as forced labour. Melossi and Pavarini extend this and argue that once the demands for capital have been met through forced labour, a not insignificant *reform* element is introduced whereby prisoners become reformed into the ideal type of worker suitable for the existing social relations of capital: the proletarian.

All the theoretical studies presented devote attention to western prison systems and exclude societies such as Russia in the analysis of the emergence of the disciplinary society and the role that forced labour in prison environments played in that society. It is clear upon reading the prisoner testimonies on Soviet forced labour that it was used as a response to the existing social relations of communism in much the same ways the Marxist theorists have described the development of prisons in the west. The emergence of an ideology of 'work'; the demand and supply theory of work and the idea of sustaining the economy through the creation of workforce that surrenders to that economy, were all very much the state of affairs in state socialist societies. In fact the Soviet prison system is illustrative of the controversy concerning whether prison labour should be used for reform or punishment as it functioned according to both of these goals.

Criticisms aside, the theoretical studies are useful in that their application can be considered in the context of Soviet prison labour, which is the focus of examination in the remainder of the chapter, where the political and economic milieu provided the necessary precursors for the widespread utilisation of forced labour.

## **2.2 Part 2 Literature on Soviet prison labour**

What is known about the Soviet prison system can be found in three types of literature: Soviet ideological material, western historical accounts and witness

testimonies. The aim of the remainder of this chapter is to show, through the literature, how prison labour was a component of the Soviet command economy to the extent that it was depended upon to meet economic demands. The theory promulgated at that time was that through forced labour and political re-correction, individuals became fit for Soviet society. This part of the chapter will begin with an assessment of the Soviet ideological material.

### **2.2.1 Pre-Soviet and Soviet texts on prison labour**

The literature on Tsarist and Soviet penology reveals that throughout the history of Russia, imprisonment aimed at bringing about reform. There are differences between the pre-Soviet and Soviet eras in the specific nature of reform and in the justifications for prison labour. Although forced labour was conducted during the Tsarist period, it cannot be said to have operated at such a massive scale as it did under the Soviet period.

Little is known about the Tsarist prison colony system<sup>14</sup>. According to Adams (1996), the prison labour system emerged out of the modernisation of the criminal justice system in the seventeenth century resulting in the establishment of prisons known as *Katorga* meaning ‘prison fortress’ (Adams 1996). Dostoevsky, whose prison memoirs from a Tsarist *Katorga* in Omsk Siberia<sup>15</sup> must count as one of the earliest Russian prison memoirs, wrote of prison labour as, ‘punishing and securing society against encroachments on its tranquillity’ (Dostoevsky 1860:36). Management of the prison system was divided between the Russian Orthodox Church and the state (Detkov 1994a). The state managed prison labour and

<sup>14</sup> When discussing Soviet and Russian prison establishments I will refer to the terms ‘penal colony’ and ‘prison colony’ interchangeably to describe the main establishment used for incarceration in Russia from the Tsarist period until the present day. There are prisons in Russia of the cellular type, like those found in prisons in the UK. Cellular prisons are either remand prisons (*SIZO*), or large prisons (*tyrmi*) for very dangerous offenders. Most prisoners are imprisoned in penal colonies. See Chapter 4 for a breakdown of all types of prison establishment in Russia.



prisoners worked together in groups producing furniture and this contributed to the running costs of the establishments (Detkov 1994a). The Church was responsible for supervising religious education, bible classes and prayer (conducted in isolation). Some Monasteries were also converted into *Katorga*, which were managed by the Church (Detkov 1994b).

European criminal justice reforms in the eighteenth century spread into Russia (Hughes 1998). There is even some archival evidence that Catherine the Great summoned the criminal justice reformer Beccaria to Russia and whose ideas about the causes of crime were later to be incorporated into Tsarist penological legislation (Detkov 1994b). According to the Tsarist Justice Ministers<sup>16</sup> responsible for establishing a criminal justice system, crime was an innate character flaw and the criminal was idle, heretic or a lunatic, unfulfilled, morally bereft and stupid (Detkov 1994b). Research was devoted to establishing a definition of criminality based on a mixture of science and religion which reflected the power shared by the state and the Church. Through intense religious education and productive (but forced) labour prisoners were transformed into 'civilised subjects who were subservient to the Tsar and to the Church' (Detkov 1994a: 10). According to Dostoevsky (1860) imprisonment was less about punishing for an alleged crime and more about capturing souls. Prison labour was to be used alongside religious doctrine to engender moral and spiritual fitness and if skills could be instilled, then that was an added bonus.

Geifman (1993) argues that plans to utilise labour and religion to respond to the cultural sensibilities of Tsarist society were too ambitious for the turbulent times that were to mark the beginning of the twentieth century in Russia. Further

<sup>15</sup> Remains from the Omsk *Katorga* have been converted into a prison museum dedicated to Dostoevsky. The museum contains most of Dostoevsky's personal belongings that he had when he was in the *Katorga*.

<sup>16</sup> The Ministers responsible reforming the criminal justice system in Tsarist Russia and for establishing the system of prison labour were Tsar Minister Peter Zubov and Tsar Minister Konstantine Grot. (See Adams 1996:8).



efforts to modernise the prison system and to use labour to make the Katorga partially self-sufficient were submerged under concerns over the growing Bolshevik terrorist movement. By 1905 the Katorga penal fortresses became full to capacity with rioters and terrorists, including Lenin's younger brother, charged with attempted assassination of Tsar Nicholas II (Geifman 1993). The Katorga came to be used for detention and torture rather than any spiritual or moral rehabilitation. The overarching goal of these fortresses was to contain the terrorists and quash the imminent revolt. When the Bolsheviks seized power in 1917, the structure, function and goals of criminal justice, particularly prison labour, were to expand the penal landscape of Russia to unimaginable lengths.

A vast number of Russian language monographs called 'bulletins' are available for public access in Moscow's Central Lenin Library (see Bass 1982, Yelinski 1988, Yakira 1972). For seventy years the entire field of academic work into prisons in the USSR was tied to the political ideology of Marxism, and carried out under the jurisdiction of the Ministry of the Interior. Although the ministry's work is important, such 'research' has rarely focused on where the prison system has come from and where it is going. All the literature on crime and punishment transmits much the same message: criminal justice functions in response to Marxism/Leninism; the Soviet regime does not differentiate between types of crime; all crime is behaviour that betrays the ideology of the Soviet Union. The causes of all crimes be they hooliganism, rape or political protests were viewed as attempts to wreck the Marxist/Leninist manifesto. While all crime threatened the harmony of the USSR, political crimes such as dispersing information that criticised the regime were more serious than 'habitual crimes' such as theft because they were intended to overthrow the party (Geifman 1993). The state's response was to imprison potential wreckers (the punishment) in penal colonies where they would be rehabilitated through forced labour and political education (the rehabilitation) (Bass 1982). So while none of the Soviet literature is based on any empirical evidence or research conducted by criminologists, it can be useful in

constructing a picture of how criminal justice evolved in the first fifty years of communism into an institution with the sole purpose of meting out as many prison sentences as was possible in order to provide the regime with a forced labour workforce.

In the first piece of Soviet criminal justice legislation in 1922<sup>17</sup> Lenin re-conceptualised crime as a form of ‘social excess’ so that it was no longer seen as an innate flaw in the character of an individual. In keeping with the requirements of Marxism/Leninism, that under socialism crime would wither and disappear, temporary prisons were built and a provisional framework for Soviet Criminal Law was established (Pashukanis 1978). In the turbulent post-Revolution years the regime realised, much to its consternation, that crime had not withered. In the re-drafted 1926 Code, crime was redefined as *transitional*.

The 1926 definition of crime did not satisfy or fit around the versions of Marxist theory that were emerging under Stalin who had seized power after Lenin’s death in 1924. In 1933 a new re-theorised Code was established and re-named, The 1933 Penal Work Code (CLC). In the 1933 version Marxist theory is clearly subverted to present the Soviet Union as the underdog which must protect itself from potential wreckers within the USSR or in the international sphere in order to survive (Serge 1979, Otto-Pohl 1998). Stalin’s view was that crime was ‘anti-Soviet’ and therefore sympathetic to capitalist ideology. It is both a utopian and extreme view in that it excluded all other types of crime normally judged on the nature of offences - *all* crime was anti-Soviet. If hooliganism was punishable

<sup>17</sup> The wording of the legislation on punishments did not change in the whole of the communist period. The 1922 and 1926 Codes were titled, *Ispravitel’no Trudovoi Kodeks Rossiskoi Sovetskoi Federal’nie Sotsialisticheskii Respublikii (RSFSR) 1922 and 1926*, ‘The Penal Work Code or Corrective Labour Code of the Russian Soviet Federal Socialist Republics, 1922 and 1926’. Thereafter the titles were as follows: *Ispravitel’no Trudovoi Kodeks (RSFSR) 1933 and 1977*, ‘The Penal Work Code of the RSFSR, 1933 and 1977’. The Russian government, in keeping with much of the name changing that occurred in the early years of post-perestroika Russia, changed the name of the legislation that related to prison labour to, *Trudovoi Kodeks, Rossiskaya Federatsiya, 1997* ‘The Corrective Labour Work Code of the Russian Federation, 1997’.



then it was because it was capitalist. The following extract from the 1933 Code illustrates how uncompromising Soviet penal ideology had become under Stalin,

Crime is an attempt to overthrow the USSR. In order to combat crime, it is essential to build a defence system that preserves the character of the USSR, and to ensure that Marxism/Leninism is not compromised by the capitalist enemy. The criminal is a foreigner in the USSR. Real Soviets do not commit crime; criminality is bourgeois in nature and anti-Soviet in intent (The Penal Work Code of the Russian Soviet Federal Socialist Republics (RSFSR) 1933) (my translation).

The 1933 CLC was applied arbitrarily, particularly when it was used to control anti-Soviet elements in society. All the Articles that make up the code (there are over 100) refer directly to the criminalisation of wreckers of the Soviet cause, so people who were detained could not escape this label when criminal charges were enforced. The most significant Article of the Code was number 58 which had many uses: as a document to be used to detain suspects, as a procedure outlining the kinds of questions to be asked during interrogations and also as a sentencing guide for judges. The 1933 Codes and the 1977 Code thereafter legally allow for 'forced labour'. The police, party members and regional committees were given discretion in the whole procedure from arrest through to sentencing and also in defining what constituted 'anti-Soviet behaviour'. Witness testimonies reveal that a person telling a joke or moving a bust of Stalin and not replacing it back to its original position constituted an 'anti-Soviet criminal' who then required political correction. Propaganda was used to instil such fear that Soviet citizens were reminded continually that 'enemies' were in all walks of life. Once society had been forced to submit to ideology, Article 58 was used to control society.

Article 58 provided the necessary criminological conditions for the relentless pursuit of agitators and then justifying forced labour for political re-correction. The Penal Work Codes were not only useful for creating a totally submissive population; they contributed greatly to the calculated myth making of Stalinism. Article 58 operated of its own accord with unbreakable ties to the political and



economic arenas of Soviet life (see Zhuk and Ishchenko 1983, Zubkov 1986). It mattered little that this peculiar form of criminal justice was based on the existence of a unilateral view of crime (all crime was anti-Soviet). What mattered more was that criminal justice could contribute to the survival of the USSR, even if that meant manufacturing deviance and creating a society that operated on fear. The ideological material also suggests that the Soviet prison system was a tightly controlled bureaucracy. Elaborate diagrams describe the management structure and infrastructure of penal departments. Whole books are devoted to the employment background of each member of staff (see Zhuk and Ishchenko, 1983).

Looking at the Soviet ideological material, it is difficult to offer a critique for several reasons. The information is repetitive and written in technically verbose language. There is also very little information or facts about the infrastructure of the prison system. Indeed, it is only possible to examine this literature in terms of what is excluded. First, there is very little evidence available to the public on economic targets, day-to-day functioning of departments, details of arrests, sentencing, prison labour population sizes and locations of camps. Where this information might be available is in the former October Archive. However, most of the information contained in that archive has been discredited because it is now widely accepted that the regime falsified figures to present the prison system in a good light (Bacon 1994). Second, demographic information on the types of training that prisoners might have received is also hard to come by. An important consideration of any prison labour system is the skills that prisoners have before embarking on work or whether the work undertaken is sufficient to provide for useful training and work experience. Third, nowhere in the Ministry of Interior information bulletins, (the equivalent of a Home Office Report), is it stated whether prisoners were sufficiently trained to build dams, work in quarries and chop down trees. The manipulations of statistics and the lack of meaningful descriptions of prison labour coupled with fear that enveloped that society all lead to the conclusion that the Soviet regime wanted to hide the prison system from

view.

More interesting is the fact that seldom does the Soviet literature refer specifically to the Gulag prison agency (*Glavnoie Upravlenie Lagerie*), 'Central Administration for Camps', established in 1934 and in operation until 1953 (Xotiyainov 1989). The Gulag was to take on most of the labour that would normally be carried out by a paid labour force. The idea of using prison labour in place of free labour was viewed as necessary, and even today, prison officials pay lip-service to what one western observer has termed 'the concentration camp society' (Jakobson 1993). Gold-mining regions in Eastern Russia and the rail networks stretching from Magadan in the very east of Siberia to Moscow (referred to since as the 'Road of Bones' due to the numbers of prisoners who died on site building it) are praised as 'triumphs' (Bass 1982). Eberzhane (1994) who is regarded as one of the most expert Russian historians of the Gulag, and Zubkov (1970) do not explain how the Gulag came to take on many of the functions previously adhered to by the state. They praise its contribution to the Gross National Product, which Zubkov (1970) puts at 50% for the Stalin period while providing no economic statistics or outputs to support his calculations. Soviet analysts are also defensive of the role of forced labour in the empire-like ambitions of the Soviet regime. Natashev (1985) goes as far to imply that the west was jealous of the Soviet forced labour system.

In the present day ideological struggle, bourgeois propaganda is waging an organised campaign of slander and misinformation about the alleged infringement of human rights in the USSR. One of the targets of this crusade is the corrective-labour policy, particularly the procedure and conditions under which sentences involving deprivation of freedom are served. It is claimed by the media that penitentiaries inflict an oppressive regime of corrective forced labour and a starvation diet, inadequate health care, unbearable living standards for persons indicted for what are referred to as political crimes. These prisoners' barefaced perjury and lies used as 'unbiased and reliable evidence' in support of the above accusations. All Soviet workers including those in colonies have the respect of the regime and the regime is genuinely human in its treatment of all its workers (Natashev 1985:1).



A peculiar kind of thinking about forced labour operated in the USSR throughout the whole of the twentieth century compared to the west, as indicated in the above quote. First prison labour, or forced labour as it is now understood to have been, was justified by blurring the boundaries between work in prison colonies and free labour<sup>18</sup>. Prison labour carried out in this way was not only presented as useful for the economy, but also, as a tool for reformation of the individual into a model Soviet citizen. It is useful to consider Melossi and Pavarini's arguments here as they suggest that prison labour provided the framework for factory labour and the goal was to create a proletarian workforce trained in production. In the Soviet Union, prisoners were portrayed as 'builders of communism', and life in the camps was presented as almost as idyllic as life outside (see Bass 1982). The soviet literature also praises the contribution of prison labour to the modernisation of the Trans-Siberian railway; the creation the White-Sea Belomor Canal; the Moscow underground and countless other projects (Bass 1982, Natashev 1985, Minakova 1991). Starobinskii (1997) asserts,

There are places, industries and developments that just could not have been achieved without the work of our loyal prisoner workforce (Starobinskii 1997:30)

He goes on to add,

If it was profitable to have inmates, why should we reduce their number?  
(Starobinskii 1990:34).

<sup>18</sup> This is most marked in the Soviet architectural symbols in present day Russia. At Kievskaya metro station in Moscow there is a huge wall mural depicting people walking in the same direction as the train passengers out from the station platform and following the route upwards towards the exit of the metro. The mural shows images of Soviet children, workers, mothers, fathers, engineers, doctors, teachers and prisoners carrying the fruits of their labour in one direction. The mural is on each side of the escalator and as you reach the top of the escalator to exit there is a massive circular area. The two lines of Soviet workers follow the circle and meet at the symbol of the Soviet flag. The mural is a powerful image of how all Soviets, prisoners included, would march displaying their labour up towards the perfect heaven on earth.



Another aspect of the peculiar thinking about forced labour that might be specific to totalitarian societies concerns the objectives. As an idea, Soviet forced labour was abstract in that its role transcended that of bringing about reform. It became a carefully constructed image of Soviet society. Soviet propaganda condemned criminals as anti-Soviet, yet the regime could be said to encourage criminality in order that individuals undergo intense political correction to become better Soviet citizens. The theory was that prisoners benefited from all labour by working to build a sustainable socialist society (Kozlova and Demidov 1979). Soviet society benefited because it could be sustained.

The Soviet literature is undoubtedly useful because it provides evidence of how prison labour came to symbolise the social relations of Soviet communism. But it is the western accounts of Soviet prison labour, reported further, that fill in many of the gaps left out by the Soviet ideological material particularly how and why forced labour was used on such a massive scale. Most important is that western accounts offer an approach to Russian history that is considered by many western academics to be less biased than Russian accounts of their own history (Hughes 1998).

### **2.2.2 Western historical accounts of Soviet prison labour**

Since the collapse of communism in 1990 a far more vigorous debate has opened up between western scholars regarding the nature of the Gulag, its size, economic output and level of production. The debates have grown out of the fact that for decades, the Soviet regime attempted to hide the Gulag forced labour camp system from outside observers (Vaudon 1990, Bacon 1994). This is probably because the economy of the Gulag, the number of specialised agencies created to administer its constituent parts and the size of the Gulag population, as told by the survivors and observers, was more gruesome and calculated than the regime portrayed. In the following sections these aspects of the Gulag are examined.

### *2.2.2.1 The economy of the Gulag*

When it comes to measuring the economic contribution of the Gulag more is clearly required than a statement of what was produced. However it is not within the exigencies of the thesis, nor is it the aim, to present a statistical analysis of economic figures on outputs. Given that so much Soviet statistical data was falsified, this would be difficult to undertake. It is possible, however, to examine the literature in order to understand how forced labour became central and not incidental to the Soviet regime.

The economic role of prison labour though planned from as early as 1920, took effect some ten years later. Around 1925 Stalin abolished Lenin's New Economic Policy (NEP) due to the fact that industrialisation of the rural and manufacturing economies failed to materialise quickly enough (Tucker 1992). By forcing collectivisation and industrialisation, Stalin's replacement 'Five-Year Plans', aimed 'To leave behind the age-old Russian backwardness' (Stalin quoted in Tucker 1992:92). Agriculture was expanding rapidly. Tens of thousands of workers were mobilised to work on construction projects in the Urals, Siberia and elsewhere. But the Plans were at best ambitious and at worst, wholly unachievable depending on a vast labour force that simply did not exist (Tucker 1992). As the economic plans were changing so too was the penal system. To meet the economic demands, the Gulag Prison Agency was established in 1934 with the principle aim of providing additional labour to meet the economic plans.

According to Conquest (1994a) while the function of political correction was relentlessly pursued by the regime, the economic role of labour was never intended to support the USSR in the way that it did. Initially a series of re-settlement programmes were introduced that offered engineers, doctors and scientists attractive housing and job packages for re-locating to less populated areas of the USSR in order to build up the economic infra-structure. At the same time, Article 58 was used ruthlessly in two ways. One way was to force individuals who would not be convicted but who would be accused of posing a potential threat to the



USSR, to take up new jobs in new cities. The other way was to punish the intelligentsia and party members for violating anti-Soviet legislation. These persons were high on the target list for forced labour. In the end, every Soviet became a target for accusations of anti-Soviet activity and they faced the danger of being arrested in the street or at home and sent to Gulag labour camps. By 1940 the USSR was so dependent on forced labour that without it, the stability of the command economy and political structure was threatened.

The most consistent findings as to how the Gulag contributed to the Soviet economy have been collected by Bacon (1994) for the years 1938-1945. Bacon's findings are described by Conquest (1994b) as, 'the most credible Gulag evidence to date'. His data shows how the Gulag became an important branch of the national economy, in effect a sub-economy, made up of specialist agencies without which the centrally planned exploitation of eastern and northern regions would have been practically impossible. The Gulag also contributed to sustaining the ideology of 'work' by the following: reinforcing the fight against anti-Soviet agitation; maintaining the prisoner's physical condition and their full labour use and staffing the most important defence construction sites and enterprises with a workforce made up of prisoners. Bacon (1994) devises a figure of an annual prison labour contribution of 4% to the USSR's Gross National Product (GNP) between 1934-1953. This is far lower than the figure of 50% provided by Zubkov (1970), and is based on production in the timber, agriculture, manufacturing, arms industries, numbers of prisoners, forced labourers and non-prison workers engaged in each industry.

Bacon shows that the figure of prison labour contributions to the Soviet economy rose to as high as 12% annually during World War Two when a shortage of labour supply represented a crucial brake in the developing Soviet economy as it shifted into fighting mode. The endless mobilisation of workers and the relocation of the existing workforce to tasks deemed vital for specific plans became fundamental to economic planners (Conquest 1990). As the oral accounts



reveal (see section 2.2.3), when it came to economic outputs the actual classification of prisoners as ‘anti-Soviet’, or whatever, was of little importance. More urgent was to produce ever more goods and labour power that could contribute to the Soviet economy’s GNP. Most prisoners between 1940-1950 were put to work in agriculture followed by industry (Barber and Harrison 1991). According to Bacon (1992) and Conquest (1986, 1994a) the types of production switched according to demand. By the 1940’s, prison labour was organised around military-related production. Prisoners were also grouped according to their ability to produce military products, which created problems in allocating work since only those prisoners with skills or average skills could be involved in this type of production. But many forced labour workers were simply not skilled in the types of labour required (timber felling, military production, mining and quarry work). While some training was available and product control did occur, this was a random occurrence. The section that follows is intended to provide a snapshot of how prison labour became massively important to the Soviet regime.

#### ***2.2.2.2 Specialised prison agencies of the Gulag***

The specialist agencies of the Gulag reveal how massively important forced labour was to become in the Soviet Union. The smaller Gulag administrations fulfilled many of the requirements that the government of a nation-state would have to make. Security, health care, education, provision of food, political indoctrination and surveillance—all of these roles exercised by the Soviet government in national life had their Gulag equivalent in prison life. It has even been argued that the Gulag was an exaggerated microcosm of the bureaucracy and social control of the Soviet state system where notions of crime and punishment become submerged under economic demands for prison labour and the ideological necessity to control a massive industrialising population (see Solzhenitsyn 1986).

Between 1934-1952 the Gulag agency managed industrial production, mining and metallurgical work for export and the internal economy. Each industry

had its own Main Administration of the People's Commissariat of Internal Affairs (NKVD), made up of engineers, scientists, workers, managers and party members. The Main administration of Industrial Construction Camps (*Glavpromstroï*) agency managed camps all along the Volga River, nicknamed *Volgostroi* (Zemskov 1991b) and also the construction of factories and the manufacturing of consumer goods.

The Main Administration of Camps for Mining and Metallurgical Industries (GULGMP), exploited mineral resources in the north of the USSR. Rail tracks extended directly from the camps and transported coal, chrome, copper and nickel to industrial centres throughout the country<sup>19</sup>. In the 1930's the Kazakhstan area reportedly produced 70% of the global chrome ore resources from Soviet forced labour making it the largest enterprise of its type in the world (Bacon 1992, 1994). The most infamous area managed by GULGMP was the Far Northern Construction Trust at Dalstroï (Conquest 1986). Most of the horrific tales of Gulag forced labour come from this area (see Shalamov 1980). Before the 1930's the area was uninhabited but by 1930, Dalstroï expanded into the Kolyma region becoming a major gold mining enterprise for the USSR (Jakobson 1993). In 1937, the year of The Great Terror<sup>20</sup> thousands of forced labourers imprisoned under Article 58 of the Criminal Code were sent to mine in this area (Conquest 1986).

The Main Administration of Railway Construction Camps (GULZhDS) managed the building of rail networks in the remote regions of the USSR. Camps managed by this administration did not stay at a fixed location due to the nature of the work. This contributed to a lowering of living standards, along with barren

<sup>19</sup> One of the colonies visited for this study, Smolensk general regime used this method of transporting prison-produced goods throughout the USSR. The prison railway system was in operation from the 1950's (when the colony was built) until around 1993.

<sup>20</sup> This period has also been referred to as *Yezhovzhchina* after the Soviet Commissar Yezhov who orchestrated the Purge of thousands of intelligentsia and alleged counter-revolutionaries for being disloyal to the Soviet regime. The Gulag prison population expanded thereafter from around 4 million prisoners up to as many as 15 million prisoners by 1950 (Conquest 1986, Bacon 1994, Malia 1999).



terrain, and poor communication lines (Conquest 1986). In order to resolve some of these logistical problems, several camps were set up along the planned railway route (see special edition of the Russian human rights journal devoted to the Gulag, *Karta*, 1998). The Administration of Timber Industry Camps (ULLP) was located in Siberia and the Urals. This was a highly productive administration, yet it did not have enough trucks to transport timber. The ULLP ended up transporting one quarter of it by floating it along rivers to its eventual destination (Bacon 1994).

The final two administrations of the Gulag were The Main Administration of Road Construction Camps (GshosDor) and The Main Administration of Corrective Labour Colonies (UITK). Prisoners held under GshosDor built the main road covering six hundred kilometres from Ryazan to Kuibyshev (Bacon 1994). The UITK colonies were involved in producing light assembly goods: metal working, foot wear, woodwork, textiles, and knitted garments and clothing products. In comparison with the camps involved in major industrial enterprises and the exploitation of natural resources, the colonies were more often located in industrial regions in western Russia. For example, Gulag forced labour built the Moscow Metro, the 'Seven Sisters' skyscrapers in Moscow and many other Soviet architectural city landmarks.

There also existed camps and colonies that were not managed directly by the Gulag agency but were managed by the NKVD (Zemskov 1991a, 1997). Because these camps were fewer in number and smaller in size, they were regionally managed. Some of the camps were also semi-independent (Bacon 1994). Although no figures are provided for the amount of semi-independent camps, it is unlikely that this number would have been high (Bacon 1994:117). While some forms of forced labour may not have been co-ordinated by the centre, the outputs, targets and ideology were centrally devised and managers were sent to the regions to oversee plans (Zemskov 1991b). Further evidence of the extent of forced labour is revealed in the debates in the size and scope of the Gulag camps and this is



explored in brief in the section that follows.

#### *2.2.2.2 How many zeks?*<sup>21</sup>

The magnitude of the forced labour camps system in the USSR prompts the question of motive. Was the USSR experiencing a crime wave of anti-Soviet dissent of such magnitude that necessitated the building of hundreds of prison camps? The size of the prison population in the Stalin era and indeed the whole of the Soviet period has not been definitively determined. The highest estimates are based on figures provided by former victims (see accounts from Mora and Zwiernak (1942), Dallin and Nicolaevsky (1947) and Kravchenko (1946) in Bacon 1994), with up to 20 million prisoners, it is claimed, undertaking forced labour for the years 1940-1942. Lower estimates for those years come from methodologies based on the size of the Soviet economy (Jasny 1951) census figures (Wheatcroft 1985) mortality rates (Rosefielde 1980, 1981) and arrests from the Soviet national police (Conquest 1986). Most commentators agree that the causes and consequences of industrialisation under Stalin were related to the function of prison labour. Where analysts differ is in the methodologies used to extract figures. Rosefielde included the testimonies of former prisoners such as Solzhenitsyn's alongside primary documentation (economic plans now regarded as false), to reach a figure of 10 million prisoners for 1941. Conquest (1994b) contested Wheatcroft's figure of 4-5 million prisoners and supported Rosefielde, arguing that a reliance on unofficial publication was at least preferable to depending on false or non-existent official data. Conquest (1994b) utilised census data and population figures alongside geographical location of camps and arrived at the high figure of 9 million.

Bacon (1994) has found that one of the reasons for extreme variations and debate<sup>22</sup> on the size of the prison population is that the terms used to define the

<sup>21</sup> Zek stands for *Zakluchionnie*, meaning camp prisoner.

exact nature of forced labour and types of prison establishments are used interchangeably, distorting the facts. It must be kept in mind that all prison labour in the Soviet period constituted forced labour as labour was used to meet the demands of the political economy. New information on the different types of camps, not explained within most of the articles produced during the Soviet period, shows several new features of the Gulag. First, forced labour 'colonies' were managed by local NKVD organs and not the Gulag prison agency. Their official title was 'Corrective Labour Colonies'. There was also forced labour 'camps' managed by the Gulag agency where conditions were worse, and where most prisoners sentenced for anti-Soviet agitation ended up. The distinction between the two categories is that those of less 'social danger', that is those with sentences less than three years in length went into colonies rather than camps. Second, as mentioned earlier, prisoners were not the only group to undertake forced labour. The *spetsposelentsii* (special settlers) and the *trudposelentsii* (forced labour settlers) are included in total prison population figures even though they were not officially part of the prison population<sup>23</sup>. According to Zemskov (1991b) taking special settlers out of the total prison population significantly reduces the numbers performing forced labour.

The differences between all types of prisoners does not come across in the Soviet ideological material, and it is not clear if all the groups were put to work.

<sup>22</sup> When reviewing Bacon's book for the Times Literary Supplement in 1994, Robert Conquest ignited fierce academic debate and personal attacks over his comments regarding how evidence on the Gulag is collected. Wheatcroft argued that Rosefielde's Gulag population figures should, 'not be taken seriously' (Wheatcroft 1985:521). He provided lists of scholars whose work alleged otherwise (see Timasheff 1942, Jasny 1951). Rosefielde's bold assumptions taken from oral accounts were criticised as subjective and misleading. Wheatcroft noted in particular that Soviet demographic officials may have been 'less than objective' in their accounts of the size of the Gulag. Other scholars such as Arch-Getty and Rittersporn who have also written on the Gulag were criticised for not being critical enough of this system of punishment and for being colour blind on the topic (See The Times Literary Supplement March-April 1994).

<sup>23</sup> Forced settlers were largely exiled agitators and they lived in a similar environment to 'free workers'. Special settlers, however, were deemed a greater social threat and were forced to live under surveillance. Special settlers were usually sent to Siberia (Bacon 1994).



Clearly any figures of Gulag forced labour that run into the millions should not be treated as the total number of forced labourers at any given time, but rather, they represent the number of people who had been repressed over a period (including non-prisoners and so-called criminals) (Bacon 1994:37). He argues that if approached in this way, and calculating the numbers of prisoners entering and leaving the camps, the total number of persons performing forced labour between 1934-1947 is around 12 million people repressed in camps and colonies (Bacon 1994:37). This figure is now widely accepted as accurate. Bacon adds that the forced labour prison population remained at around 12 million until Stalin's death in 1953 (Bacon 1994).

The population figures just presented are particularly interesting when it is considered that crime was said to not exist in socialist societies. Kershaw and Lewin (1997) assert that industrialisation demands coupled with the paranoiac personality of a tyrannical dictator resulted in the widespread use of forced labour. At any one time, up to 50% of the Gulag population comprised anti-Soviet agitators (see Bacon 1994:150). It should be kept in mind that forced labour did not in itself sustain the USSR but its contribution, especially in agriculture and mining, was notable nonetheless. Rusche and Kirchheimer's 'demand and supply theory' can be considered in the context of the Soviet Union, particularly in the ways in which the non-criminal population was forced into work in order to service the Soviet economy's push onwards industrialisation.

The size and scope of the forced labour population has hampered efforts to debate the topic, which has led to difficulties in coming to terms with the existence of the 'concentration camp society' (Jakobson 1993). The information on the scale of economic outputs, the size of the prison population and the establishment of prison departments in areas that were targeted for their industrial capabilities expose the significance of forced labour with regard to the economic and political objectives of the Soviet dictatorship. The idea posited that everyone (society, the economic infra-structure, transport and all industries) would benefit from forced



labour is an indication of how the practice was tolerated nationally and, more importantly, internationally. The oral histories reveal a more shocking aspect of the economic need for prison labour being the main determinant of penological innovations.

### **2.2.3 Survivors' Tales**

The aim of this section is to utilise oral accounts to illustrate how Soviet forced labour; its goals, aims, processes and outcomes are recorded by former prisoners. As part of this study three Gulag camp survivors' were interviewed. Permission was granted by the Moscow Centre for Prison Reform (MCPR) to interview the respondents, but only after an introductory meeting was conducted in the presence of a senior official from the MCPR<sup>24</sup>. The questions asked were aimed specifically at clarifying the objectives of Soviet prison labour through a presentation of its dynamics within a real-life context: the types of labour: whether prisoners knew about the economic significance of it; the organisation and the daily practicalities of implementing it.

The issue of methodological validity of the prisoner testimonies is relevant to these case studies. The validity of witness testimonies, while rigorously defended by camp survivors have also been criticised for exaggerating the size the Russian prison population (Medvedev 1971). The MCPR has conducted extensive statistical and archival research into the geographical areas where the victims were incarcerated and confirmed the validity of their testimonies. The oral accounts have become evidence of the ways in which prisoners made sense of how their punishment was explained and justified to them as well as providing information on the extent and scope of forced labour. In the absence of empirically verifiable statistics there was no option but to treat the witness testimony as an interpretation and a 'lived reality' of how prisons symbolised dominant ideology of

Marxism/Leninism. Today in Russia, oral accounts are viewed as an inevitability of the post-communist openness that ensued in 1991. The Russian government does not conduct investigations into forced labour of the kind that could be accepted by former victims as a form of apology. But neither does it prohibit human rights groups from archiving prisoner testimonies.

Testimonies from forced labour victims (see Ginzburg (1967) Ahkmatova (1988) and Ratushinskaya (1992)) reveal how the ideological function of prison labour, to link socio-economic reality to individual consciousness, found its way into every corner of the psychological, social and political life of victims. Exposed in oral histories is a random process of 'stop and seizure' on streets, or at home and clandestine trials. They provide ample evidence of how matters to do with committing offences were insignificant when it came to recruiting a forced labour workforce. Such was the need to control the Soviet people and find labour that those arrested were often tortured into confessing to anti-Soviet agitation and were subsequently transported throughout Russia on Stolypin<sup>25</sup> trains. According to Solzhenitsyn (1986),

During interrogation we were rigorously 'assessed' about our loyalty to the Soviet regime. But when we got to the Gulag, the most important question on the Gulag registration card was 'Trade or profession' (Solzhenitsyn 1986: 589).

Tamara Davidovna Ruzhnetsova (interviewed for this thesis) was arrested in 1938 and accused of being a British spy. The charges seem to have originated from the fact that she had danced with a musician from a Western jazz band at the 'National Restaurant' in Moscow,

<sup>24</sup> Given the sensitivity surrounding forced labour, it was suggested that the central government should not be informed about these interviews.

<sup>25</sup> Stolypin was the Tsarist minister who served as Minister for the Interior until 1906. He was known for his agrarian reforms in Siberia and was murdered by a Socialist revolutionary. Naming the Gulag transit trains after him was an ironic comment that his reforms led to rural poverty and that the new Gulag system would improve the lives of Soviets (Conquest 1986).



I was stopped in the street and dragged into a Black Maria. I spent two weeks in Lybyanka police headquarters, and no one in my family was notified. I eventually confessed and was sent to the Gulag immediately.

Adel Frantsievna Shilling was arrested in 1933 for being the daughter of a rich peasant (Kulak). Her family had been 'liquidated' along with millions of other Kulaks. She escaped, but was arrested at a train station,

I knew that my time would come. They were waiting for me at Leningradskaya station. I was sentenced that day and sent to the Urals one week later.

Efir Efirovna Rovivskaya was seized at home late at night in 1938. She was charged with counter-revolution for failing to attend a party meeting. Rovivskaya was sentenced to death in the Lybyanka prison but was granted a reprieve at the last minute due to poor health. She was incarcerated in 3 Siberian labour camps,

I didn't think that I would end up in Gulag for 14 years. But then everyone lived in fear. Some even had bags packed at the door in anticipation of an arrest.

All the women interviewed worked in forests, construction sites, building railroads and mining quarries,

I chopped trees for 9 hours each day. It was brutal. The guards screamed at us not to talk to each other. Sometimes people would drop dead or trees would fall on them. The guards would just leave the bodies there. The chaos was frightening (*Rushnetsova*).

and were continually reminded as to why they were working,

Whenever or wherever we were working, no matter the conditions, an image of Stalin was erected. Soviet flags were everywhere...loudspeakers broadcast extracts from 'Capital'. We were told that we were fighting capitalism (*Shilling*).

None of the women recalled how many prisoners were held in the camps, but noted that given the nature of the work the figure was probably more than 10,000 prisoners for each camp. They were also not aware of any specific economic



outputs to be reached. Shilling stated,

The economic targets were 'do as much as is possible and then some more'.

The accounts also reveal how ideology was administered to all the prisoners. Regardless of the nature of the crime prisoners were told that they were living and working under the self-image of Soviet society, the outcome of which would be rehabilitation and honour as fit members of Soviet society. Rushnetsova stated,

I was imprisoned with real criminals, murderers, abusers and violent people. We were all thrown in together because we all betrayed the USSR that was the most important thing. We would each be selected to read Marx from a little book we tied to our belts. If we were not seen to be reading we were stopped and interrogated. There was nowhere to escape to. It was just lots of shouting and broadcasts about Stalin and Marx.

None of the stories reveal the controlled system of labour and political re-education that is presented in the Soviet ideological material. Sentences did not seem to count for anything. In fact each of the women interviewed had 5 years added on to their sentences during custody, for no apparent reason. All the victims believe that their sentences were extended in order to ensure that the camps had a ready-made labour force to meet to future economic plans, which were set at five-year intervals and then were later amended such that the five-year output targets were to be met in four years (Tucker 1992). The survivor's tales also reveal that an anti-Soviet camp mentality was established,

We would be beaten hard at the same time as the broadcasts presented information about how our labour contributed to the Motherland. I asked myself, why? Why has our nation done this to us? And then I began to hate Stalin, Russia and everything to do with our society. But I played along and I hid my hate (*Shilling*).

Inevitably such experiences affected how the women adjusted to life outside the camps. All of the women were released after Stalin's death in 1952 (Rushnetsova served 14 years, Shilling served 10 years and Rovivskaya served 14 years). None

of the women were allowed to return to Moscow so each remained in exile. The consequences of their experiences as prisoners and the further consequences of their status as ex-prisoners hindered all efforts towards adjustment and re-assimilation as 'corrected Soviets'.

We couldn't fit into our previous jobs because our passports were stamped 'former Gulag Zek' (*Rovivskaya*).

The women also talked about how the camp mentality still resided post-release. Rushnetsova stated that her sister was overwhelmed with her camp jargon,

My sister said one day, 'Tomachka, I am too ashamed to have my friends round. You are such a *lagernitsa* (camp inmate). You continually curse and you speak in camp jargon. No one wants to socialise with you'.

None of the women were anticipating the discomfort that came with being released. According to the political education classes, re-adjustment and acceptance as reformed human beings would follow from their fellow Soviets. Yet all were profaned in the eyes of Soviet society. Years of forced labour in brutal conditions left the women in poor health making it near to impossible to find work. *Rovivskaya's* health, in particular, was severely affected by mining in the Siberian region. She is now blind and has chronic asthma. Poor health together with non-acceptance by society meant that personal and social rehabilitation was a struggle. Despite an official apology some twenty years after their imprisonment and a medal of honour for 'Working for the Soviet Union' the women were all found to be living in poverty and on meagre state pensions. Their experiences have made them housebound. All the women lived in disbelief that the ideology that was supposed to shape their lives for the better was turned against them and had instead ruined their lives.

The survivors' tales introduce new evidence from the underside by shifting the focus and opening new areas of enquiry into prison labour, challenging some



of the assumptions and accepted judgements from Soviet academics, in particular, the notion that prisoners became fully politically reformed into fit members of Soviet society. Ideological education aimed at redeeming prisoners in the eyes of society and was provided by the Main Administration for Cultural and Political Education (Bacon 1994). None of the women interviewed believe that they became more loyal to the Soviet cause as a result of forced labour and education. Instead, the interviews expose the procurement of prisoners for exploitation. Actual reform was secondary to the goal of building and maintaining the Soviet idea of utopia and the Gulag prison agency became the ideal model for management and organisation of labour in prison and in non-prison life.

In considering the inclusion of the witness accounts into this study, it is definitely the case that they are useful for the purpose of providing an impressionistic, descriptive account of forced labour. Yet, they can do no more than offer a snapshot of the actualities and experiences of forced labour. Prisoners are also the least equipped to know such details as economic outputs and managerial structures and it is almost impossible to crosscheck the validity of the information with official Soviet data as the latter is now widely accepted as false.

Altogether, the Russian literature reveals that Soviet society was so dependent on forced labour, particular in the war years, that without it, the USSR would have been compromised. Today in Russia, every city bears monumental testimony to the legacy of forced labour. Often these serve as painful reminders of how ideology was so easily manipulated to create a system for the vanquished. Although the Gulag was disbanded in 1956, prison labour continued to contribute to the command economy at an annual rate of around a 4% contribution to the Gross national Product (The Moscow Centre for Prison Reform 1998a). Many Stalinist institutions remained: the 1933 Corrective Labour Code was in operation until 1977 and the crime, 'counter-revolution' and 'anti-Soviet agitation' remained until the collapse of communism in 1991. Although not used as excessively, forced labour continued in the 1970's and 1980's to play a fundamental role in Soviet



economy. Right up until the collapse of the Soviet Union in 1991, prisons were presented as mechanisms that benefited the regime and therefore its citizens, but there is little doubt that they also blurred the boundaries of civil society.

The pattern of forced labour outlined above is not unique to the USSR. Indeed it is noteworthy that in China, forced labour is used in the present day. In the following section, the principles and methods of Chinese forced labour are presented in brief to ascertain similarities and differences with the USSR.

### **2.3 Chinese prison labour**

In communist China the prison labour system today maintains some features of Stalinist orientation and function (thought reform through labour), despite concerns from human rights campaigners about prisoner exploitation (Mosher 1991). There are differences and similarities between the present-day Chinese system and the Soviet system of forced labour<sup>26</sup>. The similarities between the two systems is that the purpose of *compulsory* thought reform in present day communist China is to radically change a person's consciousness, political views, religious beliefs and moral values. Through brainwashing, the Chinese government dispenses sort of 'production theory', based on an idea posited by Stalin to justify forcing prisoners into labour. Chinese criminological theory states that people commit crimes only because their thoughts are dominated by the ideology of the exploiting class. In order to eradicate the crime problem, it is necessary to reform the criminal's ideology and only by undergoing hard labour can a criminal be reformed into a new socialist person (see Wu 1994). Differences between the Soviet system then and the communist system nowadays are, first, prison labour is not exploited on the same scale in China as it was in the USSR due to the fact that the Chinese government did not integrate prison work into state

<sup>26</sup> To go into detail about the Chinese system would take away from the main point of the thesis, which is looking at the impact of the collapse of the Soviet system on prison work in present day Russia.

economic plans to the same degree as the USSR (Shaw 1998). Second, political education or ‘thought reform’, as it is still known is the main goal of imprisonment in China, production is secondary. The witness testimonies gathered for this thesis confirm what is widely known among historians of the Gulag that in the Soviet period, production was *de facto* the main goal masked by the thinly veiled goal of political re-correction.

In the final section of this chapter international covenants designed to prohibit forced labour will be introduced. The intention is to explore how forced labour might have been tolerated in societies using it to develop their national economies. In the chapter that follows recent international legislation on prison labour is presented as prison labour currently operates within a tacitly assumed context of the European Prison Rules.

#### **2.4 Forced labour and international law**

The use of forced labour has been described as, a ‘thorny subject’ (Alcock 1971:271) because of the analogies to slavery. Putting prisoners to work is a legitimate aspect of most prison systems. However, forced labour imposed on people for punishment or for some sort of economic profit violates international covenants that were introduced during the period in which most of the literature presented relates.

The international community began to take notice of the practice of forced labour as early as 1920 through the International Labour Organisation (ILO) which originated in 1919 and became linked to the United Nations in 1949 as a specialised agency (United Nations 1995). Whilst the ILO has no binding legal status in international law, it is recognised as constituting a code of practice in the proper treatment of individuals during employment. Since the ILO is linked to the UN (the Soviet Union was one of the first countries to sign up to the UN Charter of 1945) it may impose powerful moral and political obligations on those member states that have accepted its recommendations. The ILO brought two international



treaties against forced labour, better known as the Forced Labour Conventions (FLC) No. 29 (which dates from 1930) and No. 105 (which dates from 1957).

According to Alcock (1971) it is primarily because of the controversy surrounding whether or not convicted criminals should be protected by international treaties that promote humane environments, that has resulted in a certain amount of difficulty owing to the reluctance of governments to get involved in the problem of forced labour. The first convention tolerated the practice of forced labour in prisons while prohibiting it in all other environments. This is due to two factors: first, in convention No. 29 forced labour was tolerated whereby it is a consequence of a conviction (see Article 2).

Prisoners under sentence and labouring under the terms of their sentence do not represent the kind of forced labour contemplated, and that therefore such labour should be expected (International Labour Conference 1930: 269).

Contained in the first convention is a mentality that prisoners have not only forfeited their liberty by committing crime, but also their personal rights (De Jonge 1999). According to De Jonge (1999) prisoners are a category of workers whose labour is at the disposal of their governments and it was initially stated that forced labour in prison was lawful provided that the detention is lawful and so long as basic minimum standards are met<sup>27</sup>. The second reason why forced labour in prisons was tolerated was to do with economic and technology changes that were taking place all around the world in the early twentieth century. Forced Labour Convention No. 29 was adopted at a time when most of the world was undergoing the drive toward economic development which resulted in a growing conflict between improving economic conditions and the preservation and guarantee of human rights. Forced labour was not an issue if a nation's economic resources and social progress were inadequate such that they would benefit from its use. This



might explain why laws were designed to force the 'idle poor' into forced labour in developing western economies as outlined by Rusche and Kirchheimer and subsequent Marxist writers. Both the USSR and its satellites would also be able to justify the practice of forced labour because there was an insufficiently developed employed workforce to provide the means for improving the social conditions.

Despite various international committees revealing the existence of facts relating to a system of forced labour in prison colonies in the Soviet Union and China of so grave a nature that they seriously threatened fundamental human rights, forced labour in prisons remained viable if the economic conditions necessitated the practice. To further complicate matters Cold War rhetoric dominated the first convention. The USSR did not respond to calls to reform the forced labour system as it viewed the International Labour Organisation as 'capitalist' with the sole intention of creating animosity between the USSR and the west.

In the second Forced Labour Convention No. 105 (1957) the use of forced labour for economic purposes and punishment was prohibited. Convention No. 105 emerged in response to the forced labour abuses in prison environments that were discovered in the post-war period and also from more gruesome stories from dissidents writing in the west, that forced labour was used in prisons in the Soviet Union on a massive scale. The ILO could no longer exclude the prison sphere from its ban on forced labour and so the committee responsible for drafting the new legislation focused its inquiry on two areas: politics and economics. The former related to the incarceration of dissidents who had not committed crimes, *per se* but who, because of ideological beliefs, were being punished by way of forced labour. The latter related to the use of prison labour to contribute to the maintenance of wider economic objectives. The committee deduced that prison

<sup>27</sup> The view that work is an essential element of imprisonment could explain why the International Labour Organisation (ILO) only visits prisons from time to time to assess whether prisoners are

labour conducted for political and economic ends was 'rife' in the Soviet Bloc (Alcock 1971: 270). The focus of debate then shifted from the discretionary right of states to utilise forced labour, to the role of prison labour in the training of prisoners in the economy of the institution as well as in its relationship to the national economy and also as a punishment.

The aims of the 1957 convention as expressed in Article 1 were that each member of the International Labour Organisation which ratifies this convention undertook to suppress and not to make use of any form of compulsory labour:

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilising and using labour for purposes of economic development;
- (c) as a means of labour discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination (Alcock 1971).

The 1957 convention was effective in responding to forced labour atrocities in prisons. The recommendations contained in Article 1 were, however, ignored by the Soviet Union. The ILO did not take action against the USSR because of political concerns that exerting too much pressure on the Soviet regime may create further tension between the west and the Soviet Union (Alcock 1971). While human rights organisations exerted pressure on the Soviet regime, without the international backing of treaties, covenants or rules forced labour continued until 1991.

forced to work.



The Soviet regime was able to exploit prisoners also because other treaties for which the USSR was signatory condoned the practice. The International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), both of which function as recommendations, allow for forced labour where it is a consequence of a conviction. This poses a problem of priority: which text is binding in national jurisdictions? According to De Jonge (1999) where texts of treaties that are applicable to the same case are incompatible or even conflicting, it is up to the national courts to decide which is valid. This means that the USSR could ignore Forced Labour Convention 105 on the grounds that the work was recognised by the Soviet regime as serving educational purposes and maintained prisoner morale. It is the UN Minimum Standard Rules and the European Prison Rules discussed in the chapter following which may be decisive for the interpretation and management of prison labour in prison environments. Although the formal status of the European Prison Rules is that of guidance to prison administrations that may be putting prisoners to work, it imposes powerful moral and political obligations on those member states that have accepted its recommendations.

## **Conclusion**

The emergence of prison labour and its historical development as presented in the theoretical studies of prison labour and the information on the Chinese system plus the international covenants on forced labour, indicate that criminal justice practitioners might be concerned about how to ensure that prisoners are not exploited. Evidently where prisoners are put work, so issues analogous to forced labour surface.

The social and economic context within prison labour is being performed has changed in the last ten years. Since the collapse of communism, world political systems have become increasingly harmonised. So too it is the case that world



prison systems are converging around international rules designed to ensure that minimum standards are met. Major challenges exist for governments in the implementation of the relevant provisions of international rules. These include the provision of work, training and education for prisoners. With only limited exceptions (China, Canada, Denmark and Netherlands, see Henriksson and Krech 1999 for others), the position is that there is a shortage of work with educational value for prisoners and often no work at all. Indeed, forced labour no longer remains an area of significant concern in the west, as there is a decline in work so it has become more or less voluntary. This does not mean that prison labour cannot continue to be exploitative or afflictive (deliberately or otherwise), although the context has undoubtedly changed and new issues to do with prison labour have emerged. The first issue is that it is increasingly the case that prison labour is used in a whole repertoire of approved methods of dealing with sentenced prisoners. Second, at the same time throughout Europe, there is a move towards greater private sector involvement in prisons, which may help relinquish some of the state costs. The situation is far from static and it is these two major themes emerging from the international rules that form the basis of much of the policy-based literature which is presented in the second literature review chapter.

## CHAPTER 3

### **Contemporary Prison Labour Practices: Maintaining Standards**

Any analysis of the institutions that might promote harmonisation of criminal justice policy in Europe must include scrutiny of the mechanisms that may promote human rights and greater accountability – both aspects of criminal justice policy which have in many respects been conspicuous by their absence from the domestic policies of many European union countries (Morgan 1998:156).

#### **Introduction**

This chapter continues the review of the literature on prison labour and presents contemporary international prison legislation that deals with prison labour and then considers the evidence gathered from contemporary studies on the topic. It was mentioned at the beginning of the Chapter 1 that prison labour ignites controversy due to its varied functions that can operate at the same time. One controversial aspect of prison labour that formed the focus of Chapter 2 is that when prison labour is used for political and economic purposes, as was historically the case in the west and in the Soviet Union, then it may lead to forced labour as it is used to expand the political economies of nation states and also it is used as form of punishment.

Nowadays prison labour operates within tacitly assumed European and international legislation that emerged in the post-war period which states that national jurisdictions can require prisoners to work, but not force them. Despite the pioneering enthusiasm that has been invested in the establishment of a broad international philosophical approach to treat prisoners with human dignity, the problem of forcing prisoners to work has not lessened in the present. Due to two recent trends that have surfaced in most prison systems, the issue of providing environments where prisoners are treated humanely (prison labour is just one aspect of this) must remain at the forefront of criminological debate on prison labour. These trends are first, the use of other treatment programmes and the justifications for these programmes. This trend does not raise issues to do with

forced labour as such, but does raise points for discussion regarding whether prison labour can in its current form provide for positive custody. The second trend that relates more directly to forced labour is the increased involvement of the private sector in prisons to relinquish some of the state burden of funding the ever-expanding prison systems in the west (see Ruggiero *et. al* 1995).

Following from the discussion of international forced labour legislation at the end of Chapter 1 this chapter will begin by presenting contemporary international legislation on prison labour. The intention is to describe how the international legislation is designed to treat prisoners humanely and to ensure that non-exploitative environments, which may lead to forced labour, are incorporated into a system of minimum standards. The chapter will then discuss the prison labour trends as most national legislation has adopted much of the philosophical spirit that is enshrined in the international rules. The intention is to show some of the contradictions in the use of prison labour and also how these contradictions have not escaped the international rules. Attention will then be given to the research conducted by King and others into the Russian prison system in the early post-perestroika period. King (1994) offered some future predictions about the direction of the Russian prison system particularly as it is gravitating towards a pan-European prison ideology. This sets the scene for the presenting of the findings from the present study.

### **3.1 The International Prison Rules and Prison Labour: Contextual, Philosophical and Practical Aspects**

There has been only a handful of studies that consider the working rights of prisoners based on observations (Smartt 1996, Henriksson and Krech 1999). The tendency is for representatives of legislative organs and treaties report on prisoners' rights (see Rodley 1995).

For almost one hundred years a great deal of faith and zeal has been dedicated to providing a valid international prison standard and rules. Since the



Second World War a broad philosophical approach to the design and management of prison regimes based on humane standards and respect for human dignity has emerged. Increasingly, international rules are being cited as the yardstick against which to test prison conditions (Muncie and Sparks 1991). Physical improvements, treating prisoners with humanity, improving conditions, diet, accommodation, health care and treatment<sup>28</sup> (work, education and training), are just some of the features of prisons which have prompted international concern.

This commentary attempts, within the limits of scale, to explain and discuss the content of the international rules, in particular, the most modern version, the European Prison Rules (EPR) (1987) specifically in relation to how they deal with prison labour. It is received wisdom that meeting the standards of the EPR will improve Russia's standing in Europe, whereas the Human Rights Act in its current form operates as an international standard although the power of its recommendations should not be underestimated (The Moscow Centre for Prison reform 1998b). The section goes on to discuss any problems or conflicts that arise from the Rules before the status of the Rules is discussed. It is helpful, in order to put the discussion of prison labour in some international context, to provide a historical background to the Rules, their origins and philosophical and contextual development. The aim is to seek to understand the European prison environment into which Russia is increasingly being welcomed.

### **3.1.1 Historical background**

There is a long tradition of penal reformers and criminal justice practitioners exchanging information, ideas and experience of penal matters. The impetus for

<sup>28</sup> The term treatment is used in most international rules that relate to prison environments. In the Council of Europe, European Prison Rules (1987), treatment, 'indicates in the broadest sense all those measures (work, social training, education, vocational training, physical education, and preparation for release etc.), employed to maintain or recover the physical and psychiatric health of prisoners, their social re-integration and the general conditions of their imprisonment' (see Preamble, The European Prison Rules 1987).

penal reform led to the spread of common standards which eventually matured into internationally agreed rules designed to ensure minimum standards in prison conditions and treatment. As a result of one international gathering the International Penal and Penitentiary Commission (IPPC), was established. The IPPC drew up a speculative document code of Standard Minimum Rules for the Treatment of Prisoners (SMRTP). Although not seen as a definitive model, the SMRTP provided the criteria for minimum standards and humanitarian principles that came to define the subsequent European Rules. After the war of 1939-1945 the humane treatment of prisoners became a national priority of governments seeking to reshape European societies which had been traumatised by the war (Kershaw and Lewin 1997). International prison legislation came to be shaped mostly by the experience of millions of people subjected to brutalities such as forced labour and torture for political offences and who had no protection under international forced labour legislation or criminal law (see section 2.4, Chapter 2). First established were new post-war organisations, the United Nations (1945) and the Council of Europe (1949) which was set up in response to the Universal declaration of Human Rights (1948). The United Nations Standard Minimum Rules for Treatment of Prisoners (SMRTP) followed in 1955.

The UN Rules cover a very wide area of different aspects related to prison management and the treatment of prisoners such as registration, food, bedding, recreation, medical services, religion and communications with the outside world. Rules 71-77, which are introduced with the preamble that prison labour must not be of an afflictive nature, contain a number of regulations concerning the right and the duty to work, working hours, vocational training, working conditions and precautions, remuneration and education:

Rule (Article) 71 (3), which states that prisoners shall be provided with sufficient work of a useful nature to keep prisoners actively employed for a normal working day.



Rule 71 (4), which specifies that work should be of such a nature that it will maintain or increase the prisoners' ability to earn an honest living after release;

Rule 71 (5), which provides for the prisoners' right to vocational training;

Rule 72 (1), which stipulates that the organisations and methods of work in the institution should resemble those outside with a view to preparing prisoners for the conditions of a normal working life;

(2), which requires that the interests of the prisoners and their vocational training must not be subordinated to the purpose of making a financial profit from an industry in the institution;

Rule 76, which stipulates that a system of remuneration for prisoners must be in place; and

Rule 77 (1), which specifies that prisoners must have the right to further education (The United Nations Minimum Standard Rules for the Treatment of Prisoners 1955).

The UN Rules illustrate how international penal philosophy had become concerned less with retributive aspects of punishment than with the social and penal prevention of crime and the social rehabilitation of offenders. There are, however, inherent contradictions in the UN Rules regarding prison labour. Despite the movement for the establishment of better human rights across prison systems in the mid 1950's, UN Rules did not seek a ban on forced labour in prisons so the Soviet practice of forcing individuals into working as punishment for political in-correction continued. There were also aspects of the Rules in relation to prison labour that were deemed inadequate and incompatible in terms of both foreseeable trends (could prison establishments provide work for all prisoners in the future?) and past practices (do the Rules go far enough to provide a rationale for providing prison work?) (De Jonge 1999). Above all else, the UN Rules were vulnerable to the criticism that they were tokenistic, outdated and lacked, most importantly, a



compelling rationale (Neale 1991).

A recurring criticism of the Rules was that they did not envisage a European rhetoric (De Jonge 1999). There was a need for regional prison rules that aspired to a more creative and distinctively European model. In 1981 the European Committee for the Co-Operation of Prison Affairs (CCPA) was established which was given the remit of ensuring the application of the SMRTP in Europe. The new European Rules were then drafted under the authority of the European Committee on Crime Problems (ECCP). Member states of the Council of Europe supported the initiative led by ECCP and in 1987 a new legislative instrument called the European Prison Rules was established. The European Prison Rules are discussed in the following two sections.

### **3.1.2 The Philosophy of the European Prison Rules**

Several basic strands of thought can be seen to be moulding the philosophical strategy of the European prison Rules (EPR). They are as follows as stated in the preamble:

- (a) that in punishment involving the deprivations of liberty, this should be seen as the sole instrument of punishment;
- (b) that treatment regimes must be aimed principally at the education and re-socialisation of the offender;
- (c) that the administration of prisons must show respect for the fundamental rights of individuals, and at all times uphold the values that nourish human dignity (Preamble, The European Rules 1987).

The penological approach of the new Rules sought to understand the moral, intellectual and operational challenges that flowed from such an ethos. For example, in the 1980's it was recognised that the Soviet system and its satellites were utilising work as punishment and so the fundamental rights of prisoners were

violated. Even though the USSR was not a member of the Council of Europe in 1987 (it joined in 1996), priorities had to be changed in the Rules to reflect new information of prison labour practices that were emerging from around the world. Thus the UN Rules were diminished in their application and influence and could not be said to be useful for meeting minimum standards. The Council of Europe Rules have more far reaching consequences for the Russian prison system than the UN Rules because they serve as a benchmark for countries seeking entry into the European Union. Russia is making good progress and joining the Council of Europe is viewed as an important step towards joining the European Union. The EPR are smaller and more cohesive, which simply would be more difficult, if not impossible to achieve, on a global scale. Indeed the EPR can be looked as a regional version of the UN Rules. In the following section, the European Prison Rules as they relate specifically to prison labour are discussed.

### **3.1.3 The European Prison Rules, prison labour and human rights**

Most lacking in the UN Rules was that they did not reflect trends in prison systems. The main influence of the Rules flowed from social and economic change in European societies; new developments in treatment theory and techniques; changing patterns of criminality; the introduction of prison management; increasingly difficult operational circumstances and modern technology (Ruggiero *et. al* 1995). While important moral imperatives were needed, it was also apparent that considerable improvement in the management of prison systems was imperative. Herein lies the inherent contradiction of the European Prison Rules that impact on prison labour. On the one hand there is a liberal philosophy underpinning the Rules (humanity, morality, dignity and justice are enshrined in each Rule). Yet on the other hand, the Council Of Europe, which has jurisdiction over the Rules, has brought member states together to explore the possible benefits of privatisation since as early as 1988. This illustrates the Council of Europe's role as a facilitator of the new managerialism, which began to enter the debate on



imprisonment at the time (Ruggiero *et. al* 1995). The Rules emphasise the *management* of the *humane* environments. The Rules can therefore be looked at in two parts, one where there is a promotion of human rights and minimum standards, the other part where the management of prison systems is to take place in a background of efficiency and effectiveness. The Rules are manifestly European in this respect and they can now be seen to extend also to areas of vital importance from the care of prisoners to personnel, management, and the community aspects of treatment all of which have been given greater emphasis in the new Rules. Regarding prison labour, the following provisions for work under the sections that deal with 'treatment' are of particular interest:

Rule 71 (1) Prison work should be seen as a positive element in treatment, training and institutional management.

(2) Prisoners under sentence may be required to work, subject to their physical and mental fitness as determined by the medical officer.

(3) Sufficient work of a useful nature, or if appropriate other purposeful activities shall be provided to keep prisoners actively employed for a normal working day.

(4) So far as possible the work provided shall be such as will maintain or increase the prisoner's ability to earn a normal living after release.

(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of employment in which they wish to participate.

Rule (72) (1) The organisation and methods of work in the institutions shall resemble as closely as possible those of similar work in the community so as to prepare prisoners for the conditions of normal occupational life. It should



thus be relevant contemporary working standards and techniques and organised to function within modern management systems and production processes.

(2) Although the pursuit of financial profit from industries in the institutions can be valuable in raising standards and improving the quality and relevance of training, the interests of the prisoners and of their treatment must not be subordinated to that purpose.

Rule (73) (1) Work for prisoners shall be assured by the prison administration:

*a.* either on its own premises, workshops and farms; or

*b.* in co-operation with private contractors inside or outside the institution in which case the full normal wages for such shall be paid by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

Rule (74) (1) Safety and health precautions for prisoners shall be similar to those that apply to workers outside.

(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to workers outside.

Rule (75) (1) The maximum daily and weekly working hours of the prisoners shall be fixed in conformity with local rules or custom in regard to the employment of free workmen.

(2) Prisoners should have at least one rest-day a week and sufficient time for education and other activities required as part of their treatment and training for social resettlement.

Rule (76) (1) There shall be a system of equitable remuneration of the work of prisoners.

(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to allocate a part of their earnings to their family or for other approved purposes.

(3) The system may also provide that a part of the earnings be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on release.

As can be seen, overall the European Prison Rules reflect a *constructive* approach to prison labour that has hitherto been lacking in all the international legislation. Prison labour must be a *positive* element of custody and it must operate as a legitimate aspect of incarceration, which seeks to bring about rehabilitation of prisoners. The UN Rules, remuneration; fixing wages; health and safety; prioritising education; ensuring that prison work resembles work conducted outside prison, all have their European counterpart.

There are notable features of the European Rules that relate to this study of Russian prison labour. First, UN Rule 71 part 3 has been modified in the European version which states that where work cannot be provided, other useful activity must be available. The UN Rules make references to training as supplementary to work but not as a possible replacement to work where it cannot be provided. This European Rules reflect the situation across Western Europe where vocational training has improved in most prisons where it is used to motivate prisoners and provide social rehabilitation instead of work (Henriksson and Krech 1999). Clearly whether any new models are to be considered as a positive element of treatment depends on the activities the prisoners are given, and under what kinds of conditions they have to work. Also the question of supervision and security must be taken into account in this context.

Second, as mentioned above, the UN Rules, the European version prioritises the right of prisoners to work, vocational training and education. The European Rules take this one stage further and stipulate that not only do prisoners have the right to work, vocational training and education, they also have the right to choose which work and so on, that they want to engage in (Rule 71 (6)). While this is a significant part of the European Rule 71 (6) that it is designed to protect prisoners



from being forced into any activity during their sentence, there is the important caveat that this right is provided within the requirement of institutional administration and discipline. On one level, it could be argued that the right to choose to work is not a matter of great concern as this is the case in most prison systems, where should prisoners not choose to work in a specific area, then this may give rise to a punishment. On another level, it may be the case that in some situations, a prisoner's rights may be subordinated arising from the fact that they may be denied the work they want to do should institutional requirements necessitate specific types of work to be conducted. This might lead to issues to do with forced labour that affect complying with this Rule. Related to the problems that may result from complying with Rule 71 (6) are other grey areas where forced labour might become an issue. Forced labour is prohibited under Rule 71 (1) (albeit indirectly) by stating that prison labour should be a positive element of custody, only to reappear in Rule 72 (2) (again indirectly) in which it is stated that prisoners under sentence may be required to work. Accordingly it is up to national penitentiary laws or penal codes to determine whether or not this will be the case and the form that this may take. If the institution can justify the form that labour takes (types of work and purpose of work) on the grounds that the regime benefits (Rule 71 (6)), then there is considerable latitude over what will actually constitute afflictive work.

This leads onto the third notable feature of the European Rules. Rule 72 (2) reflects trends in the increased involvement of the private sector in prison management in that it is stipulated that utilising prison labour for financial profit can be, 'valuable in raising standards and improving the quality and relevance of training'. The Rule goes on to add that the treatment of prisoners should not be subordinated to this. As the presentation of empirical studies will show, utilising prison labour for financial gain may compromise the proper treatment of prisoners and also the ethos that imprisonment should be used for rehabilitation; an ideology to which that most prison systems now subscribe. In addition the European Rule



73 (1) (b) leaves room for contract work from private employers to be performed inside and outside the penal institutions and that private firms using prison labour pay to the prison administration the same wages as they would pay for free labour. However, there are no provisions as to how this money should be passed on to the prisoners themselves. Both sets of Rules limit themselves to stipulating that there should be a system of 'equitable remuneration' for the types of work of prisoners.

Although not binding in law, the EPR are said to be influential because they impose a philosophical approach, political obligations and exercise a moral sanction on national authorities. In Europe, the EPR are the standard, which provides the threshold that satisfies the basic considerations of humanity. More important is that they are accepted with virtually no reservations because they do not impose burdens that are unacceptable to governments which are constrained by resource considerations or political priorities (De Jonge 1999). This might explain why the Rules make no reference to the operation of prisons in countries that may be unstable. It is clearly not the goal of the Rules to provide a framework for prison operations in unstable circumstances. Yet, to exclude this aspect may create the conditions for legitimising exploitation. This is of utmost importance if it is considered that the countries waiting in the queue to join the European Union (Turkey, Russia and the countries of the former Soviet Bloc) face criticism today for their very poor track record of human rights in prisons. If a country can justify harsh penal policies on the grounds that economic and resource burdens necessitate them, then the Council of Europe may not intervene so as to prevent any political or diplomatic reprisals.

Despite this area of concern, it is undoubtedly the case that the Rules are influential at an international level as functioning as a virtual code for treating prisoners. They are also influential in the context of the Human Rights Convention and there is Council of Europe machinery that provides inspections of prisons as well as examining the penal policies of national jurisdictions to ensure that they embody the philosophical concepts of the Rules.

The EPR it is argued, are the most important international document in the field of prison affairs (Neale 1991). And while there are flaws, they illustrate that it is possible to establish a rationale that can unite prison systems around the world in their treatment of persons under custody. The impact of the Rules has been that much of the policy based literature on prison labour deals with the topic in the spirit of the European Rules. Humane containment, positive custody, useful labour and minimum standards have become critical benchmarks for national jurisdictions to monitor regimes and maintain standards.

It is now appropriate to present the empirical studies on prison labour in order to explore how prison labour is used around the world. The presentation of the policy-based literature is useful not only for providing descriptive accounts of types of labour, levels of remuneration and training, but also to show how prison systems and aspects of prisons systems (such as prison labour) are affected by trends in prison management and penal philosophy.

### **3.2 Empirical studies**

In recent decades there has been scant attention paid to the topic of prison labour and it is more often the case that the topic occupies a section or, at best, a chapter on studies of imprisonment (see Fitzgerald and Sim 1982, Stern 1989, Ruggiero *et al.*, 1995). Even fewer studies consider the practice of prison labour in light of international rules (see van Zyl Smit and Dünkel 1999).

This is surprising considering that in most modern prison systems in the twentieth century, prison labour operates within national guidelines which seek to promote positive custody, humane containment and minimum standards (see Whitfield ed. 1991). For example in the Goals and Performance Indicators of the prison system in England and Wales it is stated that,

The goal of imprisonment is to provide positive regimes which help prisoners address their offending behaviour...and to prepare prisoners for their return to the community' (King and McDermott 1995: 52).



American Federal Prison Industries (UNICOR) have introduced a management philosophy that seeks to promote work that will enable better job opportunities outside prison (Jacob 1999). Elsewhere, the Nicaraguan prison service continues to promote prison labour for re-socialisation in much the same manner as it was promoted under the banner of socialism in the 1970's (Baumann and Bales 1991). Similarly in the Scandinavian countries, community punishments and work outside prisons has been an integral feature of the prison system since the nineteenth century, and remains so (Smartt 1996). Brand-Koolen (1987) claims that the principles on which Dutch prison labour was built (treatment and pastoral care) are enshrined in the present day in laws preventing the use of prison labour for private profit. In Denmark, prison-produced merchandise contributes to non-governmental organisations and state projects (see also Brand-Koolen (1987), while in the Netherlands minimum standards, humane containment and the utilisation of work as a positive element of custody have been incorporated into its national prison legislation, the newly established Penitentiary Principles Act (1999) (Kelk 1999). While most contemporary prison systems aim to bring about the social rehabilitation of prisoners and maintain minimum standards, in recent years, changes in prison environment have raised questions as to whether social reform is an achievable goal. These changes are the decline of work generally in most prison systems and also the trend towards greater private sector involvement. The following two sections look closely at how recent trends in imprisonment may impact on the treatment of prisoners and how these might translate at an international level.

### **3.2.1 Prison labour in the throes of change: the decline of work**

According to Henriksson and Krech (1999) in a 1995 survey of the 75 member states of the United Nations, less than one third of the total stated that they could provide *all* prisoners with sufficient work of a useful nature to keep them actively

involved in a working day. In the same survey, thirteen countries reported that almost all prisoners (that is to say, more than 80% of the total prison population) were offered sufficient work in prison<sup>29</sup>. Nearly half of the responding countries reported that they provided all, or almost all, prisoners with opportunities for skills and trade training. However, when asked about how many instructors were employed, it appeared that 12 of these 36 countries employed no trade instructor or less than one trade instructor per 100 prisoners (Henriksson and Krech 1999).

Looking at the picture in the UK, Simon (1999) found that in most of the prisons she visited, training in National Vocational Qualifications (NVQ) were available in most kinds of work but that actual work was provided to between 50% (Kirkham prison) and 90% (Maidstone prison) of the total prisoner workforce. Simon (1999) found that in Holloway women's prison, which serves as a remand prison and as a local prison, 60% of the women were engaged in normal working hours (Simon 1999). While work opportunities were provided to over half of the prison population, there was an increase in courses and activities designed to help women in their personal development.

As an explanation of the difficulty in providing all prisoners with a sufficient volume of work, analysts cite three reasons: shortage of resources, a rise in unemployment generally outside prisons, and increased prison populations (Ruggiero *et. al*, 1995, Harding 1997, Simon 1999).

Beginning with resources, in a recent empirical study of prison labour Simon (1999) is unwavering: 'There needs to be more money' (Simon 1999:220). In the six English prisons that she visited, Training and Enterprise Councils were the worst hit by cuts in prison budgets and the end result was that after two years of running these schemes, many of them were shut down due to a lack of funds, thus public money was wasted. King and McDermott (1995) found that the operational obstacles in supplying raw materials for *meaningful labour* meant that workshops

<sup>29</sup> These included: Iceland, Iraq, Ireland, Israel, Pakistan, Papua New Guinea, Portugal, Sri Lanka,



were often closed. A similar picture emerges elsewhere. Kelk (1999) argues that the Dutch prison system is facing a crisis in that for the first time in its penal history the government is spending less on resources for prison labour. For prisoners, the impact of resource shortages that lead to poor provisions for work can affect their re-settlement such that they may end up in the margins of society and possibly return to criminal activity. Low wages and a lack of skilled and interesting labour chip away at a prisoner's sense of dignity, sense of purpose and sense of reward (King and McDermott 1995:203).

Unemployment outside prison has impacted on the work for prisoners and this is an insurmountable problem, as improvement in employment levels will very much depend on the wider economic situation. For instance Belarus and Latvia have provided evidence that they are unable to provide sufficient work due to the weak national economies (Henriksson and Krech 1999). As unemployment has emerged since 1991 for the first time in the former Soviet Bloc countries, so too it has surfaced in the prisons where it is no longer integrated into the national economies. And it is not just the less developed countries that are feeling the impact of the fluctuations in the wider economy. In the UK in recent years it is the fear of a recession, rather than unemployment itself, that has impacted most on the provision of work. Simon (1999) found that instability of professions such as painting and decorating has resulted in a marked decline of training in this profession in prisons.

Overcrowding and the fluctuating nature of prison populations as well as the lack of qualified, specialised work leaders and vocational trainers have exacerbated the provision to provide prison labour (Smartt 1996). Apart from the lack of sufficient resources, the problem of overcrowding in prison is probably one of the main reasons why so many countries have problems complying with prison labour Rules. Between 1989 and 1999, increases in the world's prison populations Syria, Uganda and the United States (Missouri).

have been dramatic: Australia's prison population has risen by 63%, America's population by 73%; Ireland's by 38%; England and Wales by 35%, Scotland by 21%; Italy by 68%; Spain 43% and Russia's by 52% (Walmsley 2000). The dramatic increase in prisoners has not been matched by an increase in resources and facilities available (Sparks 1994). The problem is aggravated by the fact that prison authorities have been found to spend more funds on security than on treatment provisions (Simon 1999).

The impact of rising prison population, unemployment outside the prisons and lack of resources has led to many workshops closing. Moreover, in jurisdictions where workshops remain open, there is considerable debate over whether the work that is provided can improve the social rehabilitation of prisoners once they are released into the community and whether it matches the kinds of work encountered once the prisoner is released. This is an age-old problem. Empey and Rabow (1961), and Wheeler (1961) stated forty years ago that incompatibility between prison labour and work undertaken post-release increases the risk of re-offending. Coffey (1986) makes the distinction between prison labour and training, arguing that re-offending depends on proper implementation of the former, as do King and McDermott (1995). Dawson (1975), Simon and Corbett (1992), and Simon (1999) present findings that reveal that there are high numbers of prisoners engaged in non-purposeful activity. This situation alongside heightened security prevents prisoner reform, as many prisoners are unable to leave their cells to go to work. Dawson (1975) found that not only were numbers working and the type of work factors affecting prisoner reform, the power relations between staff and prisoners were also instrumental. For example, work instructors had little power in relation to other staff but did have power in relation to the inmates. Thus, where a strong hierarchy of power exists, prisoner reform could be compromised. Simon insists that while purposeful labour that compares to labour outside will not reduce re-offending singularly, it is certainly a factor.



Simon's study (1999) reveals that the current state of prison industries do not support prisoners' needs. Her research on work, training, recidivism and the employment status of prisoners shows that there is a lack of operational mechanisms that can focus on prisoners' individual needs. Simon (1999) asserts,

The primary purpose of work in prisons should be to prepare and help prisoners – those who want to – and most do – to get worthwhile work when they leave. This need not preclude other purposes but the most important aim should be to provide labour and skills to enhance prospects of employment after release (Simon 1999:184).

Simon insists that in order that prison labour match work outside, all non-purposeful work should be either removed from prisons or used selectively (Simon 1999). The danger of not ensuring that this takes place is that prisoners will be unwilling to participate in labour, unwilling to look for work and unable to cope with relationship and family commitments, and she is supported by Smartt (1996) and Smartt and Gillcris (1996) and (Lippke 1998). Maguire *et. al* (1998) present a different view from the majority writing on the subject, arguing that the effect of prison industry participation on the probability of post-release crime is small and insignificant.

In most prison systems, the decline of prison labour has led to the introduction of new methods that aim to bring about rehabilitation such as training, personal development activities and other activities (Simon 1999). Vocational training has become the focal point for many prison regimes (Henriksson and Krech 1999) and it is considered a human right to receive some sort of vocational training and prison education (see Article 23 (1) and 26 (1) of the Universal Declaration of Human Rights).

Where national jurisdictions have been unable to provide labour to prisoners, they have intensified a range of training (national qualifications and specialist qualifications) and other activities to ensure that prisoners are occupied for a normal working day (King and McDermott 1995). Training is important for

prisoners, not only to give them time out of their cells but also it is viewed as essential as preparation for release and is particularly effective at reducing recidivism (Lippke 1998). To this end national jurisdictions have their own versions of what could be described as re-settlement through training. These initiatives have included 'The Prison Enterprise Partnerships Scheme' in the early 1990's (an attempt to obtain outside contracts), which then became 'Pathfinder' in 1996-1997 (an enhanced scheme which provided higher than normal wages in return for productivity approaching that of commercial operations). Pathfinder was replaced by the Workshop Expansion Scheme (WES) in 1997. The WES has been supported by various Through-Care programmes where the probation service and prison staff work together on many areas (training is one) to ensure that re-settlement begins with the beginning of the sentence and continues after the prisoner is released. The WES initiative emphasises full prisoner employment and the effect is that governors are seeking out more lucrative prison contracts outside to produce goods for the internal (prison) market. These initiatives are largely experimental, but they provide an interesting test-case for a working prison that depends on outside contracts and where prisoners can earn up to £140 for a full 39 hour week (see East Sutton park prison in Kent).

Vagg and Smartt (1999) argue that training incentives result in the increased awareness of the benefits of employment and lead to improved levels of behaviour in the institutions as well as a chance for rehabilitation in the community. In some institutions training schemes, educational facilities and workshops can be 'meaningful' in content and type and steps have been taken recently to enable selected prisoners to work a full working week in employment that is meaningful both during custody and after release and to be paid substantial wages. But in the majority of prisons provision is poor and prisoners leave prison with very little work, training and educational skills (it is calculated that existing arrangements cover about 10% of the prison population in England and Wales) thus some establishments are flouting national directives (Simon 1999). Other examples are



'Personal Development Files' (Scotland), where prisoners' sentence plans are based on training experience; '*Freigang*' (Germany) where prisoners learn training in order that they can work outside prison unsupervised; 'Handbook for life in Prison' (Japan), where prisoners are encouraged to view training as essential part of fulfilling labour duties (see van Zyl Smit and Dünkel 1999).

But even training as an alternative to work is hampered again by the problem of resources. Simon (1999) warns against a possible decline in funds for training in prisons in the UK. Her concerns arise from her findings on prison labour and training in prisons and she asserts that in the UK there is a far more impressive range of training compared to prison labour which can occupy prisoners as part of the notion of positive custody. Accordingly other activities have come to be used alongside - and in replace of - work and training to provide the means to engender rehabilitation of prisoners. There is some debate in the literature over the use of certain types of personal development and cognitive behavioural therapy programmes (see Flanagan 1989, Smartt 1996, Fleisher and Rison 1999 for recent arguments). Most analysts welcome the use of libraries, arts and crafts, drama and theatre as tools for stimulating prisoners' minds both in a creative sense and also in an educational sense when if they are not working (Fitzgerald and Sim 1982). Such activities are also viewed as useful for helping prisoners address offending behaviour. However, the tendency to equate personal growth with 'personal problems' has resulted in the use of methods that target the mental aspects of rehabilitation through the use of behavioural treatment rather than the practical aspects through work and training. This development has raised concerns particularly in the context of wider goals of women's imprisonment (Carlen 1998).

Related to Carlen's points is a general concern about the nature of work in women's prisons. The few studies that have included women's prison labour into their discussion of prison labour build upon a well-established criminological foundation – that the imprisonment of women in every way is quantitatively and qualitatively different from the imprisonment of men. Dobash, Dobash and

Gutteridge (1986) found that the medical profession has 'colluded' with the criminal justice system to confine women to work which re-affirms their socially constructed, and regulated, gender (Dobash, Dobash and Gutteridge 1986). The work undertaken by women prisoners, claims Carlen (1983), has very little to do with providing skills for wage work and pays only lip service to training. Instead, in her view, the goal seems to be to train women to become fit for the *gendered* world they are eventually released into. Carlen (1998) therefore suggests that the difference between the role of work in male and female prisons is ideological with an emphasis on domestic work in the latter. If women are not trained in the discipline of domesticity they could not cope with the rigorous demands for them to play appropriate gender roles, and eventually they may end up committing offences (Carlen 1998).

In the intensely security-conscious environments that characterise prison systems today, it has been considered that the use of alternatives to work, particularly the use of psychology and religion, is designed to pacify a largely idle population (De Jonge 1999). While criminologists criticise their own regimes for such developments (see Hogan 1997, Jacobs 1999), the trend towards more training and other activities is unlikely to stir international prison observers as the European Prison Rules acknowledge the usefulness of alternatives to prison labour.

According to the European Rules (EPR) and the Standard Minimum Rules for the Treatment of Prisoners (SPRTP) traditionally, prison work has been and remains, despite current pressures in many prison systems and serious chronic unemployment, the most significant feature of prison training regimes in general. Yet regimes are encouraged to introduce new measures that could be used alongside work and in place of work. In fact the EPR talk about the 'enhanced role' of alternatives to work. All the studies of prison labour can therefore be seen in this light.

There is a contradiction in the context in which prisons function and the



support at national and international levels for alternative treatments. Most prisons nowadays are submerged under security concerns arising from the population explosion of recent years. The ever-conscious security climate inhibits the movement of prisoners to take up whatever activity they are undertaking such that in many countries, few (if any) prisoners leave prison with usable skills (Smith 1991, Gallo 1995, Smartt 1996, Henriksson and Krech 1999, Sebba 1999). Thus it is a matter of debate whether alternative treatment programmes and work as it presently operates are bringing about the kinds of reform and social rehabilitation that are the foundation principles of national and international covenants and legislation. Most important is that the goal of rehabilitation has been questioned since the introduction of the private sector in the management and delivery of prison industries. This trend, which is discussed in the remainder of the chapter, has major implications for Russian prison authorities, who are keen to shake off the Gulag mentality, principally because of the issues raised that relate to forced labour arising from the use of prison labour for political or economic ends.

### **3.2.2 Prison labour in the throes of change: the involvement of the private sector**

Perhaps the most controversial aspect of the utilisation of prison labour in contemporary times has been the emergence of privatisation or contracting out in the prison environment which has led to debates about the accountability of prison systems. The idea of involving the private sector to create industrial enterprises that may contribute to the running costs of prison is itself not new, but has been debated since the nineteenth century (Ignatieff 1978, 1983). Central in recent debates is the question of whether prison labour can bring about reform in an environment where it is used to also generate some sort of profit for an outside sector and then whether the prison can be accountable as a public service (Harding 1997).

There are different areas of debate over accountability of prisons when the

private sector becomes involved. These are, whether prison establishments are accountable to the state or to the companies providing services, whether the private sector is in any way accountable to the state and whether the state is accountable to its citizens. The last point relates to criminological debates over the legitimacy of prison environments as institutions that aim at reform. This section will confine general remarks to the first two aspects of the accountability debate. In so far as is possible, within the exigencies of the debate and of this study, comparisons will be made between western prison environments that have incorporated the private sector.

The involvement of the private sector has featured predominantly in western prison systems, in particular in the anglophone countries of America, Canada, Australia and the UK and it takes three basic forms. The first is the contracting out of particular functions, such as escorting prisoners to court or providing food services. This is so as to relieve prison officers of a non-custodial task and to enable them to concentrate on core prison duties (Simon 1999)<sup>30</sup>. Privatisation can also take the form of ‘market testing’ a whole existing prison, inviting bids for its management from private bodies and from the existing staff (Simon 1999). This kind of privatisation tends to occur in the prisons where the most scope for improvement exists and where there is the least evidence of progress (Simon 1999). The third method of private sector involvement is where the private sector manages, and in some cases designs, builds and finances a new prison from the outset. This type of management of the prison environment is more common in America. This study does not cover work and training in privately managed prisons in the west, but in the UK, there is the hope that private involvement in prisons would, directly or indirectly, lead among other things to better work and training opportunities for prisoners generally.

<sup>30</sup> To the extent that ‘core tasks’ involve assisting prisoners to take part in work and training so that prisoners would benefit.



Academic voices have been raised over the issue of which sector the prison establishment is accountable to, once the private sector becomes involved (see Sparks 1994, Christie 1996, Harding 1997). There are historical arguments that private prisons have been abandoned (some say with good reason, see Sparks 1994) so long ago that it is now accepted that the management of the prisons and prisons services are the intrinsic function of the state. According to Radzinowicz (1988), modes of punishment are a matter exclusively for the state,

In a democracy grounded on the rule of law and public accountability, the enforcement of penal legislation should be the undiluted responsibility of the state (Radzinowicz quoted in Shaw 1992).

Christie (1996) puts the same philosophy more explicitly where he sees the matter as one of communitarian responsibility and democratic participation,

Private prisons elect a representative. The representative hires a firm to deliver punishments. If the firm is bad a new one is hired. The private guard represents his firm. There is nothing more to represent, the state is an artefact. But this means that the guard is under diminished control. In the opposite case where the state exists, the prison officer is *my man* (my emphasis). I would hold a hand on his key or on a switch on the electric chair. He would be a bad officer. And I could be bad. Together we made for a bad system, so well known from the history of punishment. But I would have known that I was a responsible part of the arrangement. Chances would also be great that some people in the system were not only bad. They would more easily be personally mobilised. The guard was their guard, their responsibility, not an employee of a branch of General Motors, or Volvo for that matter. The communal character of punishments evaporates in the proposals for private prisons (Christie 1996: 104).

This is a strong argument which rests on the idea that it is the state that has the moral authority to govern behind bars and that when the private sector becomes involved, that moral authority is eroded. The key question thus becomes whether the contractor is effectively accountable to the state and whether in turn the state is effectively accountable to its citizens. If accountability is to be structured effectively, then in Christie's terms, the guard becomes their guard and the message continues to be conveyed through agents who are public in the sense of

being ultimately answerable to the state.

The policy-based literature illustrates the tension between ‘prison labour for rehabilitation’ and/or ‘prison labour for profit’ and these studies, in turn, (indirectly) raise important questions that are analogous to forced labour. Private sector involvement in prisons in the UK has had a controversial history. King and Cooper (1965) found that in the post-war period the confused operational policies underpinning prison labour were due to conflicts arising from using prison labour for ‘penological purposes’ (keeping prisoners active/building character) and using labour for ‘economic purposes’ (efficiency/profitability/introducing enterprise into the prison environment). Thirteen years after King and Cooper’s 1965 study, King and Elliott (1978) found that deciding which goal should take precedence was still not explicitly stated due to the inability of policy makers to implement procedures and policies that could allow prisons to conduct any sort of business enterprise. Structural changes in the prison service in England and Wales also impacted and affected staff perceptions of punishment and thus the role of labour (King and Elliott 1978). These developments resulted in the prison labour system offering skills that were poorly distributed. Despite The Prindus Affair (1985-1985) anticipating many of the concerns of analysts writing in the 1990’s regarding the possible disastrous consequences of private sector involvement in prisons<sup>31</sup>, there was a pressing need to better manage the escalating prison population in Britain.

In the UK, issues concerning whether work was for the prisoner’s benefit or for the regime’s benefit continued to conflict with each other in the political sphere, particularly through the various government white papers that followed

<sup>31</sup> During the Prindus Affair contractors who were working with the Directors of Prison Industries Inspectorate were charged with corruption, inefficiency and bad management arising out of a lack of financial and management control of prison industries. The affair shook the prison service and the prison industrial sphere to its foundations, leaving the industrial sector in millions of pounds of debt.



Lord Woolf's report into disturbances in English prisons in 1991<sup>32</sup>. Woolf stated that prison industries run for profit would enhance operational effectiveness and that prison governors should have the freedom to provide and manage their own prison industrial complexes (The Home Office 1991b). The conservative government's response in the 1980's was to make prisons more efficient. The gulf between the operation of prison labour for profit and the ideology underpinning imprisonment (rehabilitation) widened as terms such as 'efficiency' 'privatisation', 'cut-backs', 'de-centralised management' and 'market testing', were incorporated into penal policy. In 1993, the prison service in England and Wales became an agency instead of a department at the Home Office, and a three-year corporate plan and a one year business plan were promulgated along with performance indicators to measure how far goals were being achieved. For example the goal 'provision of positive regimes' was to be measured partly by the average number of hours per week prisoners spent in purposeful activities, one of which was prison labour.

Staying with England and Wales, from 1995 onwards, following the escape from Whitemoor prison in 1994, prisons had more fences built and more hardware invested in security. Staff spent more time counting and searching prisoners and staff training emphasised security, which came to be a major consideration in the provision of work, training and education. Clearly, if prisoners' movements were restricted and staff preoccupied with surveillance, then prison labour and training would be diminished as staff could not transport prisoners as freely to and from workshops. According to Simon (1999) the impact of concerns over security in

<sup>32</sup> See Home Office (1991a) *Custody and Care: The Way Ahead for the Prison Service in England and Wales*, Cm 1647, London, HMSO. Other Home Office papers: Home Office (1993) *National Framework for the Thoroughfare of Offenders in Custody to the Completion of Supervision in the Community*, London, Home Office; Home Office and Employment Department (1992) *Employment in Prison and for Ex-Offenders: the government reply to the first report form the Employment Committee Session 1991-1992*, HC 30. Cm 1837, London, HMSO, House of Commons Employment Committee (1986) *Employment in Prisons and for Ex-Offenders*, HC 30, London, HMSO.

prisons in England and Wales is that licences for temporary release were reduced by 40% from 1995-1999, which had the effect of decreasing the work experience of prisoners outside the prison. To make matters worse the prison population in England and Wales increased rapidly in the 1990's from an average (in round figures, and excluding prisoners held in police cells) of 44, 880 in 1991, the year of the Woolf report to 65, 594 in 1999 (Walmsley 2000). This population increase has put a great strain on prison staff where it was frequently the case that the numbers of prisoners exceeded the numbers of prison places. The Penal Affairs Consortium stated in 1995, that prison overcrowding destroys positive regimes (Simon 1999) and has an adverse effect on prison labour as staff are coping with greater turnovers of prisoners in a tightened security environment.

It was hoped that private sector involvement might lead to better training for prisoners. The involvement of outside agencies can in principle enhance a prisoner's prospects of employment. Besides making a very practical contribution, it can help reduce the isolation that prisoners feel from the rest of the community. For example, in the UK, the involvement of local employers and Training and Enterprise Councils have been described as an invaluable resource in helping making prison labour relevant to outside work, but there are pitfalls as well as potential gains (Simon 1999). If prisoners learn skills that will be useful, are reasonably paid, and are engaged in meaningful work, then well and good. However, if their work is unskilled, poorly paid and does not provide them with skills they will use after custody, then they are being exploited. This last point becomes massively important if a private firm completely runs prison industries or supervises the workers, or markets the products and shares the proceeds with the prison. This situation is much less common in the UK as it is in America where the tension between rehabilitation and making money is dramatic and where issues analogous to forced labour are discussed the most.

Little has been written about how the increasingly punitive society, of the last twenty years, as is evident from the rise in prison populations, coupled with an



increased emphasis on involving the private sector to make for more efficient managerialism, might lead to the exploitation of prisoners. In America it has been left to the more radical criminologists on the left to debate the issue of whether private sector involvement, whatever its form, jeopardises human rights. This is largely because the issues of low pay and exploitation are rarely discussed (see Davis 1999). Those in favour of private sector involvement argue that prison labour is non-exploitative if prisoners are 'induced' to work through better wages improved conditions and early release (Burger 1982, Logan 1990). Burger's, and subsequently Borna's vision was of a prison sub-economy utopia that would operate more effectively if enterprise was allowed to dominate (Borna 1986). Logan (1990) argues further that prisons can cease to be a drain on the public tax system on if they are self-sufficient through private sector involvement.

Flanagan and Maguire (1993) and Fleisher and Rison (1999) add that running prison labour for profit does not signify exploitation and instead private sector involvement can create a 'factory environment' where the quality of the labour in relation to its near 'outside equivalent' is monitored. These analysts add that prisons can function as 'converted work communities' that normalise the social and economic life of prisoners and facilitate the integration of staff and inmate activities. This sounds fine, in theory, but it is interesting to note that none of these commentators view private sector involvement as profit from public misery, or look to the introduction of the private sector in health or education to examine in detail what might be the objectives of employers, how might the rights of workers (both prisoners and staff) be affected or how the whole ethos of imprisonment as a place for rehabilitation is affected.

Radically different views and pieces of information have emerged from findings by Hogan (1997), Lippke (1998) and Davis (1999) who argue that American criminologists who support the involvement of the private sector are naïve and do not fully grasp how prison labour, operated in this way, becomes a form of slave labour (Davis 1999). Hogan (1997) echoes Rusche's notion of *Less*

*Eligibility*, and asserts that the operation of prison labour is based on maximisation of profit (see also Spierenburg (1991) Kommer (1993), Feest (1993) and Smartt and Gillcris (1996). Kommer argues that where the private sector is involved, there is imbalance between prison policy, organisational structure and professional autonomy (Kommer 1993). Staples (1990) believes, like King and Cooper twenty-five years earlier, that the introduction of managers into the prison labour system has confused penological aims with bureaucratic aims such that prison labour becomes part of what he calls 'the political state' where it is interdependent with the economic spheres of society. Related to this point is that cultural and political shifts in penal policy hamper the already scant attention paid to prison labour, and lead to difficulties in unpacking the already masked objectives and values underpinning it (Landreville 1994).

According to UN Standard Minimum Rule 72 (2), which has jurisdiction over the American prison system, 'work and training should not be subordinated for profit'. Recent reviews of prison labour in the US indicate that corporatism is becoming a feature of prison industries to the extent that positive custody is being submerged under profit in the form of forced prison capitalism. Lightman (1982) argues that most prison labour in American prisons does not match that which would be found outside and it does little to reduce recidivism. It might therefore follow that the only persons or organisations to benefit from prison labour are the private companies using it as a cheaper labour source. Davis (1999) argues that there is a very real danger of the private sector influencing criminal justice policy as it is in the interest of big business to have more people in prisons. This means that prisoners have very little protection in an environment that claims to normalise work patterns outside but which in reality is creating an underclass of prison workers not dissimilar to that described by Melossi and Pavarini (1981). She adds that a 'near to' equivalent or a switch in focus from work to vocational training is more feasible, but only if the 'corporatisation of punishment' (Davis 1999: 150) is no longer a feature of imprisonment,



The privatisation characteristics of convict leasing has resulted in prisons being run for profit. Private prisons have multiplied at four times the rate of expansion of public prisons. It is now estimated that by the twenty-first century, there will be three times as many private facilities and that their revenues will be more than one billion dollars. In arrangements reminiscent of the convict lease system, federal state and county governments pay private companies a fee for each inmate, which means that private companies have a stake in retaining prisoners as long as possible (Davis 1999:153).

Davis adds,

Prisoners' in some American prisons work 18 hours a day earning up to \$5 an hour picking pineapples and producing products consumed on a daily basis. Companies have learned that prison labour can be as profitable as Third World Labour. Some of the clients that use prison labour are IBM, Compaq, Microsoft and Motorola, and Boeing. It is not only the hi-tech industries that reap profits from prison labour. Maryland prisoners inspect glass bottles and jars used by Revlon and Pierre Cardin. Prison labour includes also computerised telephone messaging, dental apparatus, computer data entry, plastic parts fabrication, oak furniture and the production of stainless steel tanks (Davis 1999:149).

The utilisation of prison labour to generate massive profits is protected further through the locations of some prisons in remote areas which effectively circumvents the requirements that the prevailing wage in the industry be paid to prisoners (Hogan 1997). This allows the system to 'enslave' prisoners (Davis 1999:154). Hogan adds,

It is hard to envision how the present system benefits anyone except the big corporate companies. The rhetoric that convicts learn job skills and earn money is false. Convicts today represent the natural resource ready for exploitation by system devoid of any pretence or justice (Hogan 1997:23).

The argument posited by Hogan (1997) is that 'just desserts' legislation such as mandatory minimum sentences, 'three strikes laws', and discriminatory drugs laws assure the prison commercial complex of continued growth. In a typically Marxist tone he argues that prisons have become businesses designed for the exploitation of the poor and the working class whose labour may not make prisons self-

sufficient, but provides a cheap labour source that operates unmonitored by the political economy it seeks to serve (Hogan 1997, see also McDonald 1992). Davis (1999) presents the worrying forecast that the New American Worker in the twenty-first century is the prison worker, an individual who possesses basic workers rights but whom has no control over the labour undertaken. Lippke (1998) argues further that private sector expansion into prisons leads to a system of 'legal disabilities' where prisoners have no legal rights to control their labour or work (Lippke 1998:533). Flanagan (1989) argues that the function of prison labour cannot be separated from the wider political economy. In America, the general public supports the use prison labour in periods of economic stability, (when there is a higher demand for prison labour) but that there is an overall ambivalence to prison labour (Flanagan 1989).

There are some critical studies suggest that race and class are factors that can exacerbate the problem of possible exploitation of prisoners. These studies, with varying emphases, present prison labour as entirely punitive. Hawkins (1985) adopts a position that prison labour is racially biased in favour of white prisoners particularly in periods of high unemployment and adds further that those prisoners selected for work and the nature of the labour conducted favours skilled prisoners, and subjugates those from minority groups. Fitzgerald and Sim (1982) offer a less radical, but still inherently critical, view of how prison labour is determined along racial and class lines. They argue that the limited opportunities available to prisoners effectively leads to the politicisation of punishment whereby prisoners are effectively 'barred' from certain skills and professions.

In considering these studies in terms of how they relate prisoner exploitation to private sector involvement and the subsequent issues to do with forced labour, then they are undoubtedly useful as an interesting aspect of how exploitation impacts on different racial, class and gender groups. However they are not usually based on empirical research and therefore do not consider, for example, that for some prisoners any type of labour is meaningful because it takes them out of their



cell and engaged in activity (see Simon 1999).

The more right-wing views that argue that prison labour in the US can, and does, match free labour neglect the issue of prisoner exploitation, and appear to support some of the more extreme views that prisons should be managed as a business. These studies also tend to exclude the experiences of work from former prisoners. Neither do they assess employment characteristics in the communities into which prisoners are eventually released. This supports the observation by Buck (1994) that moral conservatives, who believe that prisons are an unnecessary tax burden and that prisoners are not entitled to wages comparable to those outside prison, would welcome the use of labour for the purpose of self-sufficient prisons.

There are differences between the use of prison labour in America and the use of prison labour in Europe (such as types of treatment; and opinions about work), and it is very difficult to offer comparisons of two prison populations whose size differs greatly (in 1999, there was 1.86 million people held in prisons and pre-trial institutions in America, compared to a round figure of 66, 000 in the UK, see Walmsley 2000). The main difference is that in the UK prison industries does not operate at a profit for the institutions as it does in the US although it must be said that private companies do profit from prisoners' work in the UK. Yet in terms of penal policy, what has happened in America (electronic tagging and private prisons) all too quickly happens in the UK and Western Europe. Should the trends in America to run whole prisons privately emerge in Britain as viable for raising standards, then the European Rules will not be violated so long as minimum standards are met. Indeed the idea of rehabilitation being subjugated by profit is an issue considered only in notional terms in Article 72 (2). But it will be interesting to see how the Council of Europe will react to greater private sector involvement in the prisons in Europe. In the following section, the implications of further private sector involvement in prisons will be examined in relation to the European Prison Rules.

In the Preamble to the European Rules it is stated that the climate

surrounding prison labour has changed in most Western European prison systems and that it is necessary to re-formulate not only the philosophical objectives of prison labour but also the management of it,

In the reformulation of this rule [prison labour], positive emphasis has been given to the place of work in the regimes and as a positive element in institutional management. The latter point is prompted by experience which has shown that the need to provide labour and to service industrial operations is often regarded as an impediment to the other roles of institutions. The new formulation is meant to encourage a more positive attitude to this so as to optimise the role of individual work as a resource to modern regimes and management styles (Preamble, The European prison Rules).

Broadly speaking, the EPR support the involvement of the private sector in managing prison establishments. There are two alternatives for the basic organisation of industrial prison labour that regimes must now take on board and embrace as a positive element in their work. Prison labour may either be wholly managed by the prison administration on its own premises; or it may be based on contractual arrangements with outside entrepreneurs who will manage the industries inside prison workshops or accept prisoners in their own factories. The EPR state,

Each approach has its advantages and will be determined in practice either by tradition or circumstances. The rule is designed to ensure that prison labour is not in any sense exploited when it is hired, under contract or by formal agreement, to outside firms (Preamble, The European prison Rules).

The Rules do not offer guidance on how the monitoring of regimes to ensure that they do not violate Article 72 (2), (2) which states that the interests of the prisoners and of their treatment should not be subordinated by profit. This is massively important to countries in the European Union and those awaiting entry into Europe that have large prison populations and which may also be experiencing problems arising from large prison populations which make security of the prison environment a major priority. One such country in this current situation is Russia



to where attention is now given to the present study of Russian prison labour.

### **3.3 Studies on Russian prison labour**

Since the collapse of communism in 1991, there have been very few studies on Russian prison labour or Soviet-type prison labour. Platek's (1991) study is a useful introduction to prison systems of the Eastern Bloc as the Polish prison system was a microcosm of the Soviet system and functioned as 'a big industrial tycoon' (Platek 1991:59). Since the collapse of communism the Polish prison system has followed western models of prison management. While this is viewed as a positive step towards better standards, Polish prisons have faced problems in providing useful labour due to the fluctuating stability of the Polish economy. According to Platek (1991) prison labour de-socialises prisoners and fails to prepare them for life after custody. Its significance in terms of wider community and economy is decreasing (Platek 1995:67).

The only other criminological investigation of Russia's prison system has been, 'the beginning of an exposition' (King 1994:64) conducted by King (1994) and King and Mikhlin (1994). King found the impact on the prison system of the collapse of the Soviet Union would be far-reaching. No longer was there an ideological will driving the practice of forced labour, but also the economic need to put prisoners to work had collapsed. This meant that at that time, thousands of the 700, 000 prisoners or there about, held in prisons and pre-trial prisons might end up languishing in Russian colonies with nothing to do (Walmsley 2000). As unemployment hit Russia for the first time, so it emerged inside the prisons. This meant that like the British prison system, there would not be enough work to go around. As Russia could now look forward to joining the European Union there was the difficult topic of its forced labour system. Russian prison officials alerted King over the forced labour issue, as it was becoming apparent to Russian officials that prisoners were forced into working to service the needs of the Soviet political economy. However, as King notes, forced labour would not be an issue for the

Russian prison authorities as there was a decline in work generally across European prison systems as new alternative treatment methods were becoming used increasingly (initially domestic and maintenance chores and then vocational training, offending behaviour programmes, and various forms of cognitive therapy).

King (1994) argued that one of the more relevant questions facing Russia's criminal justice practitioners in the future (he conducted his investigations in the early 1990's) would be the circumstances in which prison labour is conducted. He predicted that prison labour in Russia would continue to decline as the ramifications of the collapse of the old central command economy were felt (employment of trainers and work instructors would be affected). King also found that the development of psychology booths and a burgeoning religious activity were to some extent filling the gaps of the ideological void left behind after the collapse of communism.

In the aftermath of the collapse of the Soviet Union, the prison system, into which prison labour was integrated, fragmented into regional administrations (*oblasti*). Since 1991 no clear ideology has emerged from the centre which directs the management, the organisation and the types of prison labour implemented in Russian colonies. Prison funding and resources are not fully provided for by the state, neither is the funding of the prison regions.

Now that prison labour is no longer operating on behalf of the centralised economy, a key question is what function does it serve today. Related to this question is a second, the decision to invite Russia into the European Union will be determined by the strength to which its laws adhere to European and International recommendations such as the European Prison Rules. The ways in which Russian prison authorities are supporting and managing the over-loaded and extremely under-resourced prison system are already under intense international scrutiny (Karta 1998). If the trend towards greater private sector involvement in order to alleviate the problems to do with funding spreads into Russia, what form will this



take, and more importantly, how will this impact on issues to do with forced labour that emerged from the policy-based studies on private sector involvement. Russia already has a troubling record of human rights, but good progress is being made in implementing standards on humane treatment. It will therefore be interesting to assess how this extends to the practice of prison labour.

In the following chapter *Doing Research in 4 Russian Prison Colonies: Poetry, Protocol and the Steppes of Siberia*, the methodology for the present study is presented. The chapter will offer a personal and reflective account of the problems, pitfalls and the pleasures of conducting research in four Russian prison colonies for men.

## CHAPTER 4

### Doing Research in 4 Russian Prison

#### Colonies: Poetry, Protocol and the Steppes of Siberia

Comparative study is dismissed as a luxury and an excuse for international travel (Mawby 1999:3).

#### **Introduction**

This is a study of prison labour in four male prison colonies in Russia – it did not start out that way. In this chapter I describe the process by which the research design came to take form, the methodology which I employed, and the colonies within which the work was carried out. The unique experience of conducting prisons research in Russia specifically in the male-dominated prisons at a particular time in politics and history was an overwhelming one and greatly influenced the nature of the research and protocols adopted.

The chapter is divided into two parts. In part 1, I communicate the process of conducting the research beginning with the development of the topic. In part 2, I present maps of the four colonies, a description of the layout and reflections of the fieldwork.

#### **4.1 Research design**

At the end of the last chapter, I referred to the work of my supervisor Professor Roy King who conducted research in Russian prison colonies in the early post-perestroika period. My own interest in Russian prisons stems from an interest in Russian literature and specifically the prisoner testimonies as documented in texts such as Solzhenitsyn's (1986) *The Gulag Archipelago* and Mandelstam's (1972) *Hope against Hope*. I pursued this more formally while conducting research for my MA in Criminology where I explored the system of forced labour under Stalin and this formed the basis of the research design. It quickly became apparent to me that this was a relatively under-researched area, and that most scholarly work had



been conducted by historians (Wheatcroft 1985, Conquest 1986, Bacon 1994) who on the whole give little consideration or treatment to prison labour in the context of broader penological issues. Historical studies of the Gulag emerged around 1994 (in book form), based on archival material that was now accessible following the collapse of communism in 1991 (Jakobson 1993, Bacon 1994). Despite Paz (1992) describing Soviet prison camps as, ‘analogous to Nazi concentration camps’, the Soviet prison system has yet to generate the same level of analysis as Holocaust studies. Even in criminology it seems remarkable that criminological analysis in the 1990’s, which has shifted in favour of a more cultural and political approach to penalty (Garland 1990, Garland and Sparks 2000), has afforded so little attention to Soviet and post-Soviet penology.

A chance meeting with Professor Roy King during my MA studies helped me to expand my ideas and interests into a more comprehensive study of prison labour. Our discussions made me realise, however, that if I was to continue research in this field, then it was essential that I learned to speak Russian. Accordingly, I found an intensive post-graduate diploma course designed with my kind of needs in mind. This period of learning Russian marked - informally at least - the beginning of my supervision as I kept in regular contact with Professor King who persuaded me that it would be best to embark on the PhD immediately upon completing my Russian studies. As I learned the Russian language and more about Russian culture, my ideas as to what this PhD would be and who it would be aimed at, changed. The PhD was to be a criminological study, but in tracing the history of prison labour it was clear from the outset that the thesis would have to touch on Russian economics, international law and Russian politics – topics which to say the least were at the periphery of my experience. To facilitate this, it was essential to avoid viewing Russia with an ethnocentricity and ‘foreignness’ (Mawby 1999) that can characterise international social research (Easterday *et. al*, 1982), but to view it within its own historical and cultural context. To do this I endeavoured to scrutinise my own ‘western biases’ and immersed myself in

Russian culture (in as far as was possible within the constraints of this research).

The thesis began with plans to apply a Foucauldian analysis to an understanding of Stalin's Gulag, the data for which would be gathered through extensive research in the central archives. I aspired to a study which would embrace the full sweep of Soviet history and trace the detailed ramifications of the Gulag into many aspects of Soviet especially Stalinist society. The idea of forced labour was always central and the initial plans included a broad comparative hypothesis derived from the work of Rusche and Kirchheimer. The methodology was heavily dependent on the archives and material which I hoped, but could not be sure, would be there. Gradually a series of alternative strategies began to emerge which would retain elements of these concerns - foremost was the problem of forced labour - but set them in a context of a post-perestroika Russian Federation struggling with its past as it acknowledges the force of international treaties, covenants and opinions.

My supervisor's foray into Russian prison colonies in the early 1990's was the best place to start. King (1994) was aware that Russian prison officials were concerned over the issue of forced labour as the country moved towards European models of prison management and it would be necessary for the prison authorities therefore to ensure that the practice of forced labour was properly addressed. He informed the authorities that while most prison systems required that prisoners work, the problem of forced labour would go away in Russia because prison labour was becoming more or less voluntary due to a shortage of work. King raised concerns over the decline of investment in the prison infra-structure and the impact on the treatment of prisoners. Taking King's conclusions on board, I decided to look at the current organisation of prison labour and the meanings of it in the whole prison system in the context of whether current practices operate in accordance with international and European legislation. One virtue of these alternatives was that I would be better able to gather relevant data: another that I would be perceived by important gatekeepers as someone constructively sharing



their present than critically raking up their past.

Upon deciding on a suitable research strategy, the first questions that were central to getting the research off the ground were, could I survive in Russia? Was I proficient enough in Russian? Would I be taken seriously enough as a researcher and get the job done? The best place to start answering these questions would be to embark on a pilot trip to Russia, which is discussed in the following section.

#### **4.2 The Pilot Study: All the comforts of home**

The purpose of the six-week trip conducted in February 1998 was to assess the manageability of the research (Allan and Skinner 1991). My main concerns were whether Russia was a society in which I could operate and whether I could develop a sufficient working relationship with my Russian PhD counterpart, Professor Alexander Solomonovich Mikhlin, who had been Professor King's mentor when he was carrying out research in Russia in the early 1990's. In the course of King's work he had made contact with General Ponomaryov of the Ryazan Institute for Law and Economics (RILE), a prison service and police training academy in Ryazan which is about a three hour drive from Moscow. A good professional relationship had been forged between King and Ponomaryov such that the latter had visited the University of Wales as part of reciprocity. At the personal level, I planned to befriend Ponomaryov's English interpreter who had accompanied him to the University of Wales. I was to go to Ryazan, live in the military barracks at RILE, collect materials and see what kinds of data were available. Any interviews with prison staff or prisoner's that could be permitted were viewed as an added bonus. Ponomaryov and Deputy General Grishko would permit access (in return for which I would make myself useful). Professor Mikhlin would help with archival work and would act as my supervisor whilst in Russia (reporting back to Professor King on my language abilities and my research credibility). Professor King's interpreter would help with any difficulties. In the lead up to the pilot trip, I immersed myself in the culture and history of Ryazan

particularly in the poetry of the Ryazan poet, Yesenin.

Somehow I passed the test and Professor Mikhlin approved of the research. He did express doubts about my capacity to cope with archival research and remarked imperatively, 'If you step into the archive you will die there as you will be buried under thousands of documents'. It would be much easier, he said, to live in the prison colonies - the problems and pitfalls of living in prison colonies being something a woman could take in her stride. I was also given the opportunity to visit two prison colonies for girls in Ryazan. Observational research was the main method used but the findings are not included in the main body of the thesis as the main fieldwork was conducted in male prisons.

During the pilot trip the expertise of Professor Mikhlin was heavily relied on and while meetings were intense, they were enormously useful for smoothing out language problems and also any difficulties in understanding Russian criminal justice protocol and bureaucracy. Regarding the former, my learning experiences often arose out poor errors of judgement. For example despite my knowledge and interest in Russia, on a couple of occasions I made some social blunders. On one occasion, I was cajoled into taking part in the very popular ceremony of 'Russian toasts' at an official dinner with senior prison officials and regional prison staff. The toast I offered was an ill-timed nod in the direction of my native Scotland to celebrate the establishment of the Scottish Parliament. In light of the Chechen Republic's claims for independence, and Russia's refusal to accept these claims leading to war, the pause that followed reminded me of how all too easily one can come across as politically naïve.

Other learning experiences were to do with the endless waiting for permission move from my accommodation room, or leave the building and the seemingly unnecessary bureaucracy. Regarding the latter, although the six-week trip seemed long, it was quite short bearing in mind the slowness of Russian bureaucracy. On one occasion, I waited four weeks for my first prison visit and spent the time studying as I waited for permission from the General (whose office



was three floors below my 'guest quarters'). On the day of the trip as we were driving out of the barracks, the car that was hired to take us to the colony crashed into a lorry. It mattered little to me that we (three prison officers and me) could have been injured. Rather, I was frustrated and annoyed, almost to the point of tears, that the trip I had so eagerly waited for was on the point of never happening. After five hours waiting, another car was summoned leaving just one hour to visit the colony. Other frustrations included waiting the whole six-week period for three short articles to be photocopied.

After the pilot trip there was plenty of time to raise questions with Professor King about the types of data that would be gathered in the fieldwork. I was also able to make a decision as to whether this type of research could be done and how I would cope in such an unfamiliar setting. Without a doubt having Professor Mikhlin 'on my side' meant that access to the prison colonies for the main study would be less difficult to organise. As the following section will show, the main study was not without its obstacles and incidents that put the main study at risk.

### **4.3 The Main Study**

#### ***4.3.1 Getting to grips with Russia's massive prison system***

In my struggle to understand the framework of the prison system I was reassured by the comments from criminologists, that the closed nature of prison institutions present problems for the novitate in terms of getting to grips with the size and scale of prisons systems (see Smartt and Gillcris, 1996, Sparks *et. al* 1996).

Russia's prison system is unique in terms of its history, size and spread. Since the first records of the prison system were collected in the 1690's (see Adams 1996) there have been, and continues to be, conflicting figures on the actual size of the prison population. Russian sources show that the prison population for 1999 was 1,010 prisoners per 100,000 of the total prison

population<sup>33</sup>. Walmsley's (2000) world prison population list, comprised for the British Home Office, provides a lower figure of 730 prisoners per 100,000 of the population for 1999. Comparability in the two sets of figures could be compromised due to the different practice used by Walmsley and the Russian sources in gathering figures. Walmsley excludes juvenile offenders held in educational colonies and mentally disordered offenders in psychiatric hospitals from his figures whereas the Russian sources include all persons held in custody in their total. There are 7 types of penal establishment in Russia spread over 69 administrative regions or *oblasti*'. These are outlined in Table 4.1 below.

**Table 4.1 Breakdown of all types of prison establishment in Russia**

Penal establishments	Description
<i>Izolator</i> (SIZO).	Remand prisons for all persons awaiting trial
General regime colonies	For first time offenders who have committed minor crimes, or more serious crime carrying penalties up to three years deprivation of liberty
Strict regime colonies	For recidivists, whatever the nature of their crime, and those prisoners whose death sentence had been commuted into sentences of imprisonment <sup>34</sup>
Special regime colonies	For very dangerous offenders
Educational labour colonies	Colonies for children up to the age of nineteen
Prisons ( <i>tyrma</i> )	Cellular prisons for very dangerous offenders. Only 1% of the prison population are held in these prisons. They are considered the most severe sanction that the system has to offer. Prisoners can be sent to these prisons as a punishment for misbehaviour.
Colony settlements	Open prisons. Prisoner are sent to these establishments having served at least one third of their sentence in either general or strict regimes.

<sup>33</sup> The figures have been compiled by the Moscow Centre for Prison Reform.

<sup>34</sup> In 1997, the Yeltsin government implemented a moratorium to abolish the death penalty.



All types of colonies are numbered and there may be two types of regime in one region, for example a general regime number 3 and a general number 4 in one region<sup>35</sup>. For all the types of penal establishment there are male regimes. Women are held in only two types of colony: those with a general regime for first offenders and those with a strict regime for particularly dangerous recidivists. A small number of women are housed in cellular prisons. If a woman's colony is too crowded, children's colony may be instructed to house that woman even if she is 25 years old. Children may not be sentenced to more than ten years' imprisonment. At the time of the main fieldwork (February – June 1999) there were 769 colonies and 13 prisons (Zubkov *et. al* 1998). The Ministry of Justice administered all places of confinement.

#### 4.3.2 'The best laid plans...'

The Russian prison system is so huge that it was hard to see how any single-handed project would have much leverage. Back in the UK it was agreed that the Ryazan administrative region would itself be a suitable research venue for the main study. There were benefits to such a study. By examining prison labour in all of the colonies (there were seven colonies in the Ryazan region), it would have enabled me to make comparisons between different regimes, (except the special regimes for very serious offenders as no such regime operated in Ryazan) including their relationship to the regional headquarters. This would clearly have been an illustration of the way in which one whole region operated and this arguably might have provided a microcosm of the system as a whole, though it would have been subject to questions in terms of *representativeness*. From

<sup>35</sup> In Russian criminal justice prison establishments are given numerical titles and proper names. In the two samples, the colonies in each region are titled 'Colony number \_\_, Smolensk/Omsk Region'. In Smolensk the colonies were general regime number 3 and strict regime number 7 and in Omsk, the titles were general regime number 6 and strict regime number 7. There are some places of confinement with proper names such as 'Beli' Lebed' (The White Swan) in Perm, and *Butirka* in Moscow.

Moscow there were indications that senior prison officials would approve the choice of Ryazan for a research location and a provisional research plan of colonies, the numbers of respondents and the types of questions to be asked, was accepted by Mikhlin as 'workable'. I felt comfortable going to Ryazan because of the personal relationships I had established in the pilot trip, thus it was reasonably safe and I was confident I could survive. As important to me was that Ryazan was close to Moscow and should I need to leave Russia urgently, then this would be relatively simple.

There was no guarantee, however, about what kinds of research methods I would be able to employ. I prepared several redrafts of things I already tentatively employed in the pilot trip. But whilst I could not be prepared for everything, there was a sense in which I had to be prepared for anything: I agreed with my supervisor that *flexibility* and *opportunism* would be the best approach as far as the research design was concerned. Since, so far as I was aware, the nearest thing to social science research in Russian prisons was King's work through translators (King 1994, King and Mikhlin 1994), there was little point in hoping for a straight forward implementation of methodological designs advocated in text books. It was more a question of taking whatever opportunity I could, to get information from whatever source about the questions I had in mind. The questions I give later, though it is worth noting here that such a random approach occasionally offered up some interesting opportunities for triangulation (Denzin 1970). In the following section the significant political, economic and social upheaval in Russia in the twelve months between the pilot trip and the main study and how these events impacted on the methodological design, is discussed.

#### **4.4 'Forget Ryazan. Pack your bags you're off to Siberia!'**

One factor influencing the research was that the Russian prison system was undergoing its most significant reforms since the collapse of communism in 1991. Although there was some piecemeal changes in the immediate post-perestroika



period the legislation that deals with prison labour, the Corrective Labour Code (1997) (CLC) was revised for the first time since 1977 to reflect the guidelines laid out in national prison legislation and also the guidelines in the European Prison Rules (1987).

Russian prison labour through part of its history can be understood as having a place within Soviet society, which connected it to the command economy. More recently it has become difficult to formulate a unified penal code or philosophy due to the fracturing of the Soviet Union into autonomy-seeking regional administrations. Central guidelines on imprisonment are contradictory. Article 1 of the 1997 Criminal Justice Executive Code (CEC) states,

The goal of imprisonment is to regulate order, disseminate punishment, and provide prisoners with care and also assist in their rehabilitation'<sup>36</sup>.

In addition the 1997 Corrective Labour Code (CLC) that deals with prison labour states in vague language that prison labour should be rehabilitative to correspond with international rules. There is no mention of methods or treatments that could be used to bring this about. The lack of clarity of the 1997 Code could not be more different than the most recent Soviet version, the 1977 Code, in which rehabilitation (or political re-correction as it was known then), methods and approaches, is described in detail over 100 Articles. Indeed it is the void left in the wake of the collapse of the Soviet Union that is most stark in the 1997 CLC.

Further reforms of the prison system were the transfer of management of all places of confinement from the Ministry of Interior (MVD), which had a gruesome history as the political organ that sentenced citizens to the Gulag, to the Ministry of Justice (MinYust). The transfer was viewed as an essential part of the modernisation of Russian criminal justice into an institution that reflected European models of minimum standards, humanity and justice and which would

be an important step towards entry into the European Union (Russia had joined the Council of Europe in 1996). But the transfer met with resistance from prison staff who took the view that the legislators were *theoretiks* (civil servants) and not *praktiks* (senior prison officers), and who had very little expertise of the everyday management problems (funding, staff morale, security, resources) that affect how to actually meet minimum standards<sup>37</sup>. When the transfer occurred, most senior prison officials had simply moved to other departments in the central prison administration in Moscow. Therefore, the change of Ministry from Interior to Justice often meant just a change of hats. This may not have impacted too seriously on the research had it not been for various economic and political events that took place from 1997-1999 which impacted in the research in that the research location changed.

Disorder has blighted much of Russia's contemporary development. From September 1997 until February 1998 five Prime Ministers had sat in office, the Yeltsin leadership was exposed as inept, and Yeltsin himself was caricatured as a confused and greedy alcoholic (see *Argumentii i Fakii* March-August 1998)<sup>38</sup>. In August 1998 the Russian economy collapsed as a result of a billion dollar loan from the International Monetary Fund, 'disappearing'. In January 1999 Yeltsin faced impeachment over the handling of the economic crash and the resumption of the war against Chechnya in late 1998.

While these problems made for turbulent times during the pilot trip the impact was not felt until the second trip in February 1999. At that precise time, Russia was involved in a military war in Chechnya and was involved

<sup>36</sup>The Criminal Executive Code of the Russian Federation 1997:2-7, 'Ugolovno-Iсполnitel' nii Kodeks Rossiskoi Federatsii: Kratkii Komentarii Professor A. C. Mikhlin, Moskva: 2-7.

<sup>37</sup> In conversation with the Chief of Smolensk prison region, February 1999. As found in other prison systems (see King and McDermott 1995), the *praktiks* are viewed as on the side of prison staff whereas the *theoretiks* are seen as appeasing government ministers.

<sup>38</sup> Around this period Gallina Starovoitova who was an outspoken member of the Russian parliament on prison issues and corruption, was murdered.



diplomatically in the Kosovo war. Russia's diplomatic and military involvement in Kosovo and Chechnya had led to a temporary resurgence of Cold War secrecy. During negotiations and the subsequent fieldwork I was continually being questioned over my opinions on the war as though access depended on my responses. I was also stopped regularly by the military police in Moscow and asked for my passport. This was a frightening experience because I was in a no-win situation. I would first be stopped because I 'looked Chechen'. When the military police saw from my passport that I was British, this would sometimes lead to threatening remarks about being 'another bloody anti-Serbian westerner who tells us our country is a mess and whom then leaves'. This difficult situation continued during the fieldwork where prison staff sometimes remarked, with a mixture of disdain and humour, that they should not give me interviews because I may be a Chechen or western spy.

It was under these difficult circumstances that I observed that Russians appeared to need the sense of authoritarian leadership and direction that emerged under Yeltsin at this particular time, to provide them with a sense of social and ideological position in the world order. I talked regularly with prison staff and prisoners about their sense of Slavic identity, their 'duty to their Serbian brothers', and the need to protect their 'Russian soul'. Whether these bold defences were because Russians had grown accustomed to this way of thinking under communism, or whether they really believed that their Slavic identity was compromised by the west, was further evidence of the complex nature of reality in which Russians currently live. In the absence of dominant ideology, matters of civic pride, whatever their nature, are taken very seriously.

These issues made living in Moscow a difficult and emotionally demanding experience but it was then possible to interpret these observations and political instabilities in the context of the thesis. Before I even began the fieldwork, I concluded that the role and meanings of prison labour, as defined by those involved, was likely to be bound up in the sense of identity, tradition and history

since a dominant ideology is no longer active. This is hardly a new and exciting observation, as the ways in which prison officers define their roles has been documented by criminologists (Sparks *et. al* 1996). Nonetheless, these observations are expressed in the context of countries that operate criminal justice systems within stable political environments and not within an unstable context such as Russia.

The disorder in Russian society and temporary freeze in east-west relations created problems for the research. Negotiations for the fieldwork had broken down during a routine 'approval for research interview' between me and Assistant Deputy Prisons Minister, General Alexander Il'yich Zubkov. I was told in very direct terms to forget the research design for Ryazan prison region and to pack my bags to leave that night for fieldwork in two male prison colonies, one strict and one general, in Omsk. When I asked where Omsk was, General Zubkov laughed and said, 'Why it is part of the *Central Siberian Prison Region*, which is approximately 3,000 kilometres east of Moscow deep inside the Western Siberian Steppes'. While trembling from the shock, he then told me that I could also visit two male prison colonies one strict and one general in Smolensk prison region, which is located in the *Western Prison Region*, western Russia near Belarus and some 700 kilometres west of Moscow. I was not offered any other colonies and was given two hours to make my mind up. To give a sense of the enormity of these regions, the Central Siberian region comprises of 10 smaller prison regions of which the Omsk prison region (*oblast'*) is one. The Western Prison region comprises of four smaller regional administrations (*oblast'*) including Smolensk.

Smolensk, population 200, 000, is located on the border between Russia and Belarus. The city played a vital role in the first and second world wars due to its close proximity to Europe and there are numerous monuments paying homage to European heroes such as Napoleon and also Soviet figures. Omsk city, population 150, 000, is a prosperous and typically Russian city in the Western Siberian plains with nineteenth century Russian Orthodox Churches, beautiful baroque facades



and peasant huts. During the communist period Omsk became officially 'closed' to westerners as it was used for arms production. Many of the Soviet architecture remains in Omsk as does Soviet street names such as 'Lenin Street', 'Rosa Luxembourg Road' and 'Karl Marx Avenue' while Smolensk has incorporated western styles.

The decision to stay in Russia and carry out a very different type of research study based on not one, but two prison regions was based on the fact that I really had no choice. I cannot deny that I was scared about going to Siberia, but at an intellectual level everything was beginning to click into place. Russian forced labour is often associated with the steppes of Siberia so to have the opportunity to talk to people closely connected to that environment would help in understanding how prison staff and prisoners view prison labour.

From this point on, I would have to negotiate access to colonies as I went along. With persistence, hanging in, weaving and ducking, I was able to put together a research design, if anything more powerful than the original, which I presented to the senior prison official before I set off to Siberia – a comparison of two different types of colonies in two different prison regions. The only problem with the new design was that it now had none of the carefully constructed support structures: Professor Mikhlin was far away (though it was through him that Smolensk was made possible because one of his former students Professor Grishko was now influential there) and the contact at Ryazan, both professional and social were to no avail.

The new design I was able to construct turned out to be a *comparative study*. It permits two kinds of comparisons – first between regimes and then between regions. As it turns out, the differences between regions was more important than between regimes and so the question of *representativeness* becomes more important. This could not have been shown in the original design. Moreover, material could now be gathered on the relationship between the colonies to the regions and the region to the central administration in not one but two regions. Of

course, it does not provide a complete picture of either region, nor does it allow you to compare regimes other than general and strict – though as it turned out given that the differences between regions was greater than between regimes, the probability is that the differences between these regimes and those I did not study would have been similarly smaller than differences between regions. A comparative study had the potential of adding a new and interesting dimension. The research could now ask, How does the present day function of prison labour in each region relate to the current climate of de-centralisation? Is the location of the colonies a factor determining the function of prison labour? Also how do present-day operations translate at an international level as Russia moves increasingly towards western models?

The fieldwork for the main study, reported in the next section, lasted 4 months from February until June 1999. In the first phase, I was sent to the Siberian colonies for one month (two weeks living in each colony) in February 1999. I then returned for 3 weeks to Moscow during which time I was to brief the central prison authority on the progress of the research and to present preliminary findings to the government official who granted access. I was then sent to Smolensk for one month March-April (2 weeks in each colony). I spent the remainder of the fieldwork period (5 weeks) in Moscow collecting materials from the Central Lenin Library and interviewing government officials.

#### **4.5 Methodology: Everything goes**

As a subject of research Russian prisons must rate as one of the most difficult areas on which to collate material and conduct research, partly because of the covert nature of Soviet society and partly because so much of modern-day Russia has been blighted by economic, political and social instability. In order to tackle the research, a multi-method approach was deployed leaning mainly upon ethnographic techniques. To some extent, the method of cultural anthropologist was followed, that is, first learning Russian and then living in four male prison



colonies. The cultural anthropology approach suited best as I was investigating the habitat as much as I was investigating the institutions and systems that comprise that habitat (Allan and Skinner 1991). The approach adopted was not so much about becoming an insider in this institutional setting, but rather to see the world from the perspective of the environment in which it is located and to be sensitive to changes in that world. This involved, in as far as was possible, getting into the mindset of Russians in order that the prison system could be understood from the perspectives of those inside it. For example, there were many late-night discussions with prison staff about how professional and life experiences as prison officers related to changes in cultural sensibilities; for example, changes in the nature of domestic relationships, employment and education in Russia.

The cultural anthropology approach extended to gaining acceptance, at least for the duration of the fieldwork, by the Russian criminology community. I joined the Russian Criminology Society out of personal interest and for professional development. The academic side of criminal justice is inextricably linked with the practical work aspects as many senior prison officers, governors and regional staff publish in Russian criminal justice journals. Everyone seemed to know everyone, which was surprising given the size and scale of Russia's prison system. I also noticed that very few Russian women present work at conferences or conduct criminological research and it was with utter disappointment that I observed some blatant sexism towards women at social gatherings. It was essential, therefore, that I was viewed as a serious researcher as well as a 'woman'. Convincing officials that it would be a good idea to present work at conferences attended by prison officials and eminent Russian criminologists was difficult and on many occasions, I was frustrated by patronising remarks and dismissive comments about my age (see section 4.8, Reflections of the fieldwork). Eventually, permission to present some findings at conferences was granted but only on the grounds that the papers were delivered in Russian. Although this was terrifying at the time, the most important outcome was being viewed as someone who could get to grips with

Russian criminal justice protocol. Indeed as one Russian prison official commented after a seminar with Russian criminal justice practitioners, 'You are becoming one of us now!' This felt like a massive compliment and a breakthrough, as so much of the fieldwork became a process of winning people over.

Cultural anthropology favours empathy for the subject and rejects distance and objectivity in the relationship between researcher and the researched (see Smith and Wincup 2000). The high level of social interaction resulted in getting as close as was possible to understanding how Russians think and reflect on their prison system. I did not rely on the notion that just because I spoke Russian, I could then relate to Russia and Russians. Instead I just 'got on with it' as Russians always do. This meant that the difficulties in adjustment (psychological, institutional, physical, and social) and the often-cited feelings of disappointment, frustration and anxiety were reduced. In a sense the cultural anthropology approach provided me with survival skills.

The pilot stage in Ryazan came very close to the classic model of participant observation in that whilst I was observing and learning about imprisonment in Russia, I was also participating by offering some English lessons as a *quid pro quo*. In the main study in Smolensk and Omsk, I lived in the natural setting of four prison colonies in staff accommodation blocks located inside the colonies. This accommodation was sectioned off from the main prisoner accommodation blocks. Since it was essential to gain the co-operation of a much wider group than those with whom I shared accommodation on both pilot and main studies, I would shake off that connection during the day and take on a more over observational role (that is, with no direct participation), but erring on the side of informality than formality (I did not use a stop-watch and a recording schedule but was moving as freely as the circumstances permitted from place to place and from person to person). I did not become a 'fly on the wall' as it were (see Rawlinson 2000), but there was a degree of acceptance that I could 'mingle' with staff and some prisoners. There were however, conditions attached, for example, so long as I worked quietly and



within the rules. Another condition was that wherever any prison staff wanted to examine my work then I was required to show it and where the tape-recorder was not permitted all note-taking was to be in Russian.

The idea of giving out interview schedules or questionnaires was simply not possible. The key question was whether I could get data from different sources. The methods deployed took the lead from the triangulation approach which suits a qualitatively driven non-positivistic study. Denzin and Lincoln (1998) argue that 'Qualitative research is inherently multi-method' (Denzin and Lincoln 1998:3). King (2000) adds that the researcher's confidence in their findings increases if they triangulate their methods due to the rigour depth and breadth that methodological triangulation brings. Questions were asked to generate, wherever possible, evidence that could be analysed for statistical significance and open-ended questions to generate qualitative description. The methods used are summarised as follows:

- 1 Cultural anthropology (discussed above)
- 2 Observational research: attending meetings between staff and prisoners and observing prisoners and staff working in prison industries and education.
- 3 Interacting with staff: eating all meals with staff; socialising with all staff not just those who were living in the accommodation block.
- 4 Interviews with the Chief of each region: open end-ended questions organised around key questions and prompts (see below) but sufficiently open-ended to go where respondents (not used to being forthcoming) were occasionally prepared to take me. These interviews were also intended to investigate possible variations between prison officers and senior officials as to the purpose of prison labour.
- 5 Interviews with prison industries staff, educational staff and prisoners: investigate possible variations between different prison staff who are connected to departments that provide purposeful activity. Also used to

investigate variations between prison staff and prisoners.

- 6 Checklists: a list of points and areas that were essential to cover in the course of an interview. These were to be used at the end of each prison visit.



**Table 4.2: The methods used in the main study of four Russian prison colonies and an evaluation of the effectiveness of each method**

Method	Omsk strict regime	Omsk general regime	Smolensk strict regime	Smolensk general regime
Cultural anthropology	1 – Very effective for all four colonies. This was the best method because it ensured complete immersion in Russian prison culture. Living in the colonies meant that any problems of understanding principles practices were dealt with quickly. Also being visible all day everyday was good for building professional relationships with staff and prisoners, most of whom had never met a westerner.			
Observational research	1 – Very effective. Although this was the first colony visited, staff welcomed my presence at meetings and also my requests to be allowed to work on-site in an office in the industrial zone were accepted straight away. I was assigned to a prison officer who accompanied me throughout the fieldwork.	1 – Very effective Excellent. I was encouraged to meet prisoners on the first day of the fieldwork. The governor also set up an introductory lunch with senior prison staff.	2 – Effective. Staff were accommodating. However it was made clear to me that staff would be hostile. I was also prohibited from asking prisoners questions about discipline in the colony.	3 – Non-effective and poor. I was allowed 4 days access to prisoners. Staff were very suspicious of my requests to see the psychology booths. Senior staff who managed the accommodation blocks did not allow for interviews. This was the most difficult colony in which to operate.
Interacting with staff	1 – very effective for both Omsk colonies, this was an enjoyable experience. Living in the colonies provided ample opportunities to ask questions ‘off the record’ which added to the data collected from the working day..			
Interviews with prison staff and prisoners	1 – Very effective. The best environment in which I obtained data from interviews. Senior staff were extremely open and forthcoming with information. Also most enjoyable fieldwork experience.	2 – Effective. Good but two senior staff refusing to allow the interviews to be tape-recorded.	2 – Effective in both colonies. Had to wait one week to get access from the governor, which left 1 full week to conduct all the interviews.	
Interviews regional officials	1 –Very effective for both colonies. Encouraged to ask lots of questions. If I had not obtained the necessary information, I was granted another interview. Senior Staff were highly professional in both Omsk colonies and provided insight into prison labour and the state of Russian prisons generally.			
Checklists	1 – Very effective. At the end of the fieldwork I sat with senior staff and we discussed all the main points of the checklist for one last appraisal.	1 – Very effective. Prison staff encouraged clarification of questions.	3 – Non-effective. Senior staff were too busy to go over any last-minute points not covered. I felt as though I was pestering staff. In the general regime the governor remarked, ‘If you have not obtained the information first time round you did not work fast enough. So no additional information will be provided’.	



The methods chosen, while loosely framed from the outset, very much developed from within the field from colony to colony. This did not mean that as the fieldwork progressed, the data gathering improved or that it would inevitably strengthen while in the field. Indeed it was in the last prison colony visited that constraints and pressures were most felt. Presented in Table 4.1 is an evaluation of how far I was able to use each method and how effective each was. The effectiveness of each method is rated from 1-3 with 1 = very effective, no obstacles; 2 = effective but with some obstacles and 3 = non-effective.

The main observation I could make while conducting the fieldwork was that none of the interviewees were used to an outsider, especially a female researcher, living in the prison colonies and researching prison labour. Looking at Omsk first, most of the interviews went really well. Prison officers were eager to discuss why prison labour is important; the problems or obstacles to do with implementation and meeting national and international regulations. Problems with order, providing food and what to do when the Chief of the region informs the governors that there is no money for wages-were also topics discussed frequently. For those who worked in the Soviet system, and many did, there were some interesting views expressed about whether the present system functions any better compared to the Soviet system. The majority of staff welcomed the opportunity to impress a westerner with some of the more positive elements of the regimes.

However in Smolensk, the same information was obtained but in completely different ways. Most of the staff interviews were conducted 'after hours' in my accommodation, over some vodka, at staff parties or on the way to the colony staff grocer shop during lunch. The Smolensk respondents were nervous and suspicious of the research and many of the prison officers would be become agitated at the sight of the tape-recorder. One good example of respondent reluctance was during an interview with a senior prison industries officer in Smolensk general regime who repeated a nervous response, 'We have no problems here and I love my



work', to every single question that was asked. Clearly this person was afraid because he thought that he was under surveillance. Russians are generally reluctant to express uncomfortable truths in formal settings, having lived under the presence of a bugging system (whether this is real or imagined, the effect is still the same) for most of their lives. I do not know for certain if the system of surveillance extended to my own accommodation. I constantly checked and re-checked my recording equipment and laptop for any signs of tampering and I did sense that in one colony my room was searched once or twice.

Most of the interviews with prisoners took place in the industrial zone of the prison colonies. Prisoners were interviewed as they worked and all other staff were interviewed in various locations: during supervision of prisoners, in the small offices in each industrial section, in machinery repair rooms – wherever and whenever I had the opportunity, I took it. I had set of key topics in mind and some prompts to structure and guide the interviews. These were:

- 1 What do people think is the purpose (s) of imprisonment?
- 2 How might prison labour contribute towards those purposes?
- 3 How do these relate, if at all, to the causes of crime in Russia today?
- 4 What are the problems associated with providing prison labour today?
- 5 Bearing in mind the above and bearing in mind King's observations, what other programmes might be in place besides prison labour to achieve these objectives. If respondents were uncertain about a reason, the following prompts were used – psychology, religion, anything else? And how important are they?
- 6 What role might the wider or local community play in achieving these objectives?

These questions were rarely asked in that form. Rather they were in mind whenever I was talking to staff or prisoners. As and when possible, I slipped them

into the conversation as naturally as I could. Not every question got an answer, but I managed to cover the ground with the great majority of respondents. In some cases it was possible to sit down face to face to probe all the issues in-depth and to tape-record the whole proceedings. At the other end of the scale, an 'interview' might be conducted over two or three sessions, picking up where I left off on the basis of the copious notes which I took as soon after the conversation as I could. For example an in-depth interview with Assistant Deputy Minister Alexander Il'yich Zubkov, who granted access, took place at various points over the fieldwork.

Two examples of very good interviews were in the strict regime in Smolensk and in the strict regime in Omsk. In the Smolensk example I 'shadowed' the director of prison industries for two days and interviewed him not only about the questions above, but also about his own specific area of responsibility which was deputy governor. This was an invaluable experience that was only offered by the director as an apology for being very drunk at a social gathering the night before and, 'harassing the nice western girl'. At the time of the incident the 'nice western girl' was not impressed, but the following day it was clear that he was full of remorse and embarrassment such that he was willing to accommodate my research needs. The second good interview involved an impromptu discussion between two senior prison staff and three prisoners during a lunch hour in the strict regime in Omsk. This lively debate generated data about what prison labour actually means to those involved and it was an eye-opening experience to observe the prisoners challenge the views of staff and to observe reactions from staff.



**Table 4.3 Breakdown of the number respondents interviewed for the study**

Respondents Interviewed <sup>39</sup>	Smolensk strict regime	Smolensk General regime	Omsk strict regime	Omsk general regime
Industrial staff	34	26	40	38
Psychology staff	9	21	3	3
Priests	7	7	4	1
Prisoners	7	7	8	9
<b>Total</b>	<b>57</b>	<b>61</b>	<b>55</b>	<b>51</b>

In the majority of interviews the responses were predictable. The recorded interviews did not yield as much information as off-the-record conversations so it was necessary to utilise memory recall of gestures, body movements and nuances of prisoners and staff where even a pause seemed to generate meaning in some settings. Considering the unique nature of the research and the constraints imposed a convenience sample of 224 prison staff and prisoners were interviewed formally and informally. The Chiefs of Smolensk and Omsk prison regions were interviewed briefly during the fieldwork. Their interviews are not included in the total figure just mentioned. The breakdown of the numbers of respondents in each colony is presented in Table 4.3, and is followed with details of the analysis of the data and observations.

#### **4.6 Analysis**

When it came to the analysis of the responses to the 6 open-ended questions it was possible to categorise the answers, sometimes into rather broad dichotomous

<sup>39</sup> Industrial staff include all staff involved in prison labour. In the four colonies visited the industrial staff were made up of industrialists, economists, marketing managers, marketing assistants, work managers (*'Master'*), accountants, product developers, engineers, technologists, work trainers and liaison staff. The types of staff will vary from colony to colony, for example, in some regions where there is less prison labour, there may not be marketing staff or product developers. Psychology staff comprise of psychologists, psychology assistants, psychiatrists and arts and crafts teachers.

variables, in others across a range of response categories. All the interviews were conducted in Russian and most in Omsk were tape-recorded and around half in Smolensk. Sometimes I would transcribe the whole interview into Russian and then English or I would listen to the whole interview several times before picking up the main points and then transcribe them into English. In order to manage the large amount of interview material the interviews were categorised into 'themes' that emerged from the observations of prison labour. The themes are:

- 1 Differences between colonies or regions in the implementation of prison labour;
- 2 Perceptions and meanings about prison labour by staff and prisoners;
- 3 Alternative methods used to occupy prisoners;
- 4 Perceptions of the financial situation in the colonies by staff and prisoners;
- 5 The economic role of prison labour<sup>40</sup>.

I then linked the themes to the 6 key questions outlined above. The themes turned into 'analytical categories' for understanding the responses to the 6 questions above. The responses to question 1 were classified into broad categories: those that emphasised rehabilitation on the one hand and those that emphasised punishment on the other (see themes 1 and 2). Theme 3 relates to questions 2 and 4, which seek to investigate the reasons for providing work. For example if staff are of the opinion that work is not useful as for rehabilitation, it can be expected that staff will implement alternative strategies that are useful. Themes 4 and 5 relate to question 4 and question 5, the reasons for providing work, as prison labour may be used for commercial purposes as is found in other criminal justice systems such as

<sup>40</sup> Other themes that emerged but which were not uniform across colonies and are not consequently included in the thesis were: staff perceptions as to how they could improve their job (Smolensk general regime) and whether staff informed families about the financial situation in the prison system (Omsk strict regime).



America and the UK. Theme 5 also relates to question 1 on the goal of imprisonment as in the Soviet era there was a definite economic purpose to putting prisoners to work and it will be interesting to see if and how this thinking has changed in the post-Soviet period.

The next stage involved clarifying the themes theoretically by returning to the literature. By examining the purposes (s) of prison labour, I could examine how close Russia is to western models in the positive sense (humanity, justice, rehabilitation and minimum standards) and in the aspects that have provoked debate because of concerns over human rights (trends towards privatisation raise issues analogous to forced labour). Whether Russia is using prison labour in a positive or a negative way will impact on whether standards that are expected, are being met.

Some verification of the findings came from analysing documentary sources, policies, initiatives and directives that were in place. I also used 'verification tactics' such as feedback (Ball 1984) where respondents would be presented with observations that I had gathered. For example in one colony, I noticed large numbers of prisoners (up to 80 at a time) being escorted to personal development activities that targeted offending behaviour. I suggested to a prison officer that this might be because there is nothing else for them to do. The prison officer confirmed this and I concluded that in place of work other forms of treatment might be emerging. It should be kept in mind that respondent validation of phenomena does not ensure validity or accuracy of data-one valid finding cannot ensure another further validity (Denzin 1970). Subjects may be concerned to manipulate the impression of behaviour which is contained in data as a way of enhancing or protecting the subject of inquiry. In the nature of a single-handed research project such as this, however, it was not possible to test for reliability of categorisations (I had few research colleagues able to read Russian), and for the purposes of an explanatory study such as this, my analysis will have to suffice, and must be taken on trust.

At the end of the fieldwork, I had collected data and information from 224 respondents. In all I had covered the minimum of the questions above. Where it was possible to clarify responses where there were significant numbers, it was possible to do statistical tests to explore whether there were significant differences as between colonies and as between regions. I did this because of the growing conviction as the fieldwork progressed that the differences between regions was greater than the differences between colonies of different types, a possibility that the newly emergent design had created which had not been there in the original design. Other responses are used qualitatively around the themes above and also illustratively.

The statistical tests used were the chi-square test and the Kolmogorov-Smirnoff test. The chi-square test is used for small number samples and for nominal data. The Kolmogorov-Smirnoff test determines whether or not there is a significant difference between the observed (actual) and theoretical<sup>41</sup> (expected) frequencies (Diamantopoulos and Schlegelmilch 1997). There is a small sample correction for some questions in which the response 'no opinion' was added to the 'no' response because of the small numbers of prisoners. In this case it did not affect the findings, as this study expects these differences between prisoners and staff and between staff in each colony not to be causally related. Degrees of

<sup>41</sup> Theoretical frequency refers to frequencies generated on the basis of prior knowledge reflecting expectations of the distribution of the variable in the population (hence they are also known as expected frequencies) (Diamantopoulos and Schlegelmilch 1997:154). The expected distribution is normally uniform across all categories. The K-S test establishes whether or not there is a significant difference between the theoretical (expected) distribution of responses and the observed distribution of responses.



freedom are also reported for all relevant tables<sup>42</sup>. Wherever it was statistically possible to make comparisons these are presented and explanations are provided<sup>43</sup>.

In the second part of the chapter, I present maps and descriptions of the four prison colonies and reflections of the fieldwork.

#### **4.7 Four Russian Prison colonies**

The maps of the four colonies are just are presented in following four pages with descriptions to follow.

None of the maps are drawn to scale, as access to any maps of the colonies was prohibited for security reasons. The maps have been constructed out of sketches I made of the layouts, which I then showed to Professor Mikhlin who verified that they closely resembled the basic layout of a Russian prison colony. They are included to not only provide those who have never seen a Russian prison colony with a visual image, but also to illustrate the important role of prison labour in the past. The colony layout has changed little since the Soviet period, when prison colonies were built to type: division into two zones, one for industrial production and one for accommodating prisoners and administration. Since all colonies correspond to this layout, a general description of the design is presented rather than individual descriptions. Where there are distinctive features that are specific to a colony, these are described.

<sup>42</sup> The chi-square distribution is dependent on the degrees of freedom. Assumptions of the chi-square test are that no more than 20% of the expected frequencies are smaller than 5 and that no expected frequency is less than 1 (i.e. 0). When this is the case, then adjacent categories are combined to meet the criteria. In some cases the individual prison staff sample was too small in that the dispersal of responses would have violated the conditions of the chi-square: no more than 20% of the expected frequencies are smaller than 5 and that no expected frequency is less than 1 (i.e. 0).

<sup>43</sup> For example, statistical comparisons of prisoners across regimes within each region were not possible as the sample was so small that the conditions of the chi-square test were violated (no more than 20% of the expected frequencies are smaller than 5 and that no expected frequency is less than 1 (i.e. 0)) and no useful explanations can be drawn from that data.



Figure 4.1 The Central Siberian Prison Region of the Russian Federation. Strict regime Number 7, Omsk, Siberia



**Industrial zone**

- 1. Storage
- 2. Parts for agricultural industries
- 3. Parts for agricultural industries
- 4. Aluminum and industrial parts production
- 5. Manufacturing
- 6. Garage
- 7. Product control centre
- 8. Colony Shop
- 9. Production of industrial cutting equipment
- 10. Goods for Civil Society
- 11. Timber cutting and storing

**Living zone**

- a-e: Prisoner accommodation blocks and exercise yard in white
- 1. Dining rooms for prisoners and colony kitchen
- 2. Vocational training centres (1) including Psychology booths (1) entertainment facilities
- 3. Medical facilities
- 4. Recreational yard
- 5. Staff quarter
- 6. Family meeting rooms
- 7. Sauna for staff



Figure 4.2 The Central Siberian Prison Region of the Russian Federation. General regime Number 6, Omsk, Siberia



**Industrial zone**

1. Storage
2. Aluminum production
3. Parts for agricultural industries
4. Parts for agricultural industries
5. Sewing workshop and tailors
6. Tractor production
7. Industrial press and carpenters
8. Colony Shop
9. Manufacturing
10. Goods for Civil Society
11. Timber cutting and storing

**Living zone**

- a-e: Prisoner accommodation blocks and exercise yard in white
1. Dining rooms for prisoners and colony kitchen
  2. Vocational training centres (2) including Psychology booths (1) and entertainment facilities
  3. Medical facilities
  4. Recreational yard
  5. Staff quarter
  6. Family meeting rooms



Figure 4.3 The Western Prison Region of the Russian Federation. Strict regime Number 7, Roslavel', Smolensk





Figure 4.4 The Western Prison Region of the Russian Federation. General regime Number 3, Safonovo, Smolensk



- Industrial zone**
- 1. Building not used
  - 2. Building not used
  - 3. Building not used
  - 4. All light assembly production
  - 5. Manufacturing
  - 6. Building not used
  - 7. Building not used
  - 8. Building not used
  - 9. Parts for agricultural industries
  - 10. Prison garage
  - 11. Roofless building
- Living zone**
- a-f: Prisoner accommodation blocks and exercise yard in white
  - 1. Dining rooms for prisoners and colony kitchen
  - 2. Psychology booths (3) rehabilitation services, hall entertainment facilities and unused vocational training workshops
  - 3. Medical facilities
  - 4. Recreational yard
  - 5. Staff quarter



Both the Smolensk colonies were located in the outskirts of the capital city, Smolensk. Strict regime Number 7 was located 4 kilometres from the village Safonovo and the general regime was located approximately the same distance from the village Roslavel'. Both Omsk colonies were located in the outskirts of the city. The majority of staff working in all four colonies lived in the villages or in Omsk. Up to 10 families lived in the accommodation block in the colony. The average prison population at the time of the fieldwork of each colony is presented in Table 4.4.

**Table 4.4 Average prison population against population capacity at the time of the fieldwork February-June 1999**

	Smolensk strict	Smolensk general	Omsk strict	Omsk general
Prison population	1560	1550	1648	2278
Capacity	1600	1177	1800	3000

The main observation from Table 4.4 is that all the colonies except for Smolensk general regime were not found to full be to capacity. In fact the problems of overcrowding tend be found in the remand prisons which are overcrowded by as much as 50% (Walmsley 1996).

Turning attention to the maps, for those who have not read about Russia's prison system, the physical landscape they would probably conjure up would be an image of crumbling buildings in desperate need of refurbishment and maintenance where stench and disease are rife. This vision is not entirely false. I was overwhelmed with shock at the state of decline in the entire infra-structure, from the staff toilets (so disgusting that they must have been unhygienic), to the prison kitchens where prisoners worked and where I had the unenviable opportunity to taste some prison food. Most novice researchers are unprepared for the anxiety of prison research where the dynamics necessitate establishing social relationships that are essential in order that the research get done (Leibling 1992 quoted in



Sparks *et. al* 1996). In this research context, I was more conscious of the physical landscape of the prison colonies than my role within that landscape. All four colonies that I was working and living in resembled crumbling work plants. The dismantling of the Gulag forced labour camps in 1956 led to changes in how the prison colonies would be designed. In the post-Stalin period, the needs of the command economy continued to dominate every day life so criminal justice planners decided first, that prison establishments should continue to be integrated into economic plans and second, that the most functional way to operate the prisons would be to split them into two zones that were to be a prototype of Soviet society: work and rest (Conquest 1994a). Although the new design was intended to mark a new era of Soviet penology in which the concentration camp structures were replaced by more modern establishments that resembled prisons, the exploitation of prisoners through forced labour continued. I found that all of the buildings in the colonies were the original buildings when the colonies were built (in the 1950's) and little had been done in terms of refurbishment. While I found this quite depressing, a few buildings, particularly in Omsk, had been modernised so it was not all 'doom and gloom'.

As can be seen from the maps, each prison colony is divided into two zones: The 'Industrial zone' and the 'Living zone'. Looking at the 'Industrial zones' first, the major characteristic is that they all resemble an industrial estate. Prison labour is conducted within a barbed wire factory environment under the glare of several watchtowers. Prison industrial production was nothing like it was ten years ago when all prisoners worked on state economic plans on massive production lines that included a good range of goods from the production of cars to quarry-mining.

It must be emphasised that I am not an expert on the conditions of the machinery, but it was clear that the regions varied in this aspect. Beginning with Omsk it can be seen that in both regimes all the buildings in the industrial zone were in use. In the strict regime, building number 4 was used for manufacturing of aluminium and industrial parts (bolts, crews, machinery parts). Building number

11 was used for cutting timber products and also for storing them (and also section 1) and I found the storage section half full with timber cut from forests all over western Siberia. To give sense of scale of this massive storage space, three lorries were parked inside section 11 and were used to transport timber products throughout the rest of Russia. In sections 9 and 9a timber cutting equipment was produced. Sections 2 and 3 produced agriculture equipment including rakes, combine harvesters, ploughs and small tractors. In section 10 a product known as 'Goods for Civil Society' (*produksii na narod*) was produced. This is essentially light assembly and products ranged from police boxes to children's swings. Although this was not as major an industry as manufacturing, electrical production or timber production it was important nonetheless because it was the industry in which most prisoners in the Smolensk colonies worked (this is reported in detail in Chapter 5). Building 6 was a garage used by both the colony and the public. The public would bring vehicles to the colony which staff would transport to the industrial zone. Most of the products end up in section 7 where they are tested for quality control.

A very similar situation was found in Omsk general regime except that industrial production was on a smaller and more contained scale. In section 5 a sewing workshop for staff and prisoners doubled up as a tailors; in section 7 there was a carpenters which produced modern timber bedroom furniture not unlike the kinds found in fashionable high street furniture shops in the UK as well as aluminium sheet production. Section 6 produced tractors and large car parts as well as agricultural equipment. In both Omsk regimes there appeared to be a high level of industrial production using old and new machinery. But the clearest evidence that prison labour remained an important enterprise in Omsk was that each regime had built a colony shop located outside the colony which was open to



the public who could purchase a good range of goods from kitchenware to coffins, at reasonable prices<sup>44</sup>.

A different picture emerged in Smolensk where the industrial zones were in a far worse condition compared to Omsk. The industrial zones resembled a ghost town where the odd distant noise could be heard of someone dropping a spanner, but where very little serious industrial production was taking place. Most sections in the industrial zones were unsafe, machinery was lying on the ground making it difficult to walk safely and stairways were unsteady and coming away from the wall. Moving from section to section was made worse as there was no clear path or route to follow. In fact I fell twice as I tried to negotiate a route that was strewn with rubbish and bits of rusting metal. In the strict regime sections 1–3 were closed completely, section 4, a massive section, was used for light assembly, section 5 manufacturing (nuts and bolts) and section 6 for agriculture (rakes and ploughs). Section 9 was a gas-welding unit and section 7 contained the garage. Section 11 was not supposed to be in use, as it had no roof. However, I found that this large building was being used for miscellaneous production. When I visited Smolensk strict regime the temperature was minus 17 degrees Celsius and I found four prisoners working in section 11, building a small cottage (*dacha*). It was not clear if the cottage would be finished and there were no guarantees that the client would want to purchase the product which was now running six months over the completion date due to problems in getting building materials. I found that most prisoners worked with makeshift building surfaces. Although it is a statutory law to provide prisoners with sufficient heating, I found small groups of prisoners huddled together over small gas fires as they sewed footballs. Such images made it difficult to believe that this was in fact a prison colony and not some industrial wasteland and these were prisoners and not, as is often seen in Russia, homeless people.

<sup>44</sup> A description and explanation of all the products made in all the colonies are provided in

In the general regime in Smolensk, the industrial zone was in a much more serious state of decline. Buildings 2 and 3 were completely empty as were buildings 1, 6, 7 and 8. In order to save money on heating, the governor of the colony moved all industrial production to the smaller buildings 4, 5, 9 and 10 (respectively, light assembly, manufacture, agriculture and the prison colony garage). I found that prisoners would take breaks from work when they felt like it, with very little staff intervention, or supervision. On one occasion, I met four prisoners, who were supposed to be on work duty making dishcloths for a local hardware store, on an 'extended tea break' (lasting over an hour). In the general regime storage section, I found two repaired industrial ovens that had been sitting there for 6 weeks because the regime could not afford to pay a removal firm to send them to the client. Hollow memories of a once great industrial enterprise were etched into each industrial section. From the peeling posters, 'Work for freedom', 'Soviet work is true work', which no-one has bothered to take down, to the gigantic industrial train which sat rusting on a track which extends from the city of Smolensk and runs directly into the colony in Smolensk general regime (see map), it was clear that in Smolensk, there was significant decline in the prisons and in prison labour operations.

No notable differences were found between regions or between regimes regarding the layout of the living zones. In all four colonies, movement between zones for staff and prisoners was restricted and could only occur by exiting the industrial zone and then entering the living zone from the 'administration building' marked in orange on each of the maps. In all four colonies all prisoners were housed in accommodation blocks called 'detachments'. In each regime the detachments are on two floors and house up to 300 prisoners. A barbed wire fence separates the accommodation buildings. In the front of each building is a yard usually 10 metres by 10 metres where prisoners can mingle only with others in

Chapters 5 and 6.



their block. In the living zones can be found all aspects of the prison colony to do with treatment, health and administration. The dining hall accommodates up to 800 prisoners so there are usually two sittings for each meal. Medical services are fully provided for, but facilities are very poor and TB remains a pressing problem (see Walmsley 1996). In each regime there is a hairdresser, an entertainment hall that doubles up as a cinema and rooms for conjugal visits called '*Komnati*' *dl'ya Svidanii*' (family meetings rooms), where only those who are married can invite their husbands and wives to stay for up to three days. Spouses are allowed to bring food and presents although there are some restrictions.

In each of these regimes there were staff quarters, where I lived, but this set-up is not typical of all colonies in Russia. The staff section is completely cut off from prisoners through two or three layers of barbed wire. Some prisoners might work in the staff block as a privilege and the work they normally do is maintenance and so it was not uncommon to see prisoners working. Although I was told that this was safe as armed guards were always within 3 yards, I cannot deny that I felt uneasy about bumping into prisoners as I went for my daily meal with staff. The staff quarters comprised two rooms: a bedroom and a living room and in each colony staff accommodation was quite small, so no more than 10 staff could stay in the accommodation at any one time. I discuss the accommodation in more detail in the section, 'Reflections on the Fieldwork'. In Omsk strict regime, there was also a beautiful alpine-type sauna for staff designed, built and maintained by prisoners. It was a great therapy for me when on Friday evenings I would shake off the 'jail pale' and join some of the female administration staff for some vodka and a Russian bath.

Each colony did have features that were specific to that establishment. For example, in each of the Smolensk colonies I found three 'psychology rehabilitation booths' where prisoners receive audio-visual stimulation whereas I found 1 such booth in each of the Omsk colonies. All the colonies had school facilities, but in each Omsk colony there were two vocational training sections providing some

prisoners with opportunities to think about training when they leave the colony. There were vocational training facilities in the Smolensk colonies, but they were closed at the time of the fieldwork. There were also regional variations in the administration buildings which dealt with all the bureaucracy and operational issues of the prison and where all senior staff had offices. In both Omsk colonies computers, albeit quite old ones, were used in the departments that collected demographic data on the prisoners, and in the department of marketing (the strict regime had 3 computers in marketing and the general regime had 1). There was also a fax machine in each colony in Omsk which is rare in Russian prison colonies, according to Assistant Deputy Prisons Minister General Alexander Il'yich Zubkov. There were no computer facilities for any of the departments in the Smolensk colonies so all the paper work was done by hand. This seemed remarkable given the amount of administration that must go into running a prison. Indeed it was hard to imagine how staff could get on with operational tasks when they spent most of their time filling in paperwork. In the strict regime in Smolensk, I spent most evenings buried under piles of paper on business transactions between the colony and clients. Administration staff would often laugh when I asked for information and would point to a cupboard in which there must have been thousands of documents poorly filed, and they would often remark 'good luck Laura hope you come out!'

Despite maybe one or two sections in each of the living zones that were well maintained, as with the industrial zone, most of the buildings in the living zone were in urgent need of maintenance. Most offices comprised of one desk and one chair, usually donated by a local school. The living zone was by far a more vibrant and exiting place to work than the ghost town atmosphere of the industrial zone. Once I got over my anxiety about popping into offices and operating the fieldwork on the basis of 'can I come in and just watch you work', it was extremely interesting to overhear conversations, observe how staff worked and to become immersed in all aspects of prison life: the problems, pitfalls, politics and successes,



that are thrown up on an everyday basis. Having discussed in detail how the research came about and changed once in the field, it seems appropriate to end the chapter by summarising my own reflections on the fieldwork.

#### **4.8 Reflections on the fieldwork**

Three issues emerged from both fieldwork trips that impacted on the data gathering: the region under investigation (its history, culture and contemporary development), my gender, and living in Russian prison colonies.

##### ***4.8.1. The region under investigation***

The history and culture of Russia shows that it defies a neat classification being neither western nor oriental, and straddling the two continents in a unique blend of its own (Malia 1999). According to Malia, (1999), Russia is viewed by western measurements. What we know (or are told) about Russia has consisted of truths, half-truths, embellishments of the truth and reconstructions of the truth (Lane 1978). As a nation, Russia is presented as backward, mystifying, despairing, poverty stricken, corrupt, dangerous and hostile to the west (White *et. al* 1998). Recent images of Russians are extreme: a nation of alcoholics and *Mafiya*<sup>45</sup>. Before perestroika the Soviet Union was a society governed by symbols, bureaucracy and secrecy. Even though Gorbachev's reforms were planned with democracy in mind, the collapse of the USSR provoked anxiety, and a sense of fear, that the system that had shaped their lives with a degree of reliability and stability had collapsed. Until 1991 notions of reality found in propaganda symbols and ideology, gave meaning to the lives of citizens. Since then, the contemporary development of Russia has been marked with instability and distortion of past ideologies where altered images from Tsarist, Soviet and western cultures prevail.

<sup>45</sup> See *The Guardian*, Moore, W. 'Dearth of Nation', August 18, 1999.

As a result, the context in which Russians live presently is both unstable and unreliable.

The problem I faced was how to place the data on prison labour in a reliable context and then interpret the meaning. To overcome this problem it was vital to leave behind my own reality from home and allow myself to be touched by the changes in the culture in which I was working. In other words, I lost contact with the familiar and shared the sense of instability that Russians experienced (Geertz 1975). The difficulties and emotionally demanding experiences could be then be dealt with in a reliable context.

#### **4.8.2. Gender**

Throughout the four-month period spent in Russia, there were considerable problems to do with gender. During the pilot trip, I was housed in an army barracks alongside two hundred men whose professions were at the hard end of Russian criminal justice-the Russian Army. Although it was daunting living beside soldiers, many of whom had fought in conflicts in Chechnya the ethnographic approach was useful where general observation and interaction allowed for some interpretation about male-dominated criminal justice.

Although generally speaking masculine values dominate most prisons (Carlen 1998), in Russia, masculine values routinely dominate society and are often expressed in the form of misplaced paternalism, cultural misogyny and chauvinistic hostility. Russian female researchers rarely, if ever, get the opportunity to conduct empirical research into prisons<sup>46</sup>. Consequently, my being a young (25) woman at the time of the fieldwork raised two issues: being taken seriously by everyone connected to the research and being warned away from research in male penal colonies and told that it would be 'too hard'. To ensure I

<sup>46</sup> Source: Veselovsky 1999, Russakova 2000, Schafft 2000. The names just cited are all female researchers who conduct sociological research in Russia and whom I met at various periods in the field work stage.



was taken seriously I put to good use my inadequate but sufficient knowledge of Russian culture, I joined the Russian Criminology Society and expressed myself in Russian. Whether the approach was reciting Pushkin, engaging in the occasional bout of vodka drinking, or singing folk songs access was granted on the grounds that I had convinced the necessary officials that I was mindful of Russian protocol. Interestingly, I found that my ability to converse in Russian and my openness to Russian culture took precedence over whose PhD student I was in terms of achieving access (nonetheless my PhD supervisor, Professor Roy King played a pivotal role in getting initial access to officials). Most frustrating was being told that male prison colonies were an unsuitable research venue, and knowing that this was purely on account of gender. For obvious reasons, this bias was impossible to overcome especially as the official who was permitting access was treating me as physically vulnerable. With a warped sense of chivalry, 'my protection', he said, was paramount.

A related gender issue was the guilt I experienced when faced with the realisation that utilising gender may be advantageous to the fieldwork (see Rawlinson 2000, Smith and Wincup 2000). Jewellery and cosmetics were worn at appropriate occasions allowing me to either blend in or stand out. I altered my social skills and dress depending on which research hat I was wearing that particular day. But whilst, cosmetics and pleasant banter, if 'pulled off' effectively, may have got me past the endless gatekeepers, or softened the hardened bureaucrat in the pursuit of data and access, there were many broken promises, and mixed messages that allowed the male world to continually have the upper hand. Although it was at times hard to cope with the endless attention (some of it laden with hidden sexual meanings), it was far easier and great fun, engaging in the anthropology of Russian culture than consciously being defiant about it. Playing the different gender roles was, with hindsight, an inevitable of the approach I was keen to adopt, and seen by myself as taking part in a culture and making myself valued by the Russian criminal justice community in all its

manifold parts. It would, however, be a distortion of the truth to say that the methods of coping did not conflict with my feminist beliefs. Such strategies were demanding to my gender. I coped by reminding myself that the strange world one inhabits when conducting fieldwork is a world that one ultimately leaves.

#### ***4.8.3 Being incarcerated: living in four Russian male prison colonies***

No amount of pre-planning or cultural immersion could have prepared me for the experience of living in four male prison colonies. In all four colonies I was not allowed to enter into either zone unless accompanied by at least one prison officer, but sometimes, in Omsk, I was allowed to move freely in the industrial zones while an officer might look on from an observation point. The accommodation was basic, lights did not work, and neither did the heating in one colony. It was, however, safe which was my primary concern. The daily diet comprised of one cooked meal of either porridge or fatty stew<sup>47</sup>, both of which were tasteless and not particularly nutritious and was made all the more difficult to eat when I found out that it was a variation of the prisoners diet<sup>48</sup>.

The routine I adopted followed that of the staff living beside me. I viewed this as a way of showing staff that I accepted the etiquette which included, waking at the same time as staff and joining staff for the daily meal. I had some very basic kitchen facilities in one colony, but in the other three, there was none so like the staff I really felt aware of their struggles to eat decent food and regularly. The very fact that I was not given any 'red carpet treatment' was the best situation as it allowed for blending in. I also socialised extensively with staff. I spent very little

<sup>47</sup> All the colonies were so under-funded that they could only afford to provide staff with 1 cooked meal a day. Staff living in the colonies were provided with kitchen facilities.

<sup>48</sup> It should be noted that my qualms did not arise from a misplaced arrogance that I deserved to eat better food than the prisoners. Rather, I was uncomfortable eating the food purely on the grounds that the prisoners' diet is notoriously bad and I often heard rumours about dubious meat sources. My attitude was if the prison staff did not have a problem eating this food then why should I.



money, and when I did this was usually on alcohol (one of only five products sold in the 'colony grocer shop')<sup>49</sup> which I would share with officers after work.

Each colony was different in the types of accommodation and food offered, but in all the colonies visited staff were helpful and curious to the point that it was difficult to have any time alone. The relationships that developed were evaluated constantly for their worthiness and basis as so many people, some essential to the research and others peripheral, wanted to, 'meet the westerner'. In a sense the researcher's hat was worn twenty-four hours a day. And it was very much the case that I had to continually remind staff, particularly the male staff, of the academic purpose of the research. While this provided excellent opportunities for both humorous and disturbing observations, it raised problems in reflecting on the research experience (see Allan and Skinner 1991). Adjustment to life outside of Russian colonies and back in Russian society was hard but it was the adjustment back in the UK that was most problematic. Friends and family were so relieved to see me home that conversations rarely extended to my experiences. There was a danger that in leaving the field and letting go of the intense relationships that formed over such a short period, that I would lose sight of the accounts from staff and prisoners. I was careful not to get too caught up in the personal struggles of all involved in the research.

## **Conclusion**

Although living in the colonies was at times difficult, it was one of the most exhilarating things I have ever done. The experience of living in the colonies, with hindsight, provided a dramatic backdrop to the main study. Had I not lived in the colonies I am convinced that I would not have obtained as many interviews as most of the interviews were conducted during social gatherings. Being able to

<sup>49</sup> The grocer shop is not the 'colony shop' marked on the maps which sells prison-produced goods. The grocer shop is similar to a school 'tuck shop'. The other four products were cigarettes, bars of carbolic soap, pens and sweets.

access the prisons whenever I wanted, living within the perimeter fence and in one regime interacting regularly with prisoners was an invaluable insight into how the establishments functioned over a twenty-four hours. Neither the poor diet, the overly attentive male staff, nor my encounter with a Russian security guard who stuck his loaded rifle in my face as part of the routine on site inquiries into my work, dimmed my motivation. Indeed the ethnographic approach that I wanted to capture in my design was now making the whole experience profoundly interesting. Looking back, I do not know how I could have changed the approaches and methods I used in gathering information. Overall, it was very difficult to overcome the difficulty of getting respondents to talk. More attention could have been paid to the responses from prisoners as I do not feel that have a sufficient voice in the overall thesis.

The two regions are analysed separately in Chapters 5 and 6. Chapter 5 deals with the two regime colonies visited in Smolensk prison region and Chapter 6 deals with the two regime colonies visited in Omsk prison region. Although the findings from each region differ, the presentation of the results corresponds to the same format in both chapters. Chapter 7 presents a comparison of the two regions.



## CHAPTER 5

### Prison labour in Smolensk Prison Region

No punishment worked, but a spurious deceptive external goal was achieved. Prison labour and religion sucks the vital sap from a man. Enervates his soul, weakens it, intimidates it and then presents the withered mummy, the semi-lunatic as a model of reform and repentance (Dostoevsky 1860:36).

The 'Libraries of Religion' are the one place where it can be said that a prisoner can truly reform his character (Podyemshchikova 1998: 22).

#### Introduction

When the Soviet Union collapsed in 1991 so too did the connection of prison industries to the old command economy. The Russian prison system de-centralised into prison regions (*oblasti*). The prison regions continue to rely on the central administration for certain kinds of support (financial support and meeting the requirements of the 1997 Criminal Executive Code (CEC) concerning minimum standards and human rights), but they now have responsibility for formulating many of their own prison policies. In the ten years since the collapse of the USSR, prison labour aims to bring about rehabilitation, but it is unclear what form it should take and how it should be implemented. Not only that, but in the economic instability and weak internal infrastructure, Russia's public institutions, including the prison establishments, are in decline because of a lack of necessary investment. What had been fully integrated is clearly falling apart, so the difficulties of providing genuine work for prisoners have increased.

In these circumstances three developments were found to have taken place regarding prison labour: first, alternative rationales to justify prison labour have had to be found; second, alternative ways of filling time have had to be developed; third the prison colonies are turning to alternative means to provide essential resources. It is anticipated that the findings from this study will reveal that these three developments will vary across the different colonies, reflecting something other than a 'dominant ideology' as historically was the case.

The findings from the study are presented in this chapter and the three following. Smolensk region is presented first followed by Omsk prison region in Chapter 6. In this chapter and the next, descriptions will be presented on the three developments that were found to have taken place regarding prison labour, mentioned above. How staff and prisoners perceive the goal of imprisonment and the function of prison labour is presented first and includes descriptions and illustrations of the ways in which prisoners and staff relate the goal of imprisonment, if at all, to how crime is perceived in the colonies. Any alternative strategies aimed at filling prisoners' time are then described in detail and the role that the wider and local community plays in meeting these objectives is also described. Finally, both chapters describe the practical benefits prison labour brings to the colonies.

Chapter 7 presents an analysis of the findings through comparisons between the two prison regions that participated in the study. At the end of the chapter, the process that led to making sense of the data is discussed. Theoretical perspectives emerged during the fieldwork that gave the data some order. However, such perspectives were not possible to use due to findings that emerged very late on in the fieldwork. While respondents talked about the purpose of prison labour being to rehabilitate, more and more the reality observed was of a situation where the prisoners had to work to live. In Chapter 8 how the data made sense is presented and the implications of the findings in relation to the European Rules are discussed in detail. Following Chapters 7 and 8 is the conclusion. This chapter continues with descriptions and observations from Smolensk on how respondents viewed the goal of imprisonment.

### **5.1 The goal of imprisonment in Smolensk**

This first section examines the goal of imprisonment as presented by staff and prisoners. The first table, Table 5.1, compares the views on the goal of imprisonment for staff and prisoners.



**Table 5.1 Goals of imprisonment as presented by all respondents in Smolensk<sup>50</sup>**

	Prisoner n=14 (%)	Staff n=104 (%)
Rehabilitation	11 (79)	94 (90)
Punishment	3 (21)	10 (10)

$\chi^2 = 1.756, p = 0.185, d. f. = 1$

In the Smolensk sample, the overall tendency is to view the goal of imprisonment as aiming to achieve rehabilitation, although the sample of prisoners is very small and any discussion in statistical terms proceeds with caution. There were no significant differences between staff and prisoners in relation to the goals of imprisonment, and further comparisons of prisoners and staff within the regimes reveal no significant differences for the goals of imprisonment, shown in Table 5.2.

**Table 5.2 Goals of imprisonment according to regime**

	Prisoner		Staff	
	Strict n=7	General n=7	Strict n=50	General n=54
Rehabilitation	5 (72)	6 (86)	44 (88)	50 (93)
Punishment	2 (28)	1 (14)	4 (12)	4 (7)

$\chi^2$  prisoners = 0.424, p = 0.500, d. f. = 1,  $\chi^2$  staff = 0.630, p = 0.322, d. f. = 1<sup>51</sup>

<sup>50</sup> The 'n' total is the number of respondents. The number in parenthesis is the percentage. If the counts do not match those in the 'n' total this is due to missing data, i.e. someone not answering the question. All forthcoming tables will present the counts followed by percentages in brackets.

<sup>51</sup> Assumptions of chi-square test violated since 50% of cells have frequencies <5.

Among prisoners, 72% and 86%, and among staff, 88% and 93% in the strict and general regimes respectively, believed the goal of imprisonment to be rehabilitation. The following quotations from the interviews illustrate these results.

The prisoner learns here that he must mend his ways in order to return to society healthy (*Chief Psychologist, strict regime*).

I am here to be reformed and to learn how not to re-offend (*Prisoner, general regime*).

Looking at these responses in relation to the review of the literature on the history of penology in Russia, it can be said that little has changed by way of how staff perceive prison which is as an institution that should aim at reform.

It was decided during the pilot stage that it would be useful to explore staff and prisoners' perceptions of crime. Cavadino and Dignan (1992) emphasise that the relationship between imprisonment and views on crime is not systematic but rather the ways in which individuals view the goal of imprisonment as either punishment, deterrence or rehabilitation exposes mainstream social values about crime. In Russia, for most of the twentieth century concepts of crime causation adhered to Marxist/Leninist doctrine. Now that Marxism/Leninism operates on the margins of Russian society, it might be interesting to explore the motivations behind perceptions of crime in the present. In the following section, views on crime are presented.

### **5.1.1 Perceptions of crime**

Prisoners and staff were asked for their views on crime and were offered two types of explanation: one which located the causes of crime in individual differences (inborn or acquired) and one which located the causes in social or environmental



factors (based on Ushatikov 1997)<sup>52</sup>. Table 5.3 compares the responses from all prisoners with all staff.

**Table 5.3 Causes of crime as perceived by all respondents**

	Prisoner n=14	Staff n=104
Inborn	8 (57)	66 (64)
Social	6 (43)	38 (36)

$\chi^2 = 0.211$ ,  $p = 0.427$ , d. f. = 1

No significant differences in perceptions of the causes of crime were found when comparing all prisoners with all staff. Overall, prisoners and staff perceive the cause of crime as to do with the offender's character.

**Table 5.4 Causes of crime as perceived by all staff**

	Staff	
	Strict n=50	General n=54
Inborn	33 (66)	33 (61)
Social	17 (34)	21 (39)

$\chi^2 = 1.167$ ,  $p = 0.296$ , d. f. = 1

<sup>52</sup> The two causes provided have been chosen from the official Russian Prison Service Training Handbook, 'Diagnosing Criminality' (*'Audiovisual'naya Psikhodiagnostika Osuzhdionnikh: Praktikum po Kursy'*), by Ushatikov *et. al* (1997) published by the Ministry of The Interior of the Russian Federation 1997 at Ryazan, Russia. The terms 'inborn' and 'social' were chosen because they were easily identifiable to respondents. The term 'social' relates to causes connected to the wider environment. The term 'inborn' describes all behaviours that are 'habitual', 'inherent',

Table 5.4 presents a comparison of the causes of crime between regimes for staff (this statistical comparison was not possible for the prisoner population since the sample was so small that the conditions of the chi-square test were violated and no useful explanations can be drawn from that data).

The difference between regimes for staff as to the causes of crime was not found to be significant. That is, for both strict and general regimes there is a perception that crime is a problem residing in the individual.

Further support for these findings was gathered from the interviews with psychologists and prison officers, who viewed their job as one in which they 'cure' criminality,

The criminal's mind is fascinating because it is very different from normal people. I believe that they are different. They need to be cured (*Psychologist, general regime*).

There is something not right with them [criminals] in the head. They are backward (*Prison officer, general regime*).

Overall staff stated that individuals were ultimately responsible for their behaviour, and that the breakdown of society was not a factor leading to crime,

I think that it is too easy to say that crime is a result of social decline. We are all suffering but we don't all choose to hurt or kill people. I think that crime is complex, something isn't right inside (*Prisoner Industries officer, strict regime*).

While some staff acknowledged that the impact of economic instability has led to a situation whereby most Russians are living,

From hand to mouth (Chief, Smolensk region).

others argued forcibly that,

'personality induced' and 'psychopathic'.



Crime is caused by increasing numbers of young men who have grown up disregarding the civilising institution of marriage and without moral awareness brought about through family responsibilities (*Governor, general regime*).

These incontrovertible views were common among prison officers in Smolensk and they represent one strand of contemporary (conservative) Russian criminology (Kovalev *et. al* 1997, Ushatikov *et. al*, 1997, Gilinskii 1998, Zubkov *et. al* 1998).

Some contradictions in the prisoners' perspectives on the causes of criminality were also found. While some justified their behaviour in terms of character traits,

I am addicted to alcohol. I am ruining my life and I need to find out who I am (*Prisoner, general regime*).

and others viewed it mainly at a sociological level,

I am here because I blew my job and my whole life. I need to also think about how my behaviour is affecting my family (*Prisoner, strict regime*).

others still were undecided about the distinction between the inborn and the social causes of criminality,

I want a good job, some money and a family, but I feel completely lost in myself (*Prisoner, general regime*).

The responses from prisoners indicate some confusion as to what the causes of crime are held to be, as references are made to social and biological causes of criminality. This is very different from the Soviet period when prisoners were forced into thinking that their crimes resulted from ideological disassociation and or deviations from Marxism/Leninism. Yet, mixed views from prisoners about the causes of their criminality are not just found in Russia (see Simon 1999, van Zyl Smit and Dünkel 1999) and overall, criminologists agree that the goal of imprisonment or the nature of criminality is never clear-cut and always varied,

based sometimes on correcting behaviour and other times on punishing behaviour. The confused views among prisoners were less notable in the interviews with staff, who are in broad agreement that crime is the result of character traits. In the sections following, attention is given to the solutions in place that assist staff in achieving the goal of rehabilitation. As the section will show, prison labour is one method among a whole range of approved methods.

## **5.2 Implementing the solutions to bring about rehabilitation**

In Smolensk the goal of imprisonment as viewed by staff is to rehabilitate prisoners into fit members of society. The methods in use to achieve this goal are (1) prison labour, (2) psychological analysis and (3) religious instruction. Upon close examination of the methods a fuller picture of the philosophical perspectives adopted in Smolensk region in the current de-centralised prison system will emerge.

### **5.2.1 Prison labour**

Prison labour's function is to bring about the goal of imprisonment and this is the same for all prisons (Simon 1999). So if the goal of imprisonment in Smolensk is rehabilitation, then it follows that prison labour is the vehicle for bringing about reform.

This section will present a brief historical account of prison labour in Smolensk before analysing the types of work and training available and the rationales for prison labour in the present.

During the Soviet period, Smolensk prison region was provided with lucrative contracts for mining, aluminium production, manufacturing and production of agricultural machinery. The rail tracks that extend directly out of the Smolensk colonies joining other tracks throughout western Russia are indicative of the extent that these colonies were important for transporting prison-produced goods (see Chapter 4 for the prison maps of the Smolensk colonies). Every



prisoner worked in industries that were integrated first, into regional economic plans and second, into the centralised plan. Even as the Soviet Union was beginning to collapse in 1989 the regime required that prisoners engage in corrective forced labour to meet national economic targets (in 1991, 81% and 75% of prisoners worked in Smolensk strict and general regimes respectively). Until 1994 the number of prisoners working remained near 100% as the region fulfilled state contracts established before communism collapsed.

The collapse of the Soviet Union has brought to an end the political will and economic need to put prisoners to work. Marketisation policies that replaced the centralised economy have failed to bring market reform to Russia. Public services have suffered as economic decline took effect from the mid-1990s. As unemployment has become widespread, so too has it emerged in prisons. Since 1994, the numbers of prisoners working in Smolensk general regime number 3 has reduced by a third, from around 80% in 1994 to 51% in 1999 and has reduced by nearly two fifths in Smolensk strict regime number 7 from 71% in 1994 to 47% in 1999 (Department of Prisoner Information, Smolensk region). The impact of the decline of work has led the regions to make the decision to focus less on it for achieving reform.

In the present day, the main prison industry is light assembly (the proper title for this industry is 'Goods for Civil Society' (GCS)). The agricultural and manufacturing industries have been reduced and nowadays, only the parts for machinery (nuts, bolts, and so on) are produced. Altogether there were up to 30 goods produced, similar in both regimes. The sector GCS produced: garden materials, garden fences, ovens for country homes (*dacha*), and funeral paraphernalia<sup>53</sup>. The agricultural sector produced: rakes, parts for combine harvesters and ploughs. The manufacturing sector produced: water coolers, car

<sup>53</sup> Other products were compact disc covers, footballs, volleyballs, buttons, door hinges, prisoner clothes, garage repairs, and headstones for graves, jewellery boxes, children's toys and kitchenware.

parts, AutoFilters, silencers, break pipes and wire fences. Although different aspects of the agriculture and manufacturing industries were provided for and within these industries more kinds of labour, most production was concentrated in GCS. Despite the fact that GCS products were of poor quality, staff referred to the goods using technical jargon traditionally reserved for heavy industry. Phrases such as ‘major industrial development’, and ‘high quality product innovation’ were applied to the production of dolls, dish towels and even handkerchiefs,

GCS is our main industry now and we make every attempt to innovate our approaches to developing this enterprise (*Director of Prison Industries, strict regime*).

Considering that GCS consumed a high percentage of the workforce (75% of all prisoners who worked were employed in GCS in the strict regime and 70% of all employed prisoners in the general regime), such a perception of the importance of this industry is hardly surprising. Yet, whether this type of unskilled work is purposeful according to guidelines outlined in The Corrective Labour Code 1997 (CLC) is open to question. Purposeful activity is never easy to define as it relates to balancing the goal of custody with the goal of enhancing prisoners’ sense of responsibility by providing work, training and activities. In Russia purposeful activity is defined as that which can ‘provide prisoners with interesting and stimulating activities that enhance their individual and social adaptation’<sup>54</sup>. It is undoubtedly the case that at the very least, work provides prisoners with time out of their cells. However, the process of rehabilitation does not occur in the vacuum of the prison. Useful labour and purposeful activity can only really be put to test once the prisoner is released into the community. It was not found to be the case that the work conducted in the Smolensk regimes provided for re-socialisation in the community as stipulated in the national legislation. And while this will be discussed further in Chapter 8, it is important to mention there was little by way of



social adaptation that could be seen from producing small furry gorilla toys. It was only from the oblique references made as the fieldwork progressed regarding the importance of work for the institutional operation of the colony that any visible signs of a purpose to work could be seen,

All labour is purposeful because it keeps the colony functional (*Prison officer, strict regime*).

Though there was a steady flow of work (for those who were allocated it but not for all prisoners), most prisoners resented the limited opportunities available. The reliance on GCS affected prisoner morale,

All I do is make tablecloths all day. Nikolai here makes dolls. It is boring (*Prisoner, strict regime*).

Staff views were inconsistent regarding whether the work that is conducted is purposeful. In some cases, staff adopted the view that GCS is a major industrial enterprise. At other time, staff, including the Chief of Smolensk region, supported the point just mentioned from the prisoner, that GCS is tedious, meaningless work,

GCS is low-skilled work, so it does not provide prisoners with an opportunity to reform.

Such disparate views suggest a lack of interest in determining which kinds of labour are meaningful for rehabilitation. Under the Soviet system, *all* work was presented as meaningful-the prison worker was just as important to the Soviet cause as the teacher. Now that prison labour is no longer used solely for the national economy, staff appeared at a loss as to for whom and for what purpose, prison labour could be said to be meaningful. The 1997 CLC also stipulates that purposeful activity should be incorporated into useful training. Table 5.5 presents

<sup>54</sup> Source: The Corrective Labour Code of the Russian Federation 1997: Article 53-55: 27.

the range of courses available in Smolensk at the time of the study and compares these findings with the training available during the Soviet period.

**Table 5.5 Training available between 1955-1993 and at the time of the study in 1999**

1955-1993	Smolensk strict	Smolensk general
Workshop	Agricultural parts, manufacturing, light Assembly	Agricultural parts, manufacturing, light assembly
Courses	College and university diplomas in various professions: engineering, manufacturing, agricultural management	College diplomas in various professions: engineering, manufacturing, agricultural management
Prisoners receiving training as a percentage	Up to 70%	Up to 70%
1999	Smolensk strict	Smolensk general
Workshop	Light Assembly	Light Assembly
Courses	None available	None available
Prisoners receiving training as a percentage	Less than 2% receiving foundation level training	Less than 2% receiving foundation level training

Table 5.5 shows that training opportunities have declined markedly since communism collapsed. Prison staff stated that less than 2% of prisoners at any one time undergo any form of training. Only 1 workshop, for light assembly goods production, (kitchen accoutrements and arts and crafts) was operating in both colonies. The manufacturing and agricultural sector workshops had been closed since October 1998. The situation was made worse by the fact that the central administration has passed the responsibility for employing and paying staff to the



regions. Smolensk region could not afford to pay outside staff such as teachers and trainers to teach higher education qualifications. Nor could Smolensk region afford to purchase essential training equipment to teach institute and university accreditation courses. As a result, training workshops were empty. In the UK by comparison, in a recent study, Simon (1999) found that in six research prisons, some training was available to over 60% of the prison population.

Despite the decline of prison labour, the rationales for using it illustrate that staff continue to believe that it can rehabilitate prisoners. The rationales suggest, however, that prison labour should target the character of prisoners for reform rather than provide practical work skills that could be useful after release. Table 5.6 shows the views of staff from Smolensk who were asked to rate possible reasons for prison labour from a predetermined list.

**Table 5.6 Reasons for providing labour as presented by staff<sup>55</sup>**

	Smolensk staff n=104
To give the prisoner time to think about why they committed crime rather than be idle	17 (16)
To build the prisoner's character	38 (36)
To keep the prison running	1 (1)
Because work is punishment	1 (1)
To keep prisoners busy	12 (12)
As a commercial enterprise	0
To inculcate a habit of work	10 (10)
To inculcate a habit of responsibility	25 (24)

K-S  $z = 3.122, p = 0.000$

<sup>55</sup> The list of responses was taken from the prison service publication '*Penitentsiarnie Uchrezhdennie v Sisteme Ministerstvo Yustitsii Rossi*' 'Penitentiaries under the Ministry of Justice'. In the publication, the Deputy Minister of the prison service, Yuri Igorovich Kalinnin outlines reasons for providing work in penal colonies (See Zubkov *et. al* 1998).

The Kolmogorov-Smirnoff test was applied to establish whether or not the distribution of responses varied significantly from a uniform distribution<sup>56</sup>. There was a very high significant difference in the reasons given by staff with 36% favouring 'to build character', followed by 24% choosing the response, 'habit of responsibility'. Almost no staff in Smolensk believed that commercially oriented reasons for work were important (that is 'commercial enterprise', and 'keep prison running', rated 0 or 1). The utilisation of work as punishment was not perceived as particularly important with a rating of 1.

All the reasons cited as important relate to the personal benefits of prison labour (building character, personal responsibility and keeping prisoners busy) and indicate that prison labour targeted the psychological well-being of prisoners. The interviews illustrate further how staff in Smolensk define the role of prison labour,

Prison labour is effective if prisoners reflect on their crimes, but it is not the only means to do so (*Governor, strict regime*).

The prisoner needs to repent and think about why he has chosen to commit a sinful act. I mean we all live in poverty here, but I don't react by committing crime so how can that be the main cause? (*Psychologist, general regime*).

There are common features in the responses gathered from Smolensk that suggest a trend might be developing whereby the institutions are focusing on the character of the offender. First, the terminology used suggests that introspection is an important aspect of achieving reform. Second, the responses revert to causality, which is perceived by prison officers to be 'innate'. Third, staff discussed 'remedying' criminals (*Lekarstvo protiv prestuplennii*), 'treating' crime (*Lechit' prestupliennii*) and 'assessing' (*Operedelyat'*) motivations for crime. The language of psychology is also evident: staff referred to 'risk factors', 'paths' and 'inner development'. This points to an ideology that seeks to reform prisoners into fit

<sup>56</sup> The K-S test establishes whether or not there is a significant difference between the theoretical (expected) distribution of responses and the observed distribution of responses. In this case the



citizens through teaching and helping, and not solely through physical labour, which undoubtedly can also be useful in keeping the prisoners' mind and body fit. Labour, it is argued, assists prisoners in 'seeing the error of their ways' (*Governor*-strict regime, Smolensk), but it is psychology and religion that are perceived to provide a sort of therapeutic magic.

As mentioned at the beginning of the chapter, there were three developments that were found to have taken place in Russian prison colonies. The first is that staff have developed alternative rationales to imprisonment from the Soviet period and these are more specific than those outlined in the relevant legislation governing prison establishments. The second development is that alternative ways of filling time have had to be developed. Implicit in the decision to step back from considering only labour as a method of reform was the problem of allocating and managing the limited work that was available. Staff have reached the conclusion that while prison labour could reform within an environment that aimed to rehabilitate it was not, in its present condition, achieving that goal. Consequently, some staff minimised the purpose of labour in rehabilitation,

I know that labour was important in the past, but that was when we needed it for the Soviet economy. Now prison labour is tied to nothing, politically or economically, so we must think of other ways in which it can reform prisoners (*Prison Industries officer, general regime*).

while others perceived the decline of prison labour as inconsequential,

It is unsurprising that few work, and it is not worth pursuing (*Prison Education officer, strict regime*).

and others still argued that prison industries should be abolished altogether,

theoretical distribution is that responses would be uniform across the 8 potential categories.

What do we need prison industries for? These men are animals. The type of reform they need cannot be provided through work (*Prison Industries officer, general regime*).

These comments must be connected to the decline of prison labour. The reality is that the colonies cannot provide enough work, and not only that, the work that is provided is low-skilled, so new methods have to be found that could provide prisoners with a more meaningful rehabilitation.

To sum up the main points, the rationales for using labour have changed since communism, from focusing on the benefits prison labour brings to society, into focusing on the self and the views on the causes of crime seem to reflect this change. At the same time, the evidence on prison labour in Smolensk shows it to be in decline. Indeed prison labour is viewed as providing for these things, but under present circumstances the tendency is that it cannot achieve these goals because there is not enough work and also the type of work is low-skilled. Instead staff pursue psychology and religion in place of labour in order to meet the goal of reforming the character of prisoners.

### **5.2.2. Psychological analysis**

Smolensk region has turned to psychological analysis and religion to achieve character rehabilitation. As with prison labour the use of these methods is modelled around the majority view that crime is innate. Psychology is used to identify the inherent causes of crime by establishing which types of personalities commit crime. The strategy is to use psychology to re-condition behaviour while religion targets the prisoners' moral character. In 1996 the region introduced a directive, 'Paths to Reform' (*'Put' k Reformu*) into all the colonies<sup>57</sup>. Although the directive includes prison labour into its overall strategic objective, the wording

<sup>57</sup> The manual has been devised and implemented by Russian prison psychologist, A. I. Ushatkov.



of the document gives emphasis to the reforming qualities of psychology and religion. The directive sets out the following aims:

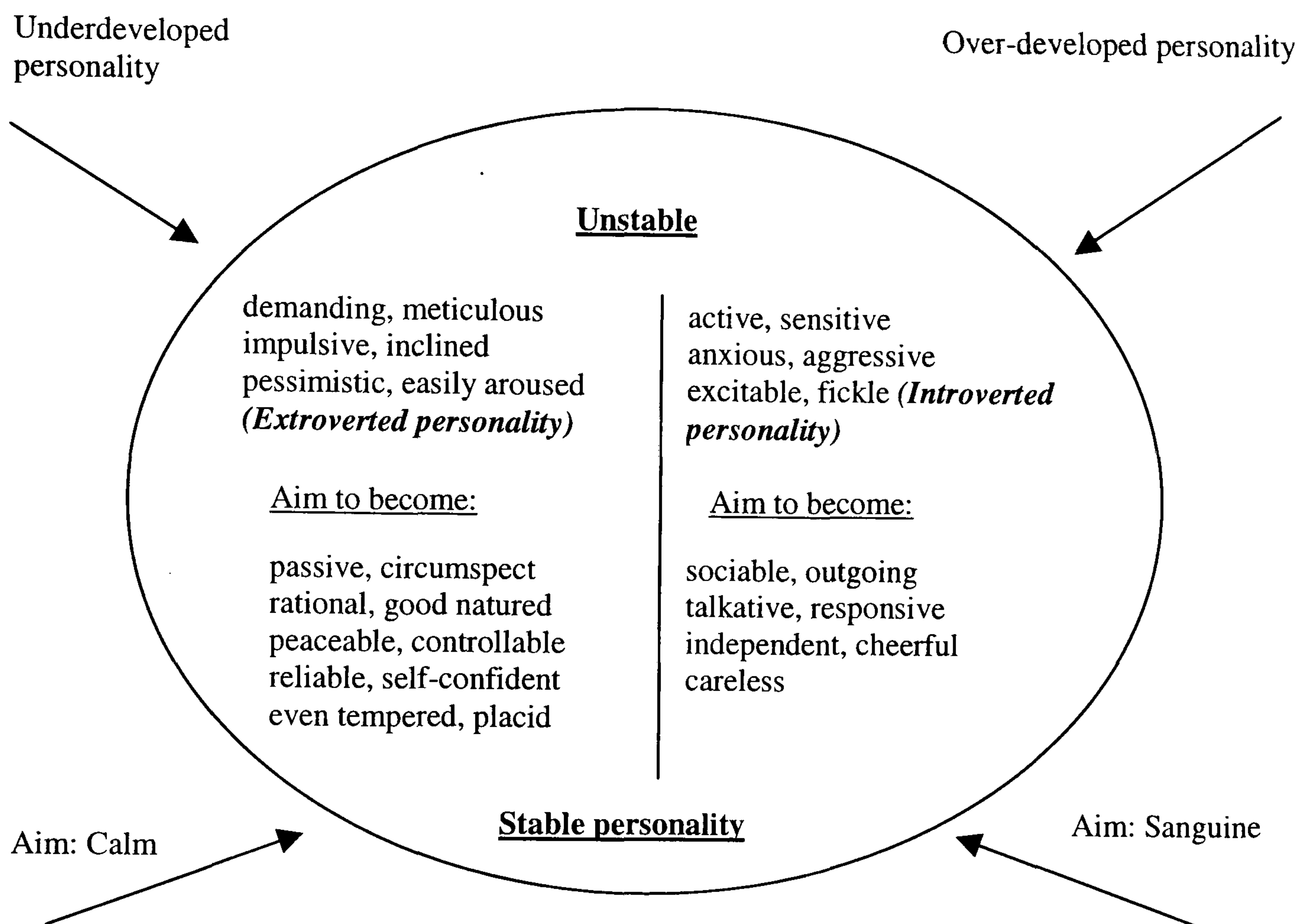
1. To identify within two months of custody the personality traits that lead to crime;
2. To ensure psychological and spiritual reform of prisoners;
3. To provide staff with the necessary training in ascertaining distinguishing personality profiles (point 1);
4. To guarantee that order and discipline are maintained.

To meet these aims, the theories of personality and behaviour of the psychologist Eysenck are utilised,

His [Eysenck] work is instrumental. Genetic personality traits are the blueprint for understanding why some people commit crime and others do not (*Director of Psychology, strict regime*).

The model that was used by staff at the Smolensk sites is presented on the following page.

**Figure 5.1: The Personality Circle, ('Krug Lichnost'')**



The Russian version of Eysenck's Personality Inventory (EPI), devised by Russian psychologist Alexander Ushatikov in 1995<sup>58</sup>, replicates Eysenck's in that it isolates certain personality traits (introversion, extroversion and psychoticism) that may lead to criminality. Figure 5.1 is an example of the model utilised in Smolensk.

All prisoners are labelled according to this model. Prison staff isolate specific features of extroverted and introverted personalities perceived to be at the root of crime: introverts become neurotic and extroverts psychopathic. After the prisoner's personality traits are established 'diagnostic tests' aim at altering 'extreme' behaviour. Prisoners are asked to describe any personal problems or any



anger ('We get a lot of angry men' – *Chief Psychologist, Smolensk region*), which are then grouped according to the traits that make up what was predetermined as either an extroverted or introverted personality. The Director of Psychology Services for Smolensk region who is responsible for implementing this model stated,

The personality circle allows us to formulate scientific investigations to understanding the interaction between genetics and the environment that may lead to crime.

Alongside the strategies for determining the personality traits of criminals, and mapping out the types of traits that prisoners should aspire to develop, further reform is achieved through Audio-Visual Stimulation (AVS). The problem in using these methods will be reported further in Chapter 7 as they relate to the finds about how the prison regions adjust to the current climate whereby they are no longer directly governed by the central prison authority. However it should be stated that this is a very curious form of psychology which is elementary and descriptive. Prison officers did not conduct any research of an empirical, historical or theoretical nature into whether these tests were applicable, reliable or valid.

Staff implement over 70 AVS games and activities conducted in 'Psychology Booths' located near to or within the accommodation dormitories. The booths comprise of one large furnished room for each accommodation detachment (there were four booths in each of the Smolensk colonies)<sup>59</sup>. Pamphlets and books are readily available and 'audio-booths' provide prisoners with a form of escapism where they listen to ambient music, running streams and birds singing. The AVS programmes are consolidated into a programme called,

<sup>58</sup> At the time of the fieldwork, the prison regions, Moscow, St. Petersburg and Voronezh have implemented Ushatkov's model.

<sup>59</sup> The booths are lavish when compared to the rest of the accommodation buildings with padded walls for soundproofing (in one colony the walls are bright red) and floor to ceiling photographic landscapes.

'Four-Step Programme for Diagnosis of Criminality and Ways in Rehabilitation'. The programme aims to reform the character of a prisoner from, 'a deviant and morally bereft individual' into a 'fulfilled and civilised human being' (Director of Psychology Services for Smolensk Region), by 'getting into the psyche of offenders' (Chief Psychologist, Smolensk region). The Four-Step programme is to be used in conjunction with the personality tests. The Four-step programme is presented below.

Step 1: Title of test: 'Memorising Facial Features', *'Tranirovka Vnimanija i Pamyati v Zapominanii Litsa'*

Aim: To assess the prisoner's ability to identify and recall facial features of fellow prisoners and how respondents make eye contact with each other. The interpersonal relationships between prisoners are also examined.

Methods: A prisoner leaves the room. Those left in the room are asked to describe body and facial features of the prisoner who has left. Prisoners are also shown two sets of photos. In one photo the image of the person includes all facial features. In the second photo the nose, chin, or eyes have been erased. Prisoners are then asked to decide from a series of noses, hairstyles, and so on, which is the closer equivalent to the original photo.

Diagnosis: Those prisoners who are most open to talk and recall from their memory are 'rational extroverts' and least likely to require character reform.

Step 2: Title of test: 'What does the face reveal about the personality?', *'Sostavlenie Psikhologicheskikh Portretov Osuzhdiionnikh'*

Claim: Facial expressions can provide clues that determine introversion or



extroversion.

Method: Diagrams showing all types of possible visual variations in moustache, shape/length/style/colour/thickness of hair, position of eyes, length and width of nose, shape of nostrils, shape of face, smiles or frowns and so on are used.

Diagnosis: Certain facial features lend themselves to introverted personalities in males: down-sloped moustaches, short, thick dark hair, wide set nostrils and an oval face.

Step 3: Once the prisoner has been categorised as either introverted or extroverted, a psychological profile is constructed.

Methods: Responses to ambient music (aggressive/passive), role-playing between prisoners and between staff and prisoners and mime.

Diagnosis: The most dangerous prisoners will behave in a more extrovert manner in order that they can mask their criminality behind behaviour that is viewed as more eccentric.

Step 4: Title of test: 'Am I a dove or a hawk?', '*Interpretatsiya Psikhologii Razlichnikh Lits Metodom: Chelovek - Zhivotnoe, Chelovek – Ptitsa*'

Claim: Animal visualisation can assist prisoners in understanding criminal personalities.

Method: Prisoners are asked to participate in a series of games from which they will receive a score. They are asked to choose whether they see themselves as a dove (kind-hearted, passive, loving, doesn't like danger or aggression, willing to

please, plays many roles, sensitive); or as an ostrich, (cold-hearted, prefers to distance themselves from others, silent); or as a hawk, (obsessive, loves power, ambitious and resolute, courageous, single-minded).

Diagnosis: 'Dove personalities' need to develop independence and learn to judge people better. 'Ostrich personalities' need to meet more people and engage in social contact in order to overcome the feelings of abandonment. 'Hawk personalities' need to be less domineering and to not pre-judge.

The use of these diagnostic tests on all prisoners is illustrative of the philosophical thinking underpinning imprisonment in Smolensk prison region: the moral and psychological behaviour of individuals requires rehabilitation. Yet the increasing use of psychology raises the question as to whether it aims to reform or whether it functions as a replacement belief system attempting to make sense of the state of Russian society in the declining world of work as is happening all over Europe. Further scrutiny of psychological analysis is in Chapters 7 and 8 and will centre on this issue and how present practices operate in relation to the European Prison Rules.

Although psychology is believed to be more useful in achieving rehabilitation than prison labour, it is not perceived as the single most effective method. Based on King's observations (see King 1994, King and Mikhlin 1994), respondents were presented with the idea that religion may be used for reform (this was a 'prompt' that was raised where respondents were unsure if other programmes might be replacing prison labour to provide rehabilitation). In the next section, details of how religion has come to be predominant in Smolensk prison regions are presented.

### **5.2.3. Religious instruction**

Religion was found to be in extensive use in both Smolensk colonies. Religion and psychology operate concurrently in Smolensk prison region despite deriving from



different branches of knowledge. When utilised at the same time, both perspectives assist prisoners in achieving a greater level of self-awareness, introspection and 'inner peace'. Table 5.7 compares respondents' ratings on the role of religion. The 'n' total is the number of respondents. The number in parenthesis is the percentage. If the counts do not match those in the 'n' total this is due to missing data, i.e. someone not answering the question.

**Table 5.7 The importance of religion in achieving the goal of imprisonment for all respondents**

	Prisoner n=14	Staff n=104
Important	14 (100)	74 (71)
Not important (including 'no opinion') <sup>60</sup>	0	30 (29)

$\chi^2 = 5.415$ ,  $p = 0.020$ , d. f. = 1

The difference between prisoners and staff in their views as to the role of religion was found to be significant, although this finding is inconclusive since there was a 0 frequency in one of the cells (that is, assumptions of chi-square violated).

Nonetheless, it is clear that the predominant view is that religion plays a fundamental role in prisoner reform (100% of prisoners and 71% of staff).

<sup>60</sup> The logic for combining the reason 'not important' with 'no opinion' is that if respondents do not have an opinion on the role of religion, then it can be safely said that it is not important. The same rule is adopted for Tables 5.8, and 5.9, and 5.10. Section 4.6 Chapter 4 outlines the procedure for analysing the statistical data and the tests used.

**Table 5.8 The importance of religion in achieving the goal of imprisonment for staff by regime**

	Staff	
	Strict	General
Important	33 (66)	41 (76)
Not important (including 'no opinion')	17 (34)	13 (24)

$\chi^2 = 1.246, p = 0.184, d. f. = 1$

Table 5.8 compares the responses of staff by regime; this analysis was not possible for prisoners due to the small sample size and the analysis violated the conditions of the chi-square so any results would not be useful to the study.

There was no significant difference between regimes in terms of how they viewed the role of religion in rehabilitation. The overall trend was that Smolensk region is addressing problems that are seen as residing in the individual, if not quite her/his offending behaviour, then her/his moral character. The following comments support this view,

Religion completes reform through personal reflection of morals, the family, and ethical values (*Director of Prison Industries, strict regime*).

Russia is besieged by unruly, immoral minds (*Education officer, general regime*).

The Smolensk region devised a directive, 'Paths to Spiritual Reform' (*'Put' k Dukhovnuyu Reformu*) in 1997 that aimed to achieve the following:

1. To build a Russian Orthodox Church and places of worship for other denominations in all colonies;
2. To work with regional priests and senior church representatives based in



Moscow;

3. To guarantee that all prisoners are 'actively' engaged in receiving daily mass and exhortatory counselling;
4. To liaise with other prison colonies to implement methods that can assist staff and local priests in these tasks.

In commenting on these aims, the Chief of Smolensk region stated,

My overall aim is to intensify the role of the church in all colonies in the region.

The Head of Smolensk branch of the Russian Orthodox Church who was seconded to the colony for two full days a month and who provided 'open door' exhortatory chats for prisoners, endorsed the strategic plan,

The church role is urgent. As an institution, we set the standards on morality and how we live. We must teach prisoners how to be whole again in order to live an obedient life.

The use of religious doctrine as part of penal policy marks a radical departure from Soviet penology, when legislation stipulated that priests (defined as wreckers of the Soviet cause) be either executed or sent to Gulags<sup>61</sup>. Nowadays in Smolensk region, religion is playing an *institutional* role in that it is used to help maintain the moral fabric of the prison establishments through integrated strategies like those just mentioned and through teaching religious classes such as: '*Why me?*' '*Activities to get closer to God*', '*Accepting who I am in the eyes of God*', and '*Understanding my sin*'. These classes were compulsory for prisoners categorised by the regimes as 'very dangerous' (violent rape, murder and all other sexual crimes). All other prisoners attended mass on a weekly basis. Altogether more than

65 pamphlets containing guidelines, step-by-step programmes, meditation techniques and testimonies from prisoners who have undergone character reform, were available for prisoners in 'Libraries of Religion' located next to the prison library. The Ministry of the Russian Orthodox Church produced the pamphlets from inception through to design and even delivering them to the prisons colonies.

Fewer priests were seconded to work in the strict regime compared to the general regime (7 in each colony)<sup>62</sup> and religious education was less formalised, comprising of 'open door' exhortatory chats. It was often the case the more priests would be seconded to the general regime. This could be interpreted in two ways. First, fewer prisoners worked in the general regime. Religion could be viewed as an alternative means for occupying prisoners hence more priests. Another interpretation could be that prisoners in the general regime were seen to be in greater need of character reform. However, given that general regimes normally receive prisoners who have committed less serious crimes than those sentenced to strict regimes, the first interpretation is the more likely.

Prisoners as well as staff placed little value on the role of work in achieving reform, believing it to be the case that diagnosis and faith lead to rehabilitation. For many prisoners, religion was seen as the only hope in an increasingly under-resourced prison system,

I feel that I learn the most from the priests about my crimes and my weaknesses  
(*Prisoner, general regime*).

<sup>61</sup> Source: The Corrective Labour Code (CLC) of the Russian Federation 1926, 1933, and 1977 Article 58. In the versions of the CLC that were in place during the Soviet period, Article 58 remained the main apparatus for convicting individuals of anti-Soviet agitation and counter-revolution (see section 2.2.1, Chapter 2)

<sup>62</sup> The patterns of staffing reflect the strategies that Smolensk deployed in order to achieve the goal of reform. This is reported further in Table 7.6, section 7.3.4, Chapter 7 and comparisons will be made with patterns of staffing in Omsk. In Smolensk, up to 19 priests can be employed in the strict regime and up to 10 priests can be employed at any one time in the general regime.



Others felt that religion offered them an activity that was harder to engage in but ultimately more rewarding than prison labour,

If I had the choice between not working, working in light assembly or religious work, I would choose religious work. It forces me to think and to reflect (*Prisoner, strict regime*).

While there is no doubt that religion plays a role in any prison, it dominates the methods used in the colonies such that the whole approach to rehabilitation is one-sided and excludes socio-economic factors as possible reasons for crime. Putting this point another way the solutions in place to bring about character reform do not investigate questions such as: does the community have a responsibility in prisoner reform? Staff were questioned on this topic, and their responses presented in Table 5.9 below add to earlier findings. The majority of staff in Smolensk had a narrow view of the term ‘community’ and argued that the only community that the prisoner needs is the religious community. Other aspects of the community – as an environment that can provide job skills, inter-personal relationships, vocational training or education - are viewed as not useful for rehabilitation, but also, there was a view that these methods are irrelevant. This is alarming because it goes against the whole of ethos of the national and international legislation that states that prison labour should be significant in rehabilitation strategies but may be supplemented by other means-the key term here being supplemented (see Preamble The European Prison Rules 1987)<sup>63</sup>.

<sup>63</sup> Prisoners were not asked this question, as I wanted to investigate prison officers’ views on the extent to which rehabilitation was viewed as occurring only during custody or also after custody.

**Table 5.9 The importance of the community in achieving the goal of imprisonment for staff by regime**

	Staff	
	Strict	General
Important	15 (30)	20 (37)
Not important (including 'no opinion')	35 (70)	34 (63)

$\chi^2 = 0.576, p = 0.291, d. f. = 1$

There were no significant differences between the regimes in terms of how staff rated the importance of the community. The majority view was 'no opinion', which can be interpreted as staff either being unaware of the local community's role, or that staff have little interest in prisoners lives after imprisonment.

Arguably, having 'no opinion' indicates that the Smolensk region is firmly committed to reforming the personality and spirit of prisoners during custody.

Looking at the processes, policies and directives that lead to rehabilitation of offending behaviour (psychological analysis, introspective prayers and audio-visual stimulation), the idea of 'rehabilitation' in Smolensk is more specific than that stated in the central government prison legislation. The principle of rehabilitation, has evolved from a centralised doctrine that aimed at political re-correction in to a mode of reform in the post-Soviet period that is defined in Smolensk prison region as 'character reform'. It will be interesting to see whether character reform is unique to Smolensk.

At the heart of penal philosophies in Smolensk is the assumption that the causes of crime arise directly from a failure to abide by religious doctrine. On the one hand it could be argued that this form of thinking is nostalgia for pre-Soviet times as presently, the church is seen as the sign-post for setting standards on inter-personal relationships, family values and law-abiding behaviour. On the



other hand, psychology – as that taken up in extraordinary rooms with easy chairs, murals and soft music – is used as a form of brainwashing. In some colonies soft music is transmitted over the prison tannoy at nights accompanied by soothing words about the staff. In the current climate of over-loaded under-resourced prison system, staff are very security conscious. It could be the case that alternatives to prison labour are used to discipline, pacify and then control a largely docile population rather than contribute to a reform that can be sustained after release. How rehabilitation is maintained after release is discussed in the following section.

#### **5.2.4 Maintaining rehabilitation after release (goal attainment)**

This section describes findings from both Smolensk colonies as to whether the goal of rehabilitation is maintained after release in order to investigate what action is being taken to prepare prisoners for re-settlement. Prompts that were used where respondents were unable to offer answers included the following: how do prisoners manage in society? Do prisoners re-offend? The analysis of the goals of imprisonment, causes of crime, reasons for work and perceptions of the roles of religion and the community indicate that prison staff in Smolensk view reform as residing in the individual. Prisoners become fit for society through rehabilitation of their psychological and moral character. It was not possible to conduct a follow-up study of former prisoners in order to explore whether character reform was achieved. Indeed there is little support for this kind of research in Russia as criminal justice social work has only recently emerged and probation did not exist in Smolensk at the time of the study. Despite these anomalies it is possible within the exigencies of this study to draw some impressions about goal attainment from the interviews.

The first observation is that officers have a mind-set that states that prisoners need to reform in ways that relate exclusively to their psyche and their religious faith. Such an approach does not take into consideration practical help such as adaptability, responsibility and initiative in obtaining work that could in the long-

term enable the character reform of prisoners that staff deem necessary. The evidence from the interviews supports this point,

Well a job can provide an income, but if the prisoner is not reformed mentally, what is the point of a good job? (*Prison Industries officer, general regime*).

The second observation is that rehabilitation post-release can only be achieved if prisoners devote ‘considerable attention’ to maintaining contact with the religious community. This is made possible through the introduction of a pilot scheme set up in 1998 between Smolensk prison administration and the Smolensk branch of the Russian Orthodox Church. Based on a similar commune-type scheme set up in Tver<sup>64</sup>, the Smolensk version involves employing former prisoners to work for their keep in a ‘Family Fellowship’ run by priests. Prison staff ‘guarantee’ that prisoners sent to the fellowship are sufficiently reformed, but not fully reformed as further rehabilitation takes place in the commune. During the period of residence in the Fellowship, participants must make the commitment to stay actively involved in the church.

The current practice of targeting the offender’s psychological and moral character in Smolensk prison regions resembles the activities of Chuck Colson’s fundamentalist organisation, the American-based Prison Fellowship (PF) in America. Colson has written 38 books on the role of religion in prisons, and he works as a preacher, a broadcaster and an advisor to US President, George Bush on strategies for introducing religious programmes into the American prison environment (The Prison Fellowship 2000). Colson’s personal aim is to reform the American prison system by making religion and faith-based outreach programmes predominant ((The Prison Fellowship 2000). There are notable similarities between Smolensk region’s directive, ‘Paths to Spiritual reform’ outlined in 5.2.3

<sup>64</sup> The fellowship was devised by two German priests Hermann and Yerrin Immikus in colonies in Moscow (see *Chelovek: Prestuplennie i Nakazannie*, December 1998).



above, which aims to ensure that 'all prisoners are 'actively' engaged in receiving daily mass', and Colson's fellowship. The PF asserts,

Prison Fellowship Ministries (PFM) state that only Jesus Christ can truly transform the hearts and change the future for those caught in the web of crime (The Prison Fellowship 2000).

The Prison Fellowship aims to bring about spiritual reform so that,

Offenders' repay the community, churches reach out to the poor [prisoner] and Christ is glorified (McAlister 1999).

An additional aim of the American Fellowship programme is to select prisoners 'touched by Christ through the ministry of Prison Fellowship' and then to recruit them to return to prison as fellowship volunteers when they are released. The main solution in place to bring about religious reform is The Inner Change Freedom Initiative (IFI) a

Revolutionary, Christ-centred, Bible-based prison program supporting prison inmates through their spiritual and moral transformation beginning while incarcerated and continuing after release' (The Prison Fellowship 2000).

Other programmes include 'Angel Tree' (a programme of Prison Fellowship International and its 81 nationally chartered ministries designed to provide Christmas gifts to the children of prisoners) and 'The Sycamore Tree' (victims and offenders recruited by the Fellowship meet for eight 2 hour sessions, usually over a period of 8 weeks) (The Prison Fellowship 2000)<sup>65</sup>.

Evidence came to light that that the Russian Orthodox Church has access to western literature, therefore it is hardly surprising that given the close proximity of

Smolensk to Moscow, where the Russian Orthodox Church is based, that programmes embraced by the central Church authority, will surface in Smolensk see the Russian prison service journal 'Man: Crime and Punishment' (*Chelovek: Prestuplennye i Nakazannye* March 1999). Similarities aside, there are also stark differences between the American and the Russian fellowships. Predominant is that the American Fellowship is a multimillion dollar business which operates a television channel and a loan company providing loans to newly released prisoners. The American Fellowship also charges a fee to the families of prisoners who want to enlist the Fellowship's help in monitoring former prisoners once they are released into the community. In Smolensk, the role of the church in the colonies resembles the more traditional (humble) role of a benevolent organisation that provides resources, clothes and food to the colonies. It is unlikely that the Russian Orthodox Church will generate a business enterprise from the formal connections to the prison colonies. However, the situation could change if the American Fellowship becomes involved, and there were signs that this may happen in the foreseeable future<sup>66</sup>. According to the Governor of Smolensk regime,

The aim of these schemes is to ensure that reform continues after imprisonment. Every day, the ex-prisoner should ask, how can the psychological and religious classes help me to not commit crime?

Staff justify the religious policies by making connections between the role of religion after custody, and the state of Russian society since the collapse of the

<sup>65</sup> The American Prison Fellowship also conducts studies that compare infractions of discipline between prisoners who are part of the Prison Fellowship's 'Rehabilitation through Biblical Readings' programmes and those who are not. The studies claim to show that there is less likelihood that prisoners will infringe prison rules if they are engaged in the fellowship's reform programmes. The studies claim that the more Prison Fellowship sessions that prisoners attended, the less likely they were to have any infractions at all.



USSR. For most of the twentieth century, the Soviet regime presented crime as a capitalist phenomenon and not a feature of state-socialist societies. In the present climate, so-called *mafiya* crimes, rape, murder and corruption make headline news as 'new crimes'<sup>67</sup>. Dominant figures describe contemporary Russia as experiencing 'a moral decay'<sup>68</sup>. In these times of political, economic and social disorder, religious doctrine has become a readily available and identifiable form of ideology to draw on, serving as a mechanism for understanding criminality in the post-Soviet period. To this end, the Chief of Smolensk prison region made a formal plea in 1999 to the Head of the Church,

Most esteemed leader of our Church, we need your help. Religious teachings are the only means we have left to reform criminals<sup>69</sup>.

Smolensk regional prison officials and the prison officers who were interviewed seemed to side-step a suggestion that the 'the moral decay' so often talked about, could also be a result of the economic instability in the post-Soviet period. Unemployment is high in Russia despite previously being a hitherto unknown phenomenon. As a social problem that may lead to crime it was not, however, included as something to consider in strategies for prisoner reform (for example assistance with finding employment, improving work skills and instilling a habit to want to work). Indeed, over 60% of the prisoners serving custody in the strict

<sup>66</sup> Source: Ivan Sotirov, representative of the Prison Fellowship Europe stated in an interview for this thesis that the Fellowship is planning to expand into the states of the former Soviet Bloc and Russia.

<sup>67</sup> Assistant Deputy Head of the Russian prison system, General Alexander Il'yich Zubkov speaking at the opening of an exhibition on tuberculosis in Russian prisons held at the Russian Parliament April 1999.

<sup>68</sup> Patriarch Aleskeii II, The Head of the Russian Orthodox Church, 1999. This comment was taken from an interview with the church leader in the prison service journal '*Chelovek: Prestuplennye i Nakazannye*' March 1999, pp. 33-34.

<sup>69</sup> This quote was taken from a confidential letter permitted for use in this study. There were no requirements from the central government to send correspondences between the church and the prison region to the Moscow administration as central prison authorities supported, and more importantly, encouraged such correspondences.

regime and around 50% of prisoners in the general regime were unemployed prior to their sentence<sup>70</sup>. Instead staff correlated the 17% re-offending rate within the first two years of release with, ‘insufficient psychological and spiritual strength’ (Chief Smolensk prison region). The tendency in Smolensk is to view crime as more to do with irrationalities of the human personality (seen as psychologically maladjusted), and the abnormality of the soul (seen as spiritually inadequate), and not *per se* to do with the offender through conscious actions.

Looking at the data collected from the Smolensk colonies, it is clear that work continues to be used for reform, but that increasingly, psychology and religion are taking its place in providing prisoners with the tools that could enable rehabilitation. The precise nature of rehabilitation is the same for both colonies. It is psychological in nature and person-oriented. Although the Smolensk colonies coalesce around a different ideological position (namely religion and psychology), the role of these solutions is to fill the void left by the collapse of communist ideology, and they seem to have obvious attractions to those in charge. The main attraction is that they are familiar-the solutions used to bring about rehabilitation in the Tsarist period also aimed at targeting the character of persons held in custody. Even within Russian criminal justice, the development of psychology and religion is not necessarily a sinister development since after so many years of one kind of brainwashing this version of psychology seems ready-made. Similarly religion, for so long suppressed as the opiate of the masses now flows in to fill the void left by Marxism/Leninism. In this aspect, religion is a functioning social control measure.

The second attraction of these methods is that they follow the trend towards other forms of treatment in other European countries and therefore reflect European recommendations. Related to this point is there appeared to be a readiness for individuals to be seen to embracing doctrines that depart from Marxism/Leninism. This will be reported further in Chapter 7.

<sup>70</sup> Source: ‘The Department of Prisoner Information’ based at Smolensk Prison Region



The research also found that prison colonies are turning to alternative means to provide essential resources, arising from the central prison authority's poor track record in providing the necessary funds. These findings emerged from observations as the research progressed of how prison labour operates in actuality rather than from what it is intended or hoped to achieve. This is an important finding not only because it stands in marked contrast to how staff talked about prison labour, but more importantly, it raises issues analogous to forced labour, particularly with regard to how Russian prison authorities are adhering to the European Prison Rules in the treatment of prisoners.

### **5.3 Work to live: how prison labour has become a matter of survival**

The third development in prison labour aside from the emergence of alternative justifications for prison labour and alternative methods to work is that it has a practical function which is to provide vital resources that should otherwise be provided by the central authority. Prisoners must work in order that they are given basic maintenance such as heating, clothes and sometimes food. In the literal sense prisoners are working to live. Some details of the financial situation in Russia's prison system are necessary in order to understand fully why prisoners in Russia are working to survive.

#### **5.3.1 Russia's prison crisis: background to funding**

Since the collapse of communism in 1991 Russian society has been unstable. The economy is volatile as a result of de-centralisation and the failed process of marketisation. The prison system, alongside other public sector institutions, has suffered a decline in central funding<sup>71</sup> and it is estimated that in 1998 the

Headquarters.

<sup>71</sup> The Moscow Centre for Prison Reform calculates that in 1998 the annual federal budget expenditure on the prison system was 2% of the national budget compared to 15% of the national budget in 1989 (The Moscow Centre for Prison Reform 1998a).

government could only provide around 60% of the necessary funds<sup>72</sup>. Some funds are provided to the regions and are intended to cover all costs (prisoner maintenance, staff wages, building maintenance and all work and educational activities). The regions then allocate the amounts to the colonies based on the types of regime, size of prison population and staff population<sup>73</sup>. As central funding decreases so the total number of prisoners held in places of confinement has increased dramatically (see section 4.3.1, Chapter 4 for some recent figures). Although the over-population of the prison has been a feature of the Russian prison system even before communism buckled in 1991, the collapse worsened the situation as prison-produced goods contributed to the national economy while propping up the state ideology of Marxism/Leninism.

As the findings will show, the problems in imprisonment are not solely to do with numbers. There is also a crisis in managing the system centrally which throws into question how the system can be said to be accountable. The Smolensk region adopts its own philosophical perspectives to implement the designated goal of imprisonment, found to be *character reform* and this solves part of the problem that has arisen from de-centralisation: the absence of detailed and clear penal policies. Yet the lack of central funding has left Smolensk region with the very real problem of trying to find funds to keep the colonies operational. It was found that the colonies utilise prison labour in new, distinct and entirely unintended ways in order to remain functional. Prison labour provides the colonies, prison staff and prisoners with resources in order to ensure the successful operation of the colonies. The degree of success in using prison labour for this purpose varies across regions. In order to understand why and how prisoners work in order to survive, it is instructive to present findings on the decline of central funding to Smolensk region.

<sup>72</sup> Source: Deputy Prison Minister, Yuri Igorovich Kalinnin quoted in Zubkov *et. al* (1998).

<sup>73</sup> It must be added that it is not clear at all how funds are allocated and what amounts are allocated see Appendix.



### 5.3.2 The financial situation in Smolensk

According to the Criminal Executive Code, it is the state's responsibility to provide funds to all the prison establishments by way of the regional administrations ('*oblasti*'). Nowhere is it stated that the regions must undertake this key aspect of imprisonment. In 1998, both colonies received some state funds for maintenance (see Appendix). At the time of the present study the Smolensk colonies received around 70% of the state budget. The allocation of this funding did not conform to a rigorous procedure. It was very much the case that prisoner maintenance was a priority in order to ensure that national and international rules were adhered to. Funds were first allocated for prisoners' food, clothing and heating. In Omsk, the percentage allocated was around 30% (see section 6.4, Chapter 6).

Although some of the remaining funds were provided by charitable donations, this is not nearly enough funds to cover the costs of maintaining a fully functional prison. Most of the remaining funds are provided through barter, which will be reported in the following sections. Clearly it is not possible to rely on the limited government funds to keep the prisons functioning. Despite the severity of this situation staff repeatedly played down the fact that the colonies were receiving inadequate central support, preferring instead to discuss the importance of character reform,

You can have a financially stable prison but that does not necessarily mean that you have a reformed prisoner. It is one-to-one help they need (*Governor, strict regime*).

Finance is not a major priority. Making sure that the criminal is reformed is a priority (*Director of Education, general regime*).

These quotes are part of a general trend whereby staff did not convey any sense that the financial stability of the colony was fundamental for achieving any of the varied goals of imprisonment be they punishment, deterrence, rehabilitation or

self-sufficiency. Staff have a casual attitude over the lack of funds and are out of touch with reality. It seemed incredible that staff would be so nonchalant as in the absence of essential resources the prisons have been left to fend for themselves in order to survive.

In order to cope with the financial difficulties Smolensk region has introduced new and distinctive methods that go some way in providing additional resources for the colonies. Prison staff have to perfect the art of a barter strategy to exchange goods that are useful to the colony. Barter provides essential foodstuffs and colony maintenance. The colonies pursue these strategies with varying degrees of success. None of them is unique to Russia. What is unique is that they are deployed within the prison system.

### **5.3.3 Means of survival: the barter strategy**

Barter is commonly associated with less developed countries where economies can hover between collapse and stability on a daily basis. Russia is no exception and barter is used in homes, at the market, in hospitals and now in prison colonies. On one level, barter is innovative in the ways it provides resources in the criminal justice system. Yet on another level, barter is notoriously inefficient depending on a coincidence of needs. Just how long it can contribute to sustaining Russian prison colonies is a matter for debate. The following section will present findings on the nature of barter, how it is organised and views from officials, staff and prisoners on its function.

#### ***5.3.3.1 The nature of prison barter***

Rather than provide a cash economy, barter operates through a basic method of exchange entitled 'goods for goods' (*товарии на товарии*). Customers present goods for exchange to the director of prison industries who assesses them for quality and usefulness. An 'exchange contract' is then established if goods are of use. Every type of product can be exchanged using barter. It is used to manage a



whole range of relationships, both legal and illegal, and between all kinds of customers and the prison colony. In the more formal processes, (the legal exchanges) a cash value is calculated and then exchanged for goods to the value of the amount determined by the prison industries director. The Director of Prison Industries, who then submits the amounts exchanged into a logbook that is supervised by regional headquarters, records the transaction. Legal exchanges that took place during the fieldwork included the exchange of dairy products from a local farm in exchange for agricultural machinery parts (general regime) and the more macabre example of the exchange of mattresses from local hospitals in exchange for coffins produced in the strict regime.

The ways in which barter is used in the prison resembles the black market of the Soviet era. The introduction of a market economy in 1991 did not bring an end to the black market, and in the prisons, it thrives between prisoners and staff who use it get essential products. Yet the nature of barter has changed in the present day in that it provides much more than a few packets of cigarettes or some soap. The difference between the resumption of the black market in the present as opposed to the Soviet period is that it is used to provide resources which under Soviet communism were provided by the regime, so there is a greater sense of urgency to its current use. For example concerts and plays from local schools were performed in exchange for school furniture built by the strict regime. Barter is also used illegally in that it provides certain prisoners with privileges. Illegal exchanges are not recorded and are not supervised; yet they are recognised by senior officials who regard such exchanges as 'normal'. One illegal exchange involved a *mafiya* gang bartering an agreement with the strict regime whereby one of its members received good treatment while imprisoned in exchange for televisions provided by the *mafiya*. According to the Director of Prison Industries,

Where else are we to find televisions? The region certainly does not have the funds, so we negotiate with prisoners.

Conjugal visits also provide families with an opportunity to barter. The wife of one prisoner brings poultry and dairy products regularly from her farm in exchange for agricultural machinery parts.

Although barter is used in Smolensk at the most basic level it nonetheless provided the colonies with essential items ranging from bed linen and cleaning materials to staff wages. In 1998, up to 70% of the barter exchanges occurred between the colony and the local community. The majority of products were from the sector Goods for Civil Society (GCS). Prices were 25% cheaper than retail prices and were negotiable for all products,

Most of our customers are from the villages surrounding the colonies. They exchange eggs, cheese, bread, anything really for items like kitchen furniture and chopping boards (*Chief, Smolensk Region*).

Although it is undoubtedly the case that barter is useful for providing a proportion of essential resources, it does not compensate fully for the shortfall of funds. It provides both colonies with around 10% of the missing 30% of funds. The general regime was provided with marginally fewer funds from barter compared to the strict regime. Donations from local churches provided some of the remaining income required, but this was only a fraction of the necessary funds. When funds could not be found staff worked without pay (from May until November 1998, up to 40% of staff in each colony worked without pay); workshops closed down; teachers were no longer employed and basic entertainment activities were reduced. Some prison officers resented that prisoners were obliged to be paid according to the Criminal Justice Executive Code and the European Prison Rules while they might be asked by the governor to work without pay,

It's just ridiculous. They commit crimes and we are the ones who do not get paid. But what choice do we have? If we protest and do not turn up for work who will then run the colony?



### 5.3.3.2 *The organisation of barter*

In Smolensk, there was a real sense that the management of barter lacked organisation, skill and any concerted effort. Organisation of advertising was down to two small, poorly equipped departments located in the administration buildings in each colony. In the general regime, the marketing department opened on an *ad hoc* basis while the marketing department in the strict regime was over-staffed with prison officers with nothing to do. Organising a system of marketing and advertising prison-produced goods was simply not taken seriously in Smolensk,

It is not important to talk about what we do to sell the products. Marketing is marketing. We don't need to go out and waste time finding out how to sell goods (*Director of Marketing, general regime*).

The regional marketing department could only afford to advertise in the village newspapers where the colonies were located and in the Moscow newspaper Arguments and Facts (*'Argumentii i Faktii'*). The lack of dynamism in market testing was striking. It did not take an expert in marketing to notice that Smolensk region is close to the Moscow region, within which there is a potentially rich array of clientele in the dozens of provincial enclaves west of the capital and near Smolensk. Using less expensive advertising such as poster campaigns, the colonies could target these enclaves with details of the barter systems in place.

Skills in buying and selling goods directly from the colony are also lacking. Only the director of prison industries and the governor are permitted to barter, and each has unlimited discretion in negotiating exchanges. Although the legal exchange is the official course of action, most barter contracts in Smolensk – even those that are legal - are unrecorded. The potential for corruption is therefore immense, as the incident involving the *mafija* reveals. Moreover, staff trained under the old regime are simply not skills-equipped to for the current business and economic climate. Some 'new Russians' trained in business and working in the public sector are nevertheless learning how to apply selling techniques seen more

in the private sector. Yet in the prison system generally, and in Smolensk specifically, such approaches have yet to emerge as for most of the twentieth century prisons were funded fully by the state and were key to the regime's plans for sustaining Soviet communism. Prison staff in Smolensk did not appear to grasp that the state was not meeting its responsibilities and instead staff were eager to please and not criticise the government,

As long as the state is happy, we are happy. What else is there to worry about?  
(*Governor, strict regime*).

It is vital that staff in Smolensk embrace the fact that the state is no longer the provider of many of the prison's resources. Indeed to do so would require a radical change in how Smolensk prison managers thought about the role of the state in providing resources for prisons. Such a process of re-thinking penology is unlikely to happen in a region like Smolensk as it is so close to the central authority that it might intervene should regional managers take it upon themselves to develop and make innovations in the prison colonies. Since most prison officers trained under the Soviet system, it is hard to imagine how such a change of attitudes could occur in the short-term.

### ***5.3.3.3 Views about barter***

Barter is viewed differently by prison officials, prison staff and prisoners. Government officials were not alarmed about barter replacing state funds. Instead it is viewed as inevitable,

I am aware that barter is used. At present we have no guidelines or strategies for monitoring it. So long as it is used sensibly, I have no problem with it. What is the big deal? We use it every day. If barter can provide some of the income that we cannot provide, then why not use it? We have more pressing concerns, like reducing the prison population<sup>74</sup>.

<sup>74</sup> General Alexander Il'yich Zubkov, Assistant Deputy Minister of the Russian prison system in conversation June 1999.



Regional officials also view the introduction of barter as unavoidable and ‘normal’,

Barter is our only option to find funds. I use barter with my neighbours sometimes. It’s just a method we use. I am more interested in prisoner reform than worrying about barter (*Chief, Smolensk region*).

**Table 5.10 Staff views on barter**

Is barter important to the colony?	Staff	
	Strict	General
Yes	18 (36)	20 (37)
Not important (including ‘no opinion’)	32 (64)	34 (63)

$\chi^2 = 0.012$ ,  $p = 0.538$ , d. f. = 1

Questions such as how long can barter sustain the colonies? And should colonies be allowed greater autonomy in managing their financial affairs? are overlooked at a senior level probably because barter is viewed as a ‘normal’ method for surviving the economic instability of contemporary Russia. The ordinariness of barter, in the everyday sense, is reflected in the views of prison officers shown in Table 5.10.

No significant differences were found between regimes on the importance of barter, with a greater proportion of staff asserting that barter is not important (64% and 63% in the strict and general regimes respectively). The trend in Smolensk to play-down barter emerges also from the interviews.

The reform programmes are of greater urgency (*Prison officer, general regime*).

We just get on with the things we can change like the mentality of prisoners. Barter is separate (*Education officer, general regime*).

The responses from prisoners, however, present a different picture of how barter operates and what it means for those involved in the production of the goods. According to prisoners, barter is important because it ensures their personal survival,

I know exactly why I work. It is not for my reform, it is to produce goods so that we get heating, staff wages and food (*Prisoner, general regime*).

If we did not work, then the colony would not operate. I work in order that I get food. I work to live (*Prisoner, strict regime*).

Other prisoners stated that the stress of finding ways to ensure that prison labour is effective, both for prisoners and staff, could be alleviated if the former knew exactly why they worked,

I do not find that the work really changes the way I think. So I have no idea really why I work in that it is meaningless for my reform. I am aware that the colony needs the prison labour, however (*Prisoner, general regime*).

While the issue of personal survival during imprisonment is not unique to Russia, the emergence of survival within an unstable barter economy is. The term usually refers to the coping and psychological issues that prisoners address during custody such as maintaining contact with families, partners and friends, and surviving possible brutalities from staff or prisoners. Cohen and Taylor (1981) describe imprisonment as 'disturbing the orderliness of life' (Cohen and Taylor 1981:53) in much the same way as the death of a loved one does. They argue that the prison environment is extreme and the prisoner must survive the extreme conditions by secondary socialisation or 'prisonisation', to quote a term used originally by Clemmer (1958). Survival skills are essential post-release where often-cited difficulties include trying to cope with the extreme cultural changes of life after imprisonment.

These aspects of survival are indicative of all prison systems and Russia is



no exception. However, in Russia there is the additional burden of trying to survive while working to ensure that essentials (heating, educational and industrial materials and staff wages) are provided. This is about balancing economic survival with psychological survival. Without a doubt, economic survival contributes to the goal of rehabilitation since keeping the body alive is probably a necessary condition for the maintenance of mental health. But in Russia keeping the body alive *through work* is a necessary condition for the maintenance of the establishment as well as the mental health of the prisoner hence psychological survival is very much dependent on economic survival. To a degree prisoners acknowledged this but staff understandably struggled to grasp fully that Russian prison colonies are increasingly relying on prison labour to provide resources, and less on state subsidies,

My main problem is imagining what the day-to-day situation would be if we received less and less funds, or if less prisoners worked. We have no way of knowing the future (*Prison officer, strict regime*).

Looking at the responses from all those involved in barter from inception, through to production, negotiation and selling of goods, a confused picture as to its role emerges. On some occasions, staff referred to, 'just getting by', 'managing alone' and, 'feeling in a vulnerable position'. On other occasions staff were evasive over the specific details of how this unstable and risky venture could assist in the operation of a prison colony. This evasiveness is related to staff views on how the Moscow administration manages the introduction of barter for functions traditionally adhered to by the state. It might be expected that prison staff would be critical of the central government for failing in their task to provide for a fully subsidised prison. Yet, in Smolensk, some staff went out of their way to heap praise on the Moscow administration,

Our government is doing its best for us (Senior Prison Industries officer, general regime).

Other staff suggested that the proximity of the colonies to the central government undermined their ability to improve the situation,

I would rather not blame anyone, least of all the Moscow administration. They visit us regularly. It would be inappropriate to comment (*Prison officer, general regime*)

Others were more outspoken in arguing that the central government prevented the colonies from managing their own affairs,

We have a federal connection to Moscow. But they prevent us from doing many things. Moscow officials are always around (*Prison officer, general regime*).

Some staff argued that central prison authorities were more inclined to offer resources for psychology and religious services than for prison industries,

The Moscow administration likes the idea of psychology and religion. They are very supportive of the work we do to reform criminals (*Chief, Smolensk region*).

Evidently, the location of the region close to Moscow is a factor influencing the overall operation of the colonies. The region receives regular visits from officials based in the central authority and this might explain why staff were reluctant to criticise the government-it seemed as if they felt that they were under surveillance. Government support for psychology and religion could also be to do with being seen to endorse all things non-communist and instead embrace worldviews that are in line with other prison systems. The re-emergence of the church after the collapse of communism and the freedom enjoyed by academics pursuing other knowledge forms such as western psychology, were seen by the Moscow administration as 'new and interesting ways to understand imprisonment'<sup>75</sup>.

<sup>75</sup> General Alexander Il'ych Zubkov, Assistant Deputy Minister of the Russian prison system interviewed March 1999.



The reality is that the Smolensk colonies are completely dependent on prisoners' work to ensure survival of all aspects of imprisonment through the informal economy of barter. In the future it is not even certain whether the central administration will be able to provide the prisoners with maintenance. Evidence has been gathered from one incident whereby essential prisoner maintenance was incorrectly managed due to the strain on staff in trying to find operational funds. In this situation prisoners were required to work to feed themselves as the order for food supplies was mysteriously lost and a member of staff who did not have the expertise in ordering the correct food stocks ordered far less than was necessary. When formulating strategies that fulfil the goal of imprisonment, be it punishment rehabilitation or deterrence, prison officers failed to take into account that without funds meeting the goal of imprisonment could be affected.

### **Conclusion**

In less than ten years since the collapse of communism new findings have emerged as to the function of prison labour in the Russian prison system that to varying degrees follow trends in Western Europe. First, prison labour is no longer the main mode for bringing about reform. Second, the prison colonies are now developing their own perspectives based on policies determined with outside of the central government but which are supported by central government in notional terms (this development does not correspond to trends in Europe). Third, and most immediate, is that prisoners work in order to live. While the idea of prisoners working to live has no direct connection to reform, without prison labour, the institution could not function and thus reform would be an unreachable goal. Yet in operating this way, a question is raised as to the function of the prison in Russian society. Barter is vital for the survival of the prison and the staff as well as the prisoners. The former state-colony relationship has withered and the private sector, whatever its shape or

form<sup>76</sup> has developed a partnership with the colonies through joint ventures which operate independently of political patronage. The increased autonomous status of the prison regions may allow the private sector to influence the colonies. As yet, this is not a major concern for Smolensk region, but if the situation is allowed to continue, it will become a matter for further debate.

A full analysis and interpretation of the findings takes place in Chapters 7 and 8, however, some points require elaboration here. The findings from Smolensk raise issues to do with whether the region decides for itself, which types of strategies are to be implemented. To answer this question it is instructive to look first at the idea of character reform. The indications are that Smolensk region receives more by way of *support* for the directives in place from the Moscow administration than it *receives* by way of funds. The peculiar form of psychology in place and the increasing presence of the church in the prison environment are endorsed by the central government, if not in terms of finance, then in terms of approval for the methods. What happens to prisoners after release regarding finding employment or surviving the current crisis was not a major concern. Prison officers were eager to be seen as upholders of the tradition of reforming prisoners according to a dominant ideologue and it is clear that the solutions in place occupy the ideological vacuum left in the wake of the break-up of the USSR-this is how prison labour was justified.

Time and again, in the course of asking staff to evaluate the goal of imprisonment, too often staff seemed to reach their opinions on the basis that if services such as psychology and religion exist they are probably good tools for achieving the goal. To some extent this may be an understandable reaction from prison officers who seek to present their jobs in the best possible light and also because they have nothing else to offer prisoners. Nonetheless, given the

<sup>76</sup> In this context, the private sector is any type of client or customer who is involved in an official agreement with the colony and I do not necessarily refer to the large commercial business that are integrated into other prison systems (see Hogan 1997, Davis 1999 for recent debates).



dwindling funds it is inexcusable (at an international level) if these methods are endorsed over and above investment by those involved in managing the prison system.

In terms of funding, it can also be said that Smolensk region is not entirely autonomous from the Moscow administration as just over half the operational funds are provided for. While the regional Chief of Smolensk acknowledges that under-funding is severe there was little evidence that staff were concerned about the situation and all the signs were that the proximity to the Moscow administration prevents Smolensk region from developing independent measures to bring about the operation of the colonies. Some Smolensk officials stated - albeit off the record - that until the central administration resumes full funding, greater autonomy may be one way of ensuring that the colonies are provided for because to would give the region a 'free reign' in implementing their own methods. But there is little evidence to show that this route will be adopted. The operation of barter, the inability of staff to use it skillfully, market it efficiently, and organise it legitimately, in the context of modern-day demands, reveals an indifferent approach to the present financial crisis and an incapability on the part of staff to get to grips with the current crisis in the prison system where prisoners must work to live. Even as the strict regime struggled to find funds to heat the accommodation buildings in the winter of 1999, staff continued to evade the finance problem and instead preferred to discuss the benefits of psychology and religion for achieving character reform. If staff acknowledge that without meeting operational costs, character reform is non-achievable, they could implement better procedures to meet this goal and thus provide the very facilities needed for character reform (operational costs included all educational materials). This would go some way in making rehabilitation a reachable goal.

The absence of any real autonomy in Smolensk concerning the measures in place to bring about the goal of rehabilitation has created a state of indeterminacy for the region as a whole. The region has been left to fend for itself, as it currently

does not receive full state support. But the colonies are still under the glare of the Moscow administration by way of regular visits from senior government officials. The vague, and often incoherent, views expressed towards the central government from staff reflect the inability of the region to break free and devise strategies that really can work.

The current crisis which has led to prisoners being forced to work to survive is deeply controversial, and massively important not only because it raises real issues about Russia's treatment of prisoners in light of international texts, but also, if prisoners are working to survive, then current practices raise questions about the role of prisons as institutions of reform. These last points will be analysed in more detail in Chapters 7 and 8. In Chapter 6 findings from Omsk prison region are presented.



## CHAPTER 6

### Prison labour in Omsk Prison Region

Employment of inmates in industrial programmes might in some settings enhance the stability and improve the atmosphere of the institutional environment (Flanagan and Maguire 1993).

#### **Introduction**

The function of prison labour has changed in Russian prison colonies since the collapse of the Soviet Union in 1991. The de-centralised regions formulate their own penological perspectives that form the basis of strategies that aim to bring about rehabilitation. In Smolensk prison labour brings about character reform and the solutions were semi-independent of central involvement. Also in Smolensk, new alternative strategies have been introduced to provide for the types of reform that the region wants to achieve. More importantly, in the current climate the central government is unable to provide essential funds and resources. In order to provide resources prisoners must work. The prisoners themselves, as well as the staff and the institutions survived by producing goods that were exchanged to provide essential resources and wages. Prisoners, it emerged, worked to live.

The location of Smolensk in relation to Moscow was found to be a factor influencing the function of prison labour and the specific nature of the goal of imprisonment. Prison colonies in western Russia are the first to come into contact with western ideas and theories about crime and punishment (hence character reform could be said to resemble the kinds of individualised behaviour programmes in America, for example. A lack of support; the type of industrial production (primarily light assembly); the position of the region close to Moscow, and the degree of independence staff feel themselves to have, were also found to be factors that affected the successful operation of the colonies.

In this chapter, findings are presented from Omsk prison region, which is approximately 3,000 kilometres east of Moscow in the central Siberian plains. The

same three developments that were found to have taken place in Smolensk also emerged from the findings from Omsk: that the regions define for themselves the philosophical approach to imprisonment; that alternative strategies have come to replace work since its overall decline from 1991 onwards, and also that prison labour functions in new and distinct ways to ensure that prison colonies remain operational.

The chapter is organised along similar lines to Chapter 5 and will present the developments that have taken place in Omsk region. Unlike Smolensk, the specific nature of rehabilitation in Omsk is sociological in nature in that the solutions focus on the relationship between the individual and the community. The findings will also show that the ways in which prison labour provides practical resources to the colonies is strikingly different from Smolensk. This substantiates further the anticipated message of this study outlined in the introductory chapter that since the collapse of communism, the prison regions are responsible for developing their own perspectives and for providing resources.

### **6.1 The goal of imprisonment in Omsk**

The first section presents the findings as to what respondents thought was the purpose of imprisonment in Russia today. Table 6.1 compares the views for staff and prisoners as to the predominant justification for imprisonment.



**Table 6.1 Goals of imprisonment as presented by all respondents in Omsk<sup>77</sup>**

	Prisoner n=17 (%)	Staff n=89 (%)
Rehabilitation	5 (30)	80 (90)
Punishment	12 (70)	9 (10)

$\chi^2 = 32.860, p = < 0.001, d. f. = 1$

In the Omsk sample, differences between all staff and prisoners concerning the goal of imprisonment were very highly significant with the majority of prisoners viewing imprisonment as punishment (79%) and the majority of staff as rehabilitation (90%). Comparisons of prisoners and staff within the regimes are shown in Table 6.2.

**Table 6.2 Goals of imprisonment according to regime**

	Prisoner		Staff	
	Strict n=8	General n=9	Strict n=47	General n=42
Rehabilitation	3 (38)	2 (22)	40 (85)	40 (96)
Punishment	5 (62)	7 (78)	7 (15)	2 (4)

$\chi^2$  prisoners = 0.476, p = 0.490,  $\chi^2$  staff = 2.505, p = 0.108, d. f. = 1<sup>78</sup>

<sup>77</sup> The 'n' total is the number of respondents and the number in parenthesis is the percentage. If the counts do not match those in the 'n' total this is due to missing data (for example, if someone does not answer the question). All forthcoming tables will present the counts followed by percentages in brackets.

<sup>78</sup> Assumptions of chi-square test violated since 37.5% of cells have frequencies <5 (see Diamantopoulos and Schlegelmilch 1997:156).

There were no significant differences within regimes for prisoners or staff as to the goal of imprisonment. Among prisoners, 62% and 78% believed the goal to be punishment, although the sample was so small that any discussion of prisoners' responses should take this into account. The predominant view among staff is that the goal of imprisonment is rehabilitation (85% and 96% of staff in the strict and general regimes respectively believed this to be the case). The interviews confirm that prisoners view imprisonment as for punishment and staff as for rehabilitation,

We aim for rehabilitation. That is our instruction (*Governor, general regime*).

I am locked up in an overcrowded room that smells and is dirty. I have to work hard for a few kopecks. This is our punishment (*Prisoner, general regime*).

Staff view imprisonment as reform because they see it as their job, whereas the prisoners believe imprisonment is punishment because of the conditions they are forced to live in, rather than because it exacts some kind of revenge for alleged wrong-doing. This is a different finding from Smolensk, where some prisoners showed signs of a deep-seated guilt that could only be reconciled by a harsh punitive regime that involved intense prayer and personal struggle and which would lead to self-reflection and a reformed character.

Throughout the Soviet era, much criminological research concentrated on establishing socialist definitions of criminality (Solomon 1978). It was felt that it would be interesting to investigate how perceptions of crime have changed (if at all) since the collapse of the USSR. Also from the observations of staff, it was clear that how staff defined rehabilitation was linked to views and opinions on the causes of crime in Russia. This is not to say that the two are causally related, but one does function in response to the other. As with Smolensk, views on crime as presented by staff and prisoners in Omsk were not clearly defined with some respondents arguing that crime is an inborn trait and crime can also arise from social factors. The views on crime are presented in the following section.



### 6.1.1 Perceptions of crime

All respondents were presented with two options on the cause of criminality: individual/inborn, or social/environmental<sup>79</sup>. The responses are shown in Table 6.3.

**Table 6.3 Causes of crime as perceived by all respondents**

	Prisoner n=17	Staff n=89
Inborn	4 (24)	22 (25)
Social	13 (76)	67 (75)

$\chi^2 = 0.011$ ,  $p = 0.917$ , d. f. = 1

No significant differences were found when comparing prisoners with staff on the causes of crime, although one of the assumptions of the chi-square was violated (25% of cells had a frequency of less than 5). Nonetheless, the trend is to view crime as a result of social/environmental factors (76% of prisoners and 75% of staff).

Table 6.4 compares the causes of crime between regimes for staff (this statistical comparison was not possible for the prisoners since the sample was too small that the conditions of the chi-square test would have been violated).

<sup>79</sup> See the introductory notes in Chapter 5 section 5.1.1 for an explanation of the use of two definitions of crime.

**Table 6.4 Causes of crime as perceived by all staff**

	Staff	
	Strict n=47	General n=42
Inborn	12 (25)	10 (24)
Social	35 (75)	32 (76)

$\chi^2 = 0.020$ ,  $p = 0.851$ , d. f. =1

No significant differences were found between staff across regimes as to the causes of crime. The overwhelming position is to view crime as to do with social factors rather than to do with individual traits. The semi-structured interviews support this finding. Overall staff are concerned about how the continuing social and economic decline in Russia is leading some individuals into crime,

Our society has been unstable since perestroika. I fear that people just can't survive or cope anymore. They give up, steal, rob and commit murder (*Governor, general regime*).

The quote just presented reveals a common concern amongst Russian people that since 1991, the very stability that shaped their lives has given way to a society where the sense of 'normal' changes daily and is influenced primarily by social disorder, political corruption and economic factors which in Russia have aggravated every day lives to such an extent that Russia has been described as hovering between becoming a western nation and third world country (Malia 1999). Yet present day views of crime arise not only from genuine fears about the conditions in society, but also, out of the fact that under communism crime was said to not have existed. Central to the views on crime is that the collapse of a 'collective conscience' (which has been replaced by individual success) and the demise of the system of centralised governance (leading to the emergence of



fragmented regional administrations), have turned Russia into what one senior prison officer described as a 'selfish' culture. It is the post-Soviet development of Russia into a society that aligns itself to European and western ideals that is believed to be one possible cause of crime,

I always believe that we have to take care of each other. That is the way I was brought up, and it is the way it used to be for so long. We don't have that sense of mutual responsibility anymore. We just don't care about each other any more (*Governor, strict regime*).

A minority of staff believed that to perceive of crime as a consequence of factors such as poverty or economic decline or of the collapse of a stable ideology, leads to a situation where prisoners are 'let off the hook' thus circumventing any individual responsibility for actions,

I don't accept that crime is because of economic instability and poverty. We all live in poverty. I earn \$20 a month. I am poor, but I would not go out and kill a man. That is just an excuse (*Senior prison Industries officer, strict regime*).

The quote just mentioned is hardly surprising given that in many societies, prisoners are vilified as non-deserving of any form of tolerance (Smartt 1996). But in Russia, at the very least, the quote is an indication of a shift in thinking about crime from the Soviet era. Under communism the level of debate on crime was stunted by a widespread fear that to explain the causes of crime as anything other than behaviour that was disloyal to the USSR would most probably lead to a long prison sentence of forced labour in a Gulag. Change in criminological thinking has been slow but for the first time since the collapse of the USSR ten years ago - indeed for the first time since 1917 - criminal justice practitioners are beginning to look critically at the social, economic and personal factors that may lead persons to commit crime. Indeed it is incumbent on criminal justice practitioners to continue

the good progress of the last 3 years or so in debating and reforming areas of Russian life that can lead to crime<sup>80</sup>.

In Omsk there is a minority of staff who believe that crime is to do with problems residing in the individual, but overall criminality is viewed as a result of tensions in society. The sense that prisoners were as influenced by the environment as by their personality, forms the basis of value judgements from staff as to why people became criminals and also of the circumstances in which criminals were likely to re-offend,

Given the world we currently live in, with all its instability and lack of opportunity, simply living is a struggle (*Governor, general regime*).

Compared to Smolensk, where an individualistic orientation of criminality was presented by most staff and prisoners, the approach in Omsk is a stark contrast: the goal is to make prisoners fit for society through *social reform*.

Among prisoners the greater majority looked at their personal circumstances when seeking to understand crime,

I have been stealing for 5 years. I lost my job and I stole in order to survive. What else could I do? (*Prisoner, general regime*).

while a minority believed that personal weaknesses or abnormalities led to crime,

I need to be cured. I cannot stop stealing (*Prisoner, strict regime*).

The varied responses in Omsk, particularly among prisoners, are in line with western criminological thinking that states that that often no specific theory of crime can be possible. Bottoms and Wiles (1998) write of crime causation in the UK, 'it is a fundamental mistake to conceive of them [social and innate causes of

<sup>80</sup> In recent years, the Russian prison service journal '*Chelovek: Prestuplennye i Nakazannye*', (Man: Crime and Punishment) has become a forum for prison officers, governors and also recently prisoners, to raise issues about the colonies in which they operate in or are incarcerated in. The



crime] at separate levels at all' (Bottoms and Wiles 1998:102). Muncie *et. al* (1998) argue that 'given the widespread nature of crime it may be that no specific motivational theory is possible' (Muncie *et. al* 1998:66). The findings from this study support Muncie's point. Many different reasons for imprisonment (punishment, rehabilitation and deterrence) and for crime (social factors and personal defects) were cited, all at once. Although there was a tendency in Omsk to look more at social factors when discussing crime, prison managers did not consider that in most societies crime is the result of the interaction of a complex range of issues: the personality, gender and the social, economic and political organisation of society and cannot be attributed solely to social factors.

In the following section the strategies in place in Omsk region in the post-Soviet era are examined in detail.

## **6.2 Implementing the solutions to bring about rehabilitation**

In Omsk a range of solutions is used to rehabilitate prisoners, which reflect the perspective of *social reform*. These are (1) prison labour, (2) vocational training and (3) Community Liaison Partnerships (CLP). In the following section how each solution seeks to bring about social reform is analysed in detail.

### **6.2.1 Prison labour**

This section presents a brief historical account of prison labour in Omsk, followed by an analysis of present day prison industries, the types of training available and the rationales for prison labour in order to determine whether it is as predominant in Omsk today as to was ten years ago.

For most of the twentieth century Soviet criminology dictated that so-called offenders could be reformed in two ways. First, through political correction and

journal provides a fascinating insight into how prison life affects all those involved.

second, through the contribution the prisoner made to the Soviet economy by producing goods for regional and state plans (see section 2.2, Chapter 2).

In the Omsk Gulag or *OmskLag*, built sometime in the late 1940's<sup>81</sup>, prison workers were incarcerated according to this penal philosophy<sup>82</sup>. Throughout the whole of the communist period, Omsk region was provided with abundant and lucrative prison labour contracts. Prisoners were brainwashed by prison officers who manipulated Marxist ideology and elevated it to the level of a quasi-religion. Prisoners were continually reminded that their criminality threatened the stability of the USSR and that only through work could they be redeemed. Forced labour was justified on the grounds that in building the perfect heaven on earth, the deviant population would play a significant role as the creators of communism. In reality, prisoners worked, sometimes to death, building major rail networks throughout Siberia. In penological terms, it is an irony that while crime was said to not exist in socialist societies, a definition of deviance was manufactured and ruthlessly applied. It is remarkable that Soviet citizens lived in such an environment where without the criminal element in society the very stability of their (communist) lives was threatened. According to Siegelbaum and Sokolov (2000) the Omsk Gulag was significant in the mass repression of the 1940's. People were 'poured into' Omsk region for execution and exile. On 02 July 1937, at the height of Stalin's 'Great Terror' 72,000 people were scheduled for execution in Omsk and a further 270,000 for exile there (Siegelbaum and Sokolov 2000: 289). Between the 1960's and the 1980's the agricultural and forestry industries enlarged as a result of prison work in timber production and farming development in the Siberian region. All kinds of manufacturing from building lorries to making

<sup>81</sup> There are no exact dates for when the colonies were built.

<sup>82</sup> Source: This information came from a small archive (1 folder with some documents) in Omsk city library and was verified by some of the older prison managers who worked in the Soviet colonies from the 1960's onwards (see *Archiiv Omskii Oblasti' Nomer, 432*. Omsk City Library). The archive was established after the first Gulags were disbanded in around 1956. No such archive was found to exist in Smolensk prison region.



machine guns were produced in Omsk prison colonies. Indeed, arms production became a profitable prison industry after Omsk become officially 'closed' to westerners during the Cold War (Yakushkin 1975).

As with all aspects of Russian life, the collapse of communism has led to the problem of justifying the existence of present day institutions, in this case, prison labour. At the same time, the decline in the economy has provided very little opportunities for colonies to put prisoners to work. Compared to some prison regions in Russia where the prison working population is between 30% and 40%, the number of prisoners working in the Omsk colonies has only steadily declined from 83% in 1994 to 67% in 1999 in the strict regime and from 76% in 1994 to 60% in 1999, in the general regime. The percentage of prisoners working in Omsk is similar to the numbers employed in prisons in England and Wales (see Simon 1999), although the numbers engaged in work can be as high as 89 % as Simon (1999) found in Maidstone prison.

Since the numbers of prisoners working in Omsk is quite high compared to other prison regions in Russia, Omsk prison region has operated a varied industrial sector offering a good range of prison labour. Today over 170 different types of merchandise in agriculture, manufacturing and Goods for Civil Society (GCS) are produced in prison industries in both colonies. The goods that are produced in most abundance are farming ploughs, household goods, manufacturing parts, police boxes, children's' playground furniture, aluminium, tin, steel, all parts for buses and large goods vehicles, radiators, fridges, dachas, and 'merry-go-rounds' (children's carousel)<sup>83</sup>. Omsk prison region continues to produce tractors and combines but at a far slower rate compared to 1990 (the annual production of tractors was 50 in 1990 compared to 10 in 1999). The GCS sector is not

<sup>83</sup> Other products include: framing equipment, agricultural repairs, industrial machinery for collective farms, industrial springs, tin wiring, household goods, bayonets, barbed wire, knives, swings for children, furniture, kitchenware, garage repairs, coffins for people and animals, garden furniture for children, shopping bags and headstones (design made to order).

categorised as a major industry, but the range of merchandise produced shows that it is an important industrial sector nonetheless (10% of prisoners worked in this sub-sector). There is an interesting approach to how prison officers in Omsk present the sector GCS to the prisoner population. According to staff GCS production is useful for providing prisoners with a sense of the world beyond the prison. The Head of Educational Training, stated,

It is about providing prisoners with a window to the outside world. GCS can be found in the home. I think that prisoners need to be reminded of home when they are here to minimise any problems to do with adjusting to prison life.

This approach was seen as a positive way of ensuring that prisoners do not find such work as tedious. On one level, looked at in this way, it shows the extent to which all prison labour is viewed as useful. On another level, it might be that staff describe it in this way so as to pacify prisoners who might otherwise resent having to work in such low-skilled work.



**Table 6.5 Reasons for providing labour as presented by staff**

	Omsk staff n=89
To give the prisoner time to think about why they committed crime rather than be idle <sup>84</sup>	7 (8)
To build the prisoner's character	5 (6)
To keep the prison running	11 (12)
Because work is punishment	9 (10)
To keep prisoners busy	8 (9)
As a commercial enterprise	6 (7)
To inculcate a habit of work	28 (31)
To inculcate a habit of responsibility	15 (17)

K-S z = 2.461, p = 0.000

While staff argue that all prison industry is useful for social reform, it is heavy industry in particular that is relied on more in order to provide resources for the colonies, without which, rehabilitation is not a reachable goal. The fact that there are more types of prison labour in Omsk enhances the view that it should be predominant in any reform strategies, hence staff endeavour to provide as much work as they can. This was particularly evident in the rationales for prison labour, which are discussed in Table 6.5. Staff were asked to choose incentives for utilising labour from a pre-determined list. Percentages are presented in brackets.

The results from the Kolmogorov-Smirnoff test show there were very high significant differences in the reasons given. The rationales support the finding that prison labour is the basis for social reform. Most cited reasons for prison labour were 'inculcating a habit of work' (31% of staff), followed by the response 'to

<sup>84</sup> The list of responses was taken from the government publication '*Penitentsiarnie Uchrezhdenie v Sisteme Ministerstvo Yustitsii Rossi*' 'Penitentiaries under the Ministry of Justice'. In the publication, the Deputy Minister of the prison service, Yuri Igorovich Kalinnin outlines reasons for providing work in penal colonies (See Zubkov *et. al* 1998).

inculcate a habit of responsibility' (17% of staff). Commercially oriented reasons for work were also cited as important with 12% of staff citing 'keeping the prison running', and 7% of staff stating 'commercial enterprise'. The utilisation of work for punishment was perceived as more important than using work for building character (ratings of 10 and 6). Compared to Smolensk, where 36% of staff favoured 'to build character' (see Table 5.6), the Omsk responses were more contrasting. Diverse rationales such as 'to keep prisoners busy' and 'work as punishment' were similarly dispersed (rated 9 and 10 respectively). This suggests that the goals of imprisonment and the reasons for specific methods for rehabilitation in Omsk are not clear-cut, based sometimes on reform and other times on punishment.

The interviews reveal that most staff favour prison labour that aims at rehabilitation,

Above all else, work has to reform the man (*Governor, general regime*).

Other staff offered responses that suggest that labour is an important goal of reform if it combines punishment with education,

Labour is only useful if the prisoner is punished. He will be accepted in the community if s/he can communicate to society: I have been punished, and I have also learned some skills (*Director of Prison Industries, strict regime*).

Some staff believed that work is useful for prisoners and also for the colony,

The prison and the community benefit. He learns skills, so that he can find a job. He also produces goods to keep the place operating (*Prison Education officer, general regime*).

The work that was available, while being appreciated by prisoners in terms of its time-passing qualities, was viewed less favourably in terms of its usefulness and how it was approached and implemented by staff, particularly in the strict regime. For prisoners, work was 'hard labour' involving long hours and difficult work conditions where not all prisoners were skilled for the heavier types of work. This



calls into question whether Omsk region satisfies the guidelines of the 1997 Corrective Labour Code in providing 'meaningful and humane labour',

It is just like the old days. We work to be reformed and we work really hard (*Prisoner, strict regime*).

I am really exhausted. Not all of us are working, but those of us who are do really difficult work, but it is better than not working (*Prisoner, strict regime*).

In Omsk the overall impression was that prison labour is viewed as achieving different goals (punishment, education, or paying society a debt). Staff consistently placed emphasis on work as providing for either rehabilitation, or punishment. Only through labour and education could prisoners receive the kinds of reform that combine the goal of paying a debt back to society with useful education. This suggests an absolute faith that prison labour (the types of work and the ways that it resembles work outside) can prepare for a socially useful life after release.

In conclusion, the Omsk colonies have struck a balance between the light and heavy industry and were able to sustain a large prisoner workforce compared to Smolensk. The responses convey a sense that a shared consciousness and a connection to the process of production link the prison population. At the time of the study this came to be understood in two lights. First, as a softened version of Soviet penology and second as western approach, particularly in the ways in which character reform is incorporated into social reform as the skills and opportunities that prisoners carry with them after custody assist them in leading a law-abiding life. The reality in Omsk is that prison labour is in decline and also is unstable and so new methods have been introduced that support the approach to labour through bringing the local community into the prison environment and also to provide for positive custody where work cannot be provided for. The new methods target all prisoners and these are, vocational training and Community Liaison Partnerships. These methods are presented and then discussed in the next sections and the

intention is to confirm that imprisonment and penal sanctions in Omsk region are sociological in nature.

### **6.2.2 Vocational training**

Vocational training was utilised throughout the Soviet period on an arbitrary basis and did not conform to a rigid set of procedures (Jakobson 1993). Nowadays, vocational training is receiving more serious attention. Table 6.6 presents the range of courses available in Omsk and compares these findings with training available during the Soviet era.



**Table 6.6 Training available between 1955-1993 and at the time of the study in 1999<sup>85</sup>.**

1955-1993	Omsk strict	Omsk general
Workshop	Agricultural parts, manufacturing, arms production	Agricultural parts, manufacturing
Courses	College and university diplomas in engineering, agricultural management (selective training)	College and university diplomas in engineering, agricultural management (selective training)
Prisoners receiving training	Up to 70%	Up to 70%
1993-1999	Omsk strict	Omsk general
Workshop	Agriculture, manufacturing, tailoring, light assembly, gas welding,	Agriculture, sewing, manufacturing, electrical products, gas welding
Courses	Accredited Institute Diploma (AID) in: driving farming vehicles, maintaining farm equipment, maintaining manufacturing equipment	AID in: electrician, agricultural management, gas welder, agricultural repairs, manufacturing repairs, garage repairs for large vehicles, and university diploma in agricultural management
Prisoners receiving training	Up to 40%	Up to 50%

The first observation from Table 6.6 is that despite the decline in Russian prisons generally since 1991, in both Omsk colonies, prisoners are offered an impressive range of courses and training in prison industries. All courses undergo quality assurance through an accreditation scheme established between Omsk region and the universities and institutes in Omsk city. The strict regime is planning to take over courses previously offered in regimes 1, 2 and 5 in Omsk in 2000. The

<sup>85</sup> The information on training courses available during the communist period was found in the Omsk archive 'Archiiv Omskii Oblasti', which was then cross-referenced with information provided from senior prison staff who worked under the Soviet system.

general regime employs students during their 'Practical Year' to work in the industrial zone and staff are recruited from the public and private sectors to teach on courses.

Altogether up to half of the prison population are receiving some sort of training. Compared to other countries this is lower, for example in England and Wales, education and training is provided to an average of 60% of the prison population in each establishment (Simon 1999). Any comparisons with the numbers from the communist period should proceed with caution. Some commentators have stated that while the regime stated that prisoners were undergoing 'rigorous socialist training in work', in actuality, prisoners received no training and were forced into brutal and dangerous work situations which they were ill-equipped for<sup>86</sup>. In today's system although staff do not take into account a prisoner's skills all the time, and although the provisions for training are unstable, every effort is made to match prisoners work skills to the labour undertaken.

The evidence from the interviews with the governors of each colony supports the emphasis on training for work and also as a method for providing prisoners with skills that she/he can transport to the community,

Training is at the heart of the work ethic (*Governor, strict regime*).

Without training, work is meaningless (*Governor, general regime*).

As recently as 1998, there has been an overhaul of the training for work systems in Omsk region's prison colonies. It is too early to assess the success of these programmes in terms of the goal of reducing recidivism through re-settlement, but they do provide an insight of the approach to imprisonment in Omsk that is not otherwise discernible from any national legislation or reports. The regional policy,

<sup>86</sup> Oral accounts collected for this thesis confirm the testimonies from Solzhenitsyn (1986), Panin (1976 ed.), Mandelstam (1972) and others, that the priority of the regime was to meet the state targets for production (see also Bacon 1994).



‘Training and Work: Preparation for Life after Prison’ (*‘Podgatovka, i Rabota: Prigotovlenie posle Govora’*) has the following aims:

1. To prioritise vocational training as preparation for release:  
Regional investment is to match that of prison industries. The general regimes receive more training investment than all other types of establishment<sup>87</sup>. This is because prisoners held in general regimes are seen to pose a smaller risk to order and discipline and can therefore be provided with less supervision and more opportunities<sup>88</sup>.
2. To establish a *Department of Social Education* in each colony combining work, training, education, and Community Liaison Partnerships (CLP):  
Social education networks or ‘cells’ meet weekly to discuss strategies for obtaining sponsorship for training.
3. To implement quality assessment audits for all training with assistance from local business and public sector bodies:  
The public and private sectors play a key role in providing sponsorship programmes such as the ‘Day Release’ scheme. Day Release provides prisoners with an opportunity to ‘shadow’, for a day, an individual working in any of the public sectors that have entered into the CLP. The Chief of Omsk region stated,

The private sector is immensely important, from monitoring the quality of our goods, to offering advice on how to improve training and industry. In turn we help them.

<sup>87</sup> However in Omsk, training is offered in strict, general and educational regimes and not in special regimes or prisons.

<sup>88</sup> The strict regimes incarcerate individuals convicted of serious crimes (murder, attempted murder, rape and violent offences) and the general regimes incarcerate individuals convicted of less serious crimes (theft, public disorder, fine default). Source: Chief of Omsk prison region.

4. To devise post-custody supervision:

The absence of a probation service in Russia means that it is almost impossible for Omsk region to monitor ex-offenders. The central prison authority does not provide guidelines or resources for post-imprisonment supervision. It is hoped that if this programme completes the pilot phase (2002), Omsk region will have a strong case to present to the central prison authority for operating an independent probation service.

The main problem that might emerge in implementing these programmes arises from a lack of central guidance and resources. The demand for courses is great and prisoners often wait months for a place on a course. As such, training can only be offered to individuals with previous work experience. Prisoners with short sentences also miss out. Also upon close inspection of the financial situation, there is very little money that can sustain these programmes and they are relying on the private sector to provide funds. This is a precarious situation as it is through the barter arrangements that many of the programmes are funded. Also many of the jobs prisoners encounter after custody are low skilled anyway so training may be of limited practical use. Omsk region is aiming to overcome implementation obstacles by way of setting up a 'sister department' to the Department of Social Education, *The Department of Community Liaison*, discussed below.

### **6.2.3. Community Liaison partnerships**

Community Liaison Partnerships (CLP), managed by *The Department of Community Liaison*, are new and novel ways of providing reform programmes to all prisoners. The concept underpinning the CLP's is that members of the community and representatives from the public and private sector gather at prison headquarters each month to discuss ways in which rehabilitation can occur. The three CLP's in place are: 'Social Rehabilitation after Prison' (*'Sotsial'naya Riabilitatsiya posle Govora'*), 'Sustaining Work after Release' (*'Bi'derzhavaya*



*Rabotu posle Govora*’) and, ‘Care for the Community after Release’ (*‘Uvazhenie na Obshchestvo*’). Each incorporates the following strategic aims:

1. To introduce socially inclusive solutions realised by employing staff from all spheres of the community to present a realistic picture of work opportunities after release:

To meet this objective, staff are recruited from many different employment sectors (40% of staff are academics, teachers, business people, economists and marketing managers) as well as from Tomsk Prison Service Training Academy (TPSTA) (60% of prison staff)<sup>89</sup>.

2. To liaise with local businesses and the public sector and to find the best types of training and opportunities for employment:

Comprised of networks or ‘cells’ made up of representatives from the public sector who meet to share knowledge of local labour markets, and employment and educational opportunities. The colonies are provided with employment legislation information as well as all other information useful for prisoners seeking work.

3. To begin the process of social rehabilitation during custody:

In a pilot trial for the scheme called ‘Sustaining work after release’, some prisoners reaching the end of their sentence spent one week on placements in participating businesses. This is the most difficult of all the CLP’s to implement primarily because it involves prison managers convincing private sector businesses to invest time, resources and some sponsorship to the colonies. Companies are persuaded to take part by sponsoring prisoners in exchange for goods produced in the colony (barter) that may be useful to the client. Local farms, Omsk City Council, Omsk Gas and the electricity company *Electrovirovest*’ and some local factories were found to be the

<sup>89</sup> Tomsk Prison Service Training Academy is the nearest prison training school to Omsk.

main benefactors at the time of the study. Although the time spent on placement is brief it nonetheless exposes prisoners to real work settings that they may encounter after imprisonment. A prison officer is dispatched to the work placement to facilitate further learning and support as well as to comply with guidelines on security. This scheme was completing its first pilot phase at the time of the study (February – June 1999).

4. To guarantee that prisoners are educated as to their role in the community: The CLP, 'Care for the Community after Release' is based on this aim. Short-term maintenance jobs for prisoners in their last year of custody are set up with public sector bodies. In order to convince the public sector to take part, the region emphasises care *for* the community as opposed to care *in* the community. The logic is that in emphasising care for the community, the prisoner is seen to pay society back for her/his crimes.

The CLP 'Care for the community' can be interpreted on two levels. First, given that many prisoners end up in low-skilled work, then it is only realistic and fair to provide them with opportunities to work in those kinds of jobs. This is massively important as unlike most prison systems, it is almost as if staff are acknowledging that the majority of prisoners will end up in low-skilled work and that every provision should be made to provide some basic skills training in this area of employment. A second interpretation of this CLP is that prison staff, in emphasising care *for* the community introduce a minor punitive element to imprisonment that protects the regional managers from accusations of being soft on crime and lenient with criminals. Road-sweeping, cleaning work and ticket selling are low skilled and poorly paid in Russia as they are in most countries. Directing prisoners into these types of employment may appeal to the more conservative members of the public, some of whom may sit on the CLP's, who resent skilled work being provided to former criminals. In doing these jobs, prisoners are punished (low pay and low skills), while being reformed (prisoners



are given some employment opportunities and some training). The diverse rationales for providing work presented in Table 6.5 support the second interpretation, that a combined reform and punishment objective is reached in using work, training and CLP's. The argument promulgated by staff in Omsk is that as under the old system, hard labour can in fact be reforming because it instils a rigorous work ethic. As far as the prisoners were concerned, there were mixed views on the idea of providing basic training for low-skilled employment. While some prisoners stated that this type of work was non-purposeful,

I am not working for a purpose. It is dull and tedious work (*Prisoner, general regime*).

And others expressed the view that this type of work only sustained the individual in the community in the short-term,

Cleaning streets will not make me less likely to commit crime. Maybe for a month or two I will not commit crime. But what if I am in this job for three months? The pay is low. How can I survive on that? (*Prisoner, strict regime*).

Overall, the majority of prisoners welcomed the opportunity to do any type of work regardless of whether it was purposeful, in order to pass time,

God! I will do anything here. I would even lick envelopes if it meant I didn't have to sit about watching the clock as it ticked by (*Prisoner, general regime*).

The situation in Omsk region regarding these directives that aim at reforming the prisoner through community involvement, is tenuous. While the directives were found to be supported by the majority of prisoners and staff, if Omsk region is unable to implement these strategies effectively, the whole process of reform will become erratic. The reliance on the private sector through barter for these programmes means that the central government becomes marginalised from the penal philosophies that emerge in the regions. It might also lead to difficulties in

maintaining the reform programmes as the private sector operates on the basis of profit, so should its involvement increase, then reform might become ancillary. Chapter 8 picks up on this point in relation to the European Prison Rules and the various treaties that prohibit forced labour. Generally speaking, if the CLP's are ineffective, Omsk region may risk the collapse of the system that in many respects resembles the more positive and forward thinking attempts in European criminal justice systems that seek to prepare prisoners for life in the community.

For example, the National Association for the Care and Re-settlement of Offenders (NACRO) in the UK has devised a Prisons' Link Unit funded by the Prison Service, which trains prison officers to advise prisoners on housing and unemployment. Also there are elements of the concept underpinning what was once Through-Care and is now resettlement in the Prison Service in England and Wales, in Omsk. Through-Care seeks to unite prison staff and the probation service into a continuing process of bridging the gap between custody and release. Prisoners are supported in a number of ways: Training Enterprise Councils aimed at improving training, providing labour market information, funding training assessors, funding prisoners on training courses and facilitating the secondment of instructors to outside firms for refresher periods (The Home Office 1993).

Re-settlement in England and Wales is limited because it attempts too many goals all at once (employment, training, psychological adjustment, community networking). Another fundamental problem with the English and Welsh system, argues Simon (1999), is that training staff often do not understand the reality of prison. Inevitably, training workshops become little more than 'talking shops' (Simon 1999:204). The lack of meaningful substance and content in resettlement programmes; increased concerns over security which prevents staff being seconded to prisoner through-care; and an imbalance between the goals of custody and reform are also preventing these workshops from providing essential support (King and McDermott 1995, Simon 1999).

Minimising suspicion and ignorance from the private sector as to what goes



on in prisons is an issue that is common to most criminal justice systems where the private sector is integrated (see Simon 1999). Omsk region, by default, has overcome this problem by exchanging goods produced in the colonies in return for the opportunity for prisoners to train in public and private sectors. The process of convincing the private sector to 'get involved in the prisons' is not a major concern to the managers in Omsk due to the active role that the private sector plays in providing resources. Companies benefit because they receive goods that in effect have cost them little or nothing. Given the involvement of the private and public sectors in providing resources, it was not surprising to find that the majority of prison officers believed that the community, in all its manifold forms, played an important role in the colonies as shown in Table 6.7.

**Table 6.7 The importance of the community in achieving the goal of imprisonment for staff by regime**

	Staff	
	Strict	General
Important	39 (83)	39 (93)
Not important (including 'no opinion' <sup>90</sup> )	8 (17)	3 (7)

$$\chi^2 = 1.998, p = 0.137, d. f. = 1$$

The differences between the regimes were not statistically significant with a greater proportion of staff in the general regime stating that the community plays an important role in assisting the colony to achieve the goal of imprisonment (93%

<sup>90</sup> The logic for combining 'not important' with 'no opinion' is that if respondents do not have an opinion on the role of religion, then it can be safely said that it is not important. The same rule is adopted for Tables 6.8, and 6.9, and 6.10. Section 4.6, Chapter 4 outlines the procedure for analysing the statistical data and the tests used.

compared to 83% in the strict regime)<sup>91</sup>. Overall, prison officers support the community's involvement in the prison system. Of note is that while some prison officers referred to Marxist/Leninist criminology when explaining the importance of a united community in reforming prisoners,

As far as I am concerned, nothing has changed since the Gulag. Okay so we have changed our legislation but today, we prisoners work so that we all benefit. And if it is in our blood to work for ourselves and for society, I ask myself whether we should alter our approach (*Governor, strict regime*).

The prisoner will reform if she/he knows that society benefits from their work (*Governor, general regime*).

other prison officers adopted a pragmatic viewpoint towards prison labour,

We are trying to promote a situation where the prisoner understands that the community needs assurances that he/she is reformed (*Chief, Omsk region*).

The ways in which some features of Marxism/Leninism still prevail in the present day system, in particular the ideas that prisoners must work in order to pay society back a debt incurred by criminal actions, resembles the notion of restorative justice. Criminals pay back society for the damage they have caused by repairing cars, cleaning parks, fixing buses, making bicycles or cleaning off graffiti. While it is useful to encourage individuals to take some sort of responsibility for criminal acts, such an approach does not take into account that some prisoners may not want to take part in community work. Nor do the CLP's in Omsk offer the kinds of individually oriented reform in other regions. Directives or policies that aim at psychological or religious reform do not operate in Omsk prison region. Psychological analysis or examinations are used only if a prisoner's behaviour is threatening or if a particular mental illness or psychosis has been established.

<sup>91</sup> One cell (25%) had a frequency less than five, violating the chi-square assumption.



It was becoming clear from the observations that while prison labour was more predominant in Omsk compared to Smolensk as a tool for bringing about reform, it was, nonetheless, in decline and unstable. It was also clear that religion was used less in Omsk than in Smolensk as an alternative strategy. Religion is available, but only to the degree that it has been accepted as a democratic right to have the opportunity to practice a faith. Prisoners are instead examined, tested and observed on their personal ability and commitment to work. Unsurprisingly, the low level of religious activity was reflected in the views of all the respondents as shown in Table 6.8.

**Table 6.8 The importance of religion in achieving the goal of imprisonment for all respondents**

	Prisoner n=17	Staff n=89
Important	13 (76)	23 (26)
Not important (including 'no opinion')	4 (24)	66 (74)

$$\chi^2 = 16.313, p = 0.000, d. f. = 1^{92}$$

There was a highly significant difference between prisoners and staff in their view of the importance of religion for rehabilitation. The majority view among prisoners is that religion is important (76%), whereas for staff religion is viewed on the whole as not important (74%). The interviews support the differences between staff and prisoners,

Work is much more important than religion, because it can provide the convict with an opportunity to obtain work and then survive in society (*Prison industries officer, strict regime*).

<sup>92</sup> One cell (25%) had a frequency less than five, violating the chi-square assumption.

I think religion is important. Work, skills, training and asking God for forgiveness are all needed here (*Prisoner, strict regime*).

Among staff, there was a sense that prisoners wanted to be seen to be repenting for their crimes and that hard labour alongside faith could provide the basis for repentance. Among prisoners, religion was favoured over work in this regard because the work undertaken was seen to be punitive, and not rehabilitative, with little or no remuneration and not rehabilitative. Attending mass and engaging in religious doctrine provided individuals with an opportunity to reflect on why they were in prison.

Table 6.9 compares the responses of staff by regime. The analysis was not performed separately on prisoners' responses as the sample was too small that it violated the condition of the chi-square so any results would not be useful to the study.

**Table 6.9 The importance of religion in achieving the goal of imprisonment for staff by regime**

	Staff	
	Strict	General
Important	19 (40)	12 (28)
Not important (including 'no opinion')	28 (60)	30 (72)

$\chi^2 = 0.878, p = 0.261, d. f. = 1$

The overwhelming position amongst staff in Omsk is that religion is not important for providing rehabilitation, (60% and 72% of staff in the strict and general regimes respectively). Although there is no significant difference between the regimes in terms of the importance of religion, the strict regime placed greater importance on religion than the general regime as illustrated in the following



interviews,

In terms of reform, religion is not useful because prisoners need to learn how to develop skills that they can use to sustain themselves after imprisonment. I don't think religion provides that (*Chief Omsk region*).

If someone commits a crime, my view is that something is wrong with him or her in their head. We can sort that out with hard work, and prayer (*Prison Industries Director, strict regime*).

This last statement is very much the minority view that a fusion of hard or forced labour with some sort of religious instruction can target personal characteristics that may lead to crime. However, it must be emphasised that although religion is viewed as useful, it is not used as a basis for prisoner reform. Instead it functions as an adjunct to work, training and education.

To sum up the main points, the focus of penological thinking in Omsk is that the problem of crime lies less in the individual than in society (economic instability). Overall, the types of reform that exists in Omsk prison colonies can be described as *social reform*, as opposed to *character reform* in Smolensk and it is also independent from central guidelines. Prison labour is the more dominant element in reform and aims to inculcate habits that will be useful on the outside. Although religion and psychology are in use, these are ancillary to prison labour in all aspects of rehabilitation particularly in re-settlement, which is the topic that is explored in the following section.

#### **6.2.4 Maintaining rehabilitation after release (goal attainment).**

Although a follow up study of ex-prisoners to assess the level of re-offending was not possible, staff did offer their views about whether the policies described in this thesis as aiming to bring about 'social reform' could be sustained after release. The main issue for consideration relevant to Omsk prison region could be the kinds of action being taken to ensure that prisoners find employment once released and do not re-offend. The programmes and directives mentioned above were at the pilot

phase at the time of the study. It is therefore too early to assess the effectiveness of these solutions. However, impressions on goal attainment, extracted from the interviews, reveal a predominant view that prison labour and other methods can contribute to rehabilitation once released,

I believe in useful hard work that can be supported by training (*Governor, general regime*).

A minority view was that hard punitive labour is the only means to repentance,

I am not ashamed to say it, but our goals incorporate a forced or hard labour element. We know from history that prisoners benefit from forced labour by being suitably punished while learning a skill. (*Director of Prison Industries, strict regime*).

Prisoners had a different view. Staff, they argued, were unemotional about the demands of work and were ignorant of the many other ways that reform could be achieved,

I cannot see myself building country houses and producing car parts when I get out, and yet we are still forced to work (*Prisoner, general regime*).

Although there were no references to the contradictions between punishment and rehabilitation, prisoners cited inconsistencies in what staff aspire to achieve (social reform, training and work experience), and the reality facing prisoners in terms of the kinds of employment available, which is predominantly low skilled,

It is hard to imagine how I can sustain a law-abiding crime-free life if wages for this kind of work are well below the national average, which is about \$40 (US) a month (*Prisoner, general regime*).

The problem in providing prisoners with meaningful work experiences is not unique to Russia. But the overall decline of the Russian economy and the failure of marketisation to take off have exacerbated the Russian situation. Indeed Omsk



region has avoided much of the economic decline that has blighted Russia's contemporary development, due to the stability of agriculture in western Siberia and the cheap rents companies pay to locate farther out from Moscow. Particularly in actual content – products and processes – many kinds of prison labour in Omsk were becoming like their counterparts outside and the investment of quality control managers from the private sector mean that their quality is also comparable. However, the comment from the prisoners above about the low level of skills attained should not be underestimated and should be a matter of concern for future management of prison labour. If the CLP's do prove to be effective in both reducing offending and enabling re-settlement in the community, then the often-cited problems of ending up in low-skilled work could be eradicated. But in a wider sense the success of these programmes will rest or fall on the state resuming central support and on the stability of Russia's economy. The CLP's could enable the region to calculate which types of crime feature in re-offending statistics, the geographical locations of crime, and the demographic background of offenders and track records on obtaining employment. In effect the CLP's, devised autonomously from Moscow, and could become a blueprint for a probation system that is currently lacking in Russian criminal justice.

In conclusion, it is not possible at this stage to assess the impact of the new directives and policies put in place by Omsk region. However, indications are that the programmes will be successful, not least in placing prisoners in some kind of employment but also in providing a community support network<sup>93</sup>. This could go some way in reducing re-offending in the region.

The perspectives adopted in Omsk region resemble those of the Soviet era and also western prison systems, particularly the Community Liaison Partnerships, which were found to be similar to schemes used in England and Wales. In

<sup>93</sup> Contact with Omsk region continued for twelve months after the fieldwork until June 2000. The regional chief was confident that the CLP's would be successful, as public and private sector support for the colonies was increasing.

considering how traces of Soviet penology might still be utilised in Omsk, prison managers were not found adopting extreme versions of Soviet thinking about crime. For example the colonies are not over-loaded with potential wreckers of a hoped-for Soviet society. However the extreme view that forced labour is useful as a mode of punishment still continues today through the references to hard labour (referred to as 'forced labour'); the propaganda posters that take pride of place in the industrial zone, and the casual manner in which prison industries is known as '*Red Industries*'. There was every indication that Omsk region has not broken free entirely from its Soviet past. The continuities from Marxism/Leninism are particularly noteworthy in the ways in which the colonies unite around an ideology that connected the prisoner with the environment into a shared collective conscience. This is how staff seek to justify present day policies in the absence of a clearly defined central ideology. Although the Soviet era continues to ignite much public debate and political uneasiness in Russia, Omsk staff revert to this period probably because of the independence and distance they feel themselves to have from the central government, that makes it easier to adopt values with little or no intervention. This will be reported further in the following chapter.

The third development of the function of prison labour since 1991 is in how it is used to provide vital maintenance and resources to the colonies, and this is discussed on the remainder of the chapter.

### **6.3 Background to financial situation in Omsk**

As reported earlier, Omsk region has not escaped entirely from the economic decline in Russia. As the central government struggles to sustain stability the public institutions have been neglected resulting in their decline. The legislative articles of the Corrective Labour Code 1997 (CLC) stipulate that the government must provide full regional prison budgets<sup>94</sup>. However, as reported in Chapter 5

<sup>94</sup> Source: The Corrective Labour Code of the Russian Federation 1997, Introduction, p.5,



section 5.3.1, the regions do not receive the allocated amount. In Smolensk, the amount received is 70% of the allocated funds. In Omsk the amount of funds sent to the regions is far lower, around 30%, which is half of the national average for funds received (Zubkov *et. al* 1998). Central funds are then distributed by the region to the colonies on the basis of need<sup>95</sup>. The pressure on prison authorities to maintain minimum standards of human rights has meant that most of the funds were allocated to prisoners' food, clothing, accommodation and heating.

As was found in Smolensk, the amount that was allocated from the central government to Omsk region was not nearly enough and prisoner's diet and health and general well-being had degenerated as a result. Buildings were in desperate need of refurbishment, beds and mattresses needed replacing and the bed linen was either full of holes or was very old, as most had been purchased via barter from local orphanages. To cope with the financial crisis and the poor provision of resources, prison labour has become the means of ensuring that the colonies are provided with an income to replace absent funds. Prisoners are, in effect, working to live. As the following sections will show, Omsk region is more successful than Smolensk region at using prison labour for this purpose, despite receiving fewer funds. The financial situation of the Russian prison system is outlined in brief under section 5.3 of Chapter 5 and in the Appendix. It is useful to present the financial situation in Omsk prison region in order to explore why and how prisoners work to live.

#### **6.4 The financial situation in Omsk**

As mentioned under section 5.3.1 in Chapter 5, the amount sent to the regions from Moscow is intended cover all prison costs. Omsk region receives less than half of the necessary funds to keep the colonies operating (in 1998, the figure was around 30%). Foremost as far as the central government is concerned is to

<sup>95</sup> See the Appendix for some figures on funding of the colonies and the prison system generally

maintain human rights so as to comply with the European Prison Rules (1987). Foremost as far as the regional staff are concerned is to ensure staff morale was maintained staff and basically, just to survive. The issue of staff morale was of major importance to the regional staff as immediately following the economic crash in August 1998 prison staff worked without pay from October 1998 to February 1998, The majority of staff expressed concern over the lack of wages,

I am shocked about the fact that we work without pay but we have no choice. I would rather be here than at home, at least the region will pay for some meals (*Prison Industries officer, general regime*).

Other staff displayed anxieties that without funds, the colony would no longer function,

We never say up front, 'It is about money' because our primary role as a prison is not to find funds. But I am worried that money problems may take over. In order to achieve our goals, we need cash (*Chief, Omsk region*).

while others were more forthright over funding,

Money is the basis of everything, we think like capitalists now, so why deny it? (*Director of Prison Industries, strict regime*).

The findings from the interviews show that the successful operation of the colonies is paramount for protecting prisoners and keeping staff morale intact. There was never any indication that prison staff were ignorant of the situation. Rather, staff were aware that whatever the function of imprisonment, resources and funds are absolutely essential and should not be viewed as incidental to the penological objectives of prison establishments. Opinions on the decline of funds invariably affected opinions of the central government. Prison officers in Omsk talked openly of their dismay towards Moscow officials,

that were provided during the study.



Please do not ask me for my opinion on the Moscow administration! We have no one. Moscow does not care about us because we are so far away. So why should we care about them? (*Director of Economic Development, general regime*).

Prison officers said they felt distant from the central government in the obvious geographical way, but also in terms of support. The location of Omsk prison region in Siberia only exacerbated the feeling of isolation and it is these feelings that have led to a situation whereby the region is increasingly governing its own prison affairs. The isolation has resulted in feelings of disappointment and anger at what one officer described as, 'being abandoned'. Anti-Moscow tendencies ignited a high degree of motivation and determination to find funds and resources. As in Smolensk, the main method for obtaining vital resources in Omsk is a barter. While it is not unique to Omsk, as the following section will show, the manner in which it provides for the colonies is entirely novel.

#### **6.4.1 Means of survival: the barter strategy**

The sections following will present findings on how barter operates in Omsk. The views from officials, staff and prisoners are also discussed.

##### ***6.4.1.1 The nature of prison barter***

Barter is a more effective enterprise in Omsk compared to Smolensk due to the range of industries it is used for and the different methods that were related to barter found to be in operation. Analysis of the differences and possible explanations for the differences between Smolensk and Omsk in the operation of barter is reported further in the following chapter.

All prison-produced goods: the combine harvesters, tractors, police boxes, farming equipment and the prisoner training, can be 'sold' using the basic system of 'goods for goods' (*товарии на товарии*). As in Smolensk, conjugal visits provide for most of the barter exchanges. Families and friends of prisoners bring foodstuffs

and bedding which are exchanged for prison-produced furniture, coffins, kitchenware, garage repairs and tools. Such is the diversity of barter exchanges in Omsk that some family members were known to arrive at the colony with vans for goods they would purchase from the colony while other families would arrive with basic goods for exchange such as eggs, flour or even bacon (now regarded as a delicacy).

Only legal exchanges were observed during the period of study, although staff indicated that illegal exchanges were, 'becoming increasingly frequent'<sup>96</sup>. Legal transactions observed during the fieldwork included a weekly exchange of twenty dozen eggs from one of the collective farms for machine repairs on dairy farming equipment (general regime) and the purchase of meat from local farmers in exchange for holiday cottages ('*dacha*') built in the strict regime<sup>97</sup>. A first-hand experience of an exchange in the strict regime reveals how the successful utilisation of barter depends as much on the quick-witted thinking of staff as it does on matching colony needs with consumer wants. A travelling circus that had broken down near the colony received repairs in exchange for a circus performance after a prison officer noticed the breakdown of the lorry fleet on his way to work. The prison officer involved had negotiated, at a lay-by, a barter contract to provide entertainment for staff and prisoners. This exchange was recorded as a 'primary exchange' because it met one of the articles of the 1997 Corrective Labour Code (CLC), 'To provide cultural activities for prisoners' (CLC 1997, part 70: 203).

Aside from the basic exchanges of which the above transactions are examples, additional methods were used to obtain resources. Goods can be purchased from the colonies using cash, which is then reserved for staff wages.

<sup>96</sup> Prison Officer, general regime, in conversation.

<sup>97</sup> Due to the size constraints imposed by the colony environment, the holiday cottages built are very small and are big enough for two people. They typically comprise two small rooms without a toilet.



Cash is also used occasionally for purchasing specialist or heavy machinery. This type of arrangement is called 'Colony to Bank Transfer' (*'Peredacha Cherez Bank'*) because it is supervised by Omsk bank and it involves each party paying a deposit to the bank to protect the sale from falling through. The arrangement is not used often because many banks have become unstable after the collapse of the Russian economy in 1998. Another method that is used increasingly involves the client paying some of the colony's debts or incurred taxes directly to the Moscow government. This arrangement has arisen because sometimes there are situations wherein the colony offers products for exchange but does not need the products being offered in return. In this instance the client acts as 'Official Penal Sponsor' and pays some of the debts to Moscow in exchange for goods provided by the colony. This agreement is called 'Customer – Moscow Exchange' (*'Zachiot k Moskvu ot Klienta'*), and it is currently only used with large companies such as Omsk Gas. One other method is used between organisations or companies participating in Community Liaison Partnerships and the colonies. Training opportunities, placements, and the secondment of staff to the colony are exchanged for manufacturing repairs and voluntary prisoner work.

The barter solutions outlined above can operate concurrently for any type of product and with any kind of client. Although large companies throughout Russia used Omsk prison region for barter contracts, most barter agreements (around 60%) were established between the colonies and the local community (individual and retail outlets). The figure of 60% is divided roughly as follows: 72% of the products are for agricultural goods followed by 25% of goods for the manufacturing sector. Of the 25% of manufacturing goods sold, 15% are for the sector 'Goods for Civil Society' (light assembly).

While a whole range of settings and relationships are exploited in order to find resources, barter is not providing the Omsk colonies with enough funds. In 1998, the region was provided with 30% of the necessary funds. Barter was depended on to provide the extra 70% and it could only provide for half of the

necessary amount required in most of the colonies in the region (including the two regimes that participated in this study). The strict regime was said to be more successful than the general regime in providing funds from barter as there is a more extensive range in of heavy industry in that colony, which creates the right conditions for larger barter transactions. In order to cope with this serious financial crisis regional managers must prioritise resource allocation. It is in these situations that prisoner maintenance is being compromised since the region has discretion in altering the amounts required for prisoner and operational maintenance.

So far, the simple - and sometimes sophisticated - ways in which barter provides for Omsk region have been presented. It was found that while barter is a fundamental tool for ensuring the operation of colonies, it could not be used to fully compensate for the lack of state provision. In order to explore in more detail how colonies survive in the present day, the marketing of barter and views on it will be presented.

#### ***6.4.1.2 Marketing barter***

The marketing of barter in Omsk was found to be formal, and methodical, particularly given the constraints arising from present circumstances. In each colony the Department of Marketing comprises of three sub-departments: Enterprise, Research and Quality Control. The sub-departments are involved in selecting new ranges of products, negotiating deals, monitoring products and switching on demand when necessary. Staff are provided with perks for setting barter contracts. If private companies are suspicious of purchasing prison-produced goods they are invited to the colony to observe production. The extent to which marketing is viewed as paramount to business transactions is exposed in the terminology used. The English word 'marketing', imported from the west after 1990, is used in Omsk in place of the Russian phrase, 'Marketing goods' (*'Xodkii Tovarii'*). Staff were becoming acquainted with the academic study of marketing and western business environments which has emerged since the collapse of



communism. The Chief of the region stated,

We use the English term because we think like capitalists now. Marketing is an international business word that everyone identifies with.

In a sense, marketing in Omsk apes global business. Staff parody western 'buy and sell' culture by adopting some of the management-speak and job titles from the west, for example, the job 'Enterprise Manager' has replaced 'Director of Prison Labour'. The Director of Marketing for Omsk region stated,

We are free to look at marketing books. I am keen on branding. The idea of creating a prison-brand is intriguing.

It was not clear where prison manger in Omsk are getting their information on the private sector integration in criminal justice (whether they are looking at academic studies or whether they are following business information available to them).

What is clear, is that the extent that Omsk region is not operating prison labour in ways that are analogous to the types of prison industrial complexes mentioned by Davis (1999) and Hogan (1997) in Chapter 3, is debatable. It is also too early to conclude that Omsk region will become an elaborate private industrial complex. Although this is a matter for future debate as if it the private sector comes to be relied on more and more for resources, then there is nothing to stand in the way of prisoners being compelled into working that bit harder to for their upkeep. It should also be kept in mind that researching the wider market for goods was also a feature of the communist period. Although the titles have changed from 'Comrade Director of Soviet Industrial Expansion' into 'Director of Marketing and Products Research', the Soviet tradition of utilising the skills and knowledge of economists, engineers and industrialists who are just as important to the prison environment as security guards, has been upheld.

The serious business of barter is also evident in that a department has been set up by Omsk region that is responsible for researching the best places to

advertise the prison goods. Prison-produced merchandise is advertised in all the universities and colleges in Omsk, in pamphlets and promotional magazines for companies such as Omsk Gas, in local council offices, local businesses and also in schools and churches. Beyond Omsk, prison goods are advertised as far away as Moscow in the newspaper, 'Arguments and Facts'. Although most senior staff can negotiate a barter deal, marketing is organised by staff employed from outside the prison system. Officers who trained under the Soviet system tend to be employed in prison industries, or administration, which might explain why prison labour is nick-named '*Red Industries*'.

In Omsk, staff are aware that well-developed strategies increase the chance of selling goods which in turn means sustaining the colonies. While the effectiveness and efficiency of prison industries might not yet resemble private sector involvement in western prison systems, the opportunities for developing private industry (however much these opportunities are haphazard) that have surfaced since the collapse of communism certainly follows trends in Europe. It might well be the case that once Russia has stabilised then the private sector will become a more permanent feature of prison colonies. There is currently no legislation to impede this trend. The recent developments to do with the introduction of barter have invariably divided staff and this is discussed in the following section.

#### ***6.4.1.3 Views about barter***

Opinions about barter are mixed, particularly between prison officers across colonies. Senior officers in Omsk region were untroubled about barter sustaining the prison environment,

If a company needs combines we supply them. They may then pay our bills to Moscow to help alleviate some of our debt. Moscow is happy because the debt is reduced, the client is happy because they have a product. We are happy because bills are paid (*Director of Marketing for Omsk region*).



This response is indicative of most senior officers who see barter as useful for both the short term and the long-term. Table 6.10 shows prison officers' views on the importance of barter.

**Table 6.10 Staff views on barter**

Is barter important to the colony?	Staff	
	Strict	General
Yes	38 (81)	37 (88)
Not important (including 'no opinion')	9 (19)	5 (12)

$\chi^2 = 0.878$   $p = 0.261$ , d. f. = 1

When compared, there were no significant differences between regimes on the importance of barter, with the majority of staff believing that barter is important (81% in the strict regime and 88% in the general regime). The evidence gathered from the interviews, however, reveals that there were mixed views from prison officers on the level of importance of barter,

I cannot impress upon you how much we depend on barter. Without it we would close down from little exchanges of eggs for car parts with locals to exchanging thousands of dollars of machinery for equipment that we can train prisoners on (*Governor, general regime*).

Other prison officers, while acknowledging the importance of barter, were shocked that it is private enterprise that is now sustaining the penal colonies,

Moscow officials are indifferent that companies pay our bills. The government receives taxes. That is all that seems to count (*Director of Education, general regime*).

In the strict regime, some staff tended to view barter as a minor issue,

Of course barter is useful but it is not the main thing we worry about (*Prison Education officer, strict regime*)

while other staff were over-confident that barter could keep the colonies operational,

We don't need Moscow. We do fine just using barter. We know the products and the market inside out (*Director of Prison Industries, general regime*).

Despite the minority who appeared nonchalant about barter, most prison officers were deeply concerned as to the region's willingness to embrace this type of funding. One reason for the mixed views could be to do with what is going on in Russian society. In one sense barter is a 'normal' part of everyday Russian life, hence people are indifferent to it. In another sense, staff are shocked by it because for most of their lives they have lived in a society where the state provided for all sections of society. Clearly it is the changes in Russian society since 1990 that have led to such diverging views. Whatever the position on barter, its introduction raises serious questions about how the system can claim to rehabilitate prisoners when the primary activity of staff must be to provide essential resources. This is reported further in the concluding chapter.

Prisoners were also divided as to the benefits barter provides,

I am happy to work. It's a struggle to survive here. Sometimes we don't get the correct food rations. Then we have to work harder but it is a challenge (*Prisoner, strict regime*).

A minority group, however, did not understand how reform could be achieved if they were forced to work in order to survive,

I work my life away here and for what? Some stale bread, a bowl of boiling hot *kasha* (porridge). I don't feel reformed. I feel overworked (*Prisoner, strict regime*).



It was clear from the interviews that for prisoners to survive, then they must work. Without work, they cannot live a basic standard of living acceptable to international observers. Nor could staff wages be provided for. It is therefore in the interest of everyone for prisoners to work, and work hard because this increases the labour output which can therefore be used to exchange more goods for resources. It then follows that in present-day Russia prisoners may be forced into working, not for the wider economy as historically was the case, but for the institutions.

The majority of respondents acknowledged this. Working to live threw up a whole range of feelings and opinions from staff and prisoners. Staff accepted (albeit reluctantly) that the real function of work is to survive whereas there were some interesting views from prisoners in that some acknowledged that survival is part of the challenge in coping with the daily obstacles prison life throws up. Working to survive gave prisoners a sense of purpose and identity,

Those who work the hardest are given the most respect from the officers and from the *zeks* (prisoners). They are the strongest (*Prisoner, strict regime*).

And other prisoners viewed the situation with humorous irony,

I am working to keep the prison working. That is it, I am working to keep my self in prison! (*Prisoner, general regime*).

Staff were also aware that they had to exert pressure on prisoners to work,

I tell my men in no uncertain terms, 'without your work, we will all suffer' (*Prison Industries officer, strict regime*)

Under present circumstances, it is unlikely that prisoners would openly complain, and given that most of the interviews were conducted in the presence of a prison officer, it was unlikely that complaints would be voiced. It is worth noting, however, that staff and prisoners engage in an open dialogue about the state of the

prisons. This is extremely important as prisoners are continually reminded about why and how their work is useful. Sometimes it seemed that prisoners were being blackmailed into working, but mostly, staff are mindful of how they inform prisoners that operational maintenance is completely dependent on prisoner labour.

It was reported earlier that prison officers resented the Moscow administration. Having assessed the financial situation and the barter solutions, it is instructive to return to this topic briefly, as it relates to the fragmentation of the prison system. All respondents in Omsk were openly critical of the Moscow administration,

They have left us to fend for ourselves. We rarely see or speak to officials except when they want to tell us about a new law from Europe (*Chief Omsk region*).

Moscow does not 'bat an eyelid' (*Prisoner, general regime*).

While others still suggested that they would prefer to manage the colonies independently of Moscow,

It is a really interesting time for us. We are actually managing without the central government. We are not a privatised prison in theory but in practice we are because private enterprise is used to ensure effectiveness and efficiency. I think that we could do so much more if we didn't have to pay land tax and goods tax. I mean Moscow gives us nothing but expects tax from the goods we sell. The situation needs to change (*Director of Prison Industries general regime*).

The interviews reveal that despite the low level of operational funds sent to the region staff believe that they are managing in the absence of central resources. Interestingly, staff believe that criminal justice legislation that ensures that the prison regions retain a connection to the federal government impedes the path to full self-governance and that criminal justice should be reformed to allow for greater regional autonomy. This is not likely to happen under President Putin who is planning to return to more centralised forms of government. As far as Omsk staff are concerned until that time comes this is an 'all or nothing' situation. Either



the central administration provides for a fully subsidised prison, or it relinquishes control of all funds and policies to the regions which would then be in a better position to liaise directly with the private sector. In the present day, it looks increasingly likely that Omsk prison administration is moving towards the latter scenario.

## **Conclusion**

Omsk region is in a far more autonomous position from the central government compared to Smolensk. Principles about imprisonment are drawn from sociological notions about the role of the offender in the community. Prisoners are encouraged to take up employment, lead an ordered life and contribute to the community after release. Further success in this area is greatly anticipated with the introduction of Community Liaison Partnerships, which not only prepare prisoners for release during custody, but also introduce the community into the prisons and this can minimise re-settlement difficulties. Some differences were found between prisoners and staff and between staff concerning the goals of imprisonment. The majority of prisoners view imprisonment as punishment. Staff see the goal of imprisonment as reform, plus some smaller element that see it as punishment. There is also a tendency in the strict regime to play down the seriousness of the financial crisis. This could be to do with the fact that the strict regime is achieving more success in obtaining funds due to a larger industrial sector.

In Omsk there is also a trend towards marketisation and an approach to management that is indicative of western institutions where the private sector has been introduced to make prisons more efficient. This will be reported further in the following two chapters however, in its approach to imprisonment and methods of funding, Omsk region is more autonomous from the Moscow government compared to Smolensk. Looking at the question of autonomy in relation to the perspectives underpinning imprisonment, Omsk region upholds Soviet traditions - particularly the emphasis on hard or forced labour over other types of reform - and

promotes a shared consciousness between prisoners and society. Since government officials rarely make the three-day train journey to visit Omsk region, prison staff can do more or less whatever fits in with the ideas of senior staff. These approaches were criticised in that while they provide prisoners with a sense of the real world, the psychological adjustment of prisoners is viewed as non-essential to reform. The second question about autonomy is that, to a degree, Omsk region is sustaining the colonies by using barter in new and innovative ways to generate a range of incomes, although this can hardly be said to mean that the Omsk colonies were competing in the global market. Rather, there was a sense of parody in that staff appeared to be aping the jargon of the west. At the end of the day, staff would take on board any barter agreement, even if it involved someone selling very basic home cooking, in order to alleviate the problematic funding situation. Staff accepted that the increasing involvement of the private sector in sponsorship programmes is essential for institutional survival and they were not ashamed to admit it. As one senior member of staff from prison industries commented, 'if we can identify a market, we will produce it. We will produce anything'. In Omsk, officials are facing up to the present day crisis by doing (more or less) whatever they think will work.

Prison work has become the very means of survival for all aspects of the prison establishment in Omsk region and less so in Smolensk. The message here is that while in other countries, it is the state that is subsidising the prison system, in Russia, it is the prisoners themselves who are providing the means to keep the prisons functional as criminal justice measures. In effect, prisoners are working to keep themselves in prison, and this is a unique development for a prison system, which in the twenty-first century is moving towards western models. In the Soviet period, prison work was instrumental in subsidising the national economy. Nowadays prisoners no longer work according to this function because the state does not need prisoners' labour. But prisoners, staff and the institutions need prison work and it is to this issue that is the main focus of Chapter 8.



In Chapter 7 findings from Smolensk and Omsk are compared for statistical significance and a full interpretation of the regional differences as to the function of prison work is provided as well as how the analysis of the findings evolved. In Chapter 8, the implications of the finding that the two regions have adapted differently in post-Soviet Russia and that prison labour is used for a variety of functions is discussed and analysed in relation to international texts on imprisonment. The finding that prisoners work to live necessitates a consideration of the issue of legitimacy of imprisonment in Russia in the present day. This seems like an appropriate topic in relation to the European Rules and it will also be considered in Chapter 8.

## CHAPTER 7

### Comparisons between Smolensk and Omsk Prison Regions

For most of its history, modernity has rebuilt tradition just as it has dissolved it (Giddens 1994: 56).

#### Introduction

As mentioned under section 4.4 Chapter 4, the new design that was constructed was a *comparative study* between regimes and then between regions. As it turned out the differences between regions was more important than between regimes. It should be noted that the comparisons between Smolensk and Omsk do not provide a complete picture of either region, nor was it possible to compare regimes other than general and strict<sup>98</sup>. However, a new and interesting dimension was added to this study because of the comparative aspect. The research could now ask, Is the location of the colonies a factor determining the function of prison labour? How does the present day function of prison labour in each region relate to the current climate of de-centralisation?

This chapter brings Smolensk and Omsk region together and examines in detail the regional differences in the goal of imprisonment and the solutions in place to bring about this goal in order to seek clarification that the prison regions are functioning differently in the post-Soviet period. The chapter begins with an overview of Chapters 5 and 6.

#### 7.1 General reflections on the differences between regions

The differences between Smolensk and Omsk prison regions concerning the goal of imprisonment are non-distinctive. The goal of imprisonment in both regions is rehabilitation and the main function of prison labour is to bring about

<sup>98</sup> Given that the differences between regions was greater than between regimes, the probability is that the differences between these regimes and those not investigated would have been similarly smaller than differences between regions.



rehabilitation. However the specific nature of rehabilitation and the philosophies and solutions underpinning it, varies between the regions. This is the first finding of the research.

Beginning with Smolensk, staff justified prison labour as a tool that can reform the *character* of prisoners, if not the individual's psychological disposition then her/his moral integrity to fit members of society (see Table 5.6). The overall perception is that to consider social factors as possible causes of crime is to remove the issue of culpability for criminal acts. The way in which prison labour is used in Omsk differs markedly from Smolensk. The specific nature of rehabilitation in Omsk is referred to in this study as *social reform* of which prison labour is the dominant element. Social reform is about providing prisoners with skills that will enable them to adjust in society after release.

While prison labour should aim at character reform, its overall decline in the last ten years has meant that staff have turned to new alternative strategies such as psychology and religion, as was found in Smolensk and vocational training and community liaison as was found in Omsk. This is the second finding of the research. These methods appear to fill the void that has been left in the wake of the collapse of communism whereby no easily identifiable central ideology has emerged. The use of psychology and religion in Smolensk reveals the tendency in western Russia today to adopt world-views such as western psychology and religion. The solutions are also reminiscent of the methods used in the Tsarist era, when imprisonment aimed to reform the personality of criminals. The Moscow administration supports the use of psychology and religion in Smolensk but does not provide funds for these solutions. In recent times new supplementary methods have been introduced (vocational training and Community Liaison Partnerships) alongside work to bring about social reform. The findings show that Omsk region is maintaining some of the traditions of the Soviet period particularly the theory that prison labour must be seen to benefit society as whole. At the same time, the prison colonies in Omsk could be said to mimic western methods of resettlement

programmes and also private sector involvement.

Aside from being used to bring about rehabilitation of offenders, prison labour makes a contribution to the operation of the prison colonies by providing vital resources in order that the institutions, as well as the prisoners and staff, survive. This is the third finding of the research. A system of barter is contributing to the maintenance of the four colonies and it is used for the exchange of goods and services that are essential for the functioning of the colonies. Consequently, prison labour is as important in Russian prison colonies today as it ever was even though ideological and economic structures that necessitated its use have collapsed. Prison officials did not officially recognise this function – there is no legislation at present - yet the possibility was there all the time that prison labour would function in this way, especially since the collapse of a dominant ideological position in 1991 and the economic and political instability in Russia since. Smolensk and Omsk adapt differently to the present conditions because of the types of industrial work available and the degree of independence staff feel themselves to have from the Moscow administration.

Turning to the present chapter, in the following sections statistical tests and other findings and observations comparing Smolensk and Omsk are presented. The chapter follows the same structure as Chapters 5 and 6 and begins with comparisons of the two regions as to the new justifications for prison labour that have emerged in the post-Soviet period. The chapter will go on to compare how different methods that aim to bring about reform have emerged in each region as a result of the decline of prison labour. The chapter then makes regional comparisons on the use of prison labour to provide vital resources via barter. Towards the end of the chapter the process in which the data came to be understood is discussed. It is essential to give an account of this process here as it relates to the issues raised in the methodology chapter about how the research evolved and changed continually once in the field and how this impacted on making sense of the data.



## 7.2 Regional comparisons of the goal of imprisonment

Prison managers and prisoners justify the use of prison labour in any number of ways in accordance with what they intend or hope it will achieve. The findings from Chapters 5 and 6 reveal that overall, the intentions of prison staff and prisoners in both regions is to rehabilitate prisoners, with a minority (primarily prisoners) in Omsk viewing the goal as punishment (see Table 6.2). Statistical tests were conducted to determine whether there were significant regional differences on the goal of imprisonment, as shown in Table 7.1.

**Table 7.1 Goals of imprisonment as presented by all respondents by region<sup>99</sup>**

	Smolensk n=118 (%)	Omsk n=106 (%)
Rehabilitation	105 (89)	85 (80)
Punishment	13 (11)	21 (20)

$$\chi^2 = 3.354 \text{ p} = 0.067, \text{ d. f.} = 1$$

When comparing regions, no significant differences were found as to the goal of imprisonment, with a greater proportion of respondents viewing the goal as rehabilitation (89% and 80% in Smolensk and Omsk respectively). Within regions, similar findings were found. The findings from Smolensk shown in Table 5.1 reveal that staff and prisoners view the goal of imprisonment as reform (79% of prisoners and 90% of staff). However in Omsk there were very high significant differences between prisoners and staff in how they view imprisonment with more prisoners viewing it as punishment (70% compared to 10% of staff, see Table 6.1).

<sup>99</sup>The 'n' total is the number of respondents. The number in brackets is the percentage. Where the counts do not match those in the 'n' total this is because someone did not answer the question. All forthcoming tables present the counts followed by percentages in brackets.

Prisoners in the Omsk colonies adopt this view because they perceive hard labour and the current low level of remuneration as punishment. While this seems an obvious view in light of reported findings from around the world (see Simon 1999, van Zyl Smit and Dünkel, 1999), work is viewed as punishment because of the conditions of work and the pressure to produce in order that the colonies remain operative, rather than because of some sort of retribution for committing crime as was historically the case.

Regional variations do exist, however, as to the *specific nature* of rehabilitation. The solutions in Smolensk target the individual in relation to her/his psychological state. In Omsk, a completely different type of reform is promoted, which focuses mainly on the sociological issues surrounding imprisonment such as providing useful work, training and employment opportunities after release that benefit prisoners and the community.

The collapse of the Soviet Union is a key factor in the regional variations in the perceptions of imprisonment. As reported in Chapter 2 section 2.2, for most of the twentieth century Russian criminal justice operated as a state mechanism and was deeply embedded in Marxism/Leninism. The one-party state promulgated the idea that criminals were wreckers of the Soviet cause who would require rehabilitation in the form of political correction in prison camps. This was the single theory of crime and punishment for over seventy years. When communism collapsed it was not replaced by an easily identifiable political ideology. Instead the state has fragmented into regional administrations, federated to the Moscow administration. These regions are, more or less, left to govern themselves and the criminal justice system reflects the current practice of regional government<sup>100</sup>. The Russian government continues to adopt an official policy that prisons must be for rehabilitation. However in the legislation such as the 1997 Criminal Executive

<sup>100</sup> White *et. al* predicted in 1998 that whoever replaced Yeltsin in 1999 would seek to re-establish central control of the regions and curtail 'unruly regional governors' (White *et. al*, 1998).



Code, it is not clear how this is to be achieved. It is therefore up to the regional prison administrations to define for themselves the nature of rehabilitation.

The findings show that different justifications for imprisonment were offered at the same. While most criminal justice systems operate a variety of meanings for imprisonment simultaneously, what makes the Russian prison system different is the way that prison managers defend imprisonment as punishment, deterrence, or rehabilitation with little or no central guidance. Indeed it is regarded as conventional wisdom in criminology that criminal justice oscillates in response to changes in the social structure (see Melossi and Pavarini 1981). Given that Russian society is still undergoing a transition from the Soviet era, it is hardly surprising therefore to find different ideological positions on imprisonment. Yet an issue for debate will be how long the prison system can continue to function if there is little by way of central support or a clear ideological agenda. Having established that the fragmentation of Russia has led the prison regions to determine their own philosophies, it is instructive to examine whether perceptions as to the causes of crime vary significantly between regions and if they relate to the purpose of imprisonment as defined by the respondents.

### **7.2.1 Regional comparisons on perceptions of crime**

Theories on the causes of crime vary across regions. Staff and prisoners in Smolensk region view crime as inborn (see Tables 5.3 and 5.4) whereas in Omsk, crime is viewed as to do with social factors (see Tables 6.3 and 6.4). In Table 7.2 regional comparisons as to the causes of crime are presented<sup>101</sup>.

<sup>101</sup> The two definitions of crime as either inborn or socially related have been chosen from the official Prison Service Training Handbook See Ushatkov, *et. al* (1997) *Audiovisual'naya Psikhodiagnostika Osuzhdiionnikh*. Ryazanskii Institut Prava i Ekononmiki, Ministerstvo Vnutrenikh Del.

**Table 7.2 Causes of crime as presented by respondents by region**

	Smolensk n=118	Omsk n=106
Inborn	74 (63)	26 (24)
Social	44 (37)	80 (76)

$\chi^2 = 32.9, p = 0.000$  d. f. = 1

The differences between regions as to the causes of crime were found to be very highly significant with the majority of respondents in Smolensk viewing crime as inborn (63%) and the majority of respondents in Omsk viewing crime as to do with social factors (76%). These differences can be understood by examining how prison managers view post-Soviet society as the two regions have developed polarised versions of how the transition in Russia since 1991 has impacted on social behaviour and this came to bear on their views of crime.

Prison officers in Smolensk attach great importance to images of lawlessness, *mafia*-type activity, corruption, murder, drug abuse and sexual violence that appear regularly in the new, less censored, Russian media,

Crimes such as murder and rape, corruption-these are new to me. We have lost all sense of responsibility, ethics and morals (*Chief, Smolensk region*).

Such a view has become incorporated into a general theory of crime causation in Smolensk<sup>102</sup>. In brief, this theory states that Russian society has evolved from a state of turmoil (in the early post-communist period) into a state of disobedience and deviancy from the recently established ideals of the Russian Orthodox Church (supported by the Russian government). Church leaders argue that although the

<sup>102</sup> See also an interview with the Head of the Russian Orthodox Church, Patriarch Aleksei II in the Russian prison service training journal 'Man: Crime and Punishment' (*Chelovek: Prestuplenie i Nakazanie*) March 1999.



present state of instability creates social tension, not everyone commits crime. Hence individuals are said to deviate because of a lack of restraint and a failure to adhere to the dominant institutions (the church). Such perceptions of crime are hardly new in Russia and were a feature of pre-Soviet society whereby criminals were punished for a lack of moral character. Nor is this crime theory particularly radical-in most environments crime is perceived to be a deviation from standards of 'normalcy'. Yet in Smolensk, this view prevails because they are easily recognisable in a culture devoid of a clear central ideology about crime and the appropriate punishment.

The respondents in Omsk shared this view that Russian society is currently in a state of disarray. Instead of viewing crime as a *reaction against* the recent dominance of the church, as was the case in Smolensk, crime is perceived by Omsk respondents to be the *result of the collapse* of the distinctive Soviet society where crime was promoted as unknown which has created a 'crime-ridden' culture. In Omsk prison managers are of the opinion that individuals deviate because there is disharmony in Russian society and that Russians live, 'without a higher purpose' (Chief, Omsk region). This suggests that 'political correction' was as much a philosophy about the kind of society the Soviet regime wanted to promote as it was a method of punishment. Prison managers look to Russia's recent past and draw on many of the ideologies and cultural norms for the prison system's *raison d'être*,

We have lost our identity. We are losing control of any sort of unity in our country  
(Governor, strict regime).

Omsk prison managers were very clear that a return to the kinds of centralised government and social cohesion of the twentieth century would minimise the risk of crime because social control would be the inevitable product of such an environment.

The perceptions about crime and the goal of imprisonment in both regions

have arisen out of the current disarray about the direction that Russian society is heading. Russians live amid an ideological vacuum and an unstable future. Until 1991, Russian society was used to authoritarian rule in one form or another. First, the Russian Orthodox Church's view that moral subservience to God was the foundation to a socially cohesive society was man-made in order to create an obedient society with a Russian identity based on the religious doctrine of the church. Second, the Soviet period was another version of such thinking whereby Tsarist symbols of bureaucracy and ideology were replaced with a Marxist/Leninist social contract that stipulated that individuals should not put themselves before the state. It is therefore hardly surprising that the crumbling of the communist institutions provoked anxiety in Soviets since notions of reality found in propaganda gave meaning to everyday life. Since 1991, the contemporary development of Russia has been marked with distortion of past ideologies where altered images from Tsarist, Soviet and western culture prevail.

The disparate views about crime and imprisonment were reflected in the methods in place for bringing about character reform and social reform, which are compared in the following section.

### **7.3 Regional comparisons of solutions that bring about rehabilitation**

It will become evident from the following three sections that the prison regions define how prison labour and any other methods that will bring about the goal of rehabilitation, operate independently of any political patronage.

#### **7.3.1 Regional comparisons in providing work**

While prison labour is perceived overall as useful for rehabilitation, between the regions differences were found in the rationales for labour as shown in Table 7.3.



**Table 7.3 Reasons for providing prison labour by region as presented by all staff by region**

	Smolensk staff n=104	Omsk staff n=89
To give the prisoner time to think about why they committed crime rather than be idle <sup>103</sup>	17 (16)	7 (8)
To build the prisoner's character	38 (36)	5 (6)
To keep the prison running	1 (1)	11 (12)
Because work is punishment	1 (1)	9 (10)
To keep prisoners busy	12 (12)	8 (9)
As a commercial enterprise	0	6 (7)
To inculcate a habit of work	10 (10)	28 (31)
To inculcate a habit of responsibility	25 (24)	15 (17)

K-S z 61.256, p = 0.000

The Kolmogorov-Smirnoff test was applied to establish whether or not the distribution of responses varied significantly from a uniform distribution<sup>104</sup>. There was a very highly significant difference between regions in the reasons given by staff for the use of prison labour. The majority of staff in Smolensk offered rationales for work that relate to the individual rehabilitation of prisoners, whereas the majority of staff in Omsk provided answers that relate to experiences and work activities that can be useful for society. In Smolensk, 36% of staff favoured the response, 'to build character' compared to 6% of staff in Omsk, and 10% of the Smolensk respondents stated that inculcating a habit of work was an important reason for providing work compared to 31% of prison officers in Omsk. Almost no staff in Smolensk stated that commercial reasons such as keeping the prison

<sup>103</sup> The list of responses was taken from the government publication '*Penitentsiarnie Uchrezhdenie v Sisteme Ministerstvo Yustitsii Rossi*' 'Penitentiaries under the Ministry of Justice'. In the publication, the Deputy Minister of the prison service, Yuri Igorovich Kalinnin, outlines reasons for providing labour in prison colonies (See Zubkov *et. al* 1998).

running and using labour for commercial enterprise are important for making prisoners work (rated 1 and 0). A minority of staff in Omsk argued that keeping the prison running and commercial enterprise are important rationales for prison labour (rated as 12 and 7). A further difference is that in Omsk, a minority of staff view work as punishment compared to almost no staff in Smolensk (rated 10 and 1 respectively).

The explanations for the regional differences in the rationales are due to three factors. First, the principle of character and social reform (discussed above), second the history of work and third, the kinds of training and work available. Looking at the history of prison labour first, prison labour operated under a different Soviet ideological approach in each region. The Smolensk colonies were built in the post-Stalin era during the period of 'De-Stalinisation', a process that aimed at reforming Stalinist laws and bureaucracies, which included the dismantling of the Gulag in 1956 (Solomon 1987). Although the practice of forced labour continued, economic reforms meant that prisoners were not pivotal to meeting national economic targets. The Omsk prison colonies were built at the height of Stalinist terror and were part of the Omsk Gulag (*OmskLag*), a gigantic camp system which had responsibility for major projects. Even after Stalin's death in 1952 prisoners would be forced to work in brutal conditions. From the responses from prison officers in Omsk it is clear that a Gulag mentality continues today in the openness with which prison staff referred to 'Red Industries' when describing prison industries and advocating forced labour as 'useful' for instilling proper work habit,

I am not against returning to the days of the Gulag. Omsk Region was a giant Gulag, a penal empire. I like to think that we have a smaller version of that penal empire here (*Chief Omsk region*).

<sup>104</sup> The K-S test establishes whether or not there is a significant difference between the theoretical (expected) distribution of responses and the observed distribution of responses. In this case the theoretical distribution is that responses would be uniform across the 8 potential categories.



There was never any sense of nostalgia for the Soviet period during the fieldwork in Smolensk and instead prison officers were keen to impress how their procedures were in fact non-Soviet. Moving on to the current situation in providing prisoners with work, more prisoners were found to be engaged in work in Omsk compared to Smolensk (up to 67% in Omsk compared to up to 51% in Smolensk) so it was viewed there as significant for rehabilitation<sup>105</sup>. If fewer prisoners are provided work then it is inevitable that some staff members will look to other solutions if it means that all prisoners, and not just a select few, can benefit. The type of work and training is the third factor influencing rationales for work. In each of the Smolensk colonies 75% of all prisoners who were working were employed to work in the section, Goods for Civil Society (GCS). Contracts for this type of production can be as short as one day and prisoners argue that this type of work is meaningless and non-purposeful. Staff views are mixed, with some officers viewing light assembly production as a major purposeful enterprise, while others are nonchalant and uninterested in the usefulness of the work that was predominating.

In Omsk by comparison around 10% of prisoners' were found to work in light assembly with the majority of prisoners working in agriculture and manufacturing (which are the region's main prisons industries). Some heavy industrial contracts can provide work for up to one year.

In Smolensk, a far smaller number of prisoners are engaged in training compared to Omsk-less than 2% prisoners in both Smolensk colonies compared to

up to 40% in the Omsk colonies. There is no point in providing training because most of the production is in light assembly which in Russia does not require much skills training. Nor is Smolensk region able to provide funds to pay instructors to come into each colony to teach skills such as building household furniture. The impact of this is formidable as the region is unable to offer courses that are accredited to local institutes, colleges or universities. In Omsk, training is given priority particularly in the general regime. The overall view is that prison labour must resemble work outside prison if it is to reform. While it was found that many prisoners end up in low-skilled work, there was a sense that staff endeavoured to provide useful work and training experiences. To achieve this most of the courses have a higher education accreditation organised in conjunction with local colleges and titled 'Accredited Institute/University Diplomas'<sup>106</sup>.

Aside from the regionally defined perspectives, the history of labour, and the types of work offered, the geographical location of the regions impacts on the rationales about prison labour. Unlike the Smolensk sites which are located in rural areas, both Omsk colonies are accessible to all major rail and road networks in western Russia as well as to the southern republics such as Kazakhstan, Asia and also eastern Siberia. The location of Omsk close to Omsk city (the capital of western Siberia); to local schools, colleges and Omsk city council enhances the client base. In types of products and volume, Smolensk region is unable to

<sup>105</sup> A sense of perspective of these figures can be achieved by looking at the national average. The Ministry of Justice estimates that the national average of prisoners working in Russian penal colonies is currently between 45-50% of the total prison population (Zubkov *et. al* 1998). Walmsley's findings for the United Nations provide a higher figure of 65% of prisoners on average working in places of confinement (Walmsley 1996:375). It should be noted that Walmsley's figures were collected before the severe economic decline that has blighted much of Russia's contemporary development in particular, the collapse of the economy in August 1998. If the Ministry of Justice figures are accurate then Omsk region is above the national average for providing prisoners with work.

<sup>106</sup> According to the Chiefs of each region, the pattern of training and work in the colonies that participated in this study is similar for all of the colonies in the region. That is, the majority of prison colonies in Smolensk region can only provide 2% of the total prison population with training compared to Omsk region which can provide up to 40% of prisoners in each colony with training.



compete with the many dozens of international manufacturing firms based in western Russia<sup>107</sup> whereas Omsk region has successfully exploited the industrial and commercial environment. There is a more abundant raw material base in Eastern Russia (forests, coal mines and farmland) and therefore a healthier industrial outlook that can provide a diverse range of training for many different kinds of work. There are also real opportunities for Omsk region to trade with companies as fewer re-locate to Siberia thus there are less companies to compete with<sup>108</sup>. The differences in location might explain why respondents in Omsk cited the commercial usefulness, and practical benefits, of work as important compared to far fewer respondents in Smolensk.

Although the majority of prison officers in both regions believe that work can bring about reform (see Table 7.3) it has been in decline and this has affected the views of staff. This has led to a second development in the area of prison labour. In Smolensk prison officers believe that at present it is not achieving the goal of rehabilitation, whereas in Omsk, prison officers believe that in its present state rehabilitation is a reachable goal. Accordingly, prison staff in Smolensk underrate labour as a method of rehabilitation and instead focus on psychology and religion to provide for reform. In Omsk prison work is the dominant element in social reform, although it is supplemented by training and community partnerships.

In the following section an assessment of the alternative solutions that bring about rehabilitation (the actual content and merit of these methods) is presented followed by some comments on the regional differences.

<sup>107</sup> It should be noted that Smolensk region is also unable to compete with companies from the Far East that export very cheap light assembly and household goods from Korea and China into Russia.

<sup>108</sup> According to the Chief of Omsk region companies locate to Siberia because of cheaper rents and tax relief.

### **7.3.2 Examining the alternative methods that bring about rehabilitation and regional comparisons of these methods**

This section is intended to show that staff will apply any form of thinking about imprisonment that is easily identifiable, though not necessarily based on workable theories or practicable tests, in order to provide some sort of clear penal ideology.

The methods in place in Smolensk do not consider the social causes of crime. Instead, prison officers adopt a quasi-positivistic approach to treating criminality (crime is inborn and can therefore be cured). While such an approach is useful for some prisoners, the methods are used arbitrarily and impulsively with little or no empirical research into their effectiveness, reliability, applicability and validity (see Ushatikov *et. al* 1997). The application of the methods is a concern because they are used on all prisoners and this may create a label of ‘mental illness’ that can affect rehabilitation in society. The labelling of individuals as morally bereft and psychologically abnormal also contradicts findings on the range and types of convictions of individuals in custody at the time of the study. The majority of custodial sentences were alcohol and drugs related and did not relate specifically to ‘mental abnormalities’, or *mafia*-type corruption, which were the main representations of crime<sup>109</sup>. This is alarming as perceptions of crime differ from the nature of crime committed.

The American behavioural theories and Audio-Visual Stimulation (AVS) are implemented with little or no research into whether these methods will be effective in the Russian context. The effect of this is that staff have an inaccurate picture of crime in Russia that is fuelled by popular stereotypes about lawlessness. The AVS programmes might be helpful particularly with prisoners who have learning difficulties, however, the methods were used on all prisoners regardless of the

<sup>109</sup> Source: The Department for the Personal Information of Prisoners in Smolensk strict and general regimes provided details of convictions for the period of the field study. Sixty-two percent of all custodial sentences in the strict regime and 71% of convictions in the general regime were for alcohol and drug related crimes.



severity of the offences and they were simplistic in the claims they are attempting to make. For example the typologies 'introvert' and 'extrovert' make it difficult for the prison psychologists to identify which of these idealised types is most appropriate for a particular individual and in situations of necessity a typology may be forced. A better short-term approach would be to reduce the diverse AVS activities to occupy prisoners (at the time of the study, up to 100 activities were in place) and implement systematic comparisons of the socio-economic factors such as changes in the prisoners' employment background, family and living arrangements to the convictions<sup>110</sup>.

Turning attention to Omsk, the evidence gathered suggests that more thought has gone into the training and community initiatives than in Smolensk. It is too early to determine the effectiveness of the solutions but several points need mentioning. First, while Community Liaison Partnerships and Day-Release provide for re-integration back into society, it is hard to imagine how these ambitious plans can be effective in the absence of state funds and central support. There is every likelihood that the initiatives will be abandoned as the regional budget planners predicted a downturn in the economy of the prison such that fewer products will be exchanged in the barter system.

A more serious concern about the effectiveness of the Omsk directives is that the responses from prisoners presented in Chapter 6 indicate that the training that is provided does not resemble the jobs prisoners are likely to obtain once released. The schemes in place, therefore, cannot be said to provide a realistic opportunity for training and work after release. There is also an imbalance of emphasis in the specific nature of reform in Omsk. The personal, emotional and psychological needs of prisoners are not taken into consideration in their management. Psychology booths are provided only for 'extremely disordered behaviour', and the counselling scheme or 'Library of Religion' as was found in

<sup>110</sup>It should be said that time, expense and lack of resources makes the use of longitudinal

the Smolensk colonies where prisoners can relax, unwind or talk about the issues prison life invariably throws up, did not exist. Instead only the most basic of prisoners' needs are provided for through medical services in each colony. Prisoners are expected to be 'workers' first and prisoners second. This seemed punitive in itself. If prisoners are forced into working with very little psychological or emotional support, then they are in effect only useful as a very cheap labour source and so their reform is rendered meaningless. Related to this point is that prisoners expressed the view that they may be over-worked to provide operational funds. As one prisoner commented, 'In here I am a machine'. This will be reported further in Chapter 8 as it relates directly to the ways in which Russia may be contravening European Rules on prison labour.

In both regions, the policies that are in place are very much one-sided. By focusing on personal care, Smolensk region is playing down interpersonal relationships that are absolutely vital in order to sustain healthy non-criminal bonds to society. In Omsk by offering less personal care, the colonies are releasing prisoners who may be incapable of basic self-care and independence. Most striking was that the majority of prison staff did not accept that character reform and social reform taken together could provide for positive custody. Instead staff appeared more concerned about adopting strategies that can form the basis of an identifiable model that provides the prisons with a workable goal, than they were about implementing measures that adapted to the circumstances in which the prisons now find themselves.

The views on religion and the wider community, in terms of the role each plays in achieving the objectives of the prison colonies, confirm that the regions

criminological studies in Russian virtually impossible.



focus on very different penological perspectives when implementing reform programmes. This is explored in the following section<sup>111</sup>.

### 7.3.3 Regional comparisons of the role of religion and the community

As Tables 7.4 and Table 7.5 indicate the perceptions of religion and the wider community reflect the different approaches to rehabilitation (spiritual/psychological healing in Smolensk and socially useful labour in Omsk).

**Table 7.4 The importance of religion in achieving rehabilitation by region for all respondents by region**

	Area	
	Smolensk n=104 (%)	Omsk n=89 (%)
Important	88 (75)	36 (34)
Not important (including 'no opinion') <sup>112</sup>	30 (25)	70 (66)

$\chi^2 = 37.271, p = 0.000, d. f. = 1$

There were very highly significant differences between the regions with respect to the role of religion in rehabilitation. Seventy-five percent of respondents in Smolensk viewed religion as important compared to the majority in Omsk who stated that religion was not important (66%). Similar findings were found from the responses on the importance of the community in achieving rehabilitation, and the findings are shown in Table 7.5<sup>113</sup>.

<sup>111</sup> This was one of the 'prompts' that was used to probe deeper thinking about the function of prison labour (see section 4.5, Chapter 4 for background).

<sup>112</sup> See section 4.6, Chapter 4 for an explanation of the logic for combining the response 'not important' with the response 'no opinion'.

<sup>113</sup> Prisoners were not asked about the role of the community as the question related specifically to policies in place.

**Table 7.5 The importance of the community in achieving rehabilitation by region for all respondents by region**

	Area	
	Smolensk n=104	Omsk n=89
Important	35 (34)	78 (88)
Not important (including, 'no opinion')	69 (66)	11 (12)

$\chi^2 = 57.595$ ,  $p = 0.000$ , d. f. = 1

There were highly significant differences between the regions in terms of the role of the community in achieving the goal of imprisonment. The majority of staff in Omsk (88%) believed that the community played an important role in imprisonment, compared with only 34% of the Smolensk population. The views about religion and the community reveal something about the shifts in thinking about the direction that Russian society is heading in the post-Soviet era. During communism, prison labour was said to provide for psychological well-being and social responsibility under the guidance of Marxism/Leninism. What is currently happening is that although communism has collapsed the overarching goal continues to be to provide for these things. This gives the solutions in place a measure of coherence in the claims made and the solutions in place allow the colonies to maintain a 'penal identity' in an environment where penal policy is vague.

It is interesting to note that the regions employ varying types of staff that reflect the philosophical perspectives, and this is described next.

#### **7.3.4. Regional comparisons in staff background**

The patterns of staffing represent the different strategies that Smolensk and Omsk



deploy for reform, presented in Table 7.6.

While the numbers of staff employed in specific sectors are similar within regions, the regional differences in the numbers of staff employed are very striking. Each Omsk colony employs more than double the amount of industrial staff than in each Smolensk colony (85 and 248 in the Smolensk strict and Omsk strict regimes respectively, and 63 and 199 in Smolensk general and Omsk general regimes respectively). Smolensk strict regime employs over four times the psychology staff than Omsk strict regime (42 and 9 respectively) and Smolensk general regime employs over twelve times the psychology staff than Omsk general regime (37 and 3 respectively). In both Omsk colonies industrial staff make up nearly half of the total staff workforce. This is markedly different from Smolensk where the strict regime's industrial staff make up around one fifth of the total number of staff and in the general regime, just over one sixth of all staff. Nearly four times as many priests can be employed at any one time in Smolensk strict regime than Omsk strict regime at any one time (19 and 5 respectively). Similar comparisons between the general regimes across regions can be made with five times more priests working in Smolensk general regime compared to Omsk general regime (10 and 2 respectively).

**Table 7.6 Staff breakdown in each colony in each region<sup>114</sup>**

Industrial staff:	Smolensk strict	Smolensk general	Omsk strict	Omsk general
Industrialists	44	34	90	57
Economists	1	1	3	2
Marketing managers	2	0	5	5
Marketing assistants	0	0	7	4
Work managers ('Master')	25	21	67	60
Accountants	2	1	6	3
Product developers	0	1	2	3
Engineers	2	1	7	5
Technologists	1	0	4	1
Trainers	7	4	32	39
Community Liaison staff	1	0	25	20
<b>Total</b>	<b>85</b>	<b>63</b>	<b>248</b>	<b>199</b>
<b>Psychology staff:</b>				
Psychology staff <sup>115</sup>	42	37	9	3
Psychiatrists	3	3	1	0
Arts and Crafts specialists	0	1	2	4
<b>Total</b>	<b>45</b>	<b>41</b>	<b>12</b>	<b>7</b>
Priests (employed at any one time)	19	10	5	2
All other staff	330	300	400	370

The diagnosis of the problem of crime in Omsk is seen as less to do with the individual and more to do with the relationship between the individual and society therefore the aim is to inculcate work habits that are useful outside. There are a token number of priests (sufficient to meet the new post-perestroika commitment

<sup>114</sup> Note: In most of the prison regions in Russia staff are divided into two categories 'Industry staff' and 'Other staff'. Industry staff implement prison labour, training, management and industrial contracts. Psychology staff comprise of psychologists, priests and trainers who provide other rehabilitative activities for prisoners. The staff numbers are totals from the four colonies in each region and are not the total number of staff in *all* colonies in each region.

<sup>115</sup> Social work staff are included here.



to freedom of religion), but not enough to prioritise this as a method for bringing about reform. Psychology clearly has a role in Omsk, but it is much lower key than in Smolensk. By contrast Omsk has huge numbers (compared to Smolensk) of vocational trainers and community liaison staff. Both Omsk strict regimes employ around three times the amount of work managers whose job is to supervise production, than the Smolensk regimes.

There are also regional differences in the background of staff employed. The majority of prison officers (around 75%) in the Smolensk region are recruited from Prison Service Training Academies and the remaining staff are recruited from education (former school teachers and academics)<sup>116</sup>. In Omsk the staff quota is roughly equal between officers trained at prison service training academies and staff recruited from education<sup>117</sup>. There are no formal procedures for staff recruitment in Smolensk and the professional background of staff is not considered a factor in providing the best environment for rehabilitation to occur. Of note is that staff involved in psychological analysis in Smolensk are not required by the region to be qualified psychologists and can instead be employed as a 'prison Psychologist' if they have completed one or two classes as part of a degree in the topic,

There is no generally accepted model of training used for psychologists or industrialists. It seems to me that the only important knowledge an officer needs is first, how to keep prisoners locked up, and then how to reform them (*Governor, Smolensk strict regime*).

Omsk region recruits staff in different ways compared to Smolensk. In Omsk, the regional personnel office organises recruitment around the penal policies that the regional managers set for the colonies,

<sup>116</sup> Source: Smolensk Prison Region Personnel Department.

<sup>117</sup> Source: Omsk Prison Region Personnel Department.

There is no point in employing psychiatrists when I need help to sort out targets and budgets (*Director of Personnel, Omsk region*).

In terms of staff recruitment, Omsk region has continued with the Soviet tradition of recruiting economists and industrialists who can provide for reform by instilling work habits, whereas Smolensk region looks to priests and psychologists to achieve this goal.

In the following section, possible explanations for the specific philosophies that are adopted are provided before an analysis of the regional differences in the use of prison labour for survival.

#### **7.4 Accounting for the regional differences in the definitions of rehabilitation**

One reason as to why Smolensk prison region adopts psychological and religious perspectives and Omsk region maintains traditions from the Soviet era might be to do with the location of the prison administrations in relation to the central government in Moscow. Western Russia is often described in the literature as 'European Russia' because throughout history, cities such as St. Petersburg, Smolensk and Moscow are the first to come into contact with European and western ideas (Hughes 1998). Given Russian proclivities for adopting world-views, it then follows that the regions that are close to the west will be the first to embrace western views. Since 1995, trends show that the decline of prison labour in western prison systems has led to supplementary treatment programmes such as cognitive therapy and religion which are aimed at reforming offending behaviour (Ruggiero *et. al* 1995, van Zyl Smit and Dünkel, 1999). In Smolensk the use of religion involves competition between the Russian Orthodox Church and Chuck Olson's evangelical Prison Fellowship to capture the souls of a captive, but largely idle population. The use of psychological analysis is an attempt at manipulating minds through the peculiar form of psychology that persuades prisoners to mend the error of their ways. These methods are validated because they mirror, to some



degree, changes in the area of providing positive custody in the west.

There is more work for prisoners to do in Omsk so alternative treatment programmes are not relied on as much. Also, even in the colonies in eastern Russia where work is in decline, it is unlikely that the kinds of religion and psychology that have emerged in Smolensk will have the same impact there as they have had in western Russia because the proliferation of western ideas will take longer to surface in these areas, so their impact will be somewhat diluted once other ideas have become integrated. To put this into perspective, the situation is analogous to prisons in Oxfordshire adopting ideas emanating from Westminster ahead of prisons in the north of England.

Further evidence of how the location is a factor in determining the penological perspectives adopted was gathered from observations of the popularity of the Church in Russian society. The Russian Orthodox Church has become popular once again in Russia since the collapse of the USSR and is a representation for how Russian society might operate (Malia 1999). Church leaders appear regularly alongside government officials to speak out on social problems<sup>118</sup>. The church's stance is that a lack of moral character leads individuals into crime. Religion is viewed as providing an education to ensure that prisoners return to society morally fit. Although some political figures remain fanatical about returning to Marxism/Leninism, Soviet symbols and policies are very much on the margins of society. This puts the church in a powerful position. The collapse of the Soviet Union was welcomed at an international level, so those ideologies and perspectives that are intrinsically 'non-Soviet', but are western, are welcomed by international and national observers. Hence the colonies most exposed to scrutiny will adopt the ideas that are supported by the west.

<sup>118</sup> See the Russian prison service journal 'Man: Crime and Punishment' (*Chelovek: Prestuplennii i Nakazanie*), March 1998, April 1998, and July 1998, March 1999 and the Ministry of Justice newspaper 'Telegraph' Issue 1, December 1998 for interviews between the Head of the Russian Orthodox Church Patriarch Aleksei II and the Deputy Minister for the prison system Yuri Kalinin.

Looking at Omsk region, the fact that the region relies mostly on hard work for reform and less on other methods, has provided the staff with a justification for maintaining some of the Soviet traditions. Since the Gulag (*OmskLag*) period and until the present, the region has adopted the following policies: integrating the community into the prison colonies; making connections between crime and the environment; relating all ideas about what imprisonment should be for and to view prisoners as social beings. It is interesting to note that the level of isolation of the prison regions in Siberia is such, that prison staff were surprised to find out during the interviews that the systems in place resemble western programmes such as Through-Care. As far as the Omsk prison staff were concerned it is Soviet penal ideology that continues in the present and it is justified because prison managers have not been offered any workable alternatives. According to the region's Chief,

Once a Gulag always a Gulag – that is my view. Of course our reasons for sending individuals to prison have changed since Soviet times, and the name of the prison administration is now 'GUIN'<sup>119</sup>, but we continue the Gulag mentality here. We have been offered nothing else so why not?

While the quote just mentioned is not uncommon, such views are rarely voiced in officialdom in western Russia. But in Siberia this overt nostalgia for the Soviet prison system can take place because the region is so far from central government that observers (western and Russian) take less notice of what goes on there. This is analogous to saying that the prisons in the north of England devise strategies outside of Westminster because Home Office ministers are too distant geographically to take any real interest in what goes on in the prisons that are not close by. And if it is considered that government officials visit Omsk region twice a year compared to two visits a month to Smolensk, then it is hardly surprising that prison officers make remarks like the following,

<sup>119</sup> GUIN is the abbreviation for The Main Directorate of Corrections of the Ministry of Justice (*'Gosudarstvenni, Ugolovnie Iсполnitel'nie Nakazannie'*). GUIN supervises the majority of penitentiary institutions through the regional administrations.



The size, scope and success of Soviet penal labour...it was magnificent! That was a bygone era of stability and national prosperity in the prison system (*Director Prison Industries, Omsk strict regime*).

Omsk prison staff did not temper their views and were far more outspoken about the criminal justice system, while the close proximity to Moscow prevented prison staff in Smolensk for being outspoken or critical of the central government. There was also sense that staff in Omsk poked fun at the central government. The central government does not conceal the fact that it is eager to be seen to be more like its European counterparts on all spheres of political life, and the prioritisation of the first few pages of the Criminal Executive Code to maintaining human rights to meet international standards is evidence of this. In criminal justice officials are sent on missions to colonies in western Russia to educate staff about how standards must improve and it was rare for officials to travel to Siberia. One way of coping with the feeling of abandonment was to make fun of government officials whom they viewed as mollifying the west rather than tackling Russia's prison problems head on. This might also indicate that prison officers in Omsk do not take the matter of human rights in prison establishments seriously. If this conclusion is correct, then this is a concern particularly as it is in the Omsk colonies where prisoners human rights may be subordinated the most as they are relied on to work the hardest.

The findings that the prison regions are autonomous in the perspectives adopted raises questions about whether it is possible for national governments to manage prison systems that are de-centralised. The Russian example suggests that de-centralisation of the prison system has not been effective because it has not been accompanied by a unifying penal philosophy. Instead de-centralisation has lead to an imbalance of support to the devolved regions, which has created greater autonomy in some areas and tighter central control in others. Neither outcome is necessarily a good thing because serious problems to do with accountability and

funding surface. This is reported further in Chapter 8 which considers the findings in light of European Rules on prison labour.

In Chapters 5 and 6 it was revealed that in the absence of central guidance prison managers are justifying the existence of the prison system by using a hybrid of ideas and traditions from Russia's past and also from western prison systems. Giddens (1994) 'Reflexive Modernisation theory' offers an explanation for why the colonies are pursuing their own perspectives and the need to do so, as do Garland and Sparks (2000). Giddens theory is that one consequence of post-1990 globalisation is that institutions face a crisis of identity arising from the breakdown of social and political order. The result of this development is that traditions become instrumental to the survival of social systems. In such an environment tradition acts as the 'glue' that holds evolving societies together, giving institutions meaning and where collective memory plays a part. In present day Russia criminal justice managers integrate a myriad of ideas in order to give justification to imprisonment. The effect is that priests, psychologists, industrialists, entrepreneurs and business people work alongside each other because the context in which they operate (the prison environment) exists according to the reality that each prison perceives to be prevalent in society (the causes of crime and the social order of Russian society). In terms of ideology, the Russian prison system can be best explained as using part-nostalgia and part-western ideas to justify its existence. As one criminal justice practitioner stated rather well.

There is no structure to follow except one borrowed from the west or from our past<sup>120</sup>.

Utilising all kinds of ideology to justify the existence of prisons suggests that Russian penology is facing an identity crisis. Staff in Smolensk did not appear concerned that the solutions that are in place are in one sense western (in



concentrating on correcting or treating criminal behaviour), but are in another sense utterly non-western in that the idea of providing useful work and training opportunities is not included in reform programmes. The Omsk prison colonies have yet to disconnect from the Soviet period probably because prison labour continues to be viable there. At the same time prison staff mimic western business jargon and talk about 'branding goods'. In both regions western ideology is adopted, even parodied, but there is no structured development leading to a western-type system of the types outlined by Rusche and Kirchheimer (1939), Melossi and Pavarini (1981) and Garland (1990). The terms character reform and social reform, devised for this study, can be said to provide the prison regions with a penal identity that claims to make prisoners fit for society in the post-Soviet period of autonomy and de-centralisation. The fit for society notion is maintained because of the ongoing need for a familiar culture or sub-culture to justify penal practices.

Although the supplementary methods for reform play an ever-increasing role in the prisons in the declining world of prison labour, they operate less as alternative world views and more as adjuncts to prison labour. As in most prison systems, alternative treatment programmes are utilised because prison staff cannot offer prisoners very much else that can bring about reform: the numbers of prisoners working has declined and continues to decline; the volume of production is a fraction of what it once was and training programmes are seen as important supports for the process of work. Yet in Russia, these supports to work are all the more important than they might be elsewhere because of the finding that prisoners work for personal survival. So long as staff can claim that the well-being of prisoners is being maintained through behavioural analysis, or liaison partnerships, so then the prisons can justify their existence and play down the fact that prisoners

<sup>120</sup> Source: Chief of Smolensk prison region, Anatolli Aleksandrevich Sakharov, during an interview in Smolensk prison region headquarters April 1999.

work to live. While a united penal ideology might be a consideration for establishing an agenda for prisons more urgent is proper funding of the prison regions. Adequately funded prisons could allow for new ideas which authentically reflect real life and where tradition does play a role, to surface.

In the remaining sections of the chapter, regional comparisons are made of the third development in the function of prison labour, which is the use of barter to provide resources which ensure some degree of survival so that standards are met.

### **7.5 Barter, survival and how the regions compare**

In the most literal sense prisoners in Russia today work in order to live. The regional differences in the use and approaches to barter are stark and are considered in the following three sections, first in the context of the ever-deepening financial crisis.

#### **7.5.1 Regional comparisons of the financial situation**

It was reported in Chapters 5 and 6 that the Russian government is unable to fund the prison colonies in full. The only concrete evidence that was available at the time of study about the budget that is sent from the central government to the regional administrations shows that most colonies receive around 60% of the state budget (The Moscow Centre for Prison Reform 1998b). Although the amounts allocated will vary depending on the location of the colonies; the numbers of prisoners; the type of regime and the different needs of each colony, official Russian prison statistics do not include these factors when presenting prison costs<sup>121</sup>.

Smolensk region receives more central funds than the Omsk prison region- 70% of the allocated central budget is provided and in Omsk region around 30% of the central budget is provided. This is a vital concern for Omsk region for several



reasons. First, more staff work in the Omsk colonies than in Smolensk, therefore the wages bills are higher. By providing only 30% of the necessary budget staff wages, which consume around 70% of the budget of most prison systems, will be affected (Simon 1999). Second, the costs of providing hot water, heating and electricity are far higher in Omsk than in Smolensk due to the long and extremely cold Siberian winters. This means that Omsk region requires more funds to pay for heating. Third, both regions import cheap second hand industrial machinery from Germany and Eastern Europe. The costs for transporting machinery to Omsk will be far higher than to Smolensk. If Omsk region cannot pay for the transport of machinery, then prison industries will be adversely affected. A related point is that prison industries in Omsk are based on heavy industry which requires more maintenance and more space, thus more buildings requiring heating.

In the absence vital state funds, both Smolensk and Omsk prison regions use barter to provide vital resources (materials, foodstuffs, wages, clothes and heating). But neither region is able to use barter to provide for all the resources that should be provided by the Moscow government-this would be impossible as there is a funding deficit of thousands of dollars and barter is used for quite basic exchanges. Omsk strict regime was, however, the most successful out of all the colonies visited at providing resources from barter as the regime concentrated production on agricultural goods-a decision that was based on predictions from prison economists about a likely decline of the manufacturing sector for 1998-2000. Omsk general regime was least able to make up the shortfall of funds because the regime was committed to the production of primarily manufacturing goods for 1998 and was unable to sell these goods following the economic crash in

<sup>121</sup> See section 5.3.2, Chapter 5 and section 6.3, Chapter 6 and also the Appendix for more details on the funding situation.

1998. According to the prison industrialists in Omsk, since 1997 the manufacturing sector has been in greater decline than the agricultural sector<sup>122</sup>.

### **7.5.2 Regional comparisons of barter**

Both regions utilise barter to provide an income that can contribute to sustaining the colonies. Notable regional differences were found, however, in the ways that barter was implemented, organised and marketed. Smolensk region uses only one method of exchange known as 'goods for goods' (*товарии на товарии*). In Omsk barter was used in three ways that were more effective - and creative - for providing a whole range of settings and a good many types of contractual agreements. Aside from the basic 'goods for goods' agreement, clients involved in barter arrangements with Omsk region can pay the colony's debts directly to the government in exchange for prison-produced merchandise. In this arrangement the client represents the colony as, an 'Official Penal Sponsor'. Exchanges supervised by Omsk bank were also in place. In Omsk cash is used occasionally to provide staff wages and also for purchasing specialist machinery.

Regional variations in the different types of methods of barter might be explained by looking at the types of industries available and also the location of the regions. Looking first at the types of industries, Omsk region is able to provide a more diverse range of prison industries compared to Smolensk. Industrial production in Omsk is diverse which allows for different types of barter transactions, big and small, to operate concurrently. A rather macabre example of just how innovative barter is in Omsk is the small funeral parlour located at the entrance to the colony that is accessible to the public. Clients can exchange goods for prison-produced funeral paraphernalia ranging from headstones to using the

<sup>122</sup> Prison economists in the general regime did not state why the regional analysts did not make the same predictions about industrial production goals as the strict regime. Left to speculation, it can only be assumed that such was the extreme fluctuations of decline and stability for 1998, the year of the collapse of the Russian economy, that any speculations were unstable. The strict regime in Omsk was perhaps lucky in the predications made.



colony's funeral service. Second, Omsk region maximises on its autonomy and independence from the central government by continually assessing and re-assessing the barter methods in place and providing the most basic of services to the local community. In contrast Smolensk region relies primarily on exchanges of a vast numbers of small household goods. As mentioned in section 5.3, Chapter 5, there was a sense that prison managers in Smolensk felt incapable of innovating barter because staff felt that they were under the glare from the central government.

Regional differences were also found in the ways that barter is organised and marketed. In Omsk senior staff and prison industry managers were able to arrange barter contracts. In Smolensk the organisation of barter was down to the prison industries director and governor in each colony. Given the responsibilities of the governor and the prison industries director to oversee every detail of the colony's operation and management, it is hard to imagine how these members of staff can invest adequate time, effort, research, organisation and resources into the barter system. It is likely to be the case that because Omsk region receives less central funds compared to Smolensk, more effort is made into using it with greater efficiency and effectiveness.

Smolensk prison managers did not see the need for widespread advertising for selling goods because the region receives more state funds, and also because the region concentrates production on light assembly goods which are sold primarily to the local community. They appeared uninformed and, importantly, unconcerned about the relationship between advertising prison-produced goods and selling them. In Smolensk the marketing department was over staffed in the strict regime and was temporarily closed in the general regime. Marketing is restricted to the villages Roslavel' and Safonovo, where the strict and general regimes are respectively located. Adverts for prison products also appear in the newspaper 'Arguments and Facts', which is read primarily in the Moscow region.

Omsk region on the other hand provides a broad range of prison industries

that are useful to a whole range of clients from local farmers to commercial companies such as Omsk gas. Omsk region approached the marketing of goods with greater endeavour. The marketing departments in each colony comprised of a number of smaller sub-departments that have responsibility for product design, quality control, market research, market testing and negotiating contracts. Staff have also adopted western business jargon in order to participate in what they believe to be an open international market. Prison managers parody global business by introducing phrases, terms and approaches that suggests a form of catch-up capitalism where managers embrace capitalist ideals arising from de-nationalisation of the political agenda in Russia as well as the economic sphere and the opening up of markets. One officer remarked with unintended irony,

We think like capitalists now. It is the only way to get what we need (*Chief, Omsk region*).

However, given that instability has dominated so much of Russia's economy, the extent that Omsk does in fact participate in the global market is questionable. In the last section of the presentation of the differences between the regions regarding barter, attention is given to the views of staff about barter as there are notable regional variations.

#### ***7.5.2.1 Regional comparisons on perceptions of barter***

As well as the regional differences in managing barter, there were also differences of opinion between government officials, senior prison officials, prison managers and prisoners *within* the regions concerning the role of barter in sustaining the colonies. Government officials viewed the introduction of barter in prisons as inevitable as it is commonly used for coping with the rigors of life arising from an unstable economy. Within regions there were no significant differences between prison officers as to the importance of barter for the colony. In Smolensk prison managers were similarly unconcerned about barter sustaining the prison colonies



and no significant differences were found between staff in both Smolensk colonies as to the role of barter (see Table 5.10). In Omsk region senior prison managers in both regimes accepted the role of barter as important (see Table 6.10). Regional differences were found in prison officers' perceptions of barter. The results are shown in Table 7.7.

**Table 7.7 Staff views on barter by region**

Is barter important to the colony?	Staff	
	Smolensk n=104, (%)	Omsk n=89, (%)
Yes	35 (34)	78 (88)
No (including 'no opinion')	69 (66)	11 (12)

$$\chi^2 = 57.595, p = 0.000, d. f. = 1$$

Regional differences on perceptions of the role of barter were found to be very highly significant. The majority of staff in Omsk view barter as important (88%), compared to the majority of staff in Smolensk who stated that barter is not important (66%). The interviews presented in Chapters 5 and 6 show that staff perceptions about the financial responsibilities of the Moscow administration are connected to views on barter. Prison managers in Smolensk viewed barter in a less serious manner because they rely on it less than the colonies in Omsk. In addition, staff appeared to be reluctant to discuss barter in detail due to the fact that the central government was more involved in prison matters and to speak out about barter is to effectively comment on the state of funding from Moscow. Prison managers in Omsk were more outspoken about barter. Omsk region receives fewer funds, which aroused anger and resentment from staff towards the central administration.

Prisoners, however, had a different view of barter compared to the majority

of staff in that they recognised its role in ensuring that colonies remain operative. Overall prisoners expressed concerns that they were being forced to work in difficult and in unstable environments and few prisoners felt that this work was reforming. As with staff, the majority of prisoners felt that it was entirely normal to work according to a barter system which prompts the question, if barter is normal and therefore acceptable, then for how long will it be used?

There are similarities between the testimonies from Gulag survivors presented in Chapter 2 and the majority of prisoner interviews gathered from all four penal colonies regarding prison labour. During communism, prisoners were forced to work to meet external economic plans. Failure to meet targets led often the brutal repression of prisoners; deprivation of meals; severe punishment or even being shot. Today in Russia, prisoners do not work under the threat that to decline work, could lead to torture or death. However, prisoners must work to provide for themselves. The reality is that there is a form of forced prison capitalism emerging in Russia's colonies. If prisoners work harder, the prison will be provided with more funds, the prison will survive, the prisoner will get more food and life in the colonies will be better for all. At the same time, while prisoners may not be punished for failing to meet targets, the pressure to work to live could be construed as a double punishment: working to survive and working for little remuneration. In Chapter 8, this point is explored in greater detail in light of international rules that ban forced labour.

More and more as the fieldwork progressed it was becoming apparent that there is a lack of uniformity in the prison system in Russia, both in terms of ideology and also in terms of investment and management. The former has been discussed in detail earlier in the chapter. In the last section of the regional comparisons possible reasons as to why Omsk receives well below the average state allocation (30%) whereas Smolensk receives above-average allocations (70%), is discussed. The implications of the funding situation in terms of the management of the prison system are discussed in Chapter 8.



## **7.6 Explaining the regional differences of financial situation of the colonies**

There are two possible explanations for why the Moscow administration sends more funds to Smolensk region than to Omsk region. The first explanation could be to do with the types of goods produced. Both Smolensk colonies produce predominantly light assembly goods and these types of products do not generate enough income that could provide the resources that are vital to sustain the colonies outside of the meagre state support. In addition, many of the goods produced at the Smolensk sites are simply not worthy of export and tend to be sold to the local community who, because of the overall economic decline, can only afford to purchase cheap goods. The absence of any form of quality control or knowledge of markets to test whether goods are sellable and also competition from the Far East, mean that the Smolensk colonies cannot use labour to enable any form of self-sufficiency. Omsk region by comparison produces predominantly heavy machinery: combine harvesters and agricultural and manufacturing machinery for the local community, larger commercial businesses throughout Russia and also to some companies in Germany. So in theory at least, Omsk region should be better able to provide more funds from prison labour.

The official position is to prioritise the allocation of funds to the regions like Smolensk that cannot sustain themselves through labour. This is tantamount to saying that if the colonies produce no industry, then they would receive the full state budget, which makes the whole point of the prison (to rehabilitate) redundant, as if no prisoners are engaged in any form of purposeful activity, then how can reform be brought about? There is also no guarantee that even when the state can provide full or near to full funds, that conditions in the colonies improve and rehabilitation can be provided.

The second explanation for regional differences in funding could be to do with the international scrutiny that the Russian prison system is currently under. Smolensk receives more funds than Omsk region because of its location in relation

to Western Europe. International observers tend to visit colonies in western Russia more frequently than they do colonies in eastern Russia<sup>123</sup>. In order to minimise international criticism over human rights, humane custody and minimum standards, particularly from the Council of Europe, the central government may seek to provide support to those colonies that are most exposed the west. Omsk region's use of Soviet penal ideology may be viewed in official circles as 'disagreeable'<sup>124</sup>, but the region is so isolated from the west, that international observers rarely visit and so the region evades the kinds of international condemnation that may arise from visits on behalf of UN or European Union observers.

The most striking thing about the methods used for financing the colonies is the false stability that barter brings to the prison environment. Barter is unreliable, notoriously inefficient and because it is not monitored, it is easily corrupted by staff. Since the central and regional government says very little about the current practice of using barter, it is hardly surprising that staff keep goods for themselves. Staff justified the practice of keeping goods destined for prisoner maintenance for themselves as a form of compensation for the poor working conditions, especially when they were not paid or when wages were low<sup>125</sup>. Under these circumstances, it is hugely debatable issue as to whether prisons in Russia function with any legitimacy as staff are stealing the very items that will lead to better custody arrangements and treatment of prisoners. It is vitally important then that the central government takes action over the introduction of barter because the development of prisoners being forced to work in order to live may lead to more serious

<sup>123</sup> Source: Lyd'milla Al'pern, Assistant Director of The Moscow Centre for Prison Reform, in conversation, June 1999.

<sup>124</sup> Source: General Alexander Il'yich Zubkov, Assistant Deputy Minister of the Russian prison system in conversation, June 1999.

<sup>125</sup> This was more of a problem in the Smolensk colonies as most of the goods brought in for exchange were dairy goods (eggs, milk, meat), clothes, shoes and bedding. For example, if a client brought in forty-eight eggs, it was common for the staff member setting up the exchange to keep ten for themselves and record the amount provided by barter as thirty-eight.



corruption and incidents in the colonies. Prisoners in Omsk already recognise that the labour they undertake is essential for their survival, so the possibility of protests about working conditions is very real indeed. If prisoners do not work then the colony will not be provided with resources, and it is not hypothetical to predict that the colonies could close down. Such a situation compromises the very purpose of the prison, in a society where these institutions already operate outside of political patronage.

### **Making sense of the findings**

There have been three stages to the process of making sense of the findings, that while prison staff talk about the purpose of prison labour as rehabilitation – this could be described as its social function - the real reason why prisoners work is to survive. There was neither the opportunity nor the time to perform any data analysis on the findings during the fieldwork trips. Rather, the data was organised around significant statements that emerged from the interviews. They were then linked to the 6 key questions outlined in Chapter 4 section 4.5. The framework that was first used came close to Glaser and Strauss's Grounded Theory Approach (1967) whereby all the data would be used to construct a theory about the function of prison labour. The idea of prison labour evolving over different transitions seemed an attractive approach to looking at the phenomenon; that throughout Russian history, prison authorities have claimed that prison labour can be used to make persons 'fit for society'. Under the Tsars prison labour was justified as punishment but one which was a necessary element in the moral re-education of prisoners to make them fit for the European-inspired Russian society. Under the Soviets it came to be seen to aim to politically correct persons into fit, loyal and obedient Soviet citizens.

After the Omsk colony visits, it became clear that although prison labour was extolled for its rehabilitative qualities, it was the mechanism that kept the prisons functioning. In reaching for a new theoretical concept that could give the

data some sort of order, Merton's concept of *manifest* and *latent functions* seemed to describe what was happening in the four colonies visited. Merton's theory of functions can be presented as follows. In Merton's view, the study of functions often ends up presenting them as immutable due to their presentation in 'black and white' and superficial terms (Merton 1957). A rich understanding of institutions is achievable only if unanticipated consequences such as 'side effects' and 'unintended results' are presented. If the functions do not bring about the intended goal achieved, so they may not make a functional contribution to the system. In this case they would be neutral from a systems point of view or *dysfunctional* - that is contribute to the system's demise. Merton presented the idea of *nonfunctions*, which he defined as consequences that are simply irrelevant to the system under investigation. Merton's approach to understanding the function or purpose of phenomena, is that institutions and phenomena have *manifest* (intended), and *latent* (unintended) functions. *Manifest functions* are to do with the ways in which individuals use methods in accordance with what they intend or hope they will achieve, which in this study is how the function of prison labour brings about the goal of imprisonment. Additionally methods can make a contribution to the overarching goal in ways that are utterly unintended by those involved but which surface from the observations of the outside observer. If the unintended outcome has particular relevance to the system, the contribution would be regarded as a *latent function*. A further clarification of functional theory as posited by Merton is that latent functions can only be such if they make an unintended, not unanticipated, contribution to the system (Ritzer 2000: 247)<sup>126</sup>.

More and more as the fieldwork progressed, Merton's functional analysis approach seemed to make sense as a logical way to organise the findings, as it seemed too simple to look at prison labour solely in terms of what was stated as the main objective. In this study the opportunity to live in Russian penal colonies

<sup>126</sup> Cressey (1971) supports Merton adding that it is only through an analysis of formal and



allowed for an assessment of how prison labour is justified, but also how it operates in actuality. It seemed to be the case that whilst the manifest function of prison labour is rehabilitation in a system in which the goal is to reform individuals, the latent function seems to be to ensure that vital resources are provided for in order that the colonies remain functional. Prison labour has become the very means for survival for the prison and for the staff, as well as for the prisoners. Only when the basic need for survival is met, can the goal of rehabilitation be pursued and the institution of the prison justified.

Merton's approach not only seemed logical, but also it linked in with the findings that the central government does not give clear direction or adequate resources. All the functions of prison labour (manifest and latent) that are essential to provide for a rehabilitative environment vary according to the geographical location of the prison regions in relation to the central government in Moscow. Smolensk is too close to Moscow to develop any real sense of independence and does not get the full support required to conduct operations efficiently. Smolensk region, therefore, is in something of a state of drift. Omsk region puts in place methods that have not been endorsed by the central government, such as entrepreneurs and business people, and does not get money or support. In Omsk prison industry remains the mechanism for reforming prisoners through good work habits and vocational training. Nowadays prisoners are working to sustain themselves, the staff and the institution. More than ever before prison work and more importantly the prisoners themselves, play a fundamental role in prisons: the workshop contributes to the wider prison industry of which it is a part by providing goods for exchange. This, in turn, preserves the industrial sector, which in turn, provides for penal institutions; these support the need for imprisonment in society.

informal structures that the study of institutions is comprehensive (Cressey 1971:12).

Tentatively armed with this construct, a meeting was arranged with the Assistant Deputy Prisons Minister (the same man who had insisted that the fieldwork be re-organised to include a trip to Siberia) in order to try out some of the explanatory thoughts and get some data from the central government. It was a surprise to learn, after diffidently explaining that the hidden but no less fundamental function of prison labour was to provide resources, that central prison authorities acknowledge the use of prison labour in this way. When the centre allocates its scarce resources, it does so precisely on the basis of what the colonies might do for themselves, bearing in mind their access to raw materials, markets and so on. The official explanation from the Ministry of Justice is that funds are allocated based on information about prison industries (range, type, outputs capability) supplied to the Ministry by regional prison industrial managers,

The official government strategy is to provide funds for the regions in most need, that is, those unable to use prison industries to provide an income (*Assistant Deputy Head of the Russian prison service, Aleksander Il'yich Zubkov*)<sup>127</sup>.

This was clearly a turn around moment as if it is official policy to provide to those regions in most need, it could no longer be argued that the latent (unintended) function of prison labour is to provide resources in order that prisoners survive. Another observation made at the very end of the fieldwork which confirmed that barter was officially acknowledged (but not monitored or regulated) was that in the Russian prison service journal 'Man: Crime and Punishment', colonies place adverts for prison goods and present actual prices and also offer deals for barter contracts. In some adverts, a list might be presented of resources that the colony requires such as machinery parts.

Evidently, Omsk region is viewed as better able than Smolensk at generating an income because a diverse range of industries is currently operating there<sup>128</sup>.

<sup>127</sup> In conversation, June 1999.



Smolensk region on the other hand is an example of a region that is unable to operate self-sufficiently by utilising prison labour, hence more central support is required. Yet to suppose a correlation between a greater number of prisoners working (or better industries) and self-sufficiency is a falsehood because all sorts of factors affect the success of prison industries (the local and wider market and unemployment). It is also incorrect to assume that a wide range of industries can produce a good many types of merchandise, or that this necessarily guarantees that the prison colonies will cope in the absence of state funds. There was little evidence of any innovations towards private enterprise in any of the colonies except for the Community Liaison Partnerships, and even these are very unstable.

Clearly, without central funds the regions cannot provide for minimum standards. Prison managers need central support at both a policy and financial level. Without that twin support, prison managers devote all of their time and energy to keeping the colonies operative than providing an environment than can enable rehabilitation.

Knowing that it was official policy to provide funds to those colonies in most need, it was time to re-consider the theoretical construct that could explain the findings and look at the implications of what was found out from central prison authorities. If it is deliberate policy to assess the colonies in terms of their self-sufficiency in allocating resources, to what extent might this breach the international standards: to what extent does the *necessity* of at least some prisoners having to work in order to survive breach the covenants of forced labour. And might not the necessity of prisoners working mean that priority is given to this that it subordinates the other aims of the treatment of prisoners so that it breaches the European Prison Rules. And further, might not this very policy have unintended

<sup>128</sup> Source: This explanation about the regional variations in operational costs was provided by General Aleksander Il'yich Zubkov. He was presented with these figures during an interview after the period of fieldwork was completed in June 1999. He confirmed that the figures presented by the colonies and not the regions were 'more or less' accurate.

consequences by further liberating those colonies furthest away and most able to survive from Moscow's control?

These are important questions because they relate directly to the tension between using prison labour for profit and using it to reform prisoners (see Chapter 3). The data will be dealt with in the following chapter in relation to the European Rules and the further implications of the funding policy in terms of greater autonomy of the prison regions from Moscow.



## CHAPTER 8

### Russian Prison Labour and the European Prison Rules

In this new era that beckons, our criminologists will focus on how to manage the prison system, which has now severed the links between prison labour and the economy. I want to add the caveat that the one single problem we face in the future will be how to establish a social and philosophical basis to punishment (Truskov 1991:43).

#### Introduction

The study found that while staff promoted the rehabilitative benefits of prison labour, prisoners in fact worked to survive. The implications of this finding affect not only the proper management of the prison system, but also the position of Russia at an international level. Although Russia is already a member of the United Nations and has been bound by its recommendations since the 1940's, more urgent is whether the Russian prison system is adhering to the European Prison Rules (1987) (EPR). The EPR, formulated by the Council of Europe, have become the standard currency for debates on prison reform and humane custody in Europe and since joining the Council of Europe in 1996, Russia's penal system is bound by its recommendations. Russia is not a member of the European Union, but how its prison system rates in relation to the EPR (minimum standards in the management of the prison system, personnel and crucially here, the treatment facilities in regimes) might go some way in determining entry (Zubkov *et. al* 1998). Of particular concern for Russian criminal justice practitioners will be whether prisoners can be reformed in an environment where they are working to survive, or whether they are forced to work under a modern system of slave labour into which the private sector is now integrated.

In this chapter the findings of the thesis are considered in light of the international legislation that relates to the conditions in which prison labour might lead to forced labour (when it is used for political and economic purposes). The chapter is in three parts. In part 1, how current practices (the fact that some

prisoners are having to work to survive and for the whole colony) might breach international conventions on forced labour is discussed. Part 2 will examine in more detail how the necessity of prisoners working might mean that priority is given to this such that it suppresses other aims of treatment and therefore breaches the European Prison Rules. In part three, the consequences of the current situation are considered in light of how they might liberate those colonies furthest away and most able to survive outside of Moscow's control. Part 3 will be placed within some of the criminological arguments on accountability and legitimacy that arise from the involvement of the private sector in the prison realm.

### **Part 1: Forced labour conventions and Russian prison labour**

In terms of national guidelines, the necessity of prisoners to work for their own personal survival as well the survival of the institution and the staff violates Russian criminal justice legislation that stipulates that prisons should primarily be for rehabilitation (see Introduction, The Criminal Executive Code of the Russian Federation 1997)<sup>129</sup>. There has been a notable absence of formal debates, or attempts to introduce legislation, directives, plans or production targets that would protect prisoners from violations arising from the fact that the very stability of the prison, in all its manifold parts, is under threat should prisoners not work. Instead, a vague mission statement is presented at the introduction of the Criminal Executive Code (1997), which states that prisoners must be treated 'humanely' (The Criminal Executive Code of the Russian Federation 1997:1).

Because there are no national criteria that can be followed to protect prisoners, and no standards to be met except for 'minimum standards', it is only possible to examine whether Russian prison authorities are adhering to international and European regulations as these set out clear rules for the protection of prisoners. Outside of national guidelines the treatment of prisoners,



and their labour, is a priority of the Forced Labour Conventions which stipulate that forced labour imposed on people for punishment or for some sort of economic profit violates international covenants (see section 2.4 Chapter 2). When Forced Labour Convention Number 29, 1930 was re-drafted in 1957, there was a concern that relinquishing the state burden for running some features of imprisonment to private bodies (debated in the immediate post-war period when prison populations began to swell), may result in reform becoming secondary to meeting the profit targets as outlined by the private sector involved. When the economy becomes integrated into the prison, argues Rusche (1978), so forced labour becomes necessary to maintain the industrial relationship between the private body and the prison establishment. Forced prison labour was subsequently included in the International Labour Convention Number 105, 1957. The use of prison labour to contribute to wider economic objectives is prohibited under Sections (b) and (c) of Article 5 where it is stated that prison labour should not be used as ‘for purposes of economic development’ and as, ‘a means of labour discipline’.

During communism, the Soviet regime did not recognise the international covenants on the grounds that they were western and therefore capitalist. So for over seventy years, prisoners were forced into working with very little international protection. Nowadays, the Russian government recognises international covenants as constituting a code of practice in the proper treatment of individuals under custody. Moreover, in the Preambles to the various pieces of Russian criminal justice legislation, it is clear that legislators are aware that such covenants impose powerful moral and political obligations on those member states that have accepted its recommendations<sup>130</sup>. Recent events in the economy have adversely affected prison budgets. For this, and other reasons, the central

<sup>129</sup> See also the Ministry of Justice’s mission statement on the government web-site: [http://www.scli.ru/o\\_contact.asp](http://www.scli.ru/o_contact.asp).

<sup>130</sup> For a thorough commentary on Russia’s commitment to the European Prison Rules see Mikhlin (1997a, 1997b, 1997c).

government, despite its good intentions, is finding it increasingly difficult to meet its obligations to treat prisoners in a decent and humane fashion.

As is clear from this study, Smolensk and Omsk are violating International Labour Convention No. 105 on prison labour, as its main use was found to be the provision of essential economic resources. It then follows that it is a falsehood to assume that Russian prisoners are working for rehabilitation. They are in actuality being forced to work so that the prison establishment and all its component parts, survives.

Unfortunately, it is only from time to time that the International Labour Organisation (ILO) uses surveys to check the extent to which the Forced Labour conventions are implemented. Indeed, although the Forced Labour Conventions are important recommendations for ensuring that forced labour is prohibited, they allocate very little space to the problem in prison environments and instead they focus on forced labour in employment environments. Therefore it is unlikely that the ILO will, in the near future, act in relation to Russia.

Other international conventions dealing with forced labour should be noted for their inadequacy of oversight regarding the protection of prisoners from exploitation through work. As mentioned under section 2.4, Chapter 2, the ban on forced labour in prison environments laid down in Forced Labour Convention Number 105 (1957), does not extend to the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the protection of Human Rights and Fundamental Freedoms (ECHR) or to the Human Rights Act (1998). These international treaties allow compulsory labour where it is part of a conviction. Although this is not to say that there have been no attempts to overturn this aspect of the various human rights legislation. Complaints about the lack of adequate remuneration and poor conditions have been made, but these have been declared inadmissible by the European court of Human Rights on the simple ground that the ECHR does not contain any provision for the remuneration of prisoners (Council of Europe 1988). Article 4 of the European Convention for the



Protection of Human Rights (ECHR) shows that under the European Court of Human Rights prison labour is *not* a prisoners right; detainees have no say in the organisation of prison labour, nor are they entitled to remuneration or social security. Furthermore the European Court holds that compulsory labour is lawful, provided the detention itself is lawful; the work required is done in the ordinary sense of detention; it contributes to the rehabilitation of the offender, and is founded in national law (see van Zyl Smit and Dünkel 1999). It matters little that in Russia today, prisoners are forced into work that may be non-useful, tedious, or extremely hard. National guidelines are so vague that the prison regions can do whatever they like in terms of prisoners' work.

Of greater concern for the future in Russia in terms of conventions banning forced labour might be the impact of the 1998 Human Rights Act on the operation of imprisonment. The Human Rights Act is the most recent legislation protecting prisoners' rights. Underpinning the Act is the 'clear distinction' between compulsory labour and forced labour. Compulsory labour is the *indirect form* of compelling prisoners to work, as is the case in most western prison systems. Forced labour is the *direct compulsion* to work arising from circumstances (Clayton and Tomlinson (2000)<sup>131</sup>. Without a doubt, the definition of forced labour applies to Russia where prisoners are forced to work because of the circumstances and not as a direct form of punishment or for political crimes. The Human Rights Act also allows forced labour if conducted as part of a prison sentence (Article 9 (3b)).

Thus with the exception of Forced Labour Convention no. 57, which prohibits the use of forced labour for economic purposes, prisoners are excluded from legislation banning forced labour because of their status as prisoners. In future years, Russian legislators might look closely at the 1998 Human Rights Act

<sup>131</sup> For a more detailed analysis of the differences between forcing prisoners to work and compelling them to do so, see Clayton, R. and Tomlinson, H. (2000) *The Human Rights Act*. Oxford University Press, Articles 9 (13) and 9 (14).

when ensuring that institutions and policies do not violate the rules stated. But by excluding the compulsory character of prison labour, it is likely that the circumstances that lead to forced labour will be submerged under other concerns such as minimum standards and humane custody. This may be because across European prison systems there is shortage of prisoner's work so forced labour does not seem to be an issue for jurisdictions to be concerned over (see Ruggiero *et. al* 1995). Yet it seems astonishing that when discussing human rights, the idea of prisoners being forced into some work arising from circumstances is not even considered.

That prisoners must work is pure conventional wisdom, which has never been challenged seriously. This study has found that legislators must address the whole concept of the 'duty to work' as in Russia it is a punishment within a punishment. Even if it is not considered that compelling a prisoner to work arising from circumstances is an additional punishment; such a development might lead to the manipulation of prisoners. For example, the prisoners who are willing to adapt to the system get the jobs and with them, a relatively privileged position. There was very much a sense of this in Omsk where some prisoners talked about how current work practices were about survival of the fittest, and how this redeemed prisoners in the eyes of the institution and fellow prisoners (see section 6.4.1.3, Chapter 6). Those who are unmotivated might therefore have to put up with minimal prison conditions.

To sum up part one of the chapter, an analysis of the various international texts covering prison labour shows such differences in the wording and meaning of the forced labour issue, that reconsideration of this issue seems no more than logical. It is not within the exigencies of this study to discuss including forced prison labour in the International Covenant on Civil and Political Rights and the European Convention for the protection of Human Rights and Fundamental Freedom, or on forced labour outside prisons. However, when considering Russian prison labour, the issue of forced labour should be borne in mind as the gaps and



ambiguities in international and national law effectively circumvents any outside involvement of international bodies to protect the rights of Russian prisoners. A prison sentence means no more and no less than a deprivation of liberty, than restriction of free movement. It does not implicitly license national authorities to take away the prisoner's only remaining asset: their labour. The rational way of looking at the situation is that if there is work to do, and the prisoner accepts this, then she/he should receive normal pay for work or compensation for not working. But as the findings show, the situation in Russia is complex because the state is showing hardly any interest in the fact that without this modern form of forced labour, the very institution of the prison would be compromised.

Part 2 continues with the assessment of current practices in relation to international legislation, but ascertains the extent to which rehabilitation is submerged under the very practical uses of prisoners' work such that the Russian system of prison labour breaches specifically, the European Prison Rules.

### **Part 2: Issues to do with whether the philosophy of rehabilitation is being subordinated**

There are two issues that are discussed in this section: whether prison labour in present-day Russia corresponds to the recommendations of the European prison Rules and whether the alternatives comply with the European Prison Rules. In part 3, issues to do with accountability and legitimacy of imprisonment in Russia and the implications of the funding policy in terms of the management of the system are discussed.

#### **8.2.1 The European Prison Rules and prison labour**

In this section prison labour operations in the four Russian prison colonies visited is discussed in order to assess whether the work that is conducted corresponds to the requirements of the European Prison Rules (EPR). This is followed by an examination of the alternative strategies.

The fact that prisoners work to survive must be seen as overriding all of the rehabilitative objectives of prison labour and any alternative strategies that seek to bring about his goal. The meaning of work, both in content and type, is such that it does not contribute to positive custody because the prison labour is either tedious and dull (Smolensk), or hard and is conducted under austere, inflexible conditions (Omsk). Although it is expected of prisoners to work, to refuse work in Russia not only gives rise to punishment as a discipline (and this is the same in most prison systems), but also, prisoners might face deprivation of food, resources and opportunities that facilitate reform, and this is punitive in itself.

The prison labour that was found to be in provision in Smolensk and Omsk is such that real wages, meaningful work and training were in overall decline. In Smolensk the responses and the observations of prison labour operations reveal that most of the work is low skilled, wearisome and non-useful. Smolensk region could not afford to install trainers, workshop managers or training equipment that are essential to facilitate higher education. Accordingly, higher education and vocational training programmes were not available (see Table 5.5). One workshop that trained prisoners in making chopping boards, children's toys and arts and crafts was operating in each colony. Overall there was a sense of complacency among all respondents about the role of prison labour in bringing about reform or that providing any work opportunities might be useful after release.

A better situation could be found in Omsk where prison labour remained predominant in the objective of rehabilitation. Prison labour was provided to around half of the prison population and vocational training workshops were also operating. All courses underwent quality assurance through an accreditation scheme established between Omsk prison region and the universities and institutes in Omsk. Although staff did not take into account a prisoner's skills all the time, every effort was made to achieve this. Re-settlement programmes were also found to be in operation which included employing prisoners to undertake training for work in the industrial zone of the colonies. The evidence from the interviews



supports the finding that in Omsk, there is an emphasis on training for work and ensuring the provision of skills that s/he can transport to the community. However, despite initiatives to provide for socially useful work the reality in Omsk is that most prisoners end up in low-skilled work due to financial constraints and concerns over security which have arisen from increases in the prison population.

Looking at the justifications for prison labour (character reform in Smolensk and social reform in Omsk), it is remarkable that these regions have been able to establish well-defined approaches at all, as to why prison labour might be useful. Specific guidelines, directives, or frameworks coming from the central government that the regions can implement in order to bring about this goal simply do not exist. This situation has developed for two reasons. First, the central administration has yet to develop clear objectives regarding the function of imprisonment that reflects current sensibilities in Russia. Second, work has been in decline in Russian prison colonies and the statements that alternative treatment programmes can also provide reform is an indication that the central government (indirectly) acknowledges this trend. As with prison labour, what these alternative programmes might be and how they are to be implemented is not stated in the Corrective Labour Code (1997) or in the Criminal Executive Code (1997),

In deciding which methods should be used regions must organise these around the rehabilitation of prisoners (Article 69, part 10 The Corrective Labour Code of the Russian Federation 1997).

The goal of the prison is to reform the prisoner through work and by any other means (Article 103, part 14, The Criminal Executive Code of the Russian Federation, 1997).

Although national guidelines are unclear as to the types of methods that can engender rehabilitation, they do, nonetheless, stipulate that alternatives must be in place. Alternatives to work are in place in both regions, so present day strategies for rehabilitation as found in Smolensk and Omsk region cannot be said to violate national legislation. However, outside of national legislation the Russian prison

labour system as was found in this study, was to varying degrees falling foul of the European Prison Rules (EPR). Implicit in the EPR is that treatment programmes in prison, of which work must be significant (see Preamble, The EPR), should be such that they provide for the rehabilitation of prisoners after imprisonment to ensure re-settlement thus minimising the risk of recidivism. The Rules that relate to work are summarised below (see Chapter 3 section 2.1.3 for the Rules in full).

Rule (Article) 71 (1) Prison work should be seen as a positive element in treatment, training and institutional management.

(3) Sufficient work of a useful nature, or if appropriate other purposeful activities shall be provided to keep prisoners actively employed for a normal working day.

(4) So far as possible the work provided shall be such as will maintain or increase the prisoner's ability to earn a normal living after release.

Each section of the Rules that relate to prison labour will be discussed in relation to the findings from this study on prison. Looking at Rule 71 (1), it is clear that where work is to be provided that it should be a positive element in custody and should be such that it maintains rehabilitation during and after release. What this means is that all the aspects of prison labour (type of work undertaken, wages, training and hours of work) should not be of a type that it inhibits maintaining a socially useful life after prison. In Smolensk, in terms of providing for a socially useful life, prison labour was not providing prisoners with a socially useful life and in Omsk, the provisions are so precarious that it is doubtful whether the directives can remain up and running.

Part three of Rule 71 will be discussed in the next sub-section as it relates to alternative strategies. Overall in Smolensk the majority (both staff and prisoners) did not perceive labour as a positive element in treatment, training and



management. Virtually no prisoners in Smolensk talked about the usefulness of prison labour in terms of reform and very few staff could present evidence by way of policies or objectives that could support the notion that prison labour is useful. In the management of the system, prison labour was useful for providing resources, but the current situation shows that this could hardly be described as positive for the well-being of prisoners-though this might be offset by arguments that through work, the well-being of prisoners is maintained as they are fed and clothed according to minimum standards.

In Omsk, prison labour was more meaningful than in Smolensk in terms of the overall reforming qualities that work, training and education bring to the prisoner population. Whereas staff could present reasons for the usefulness of work based in the initiatives in place (the Community Liaison Partnership's (CLP's)), the majority of prisoners did not feel that work enhanced their personal development and instead, work was viewed as punishment due to the hard labour approach, the conditions of work, the current low level of remuneration and the pressure to produce in order that the colonies remain operative. So it is also a matter for future debate whether the CLP's and vocational training programmes can be sustained in an environment where because of the economic instability, there is very little real chance of prisoners obtaining jobs that have reasonable pay, conditions, training and skills opportunities. It would seem, therefore, that Smolensk region more than Omsk is flouting the European Prison Rule 71 (1).

The Preamble to the EPR states clearly that the overall ethos of Rule 71 (4) is that prison labour *itself* should maintain or increase the ability to earn a living after release. This is to be achieved not only through the provision of relevant training, education and work experience, but also by providing real wages that can enable better adjustment (financial and also psychological). In Smolensk, the type of work that was conducted was primarily in light assembly, which cannot be said in itself to facilitate rehabilitation. The review of the literature reveals that if prisoners were to work in light assembly as their main job, then social

rehabilitation will be ineffective because the kinds of jobs encountered will be poorly paid, and also ex-prisoners will work under poor conditions with minimal job satisfaction (see Simon 1999). In Omsk, the work that was provided was a mixture of light assembly and heavy industry so in theory at least, prisoners have a greater chance of finding better jobs once released. This is supported in the literature in which it is stated that a mixture of all kinds of work can enable re-settlement (King and McDermott 1995 Smartt 1996).

In terms of the parts of this Rule that state that work should be such that it maintains the ability to earn a living, both regions were found to be in breach of the EPR. In Russia, prisoners' wages are recorded in a '*kartochka*' (wage card), which records the hours of work, pay and location of work. Until 1991, prisoners were paid a gratuity for working for the Soviet regime. These days, prisoners are paid actual wages. The *kartochka* resembles a bank account book more than a wage slip as it records hours of work, pay, location of work and any deductions from wages of items of food purchased from the prison shop (usually confectionery or cigarettes), or monies sent to families. In all four colonies, prisoner wages were very poor when considered against standard wages, and ranged from \$2 (US) a week in Smolensk to \$7 (US) a week in Omsk. The national wage average in Russia at the time of the fieldwork was \$40 (US) a month so prisoner wages are well below the national average. Studies of prison labour in the west conclude that if prison labour wages do not match wage levels encountered outside the prison then it is highly likely that once released into the community, former prisoners will struggle to make a living and maintain non-criminal lifestyles (McLaren 1992). Furthermore, to expect employers to pay prisoners more than what they receive in prison once released into the community is naïve argues Lippke (1998). Although Omsk was better able to provide positive work experiences as an aspect of humane containment, positive custody and providing minimum standards, wages in Smolensk and Omsk do not meet Rule 71 (4) which states that they should be of such a nature to engender reform in the



community.

There are no national recommendations for a basic minimum wage for prisoners as the central government has passed this responsibility to the regions (see Article 105 The Corrective Labour Code of the Russian Federation 1997). According to senior figures in the prison system, the fluctuations in the stability of the Russian economy are so extreme that to set wage targets would be ineffectual. The region calculates the prisoners' wage based on the operational targets of the region. The logic is that if prison industries are substantial enough in diversity and scope then in theory, prisoners' wages should be higher. This would explain the higher wages in Omsk compared to Smolensk. The criteria for receiving a decent wage, therefore, become whether or not prison industries are successful. This might set a dangerous precedent in that prisoners might be forced into working harder to meet higher production targets which can generate profits and thus better prisoner wages.

Although ostensibly prisons are now expected to rehabilitate as well as punish, prisoners now have to work to live and not for the sake of the economy. Indeed the fact that they have to do this is precisely because of the collapse of the old economy. There are two ironies here: one is that under the old Soviet system and the new system, there is a danger of falling foul of the international rules about forced labour. Forced labour operated in the USSR on a massive scale for over seventy years, as a method of political reform and also as a criminal punishment for persons who were accused of anti-Soviet behaviour. Now, as then, prisoners must work and so current practices do breach international rules that ban forced labour for economic purposes.

The second irony of the research is that the present form of barter, the types of work prisoners undertake and the level of training provided for prisoners may mean that prisoners are more likely to be engaged in work like that which is carried on outside and which they might do on release-and so it is arguably rehabilitative. Unemployment in Russia is at hitherto unknown levels and poverty

and homelessness are rife throughout the country (Gilinskii 1998). The fluctuating economy means that for prisoners released into the community, the main types of jobs encountered are in lower sectors such as maintenance of public buildings, road cleaning, construction work and poorly paid factory work (see Gilinskii 1998). It might also be argued that in being exposed to barter, then prisoners are provided with skills that can enable adaptation and then survival in the community, thus rehabilitation. This is an important point as it relates to the international legislation, which incorporates the ethos, that rehabilitation cannot be a reachable goal if financial gain is the primary objective of the prison. In Russia, if prisoners are working in jobs that will encounter anyway, is it not the case that prison labour is rehabilitating them. While this is an argument for further debate, current practices violate the whole ethos of the Rules (see section 3.1.2, Chapter 3) in which it is stated, that prisons must be aimed principally at the education and re-socialisation of the offender and that the administration must show respect for the fundamental rights of individuals, and at all times uphold the values that promote human dignity (Preamble, The European Rules 1987). How the prison regions can be said to be upholding the dignity of prisoners, who might be ordered to make a good number of different goods for barter so that they can be assured of heating for a month, is contentious.

Related to the point above, is that if it comes to be accepted by the authorities that prison labour is rehabilitative because it matches that which might be found outside the prison, then the whole objective of the prison changes and staff will become complacent about providing prisoners with a chance to improve their lives once released. According to Simon (1999), the objective of treatment programmes is to scale things up, that is in order to facilitate rehabilitation of former criminals treatment programmes (work, education, cognitive therapy) have to be designed, not only to provide for very basic treatment but also that this treatment is such that it can minimise recidivism. The state therefore is obliged to provide more to prisoners in terms of treatment than it would the non-criminal



population.

This is difficult to achieve in any prison environment, but in Russia there is a pressing need to improve the current practices because prisoners are required to provide for themselves treatment, that the state should provide. This then reduces the state's responsibility for the delivery of treatments and punishments.

Relinquishing responsibility to the regions and to the private sector might set a precarious trend: the state is no longer involved in the prison sphere. Added to this is that while the work might be rehabilitative in one respect, in other respects, current practices allow for the Gulag mentality to persist. This has already been mentioned in the opening pages in Chapter one, where it was stated that according to the Moscow Centre for Prison Reform, the Gulag mentality persists in the form of arbitrary sentencing and massive incarceration. This study adds a third dimension of the modern day Gulag mentality: post-Soviet forced labor in a de-centralised prison system.

The overall implication of the empirical research gathered is that in Russia, the discussion about issues of principle in respect to prison labour must take place against a background in which the meaningfulness of work is discussed and the increasing involvement of the private sector and the decreasing involvement of the central authorities is monitored. With regard to each the role of prison authorities is uncertain. This might raise questions about the legitimacy of the prison system where the state is becoming marginalised.

The very necessity of prisoners working means that such a priority is given to this that it subordinates the other aims of the treatment of prisoners so that it breaches the European Prison Rules. The key test here is whether alternative treatments are being provided. The research found that in both regions, work was a part of a whole repertoire of methods to treat prisoners (see below). But humane treatment is not just about providing resources that can enable social rehabilitation. In Russia, prisoners must work according to the demands of the private sector in order that they receive social rehabilitation, as it is not absolutely certain that it

will be provided by the state. Humane treatment must therefore be looked at under the lens of 'who' or 'what' is providing for the colonies and how this relates to the requirement of prisoners to work. The involvement of the private sector has been thrust onto the Russian prison system because of circumstances. This development means that in Russia, probably more than in any other country in the western world, the goal of rehabilitation through work is being subverted because prison managers have no option but to involve the private sector to sustain, and not supplement, funding of the prison environment.

Before a discussion of private sector involvement is presented (part 3), it is useful to discuss the position of the alternative strategies in relation to the European prison Rules.

### **8.2.2 The European Prison Rules and alternative methods**

The second part of European Prison Rule 71 (3) that states that where work is not provided, alternatives to work should be in place that occupy prisoners for a full working day, has emerged in response to the decline of prison labour over the last twenty years. Where work is unavailable, national jurisdictions can introduce other programmes that aim to address offending behaviour. While it can be said that in terms of the many aspects of work provided that Smolensk and Omsk might be infringing the EPR, their position is strengthened by the fact they have introduced new policies that bring about rehabilitation. The use of psychology and religion in Smolensk and vocational training and Community Liaison Partnerships in Omsk follow a trend in Western Europe whereby regular work habits have been weakened and to some extent the idea of wage labour which traditionally concentrated prisoner's minds and exerted a reforming effect have been replaced by 'treatment' programmes which have personal and practical benefits. In most countries although the intention is to provide meaningful work, in reality, industrial work is poorly provided for usually because other issues - riots, organisational reform and so on – have pushed labour policies aside (see the van



Zyl Smit and Dünkel collection, 1999 and Chapter 3). Instead, training courses and workshops that encourage 'work shy' prisoners to reflect on the importance of employment in re-settlement are replacing work<sup>132</sup>. National trends in finding alternatives to work are reflected in the European Prison Rules,

The re-assessment of penal philosophy and prison treatment and administration has been most fruitful when it has been carried out in the context of human values and social criteria. 'Treatment' is a generalised concept. It is used to indicate, in the broadest sense, all those measures employed to maintain or recover the physical and mental health of prisoners, their social re-integration and the general conditions of their imprisonment (Permeable, The European prison Rules 1987).

The EPR do not state what kinds of programmes and policies might be defined, as 'treatment', but the overall objective is clear: whatever is in place, it must provide for socially useful rehabilitation and meet minimum standards. Returning to the present study, while work and training might be considered as 'practical' treatment measures that can provide preparation for release, so psychology, religion and liaison with the wider community might be considered as 'personal' treatment measures.

In Smolensk there are no alternative treatments such as training for work. Instead, psychology and religion are the main tools in place to provide for rehabilitation and positive custody as outlined in the EPR. While religion and psychology might serve a purpose in providing for adjustment to prison life and can pave the way for some sort of repentance for crimes committed (Smartt 1996), it is debatable whether such programmes as the audio-visual games (see section 5.2.2 Chapter 5) or Family Fellowships (see section 5.2.4 Chapter 5) can sustain social reform, especially in the absence of meaningful work and training. There is a greater chance in Omsk compared to Smolensk that the alternatives to work can

<sup>132</sup> In recent years, the Max Planck Institute in Germany has conducted criminological research into how prisoners might learn how to utilise work to manage any debt that they will face when released (Dünkel 1999). In the UK, observers are hopeful that there will be widespread dispersal of the re-settlement initiatives that are currently operating in all but the few prisons (Simon 1999).

provide prisoners with, at the very least, the habit of work and training (which had a high rating as an important reason for prison labour, see Table 6.5, Chapter 6).

In terms of providing alternatives to work that can be as useful as work for rehabilitation, the two regions do not appear to be flouting the EPR. Both regions have put in place directives that aim to assist prisoners in rehabilitation in the community. While the directives in Omsk provide more practical support compared to Smolensk, the policies in Smolensk provide personal and spiritual support to prisoners. Smolensk region could be criticised for importing American fundamentalist ideas that owe little to the reality of crime in Russia (socio-economic breakdown). However, given the very limited resources and support received, Smolensk region is doing what it thinks is the correct approach to ensure that minimum standards are met.

Although neither region is breaching the EPR by providing alternatives to prison labour, there are two concerns about the nature of the alternative methods and these are discussed in the final sub-section of part two.

#### ***8.2.2.1 Issues that are raised over the new alternative strategies***

The first concern over the alternative strategies is to do with whether the treatments reflect the current needs of Russian prisoners. As mentioned in section 7.3.2 Chapter 7 the methods in place in Smolensk have not been tested for their applicability, reliability or validity in relation to the prison community that was held in the Smolensk sites. So long as the methods lend themselves to ‘scientific research’ then staff believed them to be valid. In Omsk the methods in place resemble western treatment programmes but there is a lack of care and treatment for prisoners mental and emotional well-being. While no follow-up study was conducted, observations from both regions indicate that there is a possibility that prisoners will struggle to maintain rehabilitation in the community due to the low level of work provided during custody and the poor opportunities to find work in the community.



The second issue about the methods in place concerns whether the use of these methods reflect the need to establish an 'ideological identity' that can justify the existence of imprisonment which has been in absence in Russia since 1991 and which might then override the applicability of the alternative strategies. In Smolensk it must be considered that the introduction of methods such as psychology and religion are as much about pacifying and controlling individuals under the dominance of the Church which has replaced communism, as they are about providing for social rehabilitation. Malia (1999) posits the view that today in Russia, a new brand of religious orthodoxy has successfully tapped into Russian peoples deeply ingrained religious outlook and it is appropriate to look to religion to seek to control an unruly population. Utilising religion and psychology for this end is not, therefore, viewed as a matter of concern in Russia as there is a growing trend among senior criminal justice practitioners that crime is said to be the result of disobedience to the dominant ideology of the Russian Orthodox Church, and the responses from staff in Smolensk reflect, overall, this view<sup>133</sup>.

Similarly in Omsk, collective loyalty, unity, discipline and organisation of work are viewed as of major importance to the prison environment and easily identifiable to staff and prisoners as they were central to Soviet penology. Prison managers are motivated to cut costs and to organise labour around a tight network of departments and sub-departments and to adhere to the minutiae of compliance and regulation. In one sense, Omsk region appears to be living in a Marxist/Leninist fantasy in which the title *Red Industries* is used to describe the prison industrial sector even though it's official title is 'The Industrial Zone' (*Proizvodstvennie Zona*). In addition, the prize of *Loyal Prison Worker*, given to prisoners who can prove that their work is benefiting the colony is another Soviet tradition that continues today. It is easier for Omsk region to preserve Soviet traditions because the region is too far from Moscow for the authorities there to

<sup>133</sup> Zubkov *et. al* (1998) play down socioeconomic factors when discussing crime and instead

take any action. Yet in another sense, many of the practices in Omsk resemble a very non-Soviet world of western capitalism, where terms such as 'marketing managers', 'branding goods' and 'capitalist goals' co-exist alongside Soviet terminology.

This is an important, and possibly interesting, time for penology in Russia as it appears to be on the cusp between history and westernisation in the methods and approaches that aim to bring about rehabilitation-it is very much in a transient state. Imprisonment is oscillating between nostalgia for the past, and desires to break free from the past and develop western ideals. As this is happening, it is hard to envisage how the situation might change, or in which direction, so that it reflects Russian society as it currently operates. This confused state of affairs, or 'crisis in punishment' (Truskov 1991:4) has come about because the prisons function in the absence of a considered centralised penal ideology. Prison labour is no longer viewed as, a 'fundamental truth' in the goal of reform (Detkov 1994:35) but has instead been replaced by de-centralised alternative methods. Smolensk region apes western prison systems in the Russian context (devising strategies that resemble Tsarist penology) while Omsk is developing its own survival strategy within a Russian context (maintaining Soviet traditions), stripped of the crucial support and oversight from Moscow.

The collapse of communism and the move towards globalisation has resulted in Russia's penal institutions becoming reflexive, endlessly monitoring, adjusting and calculating their operations under the pressures of instability in order to achieve some appearance of accountability (see Giddens 1994, Luhmann 1995). Prison managers, whether consciously not, have searched for new ways of coping with the current, 'functionally differentiated modern society' (Knodt quoted in Luhmann 1995). The solutions in place, organised around the goal of character reform (Smolensk) and social reform (Omsk), provide a format that functions emphasise the importance of maintaining bonds to the religious community.



outside of considered central directives or plans but which provide justifications for the continued use of prison labour and additional supports.

Looking at the prison system as a whole, the central government in Russia does not appear to be operating a unified prison system in terms of the philosophical perspectives, which could then contribute to the emerging pan-European penal philosophy of the last decade. Instead, the current practice reveals something about the need for establishing any sort of ideology in prisons and in society. For example the lengths that Russian prison managers go to in order to establish some sort of penal rhetoric even if methods are diametrically opposite (religion with psychology or western business-speak with Soviet propaganda), reveals strategies that are limited in the extent to which they reflect real-life situations about crime in society. This was most marked in Smolensk where staff denied the reality, visible from the demographic details on convictions, that the majority of individuals were not psychologically deranged and were instead suffering from alcohol and drug problems that may have arisen from the poverty and decline that has overwhelmed Russia since 1991. The unique perspectives adopted in the two prison regions define each colony's cultural and political make-up by stretching across time and space and looking everywhere else except at the present situation in society. This is how the prison colonies acquire a 'penal identity' and it is a fundamental part of the whole experience of imprisonment because it allows managers to formulate strategies that justify imprisonment

Yet the new individualised 'penal identities' that have been integrated into policies in Smolensk and Omsk are about more than nostalgic yearnings for a time of order and security (see Sparks 1997). Rather these solutions have been adopted according to how each prison system can reproduce itself recursively on the basis of its own system-specific operations, hence Smolensk does not require as many resources and so the region demands less from work. Omsk utilises Soviet traditions because labour is at the vanguard of prison operations.

So while the alternative strategies do correspond to the EPR, the concern

here is that the desire to establish a philosophical basis to imprisonment overrides the merit and applicability of the treatment programmes. As prison managers relentlessly pursue their own individualised versions of rehabilitation, based on a hybrid of theories from Russia's past and the west, they have yet to address the complexity of the question of prison labour's role in penological terms, that is, can Russian prison colonies rehabilitate under present circumstances and if not, what then is the social function of imprisonment in post-Soviet society. These issues must be considered in relation to how the regions are positioned in relation to the Moscow administration, a topic that forms part 3 of this chapter.

### **Part 3: The dependence on prisoners' work for survival and the location of the colonies in relation to the Moscow administration**

It is important to begin this section by re-tracing the funding situation in Russian prison colonies that has led to the involvement of the private sector which in turn has liberated the colonies in Omsk from central control.

Unlike most prison systems in the west where the state continues to fund all agreed costs of incarceration, in Russia the state is unable to meet the required costs and so relies on the private sector to provide additional support. The nature and scope of private sector involvement in Russia is unique and cannot be said to be like private sector involvement in western prison systems where the private sector might be paid to provide management services, both custodial and programmatic. In Russia, private sector involvement has emerged out of the circumstances to do with funding rather than from a political decision by the central prison authorities to contract out services. Although services are contracted out to the private sector in the west, this is done in conjunction with the state under government guidelines and policies. In Russia, no such guidelines on barter, or any other private sector involvement for that matter exist. Indeed the private sector is not supplementary to the state, but is central to the overall operation of prison colonies. Although barter not part of official penal policy or formal procedures, it



has gone through a process of normalisation in the prison system on the grounds that it is used in everyday life as well as in other public institutions<sup>134</sup>. The only formality in the implementation of barter was found in the logbooks that randomly catalogued all barter contracts. In neither region were systems found to be in place to monitor and regulate barter. As one senior prison officer in Omsk said,

We say to our officers, 'just get a barter contract when and wherever you can'.

The success of funding from barter varied between regions. In the first instance, neither region was able to rely solely on barter to provide for the full necessary amount to keep the colonies operative, although Omsk staff had more options for providing funds because of a more diverse product base which opened up a bigger clientele.

From the observations and interviews, the main concern about the use of barter was that the central government was unconcerned about relying on it for funds. Barter is a method of survival most commonly found in under-developed countries and which provides, more often than not, only the very basic resources.

The implications of this situation are that barter is open to corruption, it is unstable and it depends on the wider stability of the market outside the colony. It is also inefficient as it depends on a coincidence of needs. This creates very real problems in managing barter, which is complicated further by the fact that the prison regions are functioning independently of vital central support. Smolensk region receives more funds and is closer to the central government so the problems arising from barter mentioned above might be easier to detect and subsequently resolve. However, Omsk region is so far down the line of managing its own barter systems, and providing resources, that it is becoming less and less accountable to

<sup>134</sup> This development might be considered in light of some of Spark's (1994) conclusions whereby he discusses how once the private sector had become integrated into the health care system in the UK, so it surfaced in other public institutions such as the prison system.

the central administration. The already flimsy relationship between Omsk region and the Moscow headquarters is now in danger of collapsing.

Christie (1996) argues that for accountability to be effective, the message of the state (in this case that might be that prisons should be for rehabilitation) has to be conveyed through agents of the state who are ultimately answerable to the state. In both regions, but less so in Smolensk, the state cannot provide the means to communicate that message and so the regions look to outside bodies to facilitate their perspectives, goals, policies and ambitions. This is not as yet, a major concern for Smolensk, but it is massively important to Omsk region, which, cut off from vital state support, is becoming a self-governing region. This development raises issues analogous to the more recent penological debates on the legitimacy of prison systems where the private sector becomes involved and this is discussed in more detail in the following section after issues to do with accountability of the prison system are presented.

### **8.3.1 Issues to do with accountability**

The two prison regions that participated in this study devise their own philosophical perspectives on imprisonment and the evidence suggests that Smolensk region is more accountable to the central administration than Omsk region. The solutions in place in Smolensk indicate that there is a high level of compliance and conformity to new ideas espoused by the church and the state. In Omsk, the interviews show that there is a high level of autonomy and self-governance in the perspectives adopted. The differences in levels of compliance to Moscow could be to do with the amount of funds provided. Smolensk region received more funds from the central government compared to Omsk. This could affect the state's control and power over the regions in that that it may exercise greater authority over the prison regions that are allocated the most funds. The regions that receive the most funds will conform increasingly to political patronage because of a fear of the consequences of non-compliance (a reduction of



state funds). In Omsk there is a high internal motivation or disposition to respond to the current financial crisis by being more independent of the central government and staff stated that they were keen for the state to relinquish all control to the region.

As Omsk region has exercised greater autonomy from the central prison authority, so too has the private sector intensified its role in the colony. The companies that are involved in prison industries in Omsk are accountable only to the regional managers and colony staff with whom they strike up deals for barter arrangements. The success of this relationship of mutual dependency is already starting to surface. In 2000 Omsk region devised a framework for improving and monitoring barter negotiations. Moreover, the Chief of the region did not see it as a necessary part of managing a prison region to present barter arrangements to the central government,

How I run my region is between me and my staff and the funders of some of the resources. Moscow is not involved (Chief, Omsk prison region).

If state funding of the prisons is patchy, then an argument might be that the opening up of prison industries to the private sector will create mechanisms of management that can be used to improve the situation (see Harding 1997 for recent debates on private sector involvement in imprisonment). However the indications are that unless some central support returns to the prison regions, the colonies that are far from Moscow will be isolated further from any central oversight. These colonies will then become accountable only to the companies and clients that are utilising prison labour at a far cheaper cost than they would pay for 'free' labour.

Prison labour in Russia fluctuates in response to the demands of the wider economy (Rusche 1978). While it is unlikely that developments in Russia will reach the self-producing cycles of prisoner exploitation as described by Melossi and Pavarini (1982) it is still a matter of concern that some regions are more

accountable to the private enterprises that subsidise them than they are to the state. The integration of the private sector (whatever its shape or form) might lead to a re-alignment of penal policy where the ideology is no longer *work for political correction*, but *work to live*. For example, a possible scenario is that some of the larger commercial companies in Omsk will increase their use of prison labour because it is far cheaper than non-prison labour<sup>135</sup>. This may lead to a company having a bigger say in the overall management of prison industries; the type of works undertaken; the hours of work; staff recruitment; health and safety, and wages. There is then a strong likelihood that prisoners will have to work harder, for longer hours and for less remuneration because they know that their food, clothing, bedding, heating and so on, is dependent on their level of output. Indeed Omsk region already has a pay structure for prisoners in place that is based on output targets and which adorns the walls of the industrial zone alongside the Soviet propaganda (which staff to this day reminisce about),

The more you work, the more money you get the happier we all are.

In such an environment, prison managers may be forced to intensify the workload, fearful that if they do not, then the barter contract and subsequently the vital resources will be terminated. So while the lifeline for vital support in western prison systems is the state, in Russian colonies, it is increasingly becoming barter. These developments may lead to human rights violations, the repercussions of which will be phenomenal because as Russia shakes off one legacy of forced labour so a modern variant takes its place.

The de-centralisation of the Russian government to regional administrations may also impact on the relationship between the colonies and the private sector. The Russian political system operates on the basis of regional governments that

<sup>135</sup> The Chief of Omsk region stated in an interview that he was eager to see more companies purchase goods via barter.



are federally connected to the state. While the regions have responsibility for devising many of their own criminal justice policies (for example, sentencing and type of punishment), they are officially accountable to the central government in Moscow. Private prison operators whatever their size and scope, are in the business of profit-making incentives for the continuation of, and preferably the increase in, high imprisonment rates amongst governments, because prisoner labour is cheap<sup>136</sup>. Accordingly, this would lead to the private sector becoming involved in the political agenda with the intention of supporting political parties that want to see bigger prison populations. Unless President Putin returns to the centralised system, then private enterprises might become influential in providing financial and political support to those regional governors (not the prison chiefs), who favour tougher law and order policies<sup>137</sup>. Private companies will benefit from high imprisonment rates because there is an abundant labour supply.

It is hard to conceive of how rehabilitation can be achieved where accountability has been eroded. Indeed, at the time of the fieldwork, the philosophy of rehabilitation seemed meaningless as prisoners were observed working to produce meagre goods that could be exchanged to provide the most basic items. Not only that, prisoners were exposed to criminality in the colonies. It was clear that barter was used for prison officers own private gain; an understandable, though not excusable, practice as staff pay was so poor (even when it was provided), that it is a wonder how prison officers survived. The

<sup>136</sup> In countries such as America the influence of business on criminal justice policy has launched a wide literature on the topic (Christie 1996, Hogan 1997, Davis 1998, Garland 2001). The argument is that because senior criminal justice figures such as state judges are voted into office, corporations might offer electoral, lobbying and financial support to candidates who are seen to impose tougher sentencing laws such as the 'three strikes laws' which lead to accelerated prison population rates hence a vast labour-force.

<sup>137</sup> This is not mere speculation as already there is a 'cult of personality' that surrounds President Putin in terms of his plans to return to some Soviet-type forms of government. According to White (*et. al* 1998), many of the regional governors (*gubernator*) are notorious for their unruly approach to devolved politics and some have been accused of flagrantly violating any centralised direction on health, education and criminal justice that is presented to them, in favour of acquiring massive personal wealth by using bullying tactics.

Russian *mafia* was involved in one colony in that it provided televisions in exchange for privileges for one prisoner who was a member of a local *mafia* gang.

The interviews with prisoners, especially those held in the Omsk colonies, reveal that they are aware of how much the regime depends on their labour. In most other criminal justice systems prisoners are not required to be concerned over whether they will be fed, clothed, or receive any activities, although they are expected to contribute some of their labour to their upkeep. While prison regimes have been criticised for the basic level of provision in prisons, resources are nevertheless provided for, allowing prisoners to go about other activities such as education and work. In Russia, prisoners are required to be concerned over their diet, or whether they will receive an extra sweater for that year. The only way they have of knowing if they will be fed adequately is if they work hard, as they simply cannot rely on the regions to provide these essential items. The situation today is worse than under communism in some respects because Russia is attempting to move towards more democratic structures and at the same time seems to be regressing in its prison management. Under these circumstances Russian prisons are facing crisis of legitimacy, and the implications of this are reported in the next section.

### **8.3.2 Where prisoners work to live and prisons are less accountable to the state, is imprisonment legitimate?**

In the final section of the chapter the finding that prisoners must work to survive in establishments with varying degrees of accountability, is explored in relation to some of the debates that have arisen over the legitimacy of imprisonment.

All prisons confront questions of legitimacy because they assume an especially high degree of power over the lives of prison populations in that prisoners are placed in a position of dependency whereby they become reliant on staff for support and discipline in formal and discretionary ways. The state



undertakes a responsibility for the prisoners' health, safety, education and psychological well being<sup>138</sup>. Central to the debate over legitimacy in prisons is the source of *power*. Sparks (1994) quoting Beetham (1991) argues that power in prisons can be said to be legitimate if it complies and conforms to established rules; if the rules are justified by reference to beliefs by both dominant and subordinate groups, and if there is evidence of consent by the subordinate to the particular power relations (Beetham (1991) quoted in Sparks 1994).

Christie (1996) argues that punishments, whether they take the form of work, education, training, deprivation of freedom or community sentences, should be 'communal in character' (Christie 1996: 104), that is they must be protected and preserved as an essential function of the state. That imprisonment and penal sanctions are imposed and *allocated* by the state both symbolically and practically through an independent judiciary that represents the state authority, is key in ensuring that established rules are complied with. As long as the state itself remains actively accountable for the exercise of modes of punishment (for instance the allocation of prison labour), to its citizens – who are the source from which its own legitimacy derives - so then are modes of punishment legitimate.

In Russia, while prison labour is about providing reform and that this is an established rule (albeit a very vague one) that is aimed at unifying the prison regions in terms of philosophical perspectives to punishment, the precise nature of reform is no longer the preserve of the state and is subject to conditions outside the state (the economy). Whether that involvement is allocating the types of work undertaken, monitoring the work, assessing its rehabilitative qualities in terms of re-offending rates; then the state is not taking charge. It might then follow that the central government is not accountable to its citizens in some of the regions over its

<sup>138</sup> The internal order and organisation of the prison also raises questions over legitimacy in terms of the material provision of regimes as well as the social relationships between staff and prisoners (see Sparks and Bottoms 1996).

approach to the management of criminal justice, as the state is no longer active in those regional prison systems.

There is also a conflict between the objectives of the private sector and the objectives of the central prison authorities, which give rise to questions over the legitimacy of the Russian prison system. In Russia the private sector is increasingly dominating criminal justice apparatuses. This presents a moral conundrum because the public system is no longer the sole provider of prison services (Harding 1997:22). Prison reform groups have been universally condemnatory over the introduction of the private sector and they have been supported by academic voices on moral grounds that it is wrong for private profit to be made out of the whole misery of imprisonment. Recent studies of the American prison system fortify the argument that as soon as the private sector becomes involved in the prison sphere, so there is an imbalance of power (bearing in mind that power is key to legitimate structures) because one sector is pursuing profit and the other a providing public service.

Harding (1997) adopts a pragmatic view of this development, arguing that the contracting out of specific services rather than whole prisons can be congruent with the overall objective of the prison. If the systems are properly managed, sensitively administered, and provide for the raising of standards and increased accountability, then a private contract should not be passed over. Unmoved by this line of argument, Christie (1996) argues that numerous people can make a profit from prison labour at the expense of prisoners: construction companies, purchasers of prison industry, retail firms, computer firms and so on. And while it must be said that none of these make a *sole business* from prison labour, the utilisation of labour in order to cut costs and save on prisoner wage bills is significant. This raises the question of motive. If business is driven by financial success, what then is the ideological role of the prison where business is incorporated?

The growth of private prisons in the USA appears to have been driven foremost by financial arguments and the huge increases in prison populations have



compelled correctional authorities to look for cheaper and more efficient ways of coping with them. Sparks (1994) argues that not only is prisoner reform compromised by the state relinquishing its responsibility to 'deliver pain', but also, in doing so the delivery of pain becomes more sanitised making punishment/reform/deterrence (as objectives of prisons) ordinary administrative activity (Sparks 1994:24). This arises because the delegation of penal service deliveries to private agencies accelerates and intensifies those tendencies that are part of modern institutions: input/output models and techniques of risk management, for example. So while private contractors have a business or profit-making incentive when they become involved in the prison sphere, so prisoners become massively important as a workforce that can enhance a company's corporate profile, productivity and expansion goals. Davis (1999) adds that this leads to the destruction of social wealth and might create a vacuum in the employment market as companies turn to labour to avoid paying proper wages (Davis 1999: 148-151).

The imbalance of power in favour of private bodies, as was found in Omsk, leads to what Sparks (1994) calls a 'legitimacy deficit', that is, the state lacks justification arising from conflicts over shared beliefs between the dominant groups (the state) and the subordinate group (the private sector). A possible scenario in Russia is a change in the social power of the prison, or at the very least, an imbalance, where financial gain subverts rehabilitation.

Most immediate in terms of the legitimacy of prisons in Russia is that prisoners are not consenting to the work they undertake nor are they consenting to the particular power relations. This might be significant at an international level, which is explored further in the following sections.

#### **8.4 The European Prison Rules and the private sector**

Of central importance in the European Prison Rules and the 1998 Human Rights Act, is that while prisoners have a duty to work in prison environments, they

should not be forced into working. It is a prisoner's absolute right to work, vocational training and education, and also the right to choose which work and so on that they want to engage in.

Insofar as prison labour is being used to sustain the prison environment through the provision of basic resources, the European Prison Rules are being violated because the interests of the private sector have become predominant in the management of the prison colonies. Such a development violates Rule 72 (2) of the European Prison Rules that states,

Although the pursuit of financial profit from industries in the institutions while viewed as valuable in raising standards and improving the quality and relevance of training, the interests of the prisoners and of their treatment must not be subordinated to that purpose (European Prison Rule 72 (2)).

In general, the European Prison Rules convey the necessity in reaching agreement across an international and European spectrum for protecting prisoners' rights and maintaining standards. But the Rules in themselves, particularly Rule 72 (2) above expose the inherent contradictions between using prison labour for profit while at the same time claiming that it can reform. First, Rule 73 (1) (b) leaves room for contract work from private employers to be performed inside and outside the penal institutions. The EPR also require that private firms using prison labour pay to the prison administration the same wages as they would pay for free labour and that there should be 'equitable remuneration' for the types of work of prisoners. Yet there are no provisions as to how this money should be passed on to the prisoners themselves. The current situation (stated earlier in the chapter) is that prisoners are paid well below the average that the 'full normal wages' they would receive for similar work in the community, thus Rule 73 (1) (b) is being violated.

Second, while the Rules exist to protect prisoners from exploitation and inhumane treatment, should the institution require that prisoners work that bit harder in jobs that they have not chosen to undertake, in order to meet institutional requirements, then the regime cannot be said to be violating the Rules (see Rule 71



(6)). In this context forced labour may be justified on the grounds that without it, the prison environment will face operational difficulties. This would suggest that little has changed since the Forced Labour Conventions of the early twentieth century where forced labour could be justified if it could be seen to contribute to the economic development of a nation-state.

Exactly how the Council of Europe might respond to the increased role of the private sector is not clear, and it might be expected that given that this is a trend that is emerging all across Europe then few eyebrows will be raised, so to speak. However, the Council of Europe might react to the use of barter and some thoughts on this are presented in the next section.

#### ***8.4.1 The Council of Europe's response***

Members of the Council of Europe may not be surprised over the finding that barter is providing resources to the colonies as it is used in other public sector areas such as health and education in Russia (see Chown in *The Times Literary Supplement* January 28, 2000). There are three related issues that the Council of Europe might be surprised to find out. First, that barter is now incorporated into the formal structure of funding of the prison environment as the central government allocates funding based on whether the region in question can be self-sufficient. As the Assistant Deputy General for the prison service, Alexander Il'yeh Zubkov stated in an interview,

I have seen barter used in remarkable ways in the colonies. I mean come on, you've seen the adverts on the back of the prison service journal. We have guys [prisoners] making beautiful bedroom furniture that is exchanged for mattresses and beds from the local community. I totally approve of this because how else can we support these colonies.

When pressed<sup>139</sup> about the issue of whether this means that the regimes are accountable to the private sectors that are subsidising the establishments, and that this might liberate some regions from the Moscow administration's control, General Zubkov added,

The regions keep us informed about the companies that they use and the barter contracts that are arranged. Of course the colonies are accountable to us but we are living in desperate times here, there is simply not the money from the government to fund the prison establishments properly.

This response seemed at best naïve and at worst, wholly irresponsible. The fact is that there are no central guidelines that can be handed to the regions for ensuring accountability, legality and effectiveness of barter<sup>140</sup>. Nor are there guidance on the relationship between the central authority and those colonies that are paying the colonies taxes directly to the central authority in the capacity of 'penal sponsorship'. To add to this point, central guidelines on the nature of the companies (possible ethical issues, their financial goals, profile, stability and funding contribution-what percentage of total financial outputs is to go on barter contracts) just do not exist in Russia. Outside Russia, as authorities establish agreements with international human rights groups on the training of staff in meeting minimum standards, so the barter system is not debated. It is simply not known how long this situation will go on for and there was every indication that the colonies that are distant from Moscow and more self-sufficient will in the future go down the path of more, and not less, private sector involvement<sup>141</sup>.

<sup>139</sup> General Zubkov was extremely reluctant to discuss how barter affected the central management of the colonies and also the connection between integrating the private sector and the problem of accountability. Instead, he offered very basic explanations for the integration of barter.

<sup>140</sup> This came to light as a result of contact that was maintained with Omsk prison region for much of 2000.

<sup>141</sup> The same point can be said for those colonies that might be close to the central authority but which are also successfully providing their own funds. The key point is that the state is relinquishing its control and this is more alarming for those regions that are out of view.



A second area of concern for the Council of Europe might be that the ethos that prisoners' work for reform has become subordinated by the ethos that prisoners must work to survive. This contradicts the philosophy and principles of the Council of Europe, that all prison systems under its jurisdiction are progressive, humane and modern, in terms of the treatment techniques and management systems. In Russia, the question is how are prisoners rights protected by the state, as they must still work to provide essential resources in a legitimated forced labour prison system. In the future, should proper funding not be resumed, then the regions themselves will formalise the barter system into a sort of capitalist privatised system with a forced labour element. There were already signs of this happening in Omsk with the recent framework between the prison administration and some of the companies involved in barter. This framework is as good as a document that says that the state is no longer the main subsidiser to the colonies.

Third, and perhaps the most urgent concern for Russian prison authorities in terms the Council of Europe is that the location of the colonies in relation to the central government appears to be a factor determining funding. The fact is that the colonies that are better able to self-regulate are those that do not require central support. This funding policy has had the unintended consequence of further liberating those colonies furthest away and most able to survive outside of Moscow's control. The de-centralisation of the system means that some prisons are becoming self-governing with little central control. This might lead to problems of management and monitoring human rights.

## **Conclusion**

Although there is not enough work for all prisoners, it is a falsehood to assume that prison labour is voluntary as is happening in Western Europe. Rather, to refuse work is to possibly jeopardise prisoners' relationships with staff, who are also under acute pressure to survive. This could lead to staff violating prisoners' human rights, although there was no evidence of this during the fieldwork in any

of the colonies. If prisoners are not consenting to their work, then acceptable limits of prison labour become difficult to quantify. It is clear that while on the one hand, Russia is meeting international standards in providing alternatives to work as part of treatment, on the other hand, there are flagrant breaches of the European Prison Rules in that prisoners are engaging in a modern-day form of forced labour.

The final chapter presents a summary of the findings, and some conclusions that can be drawn. Areas for future research are also discussed.



## CHAPTER 9

### Conclusion

#### Summary of rationale

For most of the twentieth century forced labour was engaged in a discourse with Soviet society under the guidance of Marxism/Leninism. Prisoners worked for political re-correction and in order that they contribute to the centralised Soviet economy, which was justified in terms of teaching prisoners how to be proper Soviets. Forced labour camps were erected all over the Soviet Union, but were predominant in Siberia and eastern Russia. It is believed that up to 12 million people were the victims of forced labour from 1917-1991 (Bacon 1994).

The demise of the Soviet Union led to the collapse of the interaction between the material conditions of the prison (the utilisation of prison labour to contribute to the Soviet economy) and its ideological basis (Marxist/Leninist notions of rehabilitation). In light of the collapse of the USSR, this study examined the function of prison labour in post-Soviet society in the late twentieth, early twenty-first centuries - a situation that neither the ideological literature in Russia, nor the theoretical and empirical works based on the west have addressed. The intention of this study was to capture the meanings and motivations for prison labour as perceived by the de-centralised regions since the massive system of the corrective labour system – the microcosm of Soviet society – disintegrated.

This study was also concerned with the position of the Russian prison system in terms of international covenants to which most prisons systems now subscribe. Since Russia is now integrated into the west through for example membership of the Council of Europe, so the country is now exposed to trends in the west in the methods and principles in imprisonment. In western prison systems, the many possible justifications for prison labour took different priorities at different times – and these certainly included in England and Wales an attempt to make them profitable: this would help defray the costs of confinement, give prisoners a rewarding and dignified sense of worth, provide them with skills on

release and savings to ease transition, and help support families. The situation in western prison systems today has not changed much in terms of the justifications for prison labour, except that prison industries are demonstrably inefficient due to shortages of prison labour and structural unemployment that has increased in societies across Europe (Ruggiero *et. al* 1995). Nowadays, prison systems are reaching out for alternatives to prison labour to provide for these things in the name of constructive activity – vocational training, education (recently concentrating on the basics), offending behaviour programmes based on various forms of cognitive therapy. At the same time, in some western countries, the contracting out of prison services to the private sector is taking place.

How these trends will impact on Russia will be important in determining Russia's position at an international level. Russia is currently in the queue to join the European Union and the strengths of its laws and regulations will be assessed for the extent to which they reflect the ethos of treaties designed to promote humane treatment, positive custody and minimum standards. The Council of Europe might be interested in the utilisation of alternative treatments in Russia, as there has been debate as to whether alternative methods can provide for socially useful rehabilitation. The Council of Europe might also be interested in the involvement of the private sector in prisons in Russia and the form that this might take as Russia has been in economic and political instability since 1991. The farming out of services to private companies ignites controversy because of the analogies to forced labour. If Russia is to shake off its 'Gulag mentality', it must be seen to operate a modern prison system aligned to the management systems in European prisons and the ethos of European penal ideologies (humane treatment of prisoners, and the provision of skills that can enable re-settlement).

### **9.1 Summary of findings**

This examination of Russian prison labour has discovered that since the collapse of the Soviet Union in 1991, the following developments have taken place in



imprisonment.

First, unlike the Soviet period, in Russia today, there are no clear guidelines or strategies in the main Russian criminal justice legislation (Criminal Executive Code 1997) for implementing the goal of rehabilitation in the prison system. Rules on the funding of prison colonies or about the involvement of the public and private sectors in providing funding have not been established.

Second, the regions define for themselves what the justifications or philosophical perspectives for prison labour might be which in all four colonies was found to be rehabilitation. A key finding of this research is that the specific nature of rehabilitation varies between regions and not between regimes and is influenced primarily by the location of the colonies in relation to the central government. The Smolensk region, located in western Russia, aimed at bringing about *character reform* of prisoners and in Omsk region, located in Siberia, the aim was to provide for *social reform*.

Third, in both regions prison labour operations have followed trends in Western Europe where it is used less due to a shortage of work. In relation to Russia, prison labour has declined because of the instability of the wider economy, which is no longer integrated into the central political economy. In place of prison labour are alternative treatment programmes that aim at providing rehabilitation and which reflect the philosophical perspectives that have emerged in the individualised prison regions. Psychology and religion are used to provide character reform in Smolensk, and in Omsk, work, vocational training and community partnerships provide for reform that seeks to establish a link between the prisoner and the community (social reform).

Fourth, although it is not officially stated, prison labour is also used to subsidise the prison colonies through the provision of vital resources. Prisoners must work to ensure their own personal survival as well as that of the institution and the staff. This situation has arisen out of the central government's inability to fund the prisons in full. The subsidising of the prison system is achieved through

the integration of the private sector into the colonies and this follows trends in Western Europe. However, the form it takes in Russia is both unique and intriguing. Russian prison colonies have not gone down the path of efficient managerialism, although it has to be said that the ways that staff mimicked business-speak in Omsk certainly suggests that prison managers are aware of how the private sector might be elevated to a status more conducive to the west. Instead, of the kinds of managerialism in farming out services, outlined by Sparks (1994), barter is used as the vehicle for providing resources. The colonies exchange goods with private businesses or individuals that bring goods to the colony which can be exchanged for prison-produced goods and services at a far cheaper cost than the public sector.

The fifth finding is that the success of prison labour for the purpose of survival varies between regions and is determined by the location of the colonies in relation to the central government. Smolensk region was less able to use prison labour in new and distinct ways so the central government intervenes and provides more support. Omsk region was better able to utilise prison labour for generating funds, so it receives less central support. Omsk region could be said, therefore, to be more autonomous from the central prison authorities than Smolensk. Prison managers in Omsk in a grotesque caricature of new Russian capitalists, wheel and deal to pay their staff and feed their prisoners using the skills and products available on site.

Related to this last point is a sixth finding. The two regions were not found to be violating the European Prison Rules (1987) in the provision of alternative treatment programmes where work is not available (see Rule 71 (3)), though the applicability of these programmes and the extent to which they can provide for positive custody is debatable. In terms of the finding that prisoners must work in order that they, the staff and the institution survives, the two regions were found to be breaching parts of the European Prison Rules particularly Rule 72 (2) which prohibits the use of prison labour where it is stated that reform should not be



subordinate the pursuit of financial gain and Rule 71 (6) which states that within institutional requirements, prisoners can choose their area of work. Although this might not constitute violation, because prison labour is central to the sustainability of the administration, so prisoners forfeit their right to choose their labour. The ways that prison labour currently operates in Russia contradict the whole ethos of the European Prison Rules: positive custody and humane containment lead to rehabilitation. Under present conditions, the very *necessity* of prisoners to work means programmes that aim at rehabilitation are ancillary to meeting the operational needs of the institution.

Finally, the lack of central support or resources and the absence of clear prison rules and guidance on imprisonment have led to a crisis of legitimacy. That is, the prison regions have established their own regional prison rules, and these are no longer unified according to a central ideology and most immediately, the prisoner is not consenting to the labour they undertake.

The findings do not provide a complete picture of the prison system as a whole, or a whole region, nor do they allow for comparisons of regimes other than those of strict and general type. It is clearly not possible to study the whole of the Russian prison system and given that the differences between regions were greater than between regimes, the probability is that the differences between these regimes and those that were not studied would have been similarly smaller than the differences between regions.

## **9.2 Implications of the findings**

There are several implications that can be drawn from these findings. The first is that the central prison authorities should consider resuming proper funding of the prison system. This would minimise the kinds of prisoner exploitation that have arisen from the decline in funding; it would improve relations between staff and prisoners, and would also allow for any stated objectives to really have the chance to succeed.

A second implication of this study is that the prison authorities must consider resuming more control from the *centre*. There are signs that this might happen under President Putin but it will take time as it is a massive undertaking (politically and logistically) to mobilise the 69 prison regions into a unifying system<sup>142</sup>. During the 1990's such an approach to prison management was unpopular due to the negative associations with the Soviet centralised system where the prison system was tightly integrated into the Soviet political economy (White *et. al* 1998). Nowadays, it is a matter of urgency that the prison authority re-considers how best to manage the system centrally to ensure uniformity in principle and accountability in practice.

This study is a test-case for other countries where prisons are autonomous from political patronage. When prison functions outside of central political support as they currently do in Russia, a fertile ground for human rights violations surfaces. This is massively important because in Russia the violations arise as a result of prisoners having to engage in hard labour to provide for basic resources. Violations might also surface in other areas such as monitoring staff treatment of prisoners and corruption. Observations of barter show just how susceptible it is to corruption from staff who would often not record arrangements and would instead keep goods for themselves. This makes the need to resume central funding all the more imperative (morally and politically) as proper funding means that the conditions that might lead to this kind of corruption (under-funding and crisis in resources) are removed. Prison officers might then be less tempted to abuse a system in which they are paid properly, and consistently and where they work

<sup>142</sup> There is not the space in this study to discuss what these changes might lead to or how they might work. An ongoing project by the Moscow Centre for Prison Reform is to utilise the expert knowledge and experience of academics, reformers and legislators to form a consultancy programme that seeks to establish a framework for overhauling the management of the prison system and making it more streamlined (See The Moscow Centre for Prison Reform 1998c).



under favourable conditions<sup>143</sup>. It is the finding that prisoners have to work to live with little central support that is the most serious, particularly because prisoners are aware of the demands placed on them. In Omsk prison managers are unequivocal in how they inform prisoners about the meaning of their labour: better custodial conditions will only come about if prisoners work harder. This invariably increases the pressures on prisoners to work, and it is not hypothetical to imagine a situation where they may be punished for not working 'hard enough'.

Resuming centralised control of the regions will also improve Russia's position in Europe. It is not standard practice in Europe to operate criminal justice outside of the wider political milieu. The current situation where some regions are self-governing their affairs that they have little need for central management might lead to isolation from Europe should effective steps not be taken to ensure some accountability to the centre.

A third conclusion that can be drawn from the findings is that there has been an inadequacy of oversight of the central authorities in not being able to fund the prisons and then passing over that responsibility (albeit informally) for funding to the private sector via barter. During the study there was never any sense from the interviews with senior officials that relying on barter might lead to human rights violations such as forced labour. Moreover, that the current prison labour operations might exacerbate and not strengthen Russia's position at an international level was never considered. This seemed remarkable because as mentioned earlier, much time and effort has been put into ensuring that Russian criminal justice personnel are familiar with the European Prison Rules and other international legislation that may come to bear on how they treat persons in custody (key areas are personnel, healthcare, treatment and discipline). Indeed, it was often the case that prison officers felt that the central administration's main

<sup>143</sup> Although it must be added that opportunities for corruption are not solely confined to prison systems that are under-funded.

priority was conciliating the Council of Europe rather than taking responsibility for the inner workings of the prison system.

The fourth and final conclusion that can be drawn from the findings is that there is a deep and enduring attachment to imprisonment in Russia. This emerged from observations of the ways in which staff depended on meanings from the past and the west, for example, the ways the prison officers in Omsk ape western marketing principles while referring to Soviet penology when justifying prison labour. Russia's prison system is in a state of turmoil especially as a symbolic state institution. The system is over-loaded, not just in numbers, but also the prison regions are setting up objectives that they cannot ultimately meet because of the instability in Russia and the decline in central funding. The prisons have evolved from a system embedded in 'communist perestroika' (King and Maguire 1994:5) into a vast number of fragmented prison regions that to varying degrees operate outside of the government's control and which are exposed to the global market if not in real terms then in notional terms. As the prison managers implement their own versions of what rehabilitation might be, and the authorities work to meet international minimum standards, so the criminal justice community (practitioners and academics) does not debate the role of imprisonment in Russian society. It is the view of this study that problems facing the prison system are as much about 'ideology' as they are about meeting standards. The findings on the ways that staff implemented policies with little or no background research into their applicability illustrates this point (section 7.3.2, Chapter 7).

Most countries continue to use imprisonment because it is believed to be the most effective response to crime (Garland 1990). It might then follow that in the western world there is a deep cultural attachment to imprisonment. Yet in Russia, this attachment runs deep into the lives of ordinary people because imprisonment was a part of the ideological machinery of Marxism/Leninism in much the same way as Rusche and Kirchheimer (1939) described it in relation to capitalism. The theory posited was that prison labour was as important to the sustainability of the



Soviet regime as was non-prison labour. The anecdote at the beginning of Chapter 1 about the Russian prisoners reading aloud the poetry of the Russian poet, Pushkin supports the point that Russian prisoners occupy an almost heroic position in Russian society as the builders of a once great ideological system. Given this legacy, to reform criminal justice so that imprisonment might be used less requires such an effort as to force people to confront their cultural attachment to this type of crime control.

This situation might change in the future as there has been an on-going campaign since 1991 that has only recently been supported by senior government figures to reform sentencing, by utilising restorative justice principles and community penalties in place of prison sentences (see The Moscow Centre for Prison Reform 1998a)<sup>144</sup>. Unlike the Soviet period, when the state could afford to send people to prison because of the economic success that prison labour brought to the wider economy, in the present, any room for improvement of the system is almost impossible because too many people are in prison. In Western Europe, imprisonment is viewed as something that should be used with restraint (Ruggiero *et. al* 1995). Given that imprisonment is the most severe penalty in Russia (there has been a moratorium on the death penalty since 1997), and that the state cannot meet the budgetary costs that arise from sending people to prison, every effort should be made to use imprisonment cautiously. Although countries such as the UK have been criticised for responding to populist demands for tougher prison

<sup>144</sup> There are several reasons as to why legislators have only recently provided support for reform measures. First is the strain that the whole prison system has been under to reduce numbers and improve conditions. When communism collapsed and the doors of Russian prisons opened for the world to see, the degradation and Soviet neglect from the 1980's was exposed. Much time and effort had to be invested into solving the more visible problems like TB, prison diet and humane treatment. Under these circumstances, it is hardly surprising that debates on the role of imprisonment were low on the list of priorities. Another reason for the poor level of debate on imprisonment generally might be to do with the fact that many of the senior criminal justice officials who had worked under the old Soviet system had simply switched jobs while retaining some support for forced labour. Progress in the area of debate has been slow but it is nonetheless changing with the help of expert knowledge from western academics and non-governmental organisations in Russia and in Europe.

sentences by using imprisonment more (see Sparks 1997), there is a greater urgency for the Russian prison system to monitor its sentencing practices as further entry into Europe is dependent on complying with rules relating to how imprisonment is used.

### **9.3 Areas for future research**

Several areas have been identified from this study that might be considered for future research and discussion:

1. Considered debates on the role of imprisonment and prison labour:

Although the lack of proper debate on the role of imprisonment is not unique to Russia, there is a greater need to debate imprisonment there as prison labour is forcibly extracted from prisoners and can be viewed, therefore, as a modern form of Gulag forced labour. The legacy of the gruesome Gulag system remains in the monuments, buildings, roads and rail networks that have been built by prisoner labour. In the present, prison labour may not be used in this way but part of the philosophy underpinning it remains: without prison labour the prisoner and the prison would be compromised. The repercussions of this for Russian society are enormous especially when it is considered that Russia has the second highest prison population in the world. Hence if most prisoners are working just to survive, then how can the system claim to be reforming the citizens it releasing back into the community?

2. In-depth analysis of the how the system is funded:

Such a study is conceivable as the central government has already made available some small pieces of information on funding to human rights groups such as the Moscow Centre for Prison Reform (see The Moscow Centre for Prison Reform



1998a). Additionally, the Ministry of Finance and the Ministry of Justice have web-sites that provide details of some costs.

Due to constraints imposed on the fieldwork, it was not possible to undertake an in-depth analysis of the funding of the prison system. When better access is available, an investigation of the level of funding would not only disclose whether barter is still relied upon, but also, such a study would be able to offer an insight into the direction that the Russian prison system is heading and its position at an international level and also any government strategies in place. It might lead to the exchange of expertise so that the physical conditions can be improved to international human rights standards.

This kind of research might be similar in scope to other UK-based projects like those currently managed by the International Centre for Prison Studies (ICPS). One of ICPS's ongoing projects is the Moscow/UK Prison Partnership Project which aims to establish long term partnerships between a number of prisons and a staff training centre in England and Northern Ireland and the big pre-trial prisons and a staff training centre in Moscow. Should research be conducted into the funding of the massive prison population in Russia, then models of better practice might emerge and the management of the prison system and the treatment of prisoners might be improved.

### 3. A detailed study of how barter operates:

If barter must be used in the short-term, then a comparative study could also be carried out on the involvement of the private sector in western prison systems (the UK for example) and the Russian system of barter. The aim of this research might be to provide the Russian government and prison authorities with details on how the private sector (whatever its form) can be monitored and regulated so that the prisons remain accountable to the central government. For example, one way of monitoring barter in the short term would be for the private sector to pay partial

subsidies to the central administration based on costs of goods and the types of products purchased. The subsidies that are paid to the government could then be paid back to the colonies as a form of backdated state budget. Although this would be difficult to undertake, as many of the goods exchanged are between small businesses or individuals who come to the colonies to exchange basic foodstuffs, it could lead to a process of monitoring the private sector's involvement in prisons. This would provide (indirectly) the central government with greater control over all prison matters. A good place to start would be to target the colonies that trade with commercial businesses such as the Italian car parts firm, *Avtomas*, (Smolensk region) and Omsk gas and Omsk City Council (Omsk region).

4. Research into whether barter is used in other types of colonies other than male regimes:

Most immediate in terms of future research is that barter may be used to provide resources in children's colonies. There are approximately 59 educational colonies for minors in Russia (Walmsley 1996:359). If child prisoners are being forced to work to provide resources, then the Russian prison system is exploiting child labour, which tends to be more readily condemned at an international level than other forms of exploitative labour. King (1994) found that in the early 1990's the children's colonies were indeed educational with some child prisoners engaged in domestic tasks. During the pilot tip of this study, some time was spent in a children's colony for girls where it was observed that the regime relied on charitable donations to compensate for the lack of central funding. As far as it is known, there have been no empirical studies since of children's colonies in Russia and the funding situation. Given the crisis in funding, an investigation into children's colonies is pressing.



## 5. The situation of prison labour in former Soviet Bloc countries:

The final area for future discussion is that it will be interesting to see how other countries that were part of the Soviet Bloc justify the practice of imprisonment in the post-Soviet era and also whether barter has emerged in these institutions. Most of the former Soviet satellites have experienced the economic, political and social turbulence that followed the collapse of the USSR. It would be interesting to investigate how societies under transition manage their prison systems and then to compare them with the findings on the Russian system this is where Soviet-type prison labour first emerged. Platek (1991) has found that the provision of useful work and training and purposeful activity in women's' prisons has declined in Polish prisons. She has not recorded any evidence on the use of barter.

The findings indicate that, even if there is no philosophical unanimity on penal objectives, it is still possible to identify standards that national practices regarding prison labour should meet if imprisonment is to be implemented with at least minimum levels of humanity. In this respect, despite their ambiguity in some areas (see Rule 71 (6) in particular), instruments such as the European Prison Rules, the United Nation Minimum Standards Rules for the Treatment of Prisoners and the conventions of the International Labour Organisation have a vital role to play. What might be required is the further development of these instruments and the means of ensuring their implementation nationally and regionally to take into account fluctuations in economic and political stability of member states of the Council of Europe. The complexities about the duty to work notwithstanding, a consensus about *practical* minimum standards should not be impossible.

### **9.4 Personal conclusions**

The manifold approaches used in this research, from learning Russian and cultural anthropology, to flexibility and opportunism, reflect the complexity of the subject and the lengthy process of 'getting together' the thesis. The methods are flawed in

places, not least in my passionate drive to understand the phenomenon of Russian prison labour which took me into the realms of the unconventional.

Perhaps one of the most difficult aspects of the research was establishing and then managing professional relationships with senior Russian criminal justice officials. My biggest anxiety was that the success of this study, which I had planned for several years before it got off the ground, was dependent on these intense, but brief, working relationships. Liaisons with practitioners - all were male and most of whom had worked under the old Soviet system - was extremely difficult, particularly when sensitive topics had to be discussed such as my gender and the possible security issues that might arise as a result of living in the colonies. These very serious warnings did not deter me, nor did being sent to Siberia dim my enthusiasm (much to the consternation of the official granting access). In fact I recall that the official who granted access looked shocked when I turned up for a briefing to his office after being in Siberia for a month, almost as if he was surprised that I survived 'the test'. I later found out from his secretary that he had expected me to give up and leave Russia. So hanging in, waiting by the phone, being sent to Siberia and Smolensk and being flexible, paid off in the end in that I could leave Russia knowing that I had professional integrity on my side.

At the time, living in the natural setting of four prison colonies for men was a frightening prospect conjured up most often in feelings that amounted to, 'can I do this?' Looking back, however, it was the best way to go about this research not least because it was an opportunity to implement a unique approach to criminological research, but also, such intense immersion in the field provided a means to observe, understand interpret and most importantly, cope with the ever-changing world of Russian society. Indeed I observed decline, degradation and struggles to survive from both prisoners and staff, but I also encountered an optimism that the management of the prison system will improve.



## Conclusion

King (1994) argued that the issue of forcing prisoners to work would not be a major concern in the future in Russia as positive steps had been taken in the post-perestroika period to abolish forced labour camps and to release political prisoners and also the decline in prison labour was making it more or less voluntary. Instead King predicted that bigger questions to do with the circumstances in which prison labour is conducted would surface (King 1994:80). The findings from this study support, in part, King's forecast. It is the very circumstances surrounding the use and organisation of prison labour that have led to prisoners being forced to work in order to live. In the ten years since communism collapsed, Marxism/Leninism remains marginal in Russian society. However, no prison system can avoid its history and it is ironic that as Russia demonstrates the extent that it is practising human rights in prison establishments in order to adhere to western standards, so has the Soviet practice of forcing prisoners to work continued.

There is no room for complacency here. While Russia is finding it increasingly difficult to meet its obligations to treat prisoners with humanity, it would also do the west well to pay attention to Russia's recent experiences in order to reassess perceptions of the private sector involvement in prisons in the twenty-first century and gain at least some wisdom about how to protect prisoners from exploitation.

## APPENDIX

Under section 5.3 in Chapter 5 and section 6.4 in Chapter 6, it was mentioned that the prison regions do not receive the allocated state budget from the central prison authority in Moscow. Most of the prison regions can expect to receive 60% of central funds that are first sent to the regions and then dispersed to the colonies by regional economists based on need. For 1998, Smolensk received around 70% and Omsk received a far lower figure of 30% of the intended funds. The explanations for these variations are explained in the thesis in Chapter 7, section 7.5.

Trying to explore the costs of maintaining the prison colonies and prisoners in perhaps one of the last mysteries of the Soviet era that remains to this day. According to Tatiana Iliyana who is a senior researcher for the British Council which has a headquarters in Moscow and which conducts research into Russian prison establishments, obtaining data in the first instance is extremely difficult as there are no figures that are readily available such as the Prison Service's Annual Reports and Accounts published by the Home Office in England and Wales<sup>145</sup>. Any data that can be obtained is not presented in a clear or systematic way and varies depending on the organisation or institution that is gathering the figures. What follows must therefore be taken on trust, as the figures were the only ones made available to me for the whole duration of the study.

The whole process of working out the costs of running prisons in Russia and also of funds sent to the regions is highly complex for several reasons. First, it is rare to see two sets of figures that match. All of the Russian figures gathered from official sources and from non-governmental organisations are not accompanied with sources and methods used for gathering statistics. It is also important to note that figures from human rights groups tend to be high and figures collected from government sources tend to be lower. This poses a problem of priority: which figures are accurate? For example, recent publications from the Ministry of Justice

<sup>145</sup> In conversation, December 2001.



refer to figures from the Moscow Centre for Prison Reform alongside their own figures and there is little critique or cross-referencing to reconcile the differences (see Zubkov *et. al* 1998). The situation renders the process of conducting an empirical analysis of prison figures time-consuming as well as confusing. Second, it is not useful to compare the costs of maintaining the Russian prison colonies with other prison systems in Europe because the population size of the colonies that participated in this study is far higher than in England and Wales, for example. Category 'B' or 'C' prisons in England and Wales have average prison populations of between 400 and 700 prisoners for 1999 compared to between 1560 and 2278 in each of the four colonies visited (see Table 4.4, Chapter 4).

Third, it is impossible to guarantee that the official figure is accurate as the dollar-rouble rate fluctuates wildly, so any figures that are presented should be treated with caution. Because of the fluctuation in the Russian economy, it is likely that actual costs will be far higher than the figures presented. It should be borne in mind that the rouble-dollar exchange rate has been unstable since 1997. The systematic translation and interpretation of the costs from roubles to dollars that takes into account inflation and Gross National Spending is extremely complex to do. For example, at the time of the pilot study in 1998, the exchange rate was 12 roubles equals \$1. One year later, at the time of the main study, the exchange rate was 28 roubles equals \$1. The rate of dollar to rouble in 1998 after the collapse of the economy was something like 1 dollar equals 6 thousand roubles, though roubles were not denominated yet. The denomination has happened later and according to it, 1 dollar equals 1 thousand roubles. Therefore, any actual figures on prison budgets should take into account the extreme fluctuation of the economy as well as the peculiarities in the information gathering process on prison costs.

Fourth, there are also variations in the ways different agencies calculate the annual costs of maintaining individual prisoners. The government figure is based on dividing prison costs into 'prisoner maintenance costs' (personnel, meals, energy costs in prisoner accommodation blocks, and medical care) and

'operational costs' (heating and electricity in all other buildings, staff wages, educational activities and prison industries). The total annual prisoner and operational maintenance costs are calculated arbitrarily and are based on annual prison population averages gathered from the prison regions (*oblasti*). According to the Ministry of Justice, the annual cost of maintaining the entire Russian prison system in 1998 was around 7,754,263,0 thousand roubles which is probably given in non-denominated roubles and so equals \$1,293,377 (US) annual costs for the prisoner and operational costs. I have calculated this by dividing 7,754,263,0 thousand roubles by 6 thousand roubles (figure provided by Marina Panasenкова at the British Council in Moscow). This figure is far lower than other prison systems in Europe-though this may be offset by the fact that the standards and costs of living in Russia are far cheaper than in Western Europe. In England and Wales, the total cost of running a far smaller prison system (an average of 64,000) for the year ending March 2000 was £2,089 million (HM Prison Service, *Annual Report and Accounts, April 1999-March 2000* HMSO HC 622).

The fifth reason as to why it is extremely difficult to calculate costs for running the Russian prison system is that the funding costs calculated by the regions do not match those from the central government. There are no regionally managed systems in place for collecting data prison figures. It seems that the government collects information for costs of the whole system rather than costs for running each colony, which is the system that is used in the UK. In Smolensk region, the annual costs for 1998 came in at around \$130,000 (US) for prisoner maintenance and operational costs. Given that there are over 700 of these types of establishments in Russia, the Ministry of Justice figure of annual costs might be around \$90 million (US) and not the \$ 1,300,000 (or thereabouts, as calculated by the Ministry of Justice). Looked at the other way, if the Ministry of Justice figure is accurate then the average costs of maintaining a prison colony is around \$18,000 (US).

Different figures also emerge when calculations are given for each prisoner.



The Ministry of Justice has calculated an annual average of \$664 for each prisoner place in all types of institutions (The Ministry of Justice, quoted in The Moscow Centre for Prison Reform 1998a: 55). This method of calculating costs is not according to region, colony type or location, security level of the prisoner and staff numbers, which is the method of calculation in most western European systems. The Russian figure of \$664 is based on meeting minimum standards of daily food costs. If the \$664 annual cost per prisoner is accurate, or close to accurate, this would put the annual costs based solely on the population over \$500 million, and not \$1, 300, 000 as stated by the Ministry of Justice. In addition, some costs are not accounted for, for example, the official literature from the Ministry of Justice does not provide information on staff wages. This annual figure of \$664 is given further validation if recent figures collected by the Moscow Centre for prison Reform (MCPR) are considered. The MCPR calculates a monthly prisoner maintenance figure of 1, 500 roubles for 1999. This translates to almost \$58 a month which is \$696 a year (see interview with Lyud'milla Al'pern, Deputy Director of the Moscow Centre for Prison Reform, in the Russia Journal, December 2001).

Clearly, a better understanding of how the Russian prison system operates would be achieved if rigorous procedures were in place to allow for a more in-depth analysis of the funding situation of the colonies, which would then be useful in improving prison conditions and the treatment of prisoners.

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