The Gulag as the Crucible of Russia's 21st-Century System of Punishment

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I begin by comparing two women's descriptions of their transportation to prison.

> Sometime later they rudely woke us at night and ordered us to ready ourselves for departure. They put us in vans with the logo "bread," literally jammed us in, so we could hardly breathe. The van began to move. The air became so stifling that several women fainted…. The van stopped, and we were put on cattle carts outfitted with plank beds. On the floor, in front of the doors was a small hole—our toilet. The plank beds were made for two people. For those who were thin, it was not that bad, but for the bigger women there was very little space. Soon the train started. We were given herring and bread, and a bucket of water. The trip was exhausting and we lost count of the passing days. Nobody knew where we were being taken. At last on dawn of one day the train stopped and we were taken out. The station sign said Pot´ma, so it was in the Mordovian republic…. What a picture it was! A line of women of various ages surrounded by a convoy of young soldiers, walking along a forest road. Behind them several carts with their belongings. The line seemed endless. It was a whole train. We walked for a long time. There were rest stops, when we ate some bread. We were very thirsty. If one had to go to the toilet, it was done without any shame, right there, in the crowd of women. (Liudmila, 1937)[1]

> We didn't know where we were going. We were herded into these cells to wait for the convoy to arrive and collect the *matrioshki*. They took us to the station; it was cold, winter, and we were left in these *voronki* in the freezing cold for one and half hours waiting for the train. Then the train came; first they took one load, then another—men, and then the women. There was a four-person compartment, but they put ten

[1] Liudmila Ivanovna Granovskaia, "From *Aelita's Notes*," in *Remembering the Darkness: Women in Soviet Prisons*, ed. and trans. Veronica Shapalov (Lanham, MD: Rowman and Littlefield, 2001), 246–47.

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> of us in, along with our cases. Ten people there, all with bags in the compartment … we traveled like that on top of one another the whole way. Some young girls were traveling with us; they went further; we were all together even though they were juveniles … HIV- and tuberculosis-infected should have traveled separately, but we were all in together … we were only allowed to go to the toilet every twelve hours. They gave us prison rations—a jar of dried potatoes and a jar of oats but no hot water … it was a nightmare…. And the guard was some young man, and he told us we had to entertain him, tell him jokes. It was just awful … so demeaning…. There was one girl who had a very high temperature, but the convoy said she was putting it on. She was dripping wet with sweat all the way there, and they wouldn't let her go to the toilet alone—you had to be accompanied. But she took two steps and fell, so they just pushed her back in. (Sonia, 2007)[2]

The first quotation is taken from the memoir of Liudmila Ivanovna Granovskaia, arrested in 1937 and transported from Leningrad to Mordovia to serve a five-year sentence; the second is from a women prisoner whom I interviewed in 2007—transported more recently from Moscow, also to Mordovia, to serve an eight-year sentence. The circumstances of these two women were different: Liudmila was a political prisoner, arrested as a wife of an enemy of the people, while Sonia was sentenced for drug dealing. The context of their punishment also differed. Liudmila Ivanovna was not protected by Russia's signature on the European Convention on Human Rights, and after her release she was exiled in northern Russia. Sonia, in contrast, benefiting from an amnesty introduced to relieve prison overcrowding in the early 2000s, was allowed to return home in 2008, there to await her partner's release from his twelve-and-a-half year sentence, also for drug dealing.

There is a compelling similarity to these women's stories of penal transportation; they both experienced it as humiliating, demeaning and as a denial of their individual personhood, the markers, as we shall see below, of "harsh punishment." The reason why prisoners in the Russian Federation today, like their predecessors, have to endure lengthy transports is the inheritance of a penal estate designed to disperse offenders to peripheral "spaces of punishment." The Russian penal system has a distinctive geographical division of labor that was laid down during the years of the Gulag and carried forward to the present day by the choices made in the decade after Stalin's death about which "islands of the archipelago" to retain. It consists of pretrial facilities located in metropolitan centers and "correctional colonies" in which convicted prisoners serve their sentences, distributed in predominantly

[2] The interview was conducted as part of a UK Economic and Social Research Council project. This name and all others in the text have been changed.

extraurban, remote locations, many clustering in discrete zones in peripheral regions.[3] The facilities in which prisoners are held have been rebuilt since the 1930–50s; barracks containing dormitory blocks are generally now brick rather than wood, washrooms have been brought inside and concert and sports halls and churches added, but the basic plan is much the same as in the Soviet era. Internal colony space is divided into administrative, production, and domestic zones and the whole area enclosed within perimeter fences, topped by barbed wire and watchtowers.

Sonia's sufferings during her transportation to the correctional colony hint at a much deeper and problematic Gulag inheritance. It turns out that principles of prisoner management have also been handed down to the present time. These include a collectivist approach to living arrangements and to rehabilitative interventions, the compulsory use of prison labor, reliance on prisoners' self-organization for a variety of housekeeping tasks, and disciplinary practices such as mutual responsibility, competition, and prison-on-prisoner informing. These are underpinned by a pervasive militarism and notoriously harsh "penal backup." If the Gulag inheritance is obvious in aspects of how people are punished in Putin's Russia, there are echoes linking both Liudmila's and Sonia's experiences to more distant penal practices originating in the self-regulatory peasant commune and *volost´* (township) court, and in the punitive powers of the gentry (*pomeshchik*) and imperial Russian state. The principle of joint responsibility (*krugovaia poruka*) used to ensure the payment of taxes by the peasant commune, for example, has been used in the penal context by imperial, Soviet, and post-Soviet states to punish the collective of prisoners for the shortfalls of the individual, whether the issue has been fulfilling a work target or keeping a bedside cabinet tidy. Despite shifts in penal policy after the revolution, in the immediate post-Stalin period, and between 1984 and 1993, the pillars on which the current Russian system of punishment is constructed have remained remarkably constant over time.[4] As I argue here, one result is that the Russian Federation

[3] Judith Pallot, "Russia's Penal Peripheries: Space, Place, and Penalty in Soviet and Post-Soviet Russia," *Transactions of the Institute of British Geographers* 30, 1 (2005): 98–112; Dominique Moran, Pallot, and Laura Piacentini, "The Geography of Crime and Punishment in the Russian Federation," *Eurasian Geography and Economics* 52, 1 (2011): 79–104.

[4] See, respectively, Michael Jakobson, *Origins of the Gulag: The Soviet Prison Camp System, 1917–1934* (Lexington: University of Kentucky Press, 1993); Peter H. Solomon, "Soviet Penal Policy, 1917–1934: A Reinterpretation," *Slavic Review* 39, 2 (1980): 195–217; Jeffrey S. Hardy, " 'The Camp Is Not a Resort': The Campaign against Privileges in the Soviet Gulag, 1957–61," *Kritika* 13, 1 (2012): 89–122; and Roy D. King, "Russian Prisons after Perestroika: End of the Gulag?" *British Journal of Criminology* 34 (1994): 62–82. **<VP: THIS PARTICULAR *BJC* ISSUE HAS ONLY A VOL NO.—CP>**

has entered the 21st century with institutions and practices that keep it at the harsh end of the punishment spectrum.

Modernity and Russian Penality

In this article, I discuss how continuities in punishment forms in Russia can be understood, by asking why particular institutions that were used in the past have been preserved, even though their original rationale may have long since passed. The answer favored by the Russian authorities is the familiar *perezhitki*—remnants—argument. Negative legacies of the Soviet system of punishment, so this argument goes, will be removed as Russia continues along a path toward global best practice; the reason why, 20 years after communism's collapse, this convergence has not yet taken place is the cost of reform, a rise in crime associated with the "transition" and institutional obstacles. Critics analyze the situation differently. Insisting that continuities reflect the incomplete democratization of post-Soviet Russia, they maintain that remnants of the Gulag will not be excised until Russia is properly democratized. The extreme version of this argument is that of the human rights activist Lev Ponomarev, who labels today's penal system a neo-Gulag.[5]

Both arguments are consistent with modernization theory. Applied to the history of punishment, modernization theory holds that punishment is an adjunct of some form of legal or rational domination within the broader totality that is modernity, its showpiece the prison. In the classic formulations of Weber, Durkheim, and Montesquieu, modernity is marked by a tendency toward ever milder and welfare-based systems of punishment. This is because restitutive approaches and civil remedies are better suited to market-oriented and contract-like relationships than penal regulation and criminal punishment; in the modern state the goal is the reformation of the offender, not the destruction of the body. It follows from such reasoning that the more despotic and less democratic the state, the more harshly it will punish its citizens. We know that late imperial Russia saw the beginnings of a modern penal system, including its essential features of the individualization of punishment (punishment fitting the person, not the crime), prisonization, a retreat from exile, a centralized penal bureaucracy, and reformation through work and individual reflection. In the agricultural colony on Sakhalin Island,

[5] See Lev Ponomarev, "Revival of the Gulag: Putin's Penitentiary System" (www.bu.edu/iscip/vol18/ponomarov.html; all Web addresses accessed 9 June 2015) and Bret Stephens, "Putin's Torture Colonies" (http://online.wsj.com/article/SB120277726156660765.html). Among historians of the Gulag, the relationship between the Gulag and Russia's failed democracy is discussed in Oleg V. Khlevniuk, *The History of the Gulag: From Collectivization to the Great Terror* (New Haven, Yale University Press, 2004).

the Russian Empire had its equivalent of the Pénitentiare de Mettray and in the Kresty, built according to panoptic design by the architect Antony Tomishko and run according to the Philadelphia system, it had its version of Pentonville. The urban-based prison had established its foothold in Russia in the half-century before the revolution and, as Michael Jakobson has shown, progressive ideas about the individualization and rehabilitation, informed early Bolshevik thinking about punishment, even as practice was taking the Soviet penal system in more sinister directions.[6] In terms of classic modernization theory, what happened thereafter was an interruption of normal progression toward a modern welfare-oriented system of punishment. Official historiographies accept this argument but with the qualifier that, notwithstanding the "excesses" of the Gulag, the underlying trajectory in the Soviet period was progressive.

Poststructuralism provides an alternative teleology, with the prison, in this case, the carrier of modernity's aspiration for order and a methodical appropriation of space. Best known are the ideas of Michel Foucault. I will not rehearse Foucault's arguments about the rise of disciplinary power or how it is critiqued. For Foucault, prison is not about retribution, deterrence, or the imposition of legal sanctions but, rather, is the exemplar of the prioritization of order in all industrial societies. The purpose of the penal technologies that Foucault describes in his influential *Discipline and Punish: The Birth of the Prison* is to destroy the autonomous self, control the dangerous classes, and provide models of ever more subtle and pervasive modes of regulation to diffuse through society.[7] Although in this work Foucault was primarily commenting on the nature of power in the whole social body, few historians of penal systems can ignore his observations about the rise of the prison. His borrowing of the archipelago metaphor would suggest the Soviet experience as integral to Foucault's theoretical schema, but his treatment of the Soviet Union was inconsistent.[8] In Foucault, the Gulag appears both as a pre-enlightenment mechanism of punishment and as bourgeois penal practice, though in respect of the latter insisting that terror and tough punishment were evidence of the failure, not the zenith, of the modern disciplinary order.

Foucault's ambivalence about the USSR notwithstanding, his excavation of the capillaries of modern power has provided historians of Russia with suggestive insights about how order was maintained in the Russian Empire and the Soviet Union. Among historians of imperial Russia, Andrew Gentes is the most overt

[6] Jakobson, *Origins of the Gulag*.

[7] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (London: Allen Lane, 1977).

[8] Jan Plamper, "Foucault's Gulag," *Kritika* 3, 2 (2002): 255–80.

Foucauldian, attempting to fit the tsarist system of exile into the "punishing the body" and "disciplining the soul" binary, and using Foucault's theory of governmentality to describe the self-regulatory "counter-communities" of convicts, Decembrists, brigands, and bureaucrats that the exile system created in Siberia.[9] Exile does not, in fact, figure very prominently in Foucault, yet in various forms and labeled in different ways, it has been a defining feature of Russia's punishment culture from the earliest times up to the present.

The centrality of "regulation by exclusion"—or what has variously been described as "excisionary violence," "expulsion," "gardening episodes," "deportations," banishment, and exile—in achieving disciplinary order surfaces in recent analyses of the Soviet period. The kulak and ethnic deportations are obvious cases, but recent research uncovering the "mass operations" has shown how pervasive was this form of social control.[10] More generally, the enumeration, categorization, and statistical description of the Soviet population and the state's elaborate system of surveillance speak to the emergence of biopolitics in the USSR. There are elements of Foucault's analysis that resonate strongly with what we know about power in the Gulag. Ideas about panoptic surveillance have informed some analyses, such as Maria Los's suggestion, strongly influenced by her reading of Hannah Arendt, that conditions in Stalin's camps allowed the emergence of "enhanced panopticism"—a form of "totalitarian surveillance-orientated bio-politics."[11] The labor camp was not panoptic in the classic sense but was based on comprehensive mutual surveillance made possible by communal living and labor. Los labels this form of panopticism "enhanced" because it goes beyond "the internalization of the all-seeing eye and the habit of self-policing" by

[9] Andrew A. Gentes, *Exile to Siberia, 1590–1822* (Basingstoke, UK: Palgrave Macmillan, 2008); Gentes, *Exile, Murder, and Madness in Siberia, 1823–61* (Basingstoke, UK: Palgrave Macmillan, 2010).

[10] Paul M. Hagenloh, "'Socially Harmful Elements' and the Great Terror," in *Stalinism: New Directions*, ed. Sheila Fitzpatrick (London, Routledge, 2000), 286–305; Hagenloh, *Stalin's Police: Public Order and Mass Repression in the USSR, 1929–1941* (Baltimore: John Hopkins University Press, 2009); David R. Shearer, *Policing Stalin's Socialism: Repression and Social Order, 1924–1993* (New Haven: Yale University Press, 2009).

[11] Maria Los, "The Technologies of Total Domination," *Surveillance and Society* 2, 1 (2004): 15–34; Steven Pfaff, writing on the GDR, shows the limits of surveillance's disciplinary powers ("The Limits of Coercive Surveillance: Social and Penal Control in the GDR," *Punishment and Society* 3, 3 [2001]: 381–407). Oleg Kharkhordin, *The Collective and the Individual in Russia: A Study of Practices* (Berkeley: University of California Press, 1999) makes a similar argument to Los in relation to the 1950s dormitory. Svetlana Boym, "The Banality of Evil, Mimicry, and the Soviet Subject: Varlam Shalamov and Hannah Arendt," *Slavic Review* 67, 2 (2008): 342–63, uses Foucault, Schmidt, **<JP: CARL SCHMITT? IF NOT, WHICH SCHMIDT?>** and Giorgio Agamben to examine the blurring of the distinction between the enlightenment subject and Stalinism.

making each prisoner also aware of being "potentially viewed by others as a secret eye of the system."[12]

Foucauldian perspectives challenge, but are not incompatible with, the more familiar political economy explanations for the rise of the Gulag and the punishment modalities with which it was associated. In political economy explanations, following Georg Rusche and Otto Kirchheimer's Marxian analysis, punishment has the purpose of meeting the pressing needs of the state.[13] The 19th-century exile system was, accordingly, a response to imperial Russia's pressing need to settle the peripheries and secure borders and the Gulag to the Soviet state's need to mobilize resources. The point about such explanations is that the penological content of a given punishment form is subordinated to another function.[14]

Modernization theory as the frame for understanding the historical diversity of punishment forms has been widely criticized by sociologists and historians of penality. The critique is relevant to my task here of understanding continuities in Russian punishment to the present time. First, although they may explain in general terms shifts in punishment modalities over time (such as from public execution and torture to prisonization), theories of modernity fail adequately to account for differences in punishment forms among modern societies. As measured quantitatively and qualitatively (that is, by the number of offenders incarcerated and how well they are treated), prison regimes in modern societies exist along a mild to harsh spectrum, with Nordic "exceptionalism" at one end and Anglophone "excess," at the other.[15] Second, differences among countries do not map onto a more-to-less democratic spectrum, as modernization theory would predict. The greatest anomaly is the United States, which possesses the harshest of punishment regimes yet is a well-developed democracy. Third, rather than following a trajectory toward ever milder and restitutive punishment forms since the 1970s, punishment in many Western democracies has become more punitive.[16] Foucault's

[12] Los, "Technologies of Total Domination," 35.

[13] Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure*, with introduction by Daria Melossi (New Brunswick, NJ: Transaction Publishers, 2009 [1939]).

[14] See, e.g., Valery Lazerev, "Conclusions," in *The Economics of Forced Labor*, ed. Paul R. Gregory and Lazerev (Stanford, CA: Hoover Institution Press, 2003), 190.

[15] John Pratt and Anna Eriksson, *Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism* (London: Routledge, 2013).

[16] David Garland, The *Culture of Control: Crime and Social Order in Contemporary Society* (Oxford: Clarendon, 2001); John Pratt et al., eds., *The New Punitiveness: Trends, Theories, Perspectives* (Cullompton, UK: Willan, 2005). The "new punitiveness" has been noted even in countries that traditionally have been penologically liberal, including Canada (Dawn Moore and Kelly Hannah-Moffat, "The Liberal Veil: Revisiting Canadian Penality," in *The New Punitiveness*, 85–100) and the Nordic countries (Pratt and Erikson, *Contrasts in Punishment*,

theorization of diffuse modes of penal control, ironically, coincided with the punitive turn in Western societies, marked by an explosion in prison populations and the abandonment of many of the postwar welfare principles.

In relation to all three criticisms of modernity's account of punishment, it is worth noting that the initial emptying of prisons that accompanied the collapse of the USSR and Russia's political transition to a form of democracy, was followed by such an expansion in the prison population that in the mid-1990s Russia displaced the United States in the top spot globally for the rate of imprisonment. With 475 prisoners per 100,000 population at the end of 2013 remains among the top ten together with a clutch of more overtly authoritarian regimes.[17]

The "Cultural Turn" in Penology and Its Relevance to Russia's History of Punishment

The contradictions between theories of modernity and punishment practices noted above have focused penologists' attention on the ways in which punishment is mediated by culture. Rather than searching for utilitarian explanations for punishment forms, a new generation of penal sociologists views punishment as an irrational act founded in ritual. Attention is focused on its emotional and affective aspects. The cultural turn in penology is associated, in particular, with the prison sociologist David Garland, who has drawn attention to the ways in which punishment is shaped by "penal sensibilities" reflecting a broader societal ethos and concerns. These sensibilities are deeply embedded in national cultures and transmitted from one generation to the next, even though social, political, and economic contexts can change.[18] Garland pays particular attention to penal agents—the people responsible for administering punishments—whose "commonsense practices" are constitutive of distinctive "penal cultures." Prison officers operate within frames of reference that normalize and rationalize particular beliefs about their work. The domination of group norms over the individual's own perceptions and behaviors—the hallmark of total institutions—was reinforced in Soviet Union

209; Yvonne Jewkes and Jamie Bennett, *Dictionary of Prisons and Punishment* [Cullompton, UK: Willan, 2007], 202).

[17] The United States, with an imprisonment rate of 716 per 100,000, tops the list, followed by several small island states, Rwanda, and Russia. More than 50 percent of countries have an imprisonment rate of under 150 per 100,000. For the complete list, see Roy Walmsley, *World Prison Population List*, 10th ed. (Colchester, UK: International Centre for Prison Studies, 2013; www.apcca.org/uploads/10th_Edition_2013.pdf). **<JP: OLD LINK DID NOT LOAD; I FOUND THE 10TH ED. HERE, BUT IT IS 2013, NOT 2009, AS ORIGINALLY STATED. PLEASE VERIFY OR SUPPLY NEW LINK.—CP>**

[18] Garland, *Culture of Control;* David Garland, *Punishment and Modern Society: A Study in Social History* (Chicago: University of Chicago Press, 1990).

by the concentration of prison institutions in enclosed "zones," which created a social environment made up predominantly of other prison officers and their families. In these spaces, "common sense practices" about how to do the job of being a prison officer have been passed down from the Soviet period, in some cases, from one generation to the next in a single family.[19]

The scope of today's penalogical scholarship is extremely broad. As well as understanding punishment forms as grounded in cultural values and specific sensibilities, penal institions have been analyzed as sites of ritual performance and cultural production that have diffuse cultural consequences above and beyond any crime control effects they may produce. The principal exponent of this more hermeneutic approach is Philip Smith, who rejects outright functional theories of punishment and of modernity as the driver of penal change.[20] Smith insists that punishment is as much about poetics as power; his is a dramaturgic, semiotic, and religious theory of punishment where its material architecture is simultaneously the domain of mythology. He illustrates his ideas with detailed analyses of the principal icons of "Western" punishment—the guillotine, the chain gang, the electric chair, and lethal injection, the prison and panopticon. The equivalents for Russia would be the windowless Stolypin carriage attached to the end of railway trains that transports prisoners between penal institutions; the wooden fences, watch towers, and barracks of the labor camp; and the iron bars and slamming doors of the metropolitan isolator (as in the atmospheric opening sequence of the television serial *Zona*). The task of the historian of punishment is to excavate these punishment forms for the protean cultural categories running through and under them. Following Émile Durkheim, Mary Douglas, and Mikhail Bakhtin, Smith identifies these as the codes underpinning all social life; the binaries of order and disorder, purity and pollution, and the sacred and evil.

Contra Foucault, in Smith's schema, the experts who invent punishments are not engaged in a process of producing ever more rational and detached means of reforming criminals (or, in the USSR's case, the more efficient use of their labor) but in responding to public fears about disorder, pollution, and indignity. Central to his argument, therefore, is societal reflexivity over the criminal justice process: penal practices are shaped by the to and fro of statement and counterstatement between center and Bakhtinian periphery

[19] Judith Pallot, Laura Piacentini, and Dominique Moran, "Patriotic Discourses in Russia's Penal Peripheries: Remembering the Mordovan Gulag," *Europe–Asia Studies* 62, 1 (2010): 1–33.

[20] Philip Smith, *Punishment and Culture* (Chicago: University of Chicago Press, 2008). For Garland's critique, see David Garland, "A Culturalist Theory of Punishment?" *Punishment and Society* 11, 2 (2009): 259–68.

about the appropriate treatment of offenders. The pivotal role of dialogue in Smith's penology makes it difficult to apply his ideas to the shifts in punishment forms in Russia, where penalties associated with "incorrect" readings of the messages in official discourses have been high and the state's power to close down debate almost unlimited. Even so, punishment forms in Russia have been the subject of discursive battles; the official image of the Sakhalin penitentiary colony as a paradise where "corn and watermelons grow" was destroyed by Chekhov's powerful counterimages of the colony as a joyless, living grave.[21] At the height of the Stalinist repression, laughter, jokes, and carnivalesque inversions desconstructed hierarchies and challenged official discourses.[22] Soviet society in the 1950s was able to make its feelings known about penal policy in an "epistolatory outcry" prompted by the tattoos, verbal outbursts, criminality, and contagion of returning prisoners.[23] Other players on the periphery—the varied ranks of people involved at all levels in administering punishments, for example—also could let their views be known about the state of affairs in the Soviet Union's prisons through institutional channels. The input of the periphery into shifts in punishment forms in the Soviet period cannot, therefore, be discounted.

Following the collapse of the USSR, there has been a step **<JP: RIGHT WORD?>** change in the dialogue between the center and the periphery about the state of Russia's prisons. Public awareness of conditions in penal institutions is high, as crime and punishment are discussed in print and broadcast media and on the Internet. Former prisoners and their relatives make frequent appearances on television discussing the criminal justice system, prison-based soap operas attract large audiences, and "true crime" books and journals have wide circulations. In the popular representations, prisons appear as repressive, barbaric, and anachronistic or as houses of fun. Familiar tropes—that prisoners live better than people on the outside and that "the thief belongs in jail"—exist side by side with YouTube videos of guards beating juvenile offenders, critical reporting of the deaths of high-profile prisoners, and memoirs that "tell the truth" about incarceration in Russia today.

Few penal sociologists today would disagree that punishment is a communicative process that has to be decoded by situated actors, but they would hesitate to discount the role of contingent economic and political factors

[21] Sharyl M. Corrado, "The 'End of the Earth': Sakhalin Island in the Russian Imperial Imagination, 1849–1906" (Ph.D. diss., University of Illinois, 2010).

[22] Sarah Davies, *Popular Opinion in Stalin's Russia: Terror, Propaganda, and Dissent, 1934–1941* (Cambridge: Cambridge University Press).

[23] Miriam Dobson, *Cold Summer: Gulag Returnees, Crime, and the Fate of Reform after Stalin* (Ithaca, NY: Cornell University Press, 2009), 165.

or the impact of new surveillance technologies on the development of penal policy and practice. It is easy to agree with Garland that an analytical framework for understanding modern punishment forms is one that embraces *both* culture and power, *mythos* and *techne,* meaning and machinery, and that allows for cultural meanings to be shaped in local usage, as well as transcendental cultural imperatives.[24] Such a multifaceted approach is particularly relevant to Russia, where the institutions of the criminal justice system have been called on to fulfill functions and attain goals beyond the penal realm. Indeed, historians have tended to emphasize the nonpenal functions of Russia's systems of punishment, so that the penal—understood in the 20th century as having the triple purpose of retribution, incapacitation, and rehabilitation—has tended to be relegated to the background. Since the turn of the 21st century, histories have gone a long way to redress this balance by probing the everyday practices of incarceration and engaging with the Gulag's puzzling contradictions.[25]

Reading these histories, I see scholars grappling with the consequences of understanding the Gulag as, first and foremost, a prison. All punishments inflict suffering; that, after all, is their purpose, but penal sociology tells us that they do this is different ways, with different purposes in mind and different consequences. Historians of punishment in Russia have yet to address questions of why specific punishments were chosen above others, and what explains the longevity of some and the only temporary appearance of others. It is here that cultural penology's focus on the link between punishment and the social can help overcome the gaps and inconsistencies in the account that modernization theory gives of the shifts in punishment forms over the long term. **<IF YOU REALLY MEAN *longue durée*, IT IS SPELLED THIS WAY, BUT, STRICTLY SPEAKING, THE TERM REFERS TO FACTORS THAT SPAN MILLENNIA (GEOGRAPHY, CLIMATE, ETC.)>** It does this by drawing attention to the learned practices of the people responsible for administering punishments, the relationship between "penal sensibilities"

[24] Garland, "Culturalist Theory of Punishment."

[25] Works I find particularly useful include Nanci Adler, "Life in the 'Big Zone': The Fate of Returnees in the Aftermath of Stalinist Repression," *Europe–Asia Studies* 51, 1 (1999): 5–19; Golfo Alexopoulos, "Amnesty 1945: The Revolving Door of Stalin's Gulag," *Slavic Review* 64, 2 (2005): 274–306; Steven A. Barnes, *Death and Redemption: The Gulag and the Shaping of Soviet Society* (Princeton, NJ: Princeton University Press, 2011); Nick Baron, *Soviet Karelia: Policies, Planning, and Terror in Stalin's Russia, 1920–1939* (Abingdon, UK: Routledge, 2007); Wilson T. Bell, "Was the Gulag an Archipelago? De-Convoyed Prisoners and Porous Borders in the Camps of Western Siberia,"*Russian Review* 72, 1 (2013): 116–41; and Cynthia A. Ruder, *Making History for Stalin: The Story of the Belomor Canal* (Gainesville: University Press of Florida, 1998). **<JP: WORD NEW REMOVED BECAUSE 1998 IS NOT "NEW" IN 2015>**

(of elites, experts, and society at large) and penal policy, and the deep cultural rootedness of the meanings vested in punishments.

Harsh and Mild Punishment Forms

Here I need to make a digression to explain what I mean when I refer to "harsh punishment," because I argue that one of the enduring features of penality in Russia is that it inflicts a high degree of suffering on prisoners. Since Gresham Sykes wrote his pathbreaking work on the society of captives, penologists have attempted to classify punishment forms according to their inherent harms or pains.[26] Prison regimes that permit inmates to work, allow visits on a regular basis, satisfy prisoners' basic needs, provide comfortable and safe living quarters, give access to education and job training, supply opportunities for recreation and entertainment, and allow them to exercise their civil rights can be said to be mild. By contrast, enforced idleness, exposure to violence from other prisoners, arbitrary treatment by guards, loss of civil rights, restrictions on free speech, low levels of amenity, lack of physical and mental care, solitary confinement, and sensory deprivation are all features of harsh penal systems that intensify imprisonment's pains. Fundamental to harsh punishment is degradation—the treatment of prisoners in ways that make them feel diminished, lessened, or lowered and deny their individual personhood. There are many forms of degradation; extralegal punishments such as torture are obviously degrading, but so too are more symbolic forms like forcing prisoners to wear uniforms, placing them in cages for their court appearances, depriving them of privacy including for the performance of intimate personal tasks, shackling them, and making them walk in a stressed position. These are among the everyday practices of the criminal justice system in Russia today.

It is axiomatic that conditions of detention in the Gulag were harsh and that many punishments meted out were extralegal. But not all were, and it is these that bear examination for what they might reveal about society's broader ethos and moral concerns in relation to punishment. Historians of Germany have pointed to the continuities in the use of probation and amnesties during the Third Reich that formed the building blocks of the moderate penal system that emerged after the war.[27] In Russia, it is difficult to find equivalents, even if the most extreme forms of extralegal punishments are bracketed off. The progressive proposals discussed by penologists in the first decade of Soviet rule were mostly stillborn, and it was the concentration camps, forced labor, and

[26] Gresham M. Sykes, *Society of Captives: A Study of a Maximum Security Prison* (Princeton, NJ: Princeton University Press, 1958).

[27] James Q. Whitman, *Harsh Justice: Criminal Punishment and the Widening Divide between America and Europe* (Oxford: Oxford University Press, 2003).

executions of the Red Terror that provided the models for the Stalinist labor camp.[28] But harsh punishment did not begin with the Bolshevik revolution; exiles to Siberia were subjected to humiliations, deprivations, and torments that were out of proportion to what was necessary to cleanse metropolitan society of deviancy and populate Siberia. Bad treatment evidently did not offend the masses' sensibilities, as peasants turned out to mock and ridicule their compatriots en route to transport (*etap*) stations.[29]

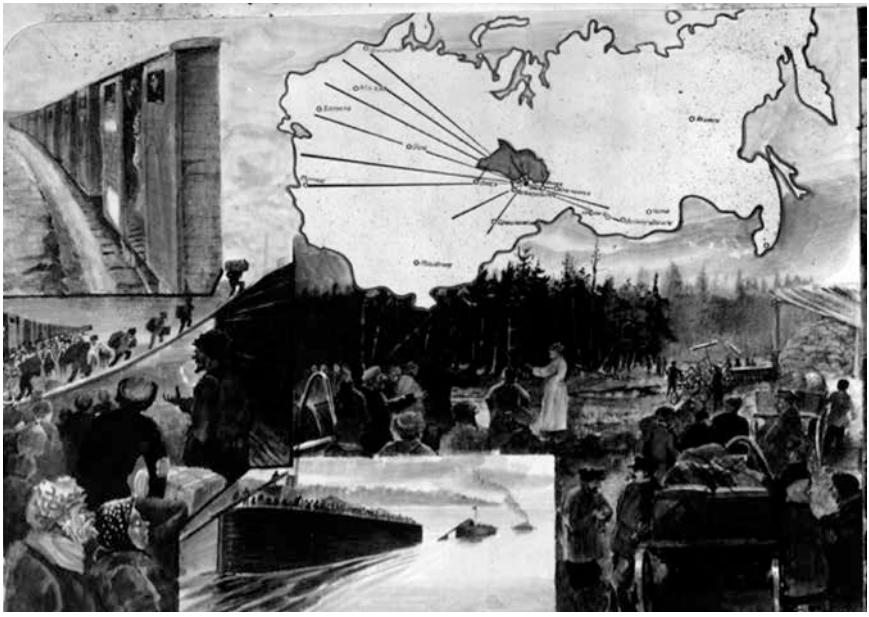
In a recent comparison of the United States and Continental Europe, James Whitman locates differences in the harshness with which the systems treat their offenders today in the historical relationship between punishments and social hierarchy.[30] Whereas from the 18th century in Continental Europe, punishments were "leveled up" so that common criminals came to share the same nondegrading and dignified punishments traditionally enjoyed by high-status offenders, in the United States egalitarianism was achieved by "leveling down." Over the course of the 19th century, Whitman argues, the Anglo-American world attacked high-status punishments in a process that was associated in complicated ways with slavery and has left the United States today lagging behind other developed countries in the way it treats prisoners. This thesis is suggestive when it comes to Russia, where in contrast to its predecessors, the Stalinist state's pursuit of penal egalitarianism was ultimately achieved, as in Anglo-America, by leveling down punishments to the lowest common denominator, with the result that degradation, humiliation, and lack of respect for offenders was generalized to all prisoners. Now, when the Russian Federation has to administer punishments that are consistent with international conventions for the humane treatment of prisoners, the tendency is for the system to seek the maximum conditions of confinement permissible under these norms.

Already we have seen in the narratives of Sonia and Liudmila Granovskaia that the experience of transportation was/is degrading. The similarity of the two women's narratives is remarkable not just because of the 50 years separating them and the fact that today's Russian Federation does not remotely resemble Stalin's USSR, but because the two women came from very different social classes. I am not arguing that there is a direct comparison between the

[28] Jakobson, *Origins of the Gulag.*

[29] Bruce F. Adams, *Politics of Punishment: Prison Reform in Russia, 1863–1917* (DeKalb: Northern Illinois University Press, 1996); Andrew W. Gentes, "Katorga: Penal Labor and Tsarist Siberia," in *The Siberian Saga: A History of the Russian Wild East*, ed. Eva-Maria Stolberg (Frankfurt-am-Main: Peter Lang, 2005), 73–85; Alan Wood, "Crime and Punishment in the House of the Dead," in *Civil Rights in Imperial Russia*, ed. Olga Crisp and Linda Edmondson (Oxford: Clarendon, 1989), 215–33.

[30] Whitman, *Harsh Justice*, 13–15.



Images of Transport to Soviet Narym, 1930–36
Courtesy of the U.S. Library of Congress

Gulag and Russian prisons today, or with prerevolutionary exile. The point I am making, rather, is that particular carceral arrangements inflict harms that may transcend historical settings. Listening to prisoners' talk today can draw attention to punitive aspects of the everyday in the Gulag that have hitherto been overlooked. It can also point to received wisdoms about the degree of inhumanity associated with different punishments that bear reexamination. In what follows, I discuss penal exile and penal collectivism—two institutions that have historically defined Russian punishment—excavating them for their cultural meanings and examining current prisoners' talk for the clues they contain about how they were experienced in the past. I draw on interviews conducted for two research projects, the first in 2007–10 focused on women prisoners and the second, ongoing, on prisoners' relatives.[31]

"Transportation Was, in Itself, Punishment: The Punishment of Exile"

Penal historians understand exile and prisonization as separate punishment modalities, perpetuating a binary that originated with Jeremy Bentham, for whom the transportation of offenders to the colonies was the prison's

[31] The first conducted interviews with 115 prisoners, 25 ex-prisoners, and ca. 12 personnel in correctional colonies in European Russia. The results are published in Pallot and Piacentini, *Geography, Gender, and Punishment.* The second has interviewed 25 wives, mothers, and daughters of prisoners currently serving sentences in Russian colonies.

antithesis.[32] **<JP: NO NOTES IN HEADINGS>** The idea of exile (and its alternative forms and or synonyms, expulsion and banishment) as a distinctive disciplinary form was extended by Foucault in his metaphorical portrait of exile and madness—"the ship of fools"—where he describes the victim suspended in a barren wasteland between lands that can never be his own.[33] Today, penology understands exile and prison as compatible opposites rather than alternatives, but the analytical distinction is, nevertheless, maintained in contrasting concepts of mobile and fixed exclusion, each with its own characteristics.[34] But exile is more than merely removing people from the metropole—the excision of the mutilated or civilly dead body from the larger social body. It is always critically about what happens to people at their destination. Convicts transported to the New World became indentured laborers and worked their way to freedom, but they also were confined in barracks, put to public works, or incarcerated in penitentiaries.

The distinction between exile and other punishment forms runs also through the history of Russian penality, even though exile was associated with hard labor under conditions of fixed exclusion.[35] In the minds of legislators, the distinction between the various categories of penal labor and exile in Siberia to which offenders could be sentenced may well have been clear, but villagers referred interchangeably to compatriots sentenced to jail or penal battalions by *volost´* courts as exiles and prisoners. In a modern parallel, Russians receiving custodial sentences today understand this as involving being sent a long distance from home and having to endure a painful journey to reach the destination colony. The struggle of successive penal reform commissions in the second half of the 19th century to maintain the legal and conceptual distinctions between exile and hard labor is reflected in the scholarship on penality in imperial Russia; *katorga* has been described by one historian as a system *including* prisons but not as prisonization per se, for example.[36] Solzhenitsyn similarly is informed by a vision of exile as a "pure" punishment form, bemoaning its degradation by *katorga* when, in reality, it was always constitutive of it. It is these sorts of confusion that may have lead Foucault to suggest that the French *relégation* was

[32] The section title comes from Mark Finnaine, *Punishment in Australian Society* (Oxford: Oxford University Press, 1997), 13.

[33] Michel Foucault, *History of Madness*, ed. Jean Khalfa, trans. Jonathan Murphy (London: Routledge, 2006), 110.

[34] Stephen Castles and Alistair Davidson, *Citizenship and Migration: Globalization and the Politics of Belonging* (London: Routledge, 2000).

[35] Adams, *Politics of Punishment*, 73; Stephen P. Frank, *Crime, Cultural Conflict, and Justice in Rural Russia, 1856–1914* (Berkeley: University of California Press, 1999), 237.

[36] Gentes, *Exile to Siberia*, 10–13. Gentes also refers to *katorga* as a form of exile. He conceptualizes these overlaps as evidence of exile and imprisonment's "coevality."

the inspiration for the Soviet labor camp; as Plamper observes, he had failed to understand the carceral nature of *katorga*.[37]

For all the new Bolshevik state's claim to be developing a socialist penal system, the concentration camps set up during the Civil War and Red Terror to isolate and use the labor of political opponents provides a link between the tsarist exile system and the Gulag, carrying forward the idea that society could be cleansed by the physical removal to places outside the city of undesirable elements (Lenin's "harmful insects, swindler-fleas, and wealthy bugs").[38] In the 1930s, the criminologist F. P. Miliutin built on this practice in articulating the principle that serious offenders should not be confined in the "home provinces" or those with a clement climate, but should be shipped east where the climate itself "will assist in hastening re-education."[39] As the Gulag expanded into the geographical margins, any prisoner, regardless of status, stood a high chance of being transported long distances to serve sentences, followed by a period of exile, in hostile environments.[40] The principle was reasserted in 1961, when strict-regime colonies were statutorily required to be located far from population centers. Today the criminal correction code exempts convicts sentenced to special- and strict-regime colonies from the provision that prisoners should be held in their own oblast.

The best of the empirical scholarship on the Gulag has gone a long way toward deconstructing the boundary between exile and imprisonment. We now understand that camp inmates who earned "nonconvoy" status could spend long periods outside the confines of the camp, while exiles and deportees shared many of the experiences of prisoners.[41] In his analysis of the Gulag in Kazakhstan, Steven Barnes treats camps, colonies, prisons, and internal exile as a single punishment system, and evidence of the merging of camps and special settlements reinforces Kate Brown's view of the USSR as composed of a spectrum of carceral spaces.[42] As these works make clear, the treatment of people expelled to the peripheries did not necessarily map neatly onto their legal status.

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[37] Plamper, "Foucault's Gulag," 265–66.

[38] Jakobson, *Origins of the Gulag*, 39-40; Dmitri Volkogonov, *Lenin: A New Biography*, trans.. Harold Shukman (New York: Free Press, 1997), 197.

[39] Hardy, " 'Camp Is Not a Resort,' " 103.

[40] For a cartographic representation of the Gulag's expansion in space and time, see my web resource (www.Gulagmaps.org).

[41] Bell, "Was the Gulag an Archipelago?"; Oxana Klimkova, "Special Settlements in Soviet Russia in the 1930s–50s," *Kritika* 8, 1 (2007): 105–39; Lynne Viola, *The Unknown Gulag: The Lost World of Stalin's Special Settlements* (New York: Oxford University Press, 2007).

[42] Barnes, *Death and Redemption;* Kate Brown, "Out of Solitary Confinement: The History of the Gulag," *Kritika* 8, 1 (2007): 67–103.

Collapsing the boundary between exile and imprisonment for the 1930s–50s has implications for understanding Russia's subsequent penal history. Rather than administering a "long overdue" death blow to the system of exile, the dismantling of the Gulag after 1953 witnessed the merging of mobile and fixed exclusion into a single punishment form that we may label "in exile imprisonment."[43] The past half-century has revealed the practice of sending people away *as* and *for* punishment as a deeply sedimented response to criminality, social deviancy, and political opposition in Russia, notwithstanding the ending of mass deportations after 1953 and the removal of exile from the repertoire of punishments available to the courts after 1991. Cultural radicals like Philip Smith would understand "in exile imprisonment" as a powerful signifier of the Russian state's attempt to purify society of evil, pollution, and disorder. The very public sending of Mikhail Khodorkovskii, Platon Lebedev, and Pussy Riot to distant colonies reveals punishment in Russia to be a highly communicative process, intently transmitting the message that social disorder can take malevolent forms that require the symbolic penal response of exile.

The "Terrors of the Transport"

Transportation, understood in the penological sense as a system of expulsion or exile, necessarily involves prisoners in long journeys. Benthamite penal reformers understood that even short journeys to the penitentiary created a space for prisoners to reflect on and regret their actions, so that they emerged from "the terrible torture" of physical transportation transformed. For Foucault also, the "cell-carriage" was a site of panoptic processes.[44] Historically, prisoner transportation has also been accompanied by the standard degradation rituals of confinement—including poor food rations, barking dogs, surveillance, flow control, and loss of self and autonomy—which are integral to punishment, regardless of whether the destination is a prison, a penal colony, indentured labor, or a special settlement.[45]

In her popular history of the Gulag, Anne Applebaum puzzles about the Stalinist prison transport: it was, she declares, "the most inexplicable aspect

[43] Laura Piacentini and Judith Pallot, "'In Exile Imprisonment' in Russia," *British Journal of Criminology* 54, 1 (2014): 20–37.

[44] Foucault, *Discipline and Punish*, 264.

[45] Pallot and Piacentini, *Gender, Geography, and Punishment*, chap. 6; Dominique Moran, Laura Piacentini, and Judith Pallot, "Liminal Transcarceral Space: Prison Transportation for Women in the Russian Federation," in *Carceral Spaces: Mobility and Agency in Imprisonment and Migrant Detention*, ed. Moran, Nick Gill, and Dierdre Conlan (Farnham, UK: Ashgate, 2014), 109–26; Moran, Piacentini, and Pallot, "Disciplined Mobility and Carceral Geography: Prisoner Transport in Russia," *Transactions of the Institute of British Geographers* 37, 3 (2012): 446–60.

of life in the Gulag" and a "puzzle almost as hard to understand as the camps themselves."[46] It is possible to explain the cruelty of camp commanders or interrogators, but "far more difficult to explain why an ordinary convoy guard would refuse to give water to prisoners dying of thirst, to give aspirin to a child with fever, or to protect women from being gang-raped to death."[47] Solzhenitsyn is similarly puzzled, although he provides an explanation in the convoy guards' boredom and injured pride.[48] The observation I have is that the cruelty of the transport is puzzling only if transportation is viewed functionally, as a means of moving prisoners from A to B. If, rather, it is understood as integral to the punishment of offenders, its cruelty is less puzzling. Mark Finnaine argues in relation to the 18th- and 19th-century transportations from Britain to Australia that the deterrent effect of the "terrors of the transport"—the uncertainty of the voyage and indeterminate fate—was the factor that made transportation such an attractive penal option for the British authorities as an alternative to the death penalty.[49] The cruelty of the transportation had been a feature of prerevolutionary exile, when convicts wore iron fetters, were subjected to long marches, rested in poorly constructed transit prisons, had a restricted diet, and were denied medical services.[50] By the dawn of the 20th century, the "commonsense practices" associated with the job of convoy guard were well established; these evidently did not include treating prisoners with dignity. Subsequently, it is unlikely that there were more than small shifting baselines in their established rules of behavior, routines, habits, and certainties. The Convoy is among the least visible of the departments in the Federal prison service today and has remained on the margins of reform initiatives.

In response to a question I put to a former prisoner in the spring of 2013 about why in the 21st century the transport has to be such an ordeal, I received the unequivocal answer that it is because that is its purpose. He went on to list the familiar terrors: "You are absolutely unsettled; you do not have any stability; you are in motion—and—you have these searches … always these searches … on the transport you can't access any of your own food … you have to eat what they do or don't provide—that's all suffering. At the same time, you are

[46] Anne Applebaum, *Gulag: A History of the Soviet Concentration Camps* (London: Allen Lane, 2003), 6, 169–70.
[47] Ibid., 172.
[48] Alexander Solzhenitsyn, *The Gulag Archipelago, 1918–1956: An Experiment in Literary Investigation*, trans. Thomas P. Whitney (Glasgow: Collins/Fontana, 1974–76), 4:172. **<JP: SOME SOURCES SUGGEST THIS EDITION HAD ONLY 3 VOLS. PLEASE CONFIRM>** See also Lynne Viola, "The Question of the Perpetrator in Soviet History," *Slavic Review* 72, 1 (2013): 1–23.
[49] Finnaine, *Punishment in Australian Society*, 13.
[50] Wood, "Crime and Punishment," 200.

surrounded by people you don't know. So it's a very nerve-racking environment. After all, you never know where you'll end up—so that's why it's punishment."

Another interviewee, also a former prisoner, was convinced that prison transports are designed to break prisoners before they arrive at the colony:

> You see, they are already victims, broken and therefore compliant with the regime they find there [in the colony]. This contemptible system means that the person who is humiliated just wants to escape, for it to stop. She comes, shall we say, like fresh meat; those who have been through it once know what's going on, and they hate it but do nothing, they do nothing. Why? Because it's a vicious circle, you understand? That is, when she arrives in the colony she is already done for. Her personality is already broken, she's lost her reason. (Marina, interviewed 2009)

We have no evidence that convoy guards are under instructions to make the transportation an ordeal but there are established rituals that appear to be designed to demean. I would include the requirement that prisoners run from prison van (*avtozak*) to Stolypin carriage, which may involve dodging the convoy guards' batons, and the withholding from prisoners of information about destinations: "In the first place, they don't tell you where they are sending you.… We were in the dark about it, and when they fetched us for the transport, they didn't mention it. It's not talked about. I was told that it's a secret. You get ready, and you go on transport, and that's it" (Liuda, interviewed 2009).

In defense of practice in the United States, Russia's comparator, the transportation of prisoners to penitentiaries generally takes place swiftly and prisoners know where they are going. The process of moving prisoners long distances does not have to be punitive. In Russia it is and always has been.

"In Exile Imprisonment" as Harsh Punishment

There is a striking similarity between the descriptions current prisoners and ex-prisoners in Russia give of their feelings about transportation and the anxieties expressed by refugees, asylum seekers, and other displaced people who are expelled from their homes or sent into exile. It is a feeling that, as described by Solzhenitsyn, previsions the "living death" of Giorgio Agamben's *Homo Sacer:* "Here we see that the threat of exile—of mere displacement, of being set down with your feet tied—has a sombre power of its own, the power which the ancient potentates understood, and which Ovid long ago experienced. Emptiness … Helplessness. A life that is no life at all."[51]

Prisoners' talk today contains many unconscious references to exile. This is from a woman serving a 12-year sentence, responding to a question about distance:

[51] Solzhenitsyn, *Gulag Archipelago*, 340. **<JP: SAME VOL. AS ABOVE?>**

> It's just that it's emotionally easier if you are in prison in a familiar place. You know, they bring transports with women who don't even know where [this town] is. We have women here from all over. They can't even imagine where they are and what sort of place this is. They know it's somewhere in the north, but they have no idea of where precisely. Yes, for them, it is very difficult, they don't understand anything, it's as if they've arrived in a foreign country … they think they are in a strange land. (Marina, interviewed 2009)

The words of prisoners today confirm that it is correct to consider being sent "out of region" as transportation in the historical, penological sense. The time taken, circuitous routes, and the suspension of all communication with home create in prisoners a sense of estrangement that underlines their physical separation from all that is familiar. It also creates an impaired sense of geography. For juvenile women, the prison transport is often the first long journey they had taken. As an example, one 16-year-old in the L´govo colony, Riazan´ oblast, interviewed in 2007, had been brought from Ukhta in the Komi Republic—a distance of well over 1,000 kilometers. The two-month-long journey had intensified her sense of being "far away" severalfold, though she could not express how this made her feel as eloquently as Solzhenitsyn. It is for good reason that the 17th**<-CENTURY?>** name for the miserable, overcrowded, *etap* stations in which Russian convicts spent their nights en route to exile was in time generalized to embrace the whole process of transportation. Despite attempts of the current penal service to expunge the vocabulary of exile from discourses about the penal system—by replacing *etap, etapirovanie*, and *ssyl´nye punkty* with *konvoi, konvoirovanie*, and *transitnie tiur´my*, the old formulations remain in popular usage among penal personnel, prisoners, and the wider population.

Further evidence of the normalization of the idea of "in exile imprisonment" is in the way that the Decembrist uprising has shaped a distinctive cultural and symbolic narrative that has been employed to describe the experience of penality in the 20th and 21st centuries. Today it surfaces in self- and societal representations of prisoners' relatives as *dekabristki*. Quintessentially the symbol of a devoted wife, in the 21st century the Decembrist trope has crossed the class and family-status divide, so that it is used as an appellation by anyone who has a relative in prison.[52] These examples are from interviews with prisoners' relatives at the present time:

> It seems to me there is no difference…. It's possible to say that because the Decembrist wives followed their husbands to Siberia, into the cold

[52] Elena Katz and Judith Pallot, **"**Prisoners' Wives in Post-Soviet Russia: 'For My Husband I Am Pining!' " *Europe–Asia Studies* 62, 2 (2014): 204–24.

> wastes. And we, in essence, are tied by the same chains … we can be compared, yes. (Prisoner's wife, interviewed 2010)
>
> I will do what I want. Let them say what they want…. We are indeed wives—*dekabristki*—where the husband goes, so does the wife.[53]
>
> There is some truth in it [the Decembrist appellation]. Yes, many leave everything behind but I will say of myself, I won't go. (Olga, interviewed 2010)
>
> I know something about Decembrist wives, but I dislike them. I don't know why, but probably because they are in the same situation as us … but it was easier for them…. There are a lot of poems about them that every school child knows … they know about Trubetskaia: every history teacher tells her pupils about them, but nobody knows about the wives, sisters, and daughters of prisoners in the Soviet Union and Russia today, and nobody wants to help, and there is no honor in it…. Now in our circle, in our society, there is more condemnation. It's a different situation. We [her mother and sister] wouldn't have moved for sure. We didn't have enough money or the time and there wouldn't have been any benefit. (Daughter of a prisoner, interviewed 2011)

The last echoes Evgeniia Ginzburg's unfavorable comparison of the sufferings endured by Decembrists and Gulag prisoners: "I always thought the Decembrists endured the most frightful sufferings, but listen to this: 'of the wondrous built, so firm, so fast the carriage' … they ought to have tried one of Stolypin's coaches."

In all these extracts, the point is not how the historical stereotype is being used but that it is used at all to describe 21st-century prisonization. Olga Romanova, the wife of a financier held in Butyrka, affirms that the need to travel great distances defines the modern-day Decembrist wife:

> And when you without thinking fill bags with food and trudge through the snow field to prison or camp—is that not a *dekabristka*, and is it not a heroic feat? And here I think; for me to get to the prison is ten minutes on the Metro, but women come from the auls, leave children at stations, almost don't speak Russian, know nothing and don't understand but make their way to this Devil's prison and try there, by hook or by crook, to find out anything about husbands, but all of them are interrogated, humiliated—go and talk to them about extraordinary love and a high sense of duty.[54]

The disciplining power of exile and banishment expands punishment, taking the capillaries of power into the arena of transportation through space.

[53] "Rebenok ot ZK" (http://forumtyurem.net/lofiversion/index.php/t86-100.html)

[54] Zoia Eroshek, "Novye dekabristy," *Novaia gazeta*, no. 44 (25 April 2011) (www.novayagazeta.ru/data/2011/044/00.html?print=201103070927).

The giant Soviet penal monolith expanded excessively and grotesquely beyond conventional incarceration and embedded itself into the physical landscape of the USSR where, albeit in shrunken form, it persists to the present time. When prisoners talk about being sent "to another country" or to *katorga*, or say that women from the Far North are "in exile" in colonies in the south, or when prisoners' relatives compare their experiences with those of the *dekabristki* they are positioning themselves within an historical stereotype about Russian "in exile imprisonment."

Collectivism as Harsh Punishment

Like transportation, collectivism has been one of the most enduring building blocks of punishment in Russia. Historically, it has appeared in different ways: determinate sentencing; the exile of whole social and ethnic groups; amnesties applied by criminal code; paroling, evaluating, and rewarding inmates in teams; and the group management of prisoners within detention facilities for the purposes of domestic living, work, reeducation, and rehabilitation. In Russia, collectivism has always been in a dialogue with individualism, even during the Gulag, but the former has invariably got the upper hand.[55] On the punishment spectrum, collectivism is at the harsh end when it denies the individual personhood of the prisoners and, as a result of inadequate supervision, subjects them to additional harms by allowing prison-on-prisoner bullying.

One of the many ways that collectivism has been embodied in Russian colonies is the communal dormitory. There were prerevolutionary precursors—in the barrack-like accommodation and cells assigned to artels in transit prisons and penal colonies in Siberia—and in the Gulag, when the living arrangements were supposed to imitate workers' dormitories and to provide a context for prisoners' psychological enrichment and reeducation. In the 1950s, the detachment (*otriad*) was inserted between brigade and administration.[56] The use of prisoners to perform a variety of domestic and administrative jobs around the camp was closely associated with communal living, and it was also functional to maintaining disciplinary order. Kseniia Medvedskaia, incarcerated in Siblag as the wife of an enemy of the people, described the system: "The regimen corrupted people, and that was terrible. Denouncing each other was not only demanded but praised. If someone saw somebody break the rules and did not report it, they would be reported along with the person who committed the infraction."[57] It is a small step

[55] Aleksei Tikhonov, "The End of the Gulag," in *Economics of Forced Labor*, 67–73.
[56] Kharkhordin, *Individual and the Collective in Russia,* 300–5.
[57] Kseniia Dmitrievna Medvedskaia, "Life Is Everywhere," in *Remembering the Darkness*, 227.

from this situation to everyone being afraid that they, too, were under suspicion as a potential informant—which Maria Los theorizes as "enhanced panopticism."

The practice of using prisoners for housekeeping tasks is a feature of prisons in many jurisdictions, but it was the institutionalization of authority positions among prisoners in the USSR that ensured that communal living in the detachment would always fall short of the democratic models of the collective. Here is Anatoly Marchenko's description of a meeting in his detachment in a Mordovian colony in the 1960s:

> The hut is chock full of people, they've rounded up as many as can be found. Behind the table sits the presidium, the chairman is conducting a general meeting of the company. The presidium is made up of prisoners—beside them sit the company officers. Democracy! On the agenda elections to the Council of the Collective. Does anyone have any proposals? … why do we do it? The answer is simple. For in fact the candidates are not chosen by the prisoners but by the administration through its previously prepared stooges etc.[58]

The triad of communal living and labor, self-organization, and the system of administratively chosen "prefects" that took shape in the Gulag are the pillars of prisoner management in correctional colonies today. Prisoners are housed in multistory dormitory blocks, occupied by several detachments, each with a prisoner-in-charge (*zavkhoz* or *starshaia dneval´naia*), who is appointed by the administration. The prisoner-in-charge is supported by deputies and self-organization committees concerned with a variety of housekeeping and other functions—fire safety, education, energy saving, health and safety, social support, cleanliness and tidiness, counseling, and, until abolished in 2009, discipline and order. Approximately 30 percent of prisoners are members of self-organization committees, although the proportion of activists is smaller. The council of the collective to which Marchenko refers (today the detachment collective) is made up of the prisoner-in-charge and chairs of the self-organization committees. It sends representatives to the colony-level Committee of Collectives.

Communal living deprives prisoners of privacy, a problem that is exacerbated by the overcrowding in dormitories, the absence of doors in bathrooms, and the strict spatio-temporal control of groups of prisoners. In addition to privacy issues, penal collectivism enhances feelings of insecurity and fear among prisoners. In the words of one prisoner who served his sentence in a series of strict-regime colonies: "The Russian colony is the place

[58] Anatoly T. Marchenko, *My Testimony*, trans. Michael Scammell (Harmondsworth, UK: Penguin, 1971).

where fear rules and, to some extent, that fear is deliberately encouraged by the administration." Describing living in the detachment, he continued, "It is constant fear that is habitual, so eventually you stop thinking about it. It is a very dangerous place; it is like walking on thin ice."

Prison subcultures, consisting of overlapping power hierarchies, are the principal source of insecurity among the rank-and-file. Criminal groups in colonies are popularly supposed to be descended from the thieves-in-law of the Gulag, but research on current prison subcultures indicates there to be various tendencies, including those that reject the original "thieves' law."[59] But whatever their position in relation to historical stereotypes, career criminals determine the quality of every prisoner's life in the detachment. The criminals' aim is to make life comfortable for themselves, and to this end other prisoners have to meet their demands, whether these involve handing over the contents of a parcel or taking part in an action to wring a concession from the administration. My male informant again: "It's a fearful experience to say no—they might ask you not to go to work; to go on a hunger strike and refuse to eat, and it's the criminals who make everyone conform to this."

Activists and informers recruited by the operations officer also contribute to high levels of stress among prisoners. The prisoners-in-charge are generally unpopular among the rank-and-file. They normally are experienced prisoners, not infrequently career criminals, who have crossed over to the administration's side to earn some years off their sentence. Self-organization committees, meanwhile, can be benign, but they are also one of the capillaries through which penal power is exercised. Here is one prisoner's account of the otherwise innocent-sounding Sanitary Committee in her colony:

> the sanitary committee has invented a system of interdetachment competition for cleanliness and tidiness. They thought up this nonsense themselves. So today we can have a raid by one committee and tomorrow by another which are essentially the same, but just different people doing it. They need to promote their own detachment and so they think these things up…. They go through every detachment and section making everyone lie on their bunk while they do an inspection making sure there are no personal belongings about, no clothes, in other words it's a complete marasmus. If you take it into your head to go to the toilet at that time, you'll be held responsible for the loss of a point from your detachment's score because you're meant to be lying on your bunk. And

[59] V. M. Anisimkov, *Rossiia v zerkale ugolovnykh traditsii tiur´my* (St. Petersburg: Iuridicheskii tsentr press, 2003); Iu. M. Antonian and E. N. Kolyshnitsyna, *Motivatsiia povedeniia osuzhdennykh* (Moscow: Iuniti—Zakon i pravo, 2009); Anton N. Oleinik, *Organized Crime, Prison, and Post-Soviet Societies* (Aldershot, UK: Ashgate, 2003).

> the prisoners thought this up themselves, all the nuances are theirs. (Ex-prisoner, interviewed 2009)

Particularly notorious were the Sections for Discipline and Order that functioned to ensure compliance with detachment house rules (these are numerous, covering timekeeping, dress, places to smoke, silence after lights out, etc.) but became a vehicle for bullying and violence. When these sections were dissolved in 2009, the minister of justice admitted that they were being used by "corrupt prison administrations" and "violated legal norms." A year later, he was pessimistic that the practices with which they were associated would disappear: "Referring to the unfortunate Sections of Discipline and Enforcement (SDiP). More than a year ago we abolished them. I have no illusions and I do not think that all the phenomena connected with the existence of that institution have been eliminated."[60] These words are testimony to just how difficult to dislodge are some of the everyday practices that have been incubated in the collectivist ethos of Russian penal facilities.

Unlike in Western-type cellular prisons, prisoners have nowhere to retreat for security and safety at night. Guards patrol internal colony spaces 24/7, but at five o'clock when the detachment officer (*nachal'nik otriada*) goes home, groups of 100–20 prisoners—who include career criminals, recidivists, and first-time offenders, the educated and the uneducated, the previously employed and the unemployed, Muslims and Russian Orthodox, and citizens of any of the countries of former Soviet Union—are left to their own devices. It would be remarkable were this not to create what penologists refer to as a "low-trust environment."

The Polyvalence of Penal Collectivism

The Soviet penal inheritance has not been without its problems for the penal service, especially since the conditions of its facilities became subject to external monitoring. As the political conjuncture has changed, so the structures and management principles of the administration of punishment have had to acquire new justifications, with the result that they entered the 21st century with multiple meanings attached to them. I recall the spirited defense of the communal dormitory made by a general at a prison service conference I attended in 2005 who, in response to a critical observation by a Norwegian delegate, insisted that Russians are culturally disposed to live together and would be unhappy given single cells. In the 19th century, barracks were justified on the grounds that peasants were too uneducated to

[60] Joera Mulders, "Legal Reforms: Medvedev's Achievements," RussiaWatchers: Getting Russia Right blog, 25 April 2011 (http://russiawatchers.ru/daily/legal-reforms).

pass their time in reflection in single cells.[61] As observed above, the barrack of the Soviet labor camp, in contrast, was justified by reference to the socialist principle of communal living. When not justified by references to the Russian culture, the communal dormitory is most often forwarded today as an example of the liberal, welfarist "principle of approximation" (that living arrangements in prison should approximate as closely as possible to what prisoners would experience were they free). Here is one officer in 2007: "They [the prisoners] should get used to living in society. We are preparing them for life in freedom. They cannot live as if they are on a desert island. They will be exposed to people, and they will need to be able to communicate. They must learn to respect those around them. They must learn to understand people and understand relationships. So they have to learn to live in the detachment." Competition (no longer "socialist") between detachments and colonies, remains the order of the day, but *KVN*, beauty contests, football, and energy efficiency have been added to the more traditional roster of "production" and "dormitory tidiness."

Self-organization is similarly polyvalent. Before the revolution, institutions of peasant communal life were imported into the setting of the exile-transport and penal labor colony to perform the same tasks as they did in civilian life—to adjudicate disputes, distribute food, and maintain order—and were understood as such. In the 20th and 21st centuries, these institutions have been variously recoded by the authorities as vehicles for prisoner democracy, as means for keeping barracks clean, and as instruments for neoliberal responsibilization interventions. Penal labor has been represented over time as a vehicle for punishing transgression; for the socialist "reforging" (*perekopka*), "correction" (*ispravlenie*), and "reeducation" (*perevospitanie*) of the criminal; and as a site of "resocialization" (*resotsializatsiia*) interventions.

These recodings draw on a variety of traditional discourses about the national character and gender. In women's colonies, for example, the argument is made today that the detachment is "one large family," a representation that both infantilizes prisoners and reproduces gender stereotypes. In this myth, the role of mother is sometimes fulfilled by the prisoner-in-charge: "There is something useful, maternal, about it [giving prisoners authority positions over one another]; it's like having to take responsibility for your children…. Yes, for women it seems there is something to be gained from this. It doesn't work like this for men. Men's colonies don't have anything like it; they wouldn't even understand the principle" (prison officer, interviewed 2007).

[61] Adams, *Politics of Punishment*, 110.

In conversations with personnel in women's colonies, the detachment officer was also represented as a mother figure or, alternatively, a teacher, as in the explanation given in one interview about personnel's use of military uniforms: "The detachment officer is an educator, but she cannot let prisoners relax in her presence, because she is demanding of them that they fulfill their duties to the collective—that they work, that they clear up after themselves…. It's like being a teacher; we learn as teachers that we must be dressed appropriately, so the children see us and pay attention. If you are not dressed correctly, the lesson won't go well" (prison officer, interviewed 2007).

The messages contained in penal practices are not necessarily decoded as their authors intend, but so long as alternative readings, such as those of the prisoners themselves, can be contained within the penal monolith, this is not necessarily troubling to the exercise of power and control. In the last two decades, however, the penal center has experienced difficulties in controlling meanings, with the result that it has been forced into action both to keep its own practitioners "on message" and to convince the public that Russia's prisons remain fit for their purpose—that they are not creating more disorder, evil, and pollution than they are eliminating.

The Birth of the Russian Prison?

Prison reform in the Russian Federation has taken place in the context of the counterdiscourses about the administration of punishment and, at least in part, in response to them. The first steps toward reforming the system were made in the early 1990s and shaped by the Russian Federation's application to join the Council of Europe. Part of broader changes in the criminal justice system, the early penal reforms outlawed extralegal practices, improved prisoners' living conditions (by establishing new norms for the provision of space, visiting regimes, food, and hygiene) and introduced symbolic changes, such as addressing prisoners by name, not number, dropping the word "labor" from the title of penal institutions, and renaming industrial plants where prisoners still put in 8–12-hour days "centers for labor adaptation." The reformation of the offender had been a stated goal of carceral politics of the Soviet state, but after 1991 this role was further emphasized. In reality, though significant in some areas, improvements in the first decade were modest, as penal institutions were overwhelmed by numbers. More important, the reforms did not challenge the established penal culture or question the foundation myths of the system, including my two concerns here, that punishment takes place in the peripheries and involves the submersion of the individual in the collective. This was, finally, set to change in 2010 when the Russian Federation

announced a radical policy shift with the publication of the Conception for the Development of the Penal System to 2020.[62]

The new reform was closely associated with the then president, Dmitrii Medvedev, and reflected his genuine interest in modernizing the criminal justice system. Calling the reform a "conception" signaled the fundamental nature of the changes now proposed. There was much in the Conception about the humanization of punishment, alternatives to incarceration, and the modernization of surveillance technologies, which had been proposed before, but its eye-catching feature was the proposal to abolish the correctional colony and to replace it with high security prisons—*tiur´my*—with cells for two to eight prisoners and small-scale workshops—and open prisons, modeled on existing colony-settlements (*koloniia-poselenii*). The Conception mentioned the need to rationalize the length of the journey to prison, but it did not propose a geographical restructuring of the prison estate.

Although the provisions in the Conception were partly designed for an international audience as evidence of the Russian Federation's penal modernization, it is the message it contained for home consumption—that the Gulag inheritance was the source of current problems in the penal system—that is of more interest here. Medvedev, in a speech subsequently criticized, "confessed" in 2011 that the Russian penal system was failing to rehabilitate prisoners because it was "95 percent Soviet."[63] Aleksandr Reimer, who as the head of the prison service until the summer of 2012 was appointed to see through the changes, introduced the Conception: "The principal task that stands before us is the fundamental change of the correctional system. It is necessary to remove the prison camp archipelago with all its attendant traditions and the principles of collectivism and labor."[64]

Minister of Justice Aleksandr Konovalov confirmed the analysis, observing that "[We] still have a lot of Gulag heredity." In September 2011, he addressed a Duma committee, noting that the current penal system "carries many features reminiscent of Gulag days and perhaps even of the prerevolutionary

[62] "Kontseptsiia razvitiia ugolovno-ispolnitel´noi sistemy Rossiiskoi Federatsii do 2020, utverzhdena rasporiazheniem Pravitel´stva Rossiiskoi Federatsii ot 14-ogo oktabria 2010 g. no. 1772-R" (www.president-sovet.ru/structure/group_10/materials/concept_of_reform/index.php). **<JP: I DID NOT FIND THIS DOCUMENT AT THIS ADDRESS; PLEASE CHECK AND CONFIRM>**

[63] V. I. Seliverstov, "Kontseptsiia razvitiia ugolovno-ispolnitel´noi sistemy dolzhna byt´ izmena," in *Ugolovno-ispolnitel´naia politika, zakondatel´stvo i pravo*, ed. Seliverstov and V. A. Utkin (Moscow: Iurisprudentsiia, 2014), 163.

[64] "Rossiiskie tiur´my ukhodiat ot traditsii GULAGA," *Zakoniia*, 17 December 2010 (www.zakonia.ru/news/72/60468). Reimer was removed from his post by Putin in July 2012 and replaced by Gennadii Kornienko, an FSB professional and Putin associate.

katorga."[65] The Conception's preamble explains why, from the current prison service's point of view, this is a problem: "Among the historical inheritances of the current penal system is the peculiar mode of life for the accused and convicts. It has perpetuated the activities of criminal leaders who try to spread the so-called thieves law. The widespread nature of criminal culture and the domination among the special contingent of a criminal orientation is clearly a product of the collective system of holding prisoners."[66] In an interesting echo from the late 1950s, Konovalov reassured a conference of prison officers assembled to discuss the Conception that "prisons are not holiday resorts."

Returning to Philip Smith's suggestion that shifts in punishment modalities take place when the center can no longer control unruly meanings in the periphery, the current reform can be understood as a discursive assault on negative perceptions of the penal service's performance, rather than evidence of a commitment to refining the technologies of power-knowledge (Foucault), the pursuit of humanitarian forms of punishment (Durkheim) or a response to a change in the functional needs of the state (Rusche and Kirchheimer). From the cultural radical's perspective, the aim to eliminate collectivism indicates that the penal center has received the message of society's revulsion at the disorderliness of its institutions. These include the perception that Russia's correctional colonies are a source of crime, not the solution to it, and are supremely polluted and unhealthy places (prison transports, communal dormitories, and bathrooms are all implicated in the spread of antibiotic-resistant tuberculosis and other infectious diseases in Russia). The prison service's courtship of the Russian Orthodox Church speaks to Smith's insistence on the religious roots of much punishment.[67]

The announcement of "the birth of the prison" in Russia was premature. In early 2013 **<ABOVE YOU GAVE THE DATE AS JULY 2012>** Reimer was dismissed, and plans to replace colonies with Western-style penitentiaries were abandoned. The reason for the retreat is a combination of corruption scandals, prison riots, and lack of the funds needed to reprofile colonies. No doubt, the sidelining of Medvedev and the restoration of Putin's muscular presidency are also factors. Recent commentary on the Conception has reasserted the value of traditional practices: a volume on the correction system from a leading law faculty, for example, contained the surprising

[65] "Justice Minister: Russian Penitentiary System Reminiscent of GULAG," *Eurasian Law: Breaking News*, 22 September 2011 (http://eurasian-law-breaking-news.blogspot.co.uk/2011/09/justice-minister-russian-penitentiary.html).

[66] "Kontseptsiia razvitiia ugolovno-ispolnitel´noi sistemy Rossiiskoi Federatsii."

[67] Iubileinyi arkhiereiskii sobor Rossiiskoi pravoslavnoi tserkvi, "Osnovy sotsial´noi kontseptsii Russkoi pravoslavnoi tserkvi," 9: "Prestupnost´, nakazanie, ispravlenie," IX.3 (https://mospat.ru/ru/documents/social-concepts/ix).

assertion that the colony system has won the admiration of European penal reformers.[68] The State Duma has set up a new commission, which sat for the first time in January 2014, to correct the Conception.[69]

The rejection of the Conception is evidence of the resilience in Russia of a penal culture with deep historical roots, whether this is explained by continuities in the frame of reference within which the prison service interprets its role and goals or a product of deeper cultural imperatives. In this article, I have argued that there is a commitment in Russia to certain punishment forms whose longevity cannot be satisfactorily explained by reference solely to "rational" economic or political factors. This does not mean, however, that explanations for the use and persistence of these punishment forms cannot be found outside the cultural realm. By the same token, even though I have drawn attention to the punitive aspects of the punishment forms I have described, this should not be taken to imply that they invariably *are* punitive. Whether dormitory accommodation causes problems of lack of privacy or insecurity, for example, depends on the particular supervisory arrangements put in place and the organization of living space. It is difficult to put a positive construction on sending prisoners long distances to serve their sentences, but there are more humane ways than those used in Russia to effect transfers. The concrete constellations of social, economic, and political events within which punishment are administered are important in how different punishment forms are experienced. For this reason, and notwithstanding the disturbingly similar experiences of Liudmila Granovskaia and Sonia with which I began this essay, I am not suggesting that dynamism does not exist in the Russian penal system or that the center will always manage to contain the effects of discordant prison discourses. As of 2013, **<2015? OR DO YOU WANT TO KEEP THE OLDER DATE?>** however, with radical restructuring off the agenda, incremental change in Russia's penal culture and the institutions with which it is associated seems to be the best that can be hoped for.

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[68] Iu. V. Golik, "Reforma posle Reformy," in *Ugolovno-ispolnitel´naia politika*, 78–93.

[69] Andrei Babushkin, "Nakonets-to sostoialos´ pervoe zasedanie Komissii po korrektirovke reformy ugolovno-ispolnitel´noi," blog, 23 January 2014 (http://an-babushkin.livejournal.com/102871.html).