

1880 году, согласно нормам Устава 1864 года, являлась органом апелляционного обжалования решений районных судов как судов первой инстанции в юридически определенных категориях дел; этим облегчалась деятельность прокуратуры, защиты и нотариата. Принимая во внимание позитивные и негативные последствия судебной реформы 1864 г. в контексте опыта деятельности Киевской судебной палаты, следует признать, что все основные функции этим органом были выполнены на высоком уровне. Киевская судебная палата, являясь судебным органом, могла совмещать свою работу в качестве суда с другими необходимыми административными и организационными функциями в Киевской губернии.

Ключевые слова: Киевская судебная палата, судебная реформа, Судебные Уставы 1864 года, функции палаты.

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Problems of Spiritual and Religious Re-education of Prisoners in the Prisons of the Russian Empire in the Nineteenth Century

The experience of spiritual and religious re-education of prisoners in the prisons of the Russian Empire in the nineteenth century is studied. The activity of the clergy in the context of spiritual and religious re-education of individuals who committed the illegal acts is analyzed. The prison authorities, clergy and governor were dealing only with religious propaganda, and the prison regime itself with all its inherent injustices and hardships caused no desire for prisoner's rehabilitation. Insufficient material support of prisons only worsened the situation where in addition to the frequent lack of churches and chapels in the prisons, the lack of libraries, spiritual and religious literature, also was not maintained a good salary level for the prison clergy.

Key words: spiritual and religious re-education, the clergy, the Society of Trustees of the prison.

Formulation of a research problem. The actuality and expediency of studying the question of spiritual and religious re-education of prisoners in the prisons of the Russian Empire could be explained by the similarity of events and processes that took place in the nineteenth century to the present processes. That fact concerns providing basic legal guarantees of human rights, transformation of the system of institutions for execution of criminal penalties connected with deprivation of liberty, separation of new social relations needed to leverage other settlement, proper organization of the prison system, new institutions, etc. The influence of religion on human being has always been important, and the isolation of people in prison acquires a greater significance, especially by virtue of educational function of religion. Equally important is the social and educational function of religious influence, which deals with the preparation of people to law-abiding lifestyle. Elements of religious education, which are inevitably present during the priest's care of the convicted, are contributing to move away from criminal way of thinking, but to moral purification of bad habits, and therefore help to reduce crimes in future.

Analysis of recent publications and research. Scientific interest to the problem of the penal system organisation and operation has been observed by national and Russian scientists for a long period of time. Historiography of the problem is presented by F. H. Ahmadeev, I. Bogaturev, S. L. Gajdyk, M. M. Gernet, O. Goreglyad, M. G. Detkov, D. O. Drul, M. D. Kalmykov, G. Canon, M. Kostetskyj, A. Kunitsun, M. Mordvunov, V. M. Nikitin, M. V. Osupov, O. O. Piontkovskyj, M. F. Prjanishkov, V. V. Rosihin, I. M. Uporov, B. S. Utevskyj, I. Fojnutskyj, Y. G. Shurwindt, O. N. Yarmysh etc.

Exposition of the basic material. It should be noted that the primary purpose of limiting freedoms because of committing an illegal act is not punishment and isolation of individuals, but his rehabilitation and correction to prevent the commission of crimes in future. Therefore we consider this problem to be actual to research the experience of spiritual and religious re-education of prisoners in the prisons of the Russian Empire in the nineteenth century.

Thus, one of the main tasks of the Church in the nineteenth century was considered Christian morality education and eradication of evil, for instance overcoming crime was resolved by isolation of criminals in prison, also by the involvement of the clergy to the spiritual and religious re-education of prisoners to escape anti-social behavior in future.

That's why Alexander I established the Society of Trustees of the prison in the Russian Empire in 1819, which main task was to deal with the moral rehabilitation of prisoners. It should be recalled that in 1819, the Rules for the Society of Trustees of the prison were approved. The aim was to regulate measures of help for convicted in the empire. Among them there was a point concerning teaching Christian piety and good morals and Rule XI, which regulated the supply of books of Sacred Scripture and other spiritual books for prisoners; generally the Rules dealt with the necessity of teachings of a priest and morals for prisoners; also it was noted if there was a possibility to arrange the church at the prison, the church was considered a remarkable institution for spiritual education so it had to be established at the prison; moreover the prison authorities were responsible and had to provide the realisation of Sundays and holidays pious readings, conversations and prayer [1, p. 137].

If to speak about the activities of the Central Prison administration (the CPA), the reports on its work in the first half of the nineteenth century had silent content about the activities of the clergy in the context of spiritual and religious re-education of prisoners. The reason for that is supposed to be a tsar policy, which under the spiritual and religious re-education promoted primarily the need to respect the laws of the governing Orthodox Church. In general, all educational activities at that time were reduced to conduction of the religious rites in certain established for that days and the distribution of the seized books and pamphlets with religious content.

M. N. Gernet noticed that religious and educational «activity» in the prison enabled «educators» to achieve certain beneficial effects for themselves, including getting a significant amount of money from the state. One of the most famous figures was the director of the Perm Prison Committee archpriest Popov. He was specialized in the publication of the following books: «Prayers for prisoners» (1881), «Management for prisoners in prayer» (1878), «Conversations with the prisoners». In 1881, the author of «Prayers for prisoners» declared that he had transmitted 50 000 copies of the book to the CPA and asked them to give the books for the prisoners on the day of the coronation of Alexander III getting both the fees and the so called «blessing» of the emperor. At the same time there is reason to believe that most of those books haven't reached the prison's walls, because in 1884 more than 30 000 copies were still kept in the Moscow publishing [2, p. 385].

Equally unsatisfactory situation in spiritual and religious re-education of prisoners, namely the usage of religious literature could be observed in most prisons of the Russian Empire. The main reason for that was that the books and pamphlets rarely reached the hands of prisoners, prison directors and committees, in turn, didn't subserve the prisoners to read. The evidence for that could be found in the archival information available in the «Brochure describing present situation of prison» [3, p. 18]. Spiritual and moral content books were available only in a few prisons. However, even under these conditions the prisoners have not read and have showed no desire to read. Prison's authorities remained aside from these problems.

During the implementation of educational policy the problem of establishing churches in the prisons of the empire raised. In 1879 there were 165 churches in the Russian Empire. At the prisons where there were no churches, worship took place in chapels, arranged in separate chambers or simply at the chambers. The Society of Trustees of the prison was responsible for the question of prison's staff, but did not solve the problem of material support of the clergy at the same time [1, p. 137].

Thus, a priest was included to the prison's staff necessarily; his duties concerning worship in the church and on its religious and moral effect on the flock were enumerated in prison's charter. He was responsible for taking care of the prisoners morality. He served many functions: officiated in a prison church, performed all ceremonies (funerals, christening, etc.) made conversations with prisoners on religious and moral subjects, taught the Law of God to the juvenile prisoners.

But at the same time, despite the importance of the functioning of this category of workers in prisons, the level of salary they received from the royal treasury was quite small, for instance smaller than wages of prison's warden, and remained at the level of material support for the paramedics or doorkeepers [1, p. 137].

So the priest D. Troitskiy writes: «Priest's material support in prisons is much worse than all the other clergy. For all that, they can not and should not use any voluntary submissions from parish-prisoners, the material support given for clergy by church prison committees is quite small, even meager: it rarely exceeds 400 rubles a year in provincial prisons» [4].

The state of churches in provincial and district towns of the Russian Empire was characterized as the extremely terrible especially in the prisons where the money was not enough even to maintain their external view. And if the material welfare of the rural clergy consisted of donations from parishioners, the prison priest dealing with the flock of prisoners could not count on any financial assistance from their side. Thus,

prison clergy were in difficult official and financial situation, which could not affect the integrity of their duties.

Conclusions and perspectives for further research. The prison authorities, clergy and governor were dealing only with religious propaganda, and the prison regime itself with all its inherent injustices and hardships caused no desire for prisoner's rehabilitation. Insufficient material support of prisons only worsened the situation where in addition to the frequent lack of churches and chapels in the prisons, the lack of libraries, spiritual and religious literature, also was not maintained a good salary level for the prison clergy. Therefore, the literature of the modern period rightly observed that only normal human life and no unnecessary restrictions would make the prisoner socially harmless, would enable to provide spiritual and religious influence and rehabilitate the prisoner.

Sources and Literature

1. Zubanova S. The social service of the clergy in the prisons of the Russian Empire in the XIX century / S. Zubanova // Theory and practice of general development. – 2014. – №4. – P. 135-139.
2. Gernet M. N. History of tsar prison. 3-rd issue / M. N. Gernet. – M.: Gosjurizdat, 1960. – Part II. – 582 p.
3. Central state historical archive of Ukraine, Kiev (CSHAU, Kiev). – f. 442, d. 100, issue. 209, P. 18.
4. Prison Herald. – № 4. – 1893 year. [Electronic resource]. – Mode of access: <http://4prison.ru/blog/?p=1862>.

Левчук І. Проблеми духовно-релігійного перевиховання в'язнів у тюрмах Російської імперії в XIX столітті. Досліджується досвід духовно-релігійного перевиховання ув'язнених у в'язницях Російської імперії у XIX столітті. Проаналізовано діяльність священнослужителів в контексті духовно-релігійного перевиховання осіб, які вчинили протиправні діяння. Священик обов'язково був включений до персоналу в'язниці. Його обов'язки, що стосувалися богослужіння у церкві, і релігійно-моральний вплив на ув'язнених, були передбачені у статуті в'язниці. Священик був відповідальним за турботу про моральність ув'язнених. Він виконував багато функцій: судив у тюрмній церкві, виконував усі церковні обряди (поховання, хрестини і т.д.); вів бесіди з ув'язненими на релігійні і моральні теми, викладав Закон Божий неповнолітнім ув'язненим. Стан церков в обласних і районних центрах Російської імперії характеризувався як надзвичайно важкий, особливо, при в'язницях, де грошей не вистачало навіть на підтримання їх зовнішнього вигляду. І якщо матеріальний добробут сільського духовенства складалася з пожертвувань прихожан, тюрмній священик з паствою з ув'язнених не міг розраховувати на фінансову допомогу з їхнього боку. Таким чином, тюрмні священнослужителі були в тяжкому становищі, що не могло не впливати на виконання ними своїх обов'язків.

Ключові слова: духовно-релігійне перевиховання, священнослужителі, Товариство піклувальне про тюрми.

Левчук И. Проблемы духовно-религиозного перевоспитания заключенных в тюрьмах Российской империи в XIX столетии. Исследуется опыт духовно-религиозного перевоспитания заключенных в тюрьмах Российской империи в XIX столетии. Проанализирована деятельность священнослужителей в контексте духовно-религиозного перевоспитания лиц, совершивших противоправные деяния. Священник обязательно был включен в персонал тюрьмы. Его обязанности, касающиеся богослужения в церкви и ее религиозно-нравственного воздействия на заключенных, были перечислены в уставе тюрьмы. Он был ответственным за заботу о нравственности заключенных. Он выполнял много функций: судил в тюремной церкви, выполнил все обряды (похороны, крестины и т.д.) вел беседы с заключенными по религиозным и моральным предметам, преподавал Закон Божий несовершеннолетним заключенным. Состояние церквей в областных и районных центрах Российской империи характеризовалось как чрезвычайно бедственное, особенно, при тюрьмах, где денег не хватало даже для поддержания их внешнего вида. И если материальное благосостояние сельского духовенства состояла из пожертвований прихожан, тюремный священник с паствой из заключенных не мог рассчитывать на финансовую помощь с их стороны. Таким образом, тюремные священнослужители были в трудном положении, что не могло не влиять на исполнение ими своих обязанностей.

Ключевые слова: духовно-религиозное перевоспитание, священнослужители, Общество попечительное о тюрьмах.