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Juvenile Correctional Asylum at the St. Nicholas Monastery on the Black Sea: History of the Opening and Problems of Organization

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Abstract

Introduction. Modern criminal and penal legislation for juveniles who have committed grave and especially grave crimes most often considers imprisonment the only form of punishment. One instrument of state policy in the second half of the 19th century in this area was the active involvement of monasteries of the Russian Orthodox Church. It was assumed that they were to become the leading body in combating and preventing juvenile delinquency.

Materials and methods. Materials of a number of different historical documents were used, as well as historical, descriptive and comparative methods of scientific research allowing to establish cultural and historical factors.

Results. The Russian Empire was one of the first countries in the world to initiate the development of juvenile legislation and to experiment with a system of correctional institutions involving public organizations. It is possible to achieve positive results in prevention and correctional activities only with broad public involvement, training of inmates of shelters in demanded professions in the labor market, a combination of various programs and religious educational practices, with close cooperation with regional executive authorities.

Discussion and conclusion. As part of the search for the optimal model for achieving the correctional effect, it is interesting to refer to the existing historical experience, when society through the Russian Orthodox Church tried to participate in the system of correctional asylums for juveniles.

Keywords: Russian Empire, juvenile correctional asylum, Russian Orthodox Church.

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Научная статья

Исправительный приют для несовершеннолетних преступников при Черноморском Екатерино-Лебяжьем Николаевском мужском монастыре: история открытия и проблемы организации деятельности

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Аннотация

Введение. Современное уголовное и уголовно-исправительное законодательство к несовершеннолетним, совершившим тяжкие и особо тяжкие преступления, лишение свободы чаще всего рассматривает единственной фор-

мой наказания. Одним из инструментов политики государства во второй половине XIX в. в данной сфере стало активное привлечение монастырей Русской Православной Церкви. Предполагалось, что они должны были стать ведущим органом в борьбе и профилактике в сфере преступности несовершеннолетних.

Материалы и методы. Использованы материалы ряда различных исторических документов, применены исторический, описательный и сравнительный методы научного исследования, позволяющие установить культурно-исторические факторы.

Результаты исследования. Российская империя была страной, которая одна из первых в мире положила начало развитию ювенального законодательства и начала эксперименты по созданию системы исправительных учреждений с привлечением общественных организаций. Достижение положительных результатов в деятельности профилактики и исправления возможно только при широком привлечении общественности, обучении воспитанников приютов востребованным на рынке труда профессиям, сочетании различных программ и религиозных воспитательных практик, при тесном взаимодействии с органами региональной исполнительной власти.

Обсуждение и заключение. В рамках поиска оптимальной модели достижения исправительного эффекта представляется интересным обращение к имеющемуся историческому опыту, когда общество через Русскую Православную Церковь пыталось участвовать в системе организации исправительных учреждений для несовершеннолетних.

Ключевые слова: Российская империя, исправительные приюты для несовершеннолетних преступников, Русская Православная Церковь.

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Introduction. The broad inclusion of the public to address the situation was one of the forms of combating juvenile delinquency since the second half of the 19th century. One of the instruments of state policy in this area was the active involvement of the monasteries of the Russian Orthodox Church, which was to become the leading body in the fight and prevention of juvenile delinquency.

The Code of Criminal and Correctional Punishments, adopted in 1845, established a special procedure for determining and applying punishments to juveniles, different from that previously established. According to its norms, if a juvenile committed a crime through negligence at the age of 14 to 21, they were not sentenced to imprisonment. According to the Code, a juvenile was subjected to home correctional punishment by order of parents or guardians [1, p. 2].

On April 17, 1863, in the course of reforming the penal system, Alexander II issued the decree “On some changes in the current system of punishment”, which abolished corporal punishment as applied to juveniles. In the explanatory note to this regulation, it was stated that “this rule contains only the first challenge for the establishment of the designated institutions, a challenge which, one hopes, will not remain without consequences. The future organization of the proposed institutions and the conditions under which children may be admitted to them on trial must be the subject of a special law” [2]. The idea of orphanages was prompted by the difficulty, stated in the drawing up of judicial charters, of “applying to juveniles the kinds and forms of punishment prescribed by general punitive law, since by the special characteristics of childhood those measures when applied to children seem either completely impossible, or leading to positive harm”. [3, p. 424].

The Law of 1866 introduced the concept of forced upbringing for the first time. Russia did not have its own experience in its organization, so it was difficult to foresee what forms it could have taken [4, p. 142]. Since private founders of correctional institutions had different views and approaches to the case, they had different understanding and implementation of the law, therefore, different organization of the activities of the opened institutions. The law did not define measures of disciplinary action against inmates, except in cases of escape from the institution [5, p. 10].

Materials and methods. This study is conducted on the material of a number of different historical documents. By applying historical, descriptive and comparative methods of scientific research established cultural and historical factors that influenced the model of the organization of the correctional asylum for juvenile offenders of Yekaterino-Lebyazhskiy Monastery of St. Nicholas at the Black Sea.

Results. On the example of the organization of the work of correctional asylums, founded in 1898 at the monasteries of the Kuban region, the authors analyze their activities, difficulties in the organization of work with the contingent within the monasteries of the whole Caucasian Chair. The organization of such institutions was possible only in the presence of suitable conditions, with the participation of police guard.

The work in this area was economically unsustainable for many monasteries, since they supported schools, nursing homes, orphanages, foster homes, hospitals, out-patient clinics, and a number of other God-pleasing institutions. It should not be forgotten that, according to the regulations in force, supervision and oversight of educational and correctional institutions belonged to the civil authorities, so that a kind of dual power was being introduced in monasteries, which created conflicts for diocesan administration. The order imposed on the asylums was not in harmony with the monastic charters and, in general, with the principles of church upbringing. Most of the monks were simple people, without school education, totally unprepared to raise children, much less criminals, and unable to keep them in their obedience.

The relevant conclusion is that success in prevention and correction activities was possible only with broad public involvement, training of orphanage inmates in demanded professions in the labor market, a combination of various programs and religious educational practices, in close cooperation with the executive authorities of the region. However, as the results of the study showed, this experiment was not widely supported not only in the region, but also in the entire Empire.

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The growth of organized asylums for juvenile delinquents was facilitated by an active state policy in this area. On June 2, 1897, as part of the development of a legal and regulatory system in this matter, they passed a law “On changing the forms and ceremonies of court proceedings in cases involving criminal acts by minors and juveniles, as well as the legal provisions for their punishability”. The role of monasteries as places of confinement was expanded, and many of them in the Empire met it sharply negatively. But, having extensive experience in this area, diocesan authorities of the North Caucasus supported this endeavor [7, pp. 82–84].

The Kuban Penitentiary Asylum was established under the Kuban Committee of Trustees for Prisons. The Prison Committee aimed, on the one hand, to come to the aid of homeless orphans prior to the construction of a building for the reformatory asylum, and, on the other, to support the monasteries in the performance of their duties to maintain juvenile delinquents. On this basis, a branch of the Kuban correctional asylum was organized at monasteries, both male, for boys, and female, for girls [8, pp. 469–470].

During personal meetings with the abbot of the monastery, Hegumen Sergius, the director and board member of the asylum, A. D. Bigdai, the actual possibility of implementing this project was worked out, as well as principles for the organization of these institutions. Both orphans and criminals were assigned to monasteries by the Board of the Kuban Correctional Asylum, which was charged with the duty of collecting all preliminary information about the inmates. In the monastery, the child was placed by the abbot of the monastery under the special supervision of an individual brother or a group of brothers, for constant supervision and religious and moral correction. From among the monks, with the permission of the bishop, a person was appointed to be in charge of the general supervision of all the inmates and of reporting on the funds allocated for their upkeep. In the monasteries, the asylum seekers were to be taught literacy and various crafts, which had already been developed in the monasteries and which were to be established by agreement with the Board of Asylum. The table was shared by the inmates in the monastery refectory. For accommodation in monasteries, they were allocated a separate room, or the possibility of accommodation with the monks and novices [9, pp. 1–2].

On October, 9 and 11, 1898 there was a solemn opening of two shelters for juvenile delinquents in the monasteries of the Kuban area at once: the Black Sea Marie-Magdalena female cloister and the Black Sea Yekaterino-Lebyazhskiy monastery for men. The women’s monastery undertook the upbringing of 25 girls in the orphanage, two buildings were allocated for them in the monastery: a newly built house in its central part and a room for a school [10, pp. 573–574]. At the men’s monastery the asylum was designed for 20 boys, with the permission of the lord, the monastery undertook

the obligation to build a room with a desk for the manager of the asylum for free, and to pay him from the monastic budget, as a benefit to the board, 300 rubles annually for the manager's remuneration. In addition, the monastery also began to build a special building for the section of the orphanage, in which it would be possible to open an agricultural school [9, pp. 35–36].

The Board allocated up to 40 rubles a year to the upkeep of each beneficiary, and in addition, it covered the upkeep of the doctors in the cloisters. The chairman of the board again appealed to the bishop, whose request to entrust the running of the orphanage and the school to one person was granted. The bishop could not refuse to accept the argument that the teaching and educational parts could not be separated, and that the teaching and educational process in a monastery should be improved in accordance with the established requirements. It was decided to accept only those who had an established educational qualification and experience in the pedagogical field. Since the monasteries had spent a great deal of money on the establishment of orphanages, it was decided to provide the superintendents with apartments. The board assumed a part of the maintenance up to 300 rubles, in agreement with the Diocesan School Board, the diocese assumed an additional payment during the first 5 years up to 300 rubles for each monastery [9, pp. 53–54].

On 18 March 1899, the office of the chief procurator of the Synod informed Bishop Agathodor that, on the report of the Minister of Justice on the cooperation of the diocesan administration and on the opening in the monasteries of the Stavropol and Ekaterinodar correctional-educational shelters for juveniles and orphans in the Kuban territory, the Emperor expressed his monarchical approval to the diocesan administration and the monasteries. Brothers of the monastery of St. Nicholas, inspired by the Monarch's approval for their participation in the correctional education of juvenile criminals and orphans, decided to establish in memory of the good pleasure of the Emperor in the department of the Kuban correctional asylum, in addition to the 20 places available in it, 12 new scholarships for the care and education of homeless orphans with the assignment to these scholarships the name "Nichola's scholarships", for which the Emperor commanded to thank the benefactors [9, p. 70].

The misunderstanding of the true purpose of a specialized correctional institution with dual subordination, on the one hand, to the Ministry of Justice and, on the other, to the Russian Orthodox Church, could not help but cause mishaps in the organization of its work. On March 4, 1898 the investigator of Ekaterinodar district court reported to the Chairman of court, that, having information on accommodation in monasteries of diocese of juvenile criminals, he, conducting an investigatory case concerning the minor son of a peasant N. Vasilchenko, accused of armed theft from shop of Baranov and other grave crimes, has made decision to send him to Michael-Athos monastery. He took this decision because there were no people in Maykop willing to take Vasilchenko into their care, and the investigator could not send him home to his father because of the harsh winter. Acting abbot, a treasurer Hieromonk Amvrosy did not accept Vasilchenko and returned him with the following note: "I have the honor to report that I do not want to accept thieves into the monastery, and there is no one to watch over them in the monastery. Every criminal, even those sent by the Court for penance, either lives in the monastery or leaves it before the penance period is over, which is reported to the authorities in time, and that is the end of the affair, all the more so the above-mentioned Vasilchenko will never agree to live in the monastery and can always leave, without waiting for the court's decision". Vasilchenko on his way back from the monastery to Maykop fled and could not be tracked down by the Cossack team" [11, pp. 1–9].

In view of the above, the investigator asked to be notified to which monastery of the diocese he could send juvenile offenders after all the procedural pre-trial investigative measures had been carried out. It should be added that despite the tough position of the abbot, N. Vasilchenko was sentenced by court decision to two years placement in a monastery for correction, and by decision of the Stavropol Ecclesiastical Consistory he was sent for correction to the above-mentioned monastery [11, pp. 1–9, 121].

A member of the board of the Kuban penitentiary asylum priest S. Mischenko, sent by the board to inspect the department of the penitentiary asylum at the Yekaterino-Lebyazhskiy monastery, proposed to the abbot of the monastery to transfer the asylum to the Yekaterinodar monastery outhouse, to which the abbot and brethren agreed and left the question to the bishop. The monastery offered a household of 12 rooms with 2 kitchens, storerooms, barn, cellar and a small outbuilding, the first from the garden under an iron roof with a kitchen and a room. Prior to the establishment of its workshops, the monastery gave an outbuilding located at the corner on the north side of the courtyard with 4 rooms. The monastery undertook major repairs of the buildings, while minor and internal repairs were to be done at the expense of the orphanage board. The orphanage received the right to use the garden if a trustworthy caretaker was hired.

In his report to the bishop, Archimandrite Nil criticized this appeal, because he considered the idea of the shelter's close proximity to monks to be essential for their spiritual and moral reformation. The location of the orphanage at a distance from the town made it possible to avoid contact with the town's entertainments, and if it had been necessary to open an orphanage in the town, its government would have taken the undertaking on its own account. The suburbs in the city did not even have a church, and the workshops that were well developed at the monastery. A serious problem was also the fact that the monastery received 2000 rubles for renting the monastery premises, and the monastery had no money left over from the parish for 5 years, which made it difficult to improve the monastery.

In turn, the abbot of the monastery Abbot Sergius referred to the fact that there were difficulties in the delivery of food and various supplies, which were not in the hermitage. In addition, there was a lack of material for shoemakers and carpenters, impossible to sell the products produced in the monastery, from which would come income. There was a lack of medical care and medicines, and an inability to accommodate the sick, which arose because of the lack of good and healthy water. The lack of guards to stop the thefts and escapes of any of the children placed in the orphanage was an acute issue.

After many questions had been cleared up, a serious obstacle arose in concluding the agreement with the board. It was overlooked the fact that work of the monastery courtyard in Yekaterinodar was already underway on the will of the late Most Reverend Herman for his temporary stay here. The monastery offered another courtyard in the gardens near Yekaterinodar, donated earlier by merchant Porokhnevsky, where there was a prayer house, good water and buildings, to which at the discretion of the board could be further added necessary ones. The question arose of land division, which was equally disadvantageous to both parties. Then the board, with the consent of the abbot of the monastery, decided to open a shelter on one of the neighboring garden lands, which was purchased by the board from its own funds on the condition that the monastery took over the construction of buildings to be built on the monastery courtyard, amounting to 4000 rubles, and provided the department to use the church arranged for prayer purposes on its plot. After the settlement of all disputes, the monastery was left with the only obligation to grant to the board an allowance of 300 rubles annually, and to pay for the 12 Imperial scholarships for orphans.

Among the many difficulties the monasteries encountered in organizing orphanages in other dioceses of the Empire, the material issue remained one of the most difficult. Based on the fact that the monasteries had no such asylums in their institutions, the Synod appealed to the Minister of Justice for clarification of the contents. As a result of the correspondence of December 15, 1900, it was decided that juvenile delinquents should be kept in monasteries at the expense of the Treasury, and the payment corresponded to the cost of food and clothing for adult detainees in local prisons [12, p. 1].

Of course, we must not forget that the admission of minors into the monastic environment was contrary to the very spirit of monasticism, the purpose of monasteries, the purposes of monasteries, and their statutes. Undoubtedly, it threatened to destroy monastic life, which could lead to the disruption of the established order in monasteries, could have a harmful effect on the young inhabitants of monasteries, those studying in monastic schools and children in care, posed a threat to the life and property of the brethren, to monastic property and buildings, and was an occasion for disturbances among the worshippers and other visitors.

In cases of juvenile delinquency, it was recommended that children should be placed in cloisters remote from cities and closer to military garrisons. In monasteries with a good economy, to entrust to elders up to six children instruction not only in the moral foundations of the faith, but also in the conduct of the economy by branches, or the study of trades. At the suggestion of a number of bishops, the Synod initiated the opening of special educational-correctional institutions for vicious children in the form of colonies, attached to some convenient cloisters of the empire.

In analyzing the work of the first orphanages in several dioceses, among which it is necessary to single out one of the first to open in the Empire at Black Sea Yekaterino-Lebyazhskiy monastery, the Synod made special recommendations. They called for the prevention of juvenile delinquency by strengthening the work of the local clergy, to enter closer into the life of their flock, and to become familiar with the religious and moral education of children, which was given in one family or another. When parents were found to have deviant tendencies or neglect in their upbringing, preventive conversations and public participation in family life had to be used. The teachers and superintendents of schools should not limit themselves to teaching the Law of God, but should enter into the life of the pupils, get to know their moral principles and tendencies, and pay special attention to those who are violent and try to develop good tendencies in them.

Against the background of the success of the individual monasteries of the diocese, Bishop Agathodor suggested that the abbots of the monasteries establish similar orphanages or literacy schools for children, as useful for religious and moral foundations in society, following the example of the Kuban monasteries. Citing the financial difficulties of organizing them and the lack of funds for the upkeep of their beneficiaries, they all declined to establish such institutions on their territories. In coordination with the Ministry of Justice, the Consistory, at the beginning of each subsequent year, informed the chairman of the Stavropol district court about those monasteries that would agree to accept juvenile criminals into the walls of the monastery [13, p. 1].

In 1916, the Yekaterinodar district army leadership appealed to the Stavropol Ecclesiastical Consistory with a request to place in monasteries on the terms of patronage of lower ranks sent on leave to improve health, since their permanent place of residence was occupied by the enemy's troops. In his report, the abbot of the St. Nicholas Missionary Monastery of the Caucasus asked the consistory to ask the district courts not to send juvenile criminals and those sentenced to penance in monasteries. This request was also based on the fact that, in view of the prevailing circumstances, the monastery was unable to establish proper supervision of the persons adjudged by the courts to serve their sentences within the walls of the monastery. At the same time, there were more and more cases of the prisoners escaping from the monastery. By its decision, Consistory established the admission of juvenile criminals for correction only to the Black Sea Marie-Magdalina nunnery and the Black Sea Yekaterino-Lebyazhskiy monastery [14, pp. 2–4].

After the outbreak of the civil war, the monasteries of the diocese did not stand aside in the work of providing care and correction for children who had gone astray, and by 1918, in addition to the monasteries mentioned above, their doors were opened to them by the St. Michael Athos Zakubanskaya monastery and the Alexander Athos Zelenchukskaya monastery [15, p. 2].

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