



Дискуссии о методах исправительного воспитания несовершеннолетних в Российской империи в конце XIX – начале XX вв.

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АННОТАЦИЯ

Введение. В условиях возрастающего внимания общественности к соблюдению прав и интересов детей особое значение приобретает преодоление противоречия между официальным признанием принципов гуманизма и приоритета воспитания несовершеннолетних, имеющих конфликт с законом, с практикой их реализации в воспитательных учреждениях закрытого типа. Обращение к историческому опыту пенитенциарной ресоциализации несовершеннолетних в исправительных приютах дореволюционной России позволяет облегчить permanently осуществляемый обществом поиск эффективных мер противодействия девиантному поведению детей.

Материалы и методы. Характеристика организации и содержания социального контроля над исправлением несовершеннолетнего правонарушителя в позднеимперский период проведена на основе проблемно-хронологического, историко-педагогического и сравнительного методов, позволивших проследить роль общественности в утверждении принципов гуманизма, признания ценности чести и достоинства личности в системе исправительного воспитания.

Результаты исследования. Гуманизация пенитенциарных практик в России в конце XIX – начале XX вв. была обусловлена изменением общественного восприятия целей уголовного преследования несовершеннолетних правонарушителей, вследствие чего телесное наказание как мера дисциплинарного воздействия, применявшаяся в системе исправительного воспитания, эволюционировала от её негласного одобрения до попыток ограничения и, наконец, абсолютного запрета. Решающее значение в этом процессе имела выработка единых ценностно-нормативных подходов к ресоциализации несовершеннолетних преступников Съездами представителей русских исправительных заведений, обеспечивших конструктивный диалог науки, государства и общества. Установление в начале XX в. законодательного запрета телесных наказаний в отношении воспитанников исправительных приютов не означало их полного искоренения из практики таких заведений, которая по-прежнему во многом определялась субъективными характеристиками лиц, непосредственно участвовавших в пенитенциарной ресоциализации подростков.

Заключение. Проведенный анализ способствует историко-педагогическому и теоретическому осмыслению целесообразности применения карательных методов в современных специальных учебно-воспитательных заведениях закрытого типа.

КЛЮЧЕВЫЕ СЛОВА

несовершеннолетние правонарушители, телесные наказания, земледельческие колонии и ремесленные приюты, исправительное воспитание, гуманизация педагогического процесса

Для цитирования: Пашина Н. В. Дискуссии о методах исправительного воспитания несовершеннолетних в Российской империи в конце XIX – начале XX вв. // Перспективы науки и образования. 2026. № 5. С. 564–575. <https://doi.org/10.32744/pse.2026.5.36>

Поступила: 21.04.2025 | Одобрена: 12.07.2026 | Опубликовано: 31.10.2026



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Discussions on the methods of correctional education of minor children in the Russian Empire in the late 19th and early 20th centuries

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ABSTRACT

Introduction. Given the increasing public attention to the respect for the rights and interests of children, it is of special significance to overcome the contradictions between the official recognition of the principles of humanism and the priority of raising minors in trouble with the law, with their practical implementation in closed educational institutions. Referring to the historical experience of penitentiary resocialization of minors in the correctional shelters of pre-revolutionary Russia makes it easier for the society to permanently search for efficient measures to counteract deviant activities of children.

Materials and methods. The arrangement and the content of the social control over the rehabilitation of the juvenile delinquent in the late Imperial period were characterized based on the problem-chronological, historical, pedagogical and comparative methods, which made it possible to trace the role of the general public in the establishment of the principles of humanity, valuing honor and dignity of an individual in the correctional education system.

Results. Humanization of penitentiary practices in Russia in the late 19th and early 20th centuries was due to the change in the public perception of the goals of juvenile criminal prosecution, as a result of which corporal punishment as a disciplinary action used in the correctional education system evolved from its tacit approval to the attempts of restriction and complete prohibition on the top of that. Development of the consistent axiological-normative approaches to the resocialization of juvenile offenders by the Congresses of the representatives of the Russian correctional institutions, which ensured a constructive dialogue between science, the state and the society, was crucial in this process. The legislative ban on corporal punishment of students of the penitentiary shelters at the beginning of the 20th century did not mean their complete elimination from the practice of such institutions, which still depended largely on the subjective attributes of persons directly involved in the penitentiary resocialization of adolescents.

Conclusion. The conducted analysis contributes to the historical, pedagogical and theoretical understanding of the expediency of using punitive methods in modern specialized closed - type educational institutions.

KEYWORDS

juvenile offenders, corporal punishments, agricultural colonies and artisan shelters, correctional education, humanization of pedagogical process

For Citation: Pomelov, V. B. (2026). Russian teacher and writer M. B. Chistyakov. *Perspektivy nauki i obrazovaniya* = *Perspectives of Science and Education*, (5), 564–575. <https://doi.org/10.32744/pse.2026.5.36>

Received: 21 April 2026 | Approved: 12 July 2026 | Published: 31 October 2026



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INTRODUCTION

Corporal punishment was almost the only method of controlling and correcting children's behavior in the public consciousness for a long time. Just at the end of the XX century, the UN General Assembly approved the Convention on the Rights of the Child [1], which initiated a significant number of the international initiatives aimed at eliminating all forms of violence in all spheres of life of the minors, including family, school and penitentiary institutions.

One of the goals stipulated by the Concept of Sustainable Development of the World Community, adopted by the UN in 2015 [2], sets the task of "putting an end to abuse, exploitation, all forms of violence and torture against children." Today, according to the Global Initiative to End All Corporal Punishment Internet portal, the legislation of 62 countries allows various forms of corporal punishment in educational institutions, in 29 countries it is applied to children in accordance with the traditional or religious law for committing crimes [3].

In Russia, there are hot disputes over the permissibility and expediency of using whipping in solving educational tasks despite the statutory restrictions in broad civic circles and among the professional community [4; 5]. In respect thereof, a retrospective analysis of domestic experience in regulating the application of corporal punishment in penitentiary pedagogy comes to the fore.

LITERATURE OVERVIEW

The first papers discussing the problems of forced education of minors in conflict with the law started to appear in the Russian historiography in the second half of the 19th century due to the allocation of this category of offenders to a separate subject of punishment. The researchers assessed criminological features of juvenile delinquency, compared the achievements of the domestic and European legislation in preventing their illegal behavior [6; 7].

The development of the correctional shelters network caused the appearance of papers describing the internal structure of such institutions and characterizing the features of the educational impact system [8; 9]. A special role in the development of the topic belongs to Drill D.A., the head of the Department of Correctional Institutions at the Main Prison Administration, who defended the idea of the futility of using punitive methods in the process of resocialization of juvenile offenders in his numerous works on crime prevention [10; 11].

Currently, this topic is evident in the study of humanization of the criminal prosecution of children and adolescents in pre-revolutionary Russia [12; 13]. Researchers specify the legal status of delinquent adolescents in the criminal policy of the state [14] and the legal grounds for their placement in the institutions of forced education [15]. The organizational and legal issues of correctional shelters activities [16], the regulation of the staffing problem [17], and the specifics of implementation of school, labor, and religious education are detailed [18]. The restorative and vindictive justice are compared [19], as well as criminal defense of public and private interests of children [20], and penitentiary resocialization in closed institutions of pre-revolutionary and modern Russia [21]. Arrangement of foster supervision and prevention of crime repetition among the students of correctional shelters is under investigation [22; 23]. Criminogenic environmental factors raising the risk of reoffending are analyzed [24; 25]. The influence of negative childhood experiences on the tendency to various forms of violent behavior is revealed [26; 27].

The conducted historiographical analysis makes the case that the problem of application of corporal punishment to the students of correctional shelters has not yet been the subject of a separate scientific study. The author of the paper attempts to present the role of the public in establishing a legislative ban on application of corporal punishment in the correctional education system for juvenile offenders in the Russian Empire, based on historical sources, regulatory documents and writings of pre-revolutionary and modern researchers.

MATERIALS AND METHODS

The empirical base of the conducted research was regulatory legal acts affecting various aspects of the criminal policy and practice of the Russian state in respect of the juvenile offenders. Important information about the process of developing fundamental approaches to the setup of correction of the deviant behavior of adolescents in the system of forced education was acquired following studying the papers of congresses of the representatives of correctional institutions, published based on verbatim reports.

Information about the internal regimes of the shelters, their forms and practices of correctional education of adolescents was reported in their records and in specialized periodicals ("Prison Bulletin", "Journal of Civil and Criminal Law", "Journal of the Ministry of Justice"). These sources were examined using the chronological method, which made it possible to trace the evolution of public views on the application of corporal punishment as a disciplinary measure in penitentiary pedagogy. The comparative historical method was used to compare different approaches to correctional education, as well as to analyze the Russian experience with reference to the European practices.

FINDINGS OF THE STUDY

The events of the second half of the nineteenth century initiated the process of the state legal policy optimization in the field of juvenile criminal liability. When drafting the Statute on Punishments imposed by the Justices of the Peace, the explanatory note of the Second Department of His Own Imperial Majesty's Chancellery dated November 20, 1864 suggested for the first time over that punishment for juvenile offenders "should be not so much retribution for what was done as a guarantee of a better future, therefore being primarily the way of education" [29]. The note instructed the State Council to develop the list of legal provisions governing the establishment of correctional institutions for placing the minors there under court sentence.

The legislative will was done by the Supreme Decree on the Rules on Correctional Shelters (hereinafter referred to as the Rules) on December 5, 1866. This was the starting point for the emergence of the Societies of agricultural colonies and handicraft shelters in the Russian Empire (hereinafter referred to as Societies), which assumed obligations to organize and maintain shelters for children and adolescents in conflict with the law. The societies carried out their activities based on the Charters, after their approval by the Ministry of Internal Affairs (MIA) in coordination with the Ministry of Justice. The Main Prison Administration, formed in the structure of the Ministry of Internal Affairs in 1879, carried out general management and supervision of correctional institutions organized by the Societies.

Implementation of the law was slow during the first decade and a half since the approval of the Rules. By the early 1880s, there were only 12 shelters in the Russian Empire, set up in Moscow, St. Petersburg, Saratov, Warsaw, Kharkov, Kazan, Kiev, Nizhny Novgorod, Kremenchug, Rybinsk, Yaroslavl, Vologda [9, p. 6]. Geography of distribution of such shelters was mainly limited to the European part of Russia for a long time, and it began to expand eastward at the end of the 19th century only. Correctional institutions for minors in Siberia, where the penitentiary regime was replaced by an educational one, appeared only at the end of the 19th century due to the region's integration into the unified judicial and legal framework of the Russian Empire in the administrative centers of only three provinces, namely Tomsk (1895), Irkutsk (1898) and Yenisei (1902). [30, p. 1197].

Opening of shelters was considerably hampered by the inconsistent actions of the authorities in the implementation of this project.

Firstly, having outlined his own intentions to create government shelters for the correctional rehabilitation of juvenile delinquents, the legislator also made an appeal to the private charities and local governments to assist their arrangement. In fact, there were the private charity institutions that suffered the main financial burden of setting up such institutions. Thus, there were 48 colonies and orphanages in Russia by 1908, of which only five were run by the prison committees, two were maintained by the city, the other two by the municipalities and the rest existed at the expense of private charity [30, p. 169].

Secondly, although shelters for the moral rehabilitation of minors were named "pious" and "socially useful" in the terminology of the Rules, their legal status as the institutions of a predominantly educational nature was not fixed, whereas the inclusion of the Rules of 1866 in the Statute on detention on remand then applicable (Articles 153-166), regulating the procedure for punishment exercise, gave them the meaning of penitentiary institutions.

The true purpose of correctional shelters, stipulated by the Rules, was difficult to interpret due to the legal conflict occurred. Thus, the possibility to execute the court sentence (which a priori had a punitive purpose) by the new institutions of moral rehabilitation, provided for by the provision of Article 6 of the Statute on punishments imposed by magistrates, assigned a punitive status to them. However, articles 17 and 30 of the Code of Criminal and Correctional Punishments, as amended in 1866 [31, p. 77–78] did not include correctional shelters in the sequence of punishments provided for by criminal law, and did not provide such institutions with the right to punish for committing a crime consequently. This legal incident caused controversy, both among the immediate founders of the shelters and among the legal scholars in regards of what exactly the state calls for; that is either punish or educate.

Thirdly, even though the correctional shelters were the detention facilities, the Rules of 1866 defined their internal structure in general terms only, which, nevertheless, indicated the need to change from a prison regime to an educational one. Thus, good behavior of a student could be awarded early release from the shelter. Escape from a correctional institution was punished by detention "under special close supervision, separated from other minors for no more than one month," and was the only offense for which the Rules reserved punishment [32, No. 43949].

Humanization of the regime of the correctional institutions for minors corresponded to the direction of public institutions evolution in the Russian Empire set by the Great reforms. Thus, since 1863, corporal punishments (with some exceptions) were officially abolished in prisons [33, p. 122].

Since December 1864, a ban was imposed by the decree of Alexander II on the application of rods against secondary school students [34, No. 39089]. Accordingly, the very logic of the Russian legislation development required a similar mitigation of punitive practices against teenagers serving sentences in the correctional shelters.

Yet, since the Rules of 1866 did not handle this issue, its settlement was imposed on the immediate founders of the colonies and orphanages, who further proceeded from their own ideas about the goals and principles of their social mission.

The difference in approaches implied the fact that the constituent documents of some shelters institutionalized the possibility of using rods, those of others prohibited their use, yet those of the rest did not contain an acceptable list of disciplinary penalties at all, giving correctional staff complete freedom in choosing the means and methods of education.

The whipping procedure, if permitted by the institution's charter, also varied in different shelters. In some shelters, the director was entitled to flog a troublemaker for educational purposes, in other that was the staff; otherwise other pupils carried out the punishment.

The presence of such significant differences in the internal structure of the correctional shelters, which is ultimately unacceptable for the places of criminal repression, caused concern to the regulatory authorities. A strong willpower was required to ensure a common legal framework, eliminating legal uncertainty by introducing the general "permit" or prohibition of application of corporal punishment in the correctional education system. However, it could not be formulated at that time due to the disagreements on this issue between the representatives of the departments supervising the penitentiary system.

At the same time, the understanding that prolonged disputes, as well as the introduction of any amendments and supplements to the draft charters would entail bureaucratic acrimony and delay obviously opening of the correctional institutions for an even more indefinite term, allowed finding a compromise after all. The essence of it was to inform the founders of the shelters in writing that there was a fear in the government circles that it was possible to influence those "rude sorts of students" who were believed to make up the basic community of the correctional institutions, only by the measures involving deprivation and even suffering.

With that, the founders of the correctional shelters were suggested to keep the disciplinary measures listed in their original charters. Herewith, the temporary status of these measures was emphasized, as well as the period after which the boards of the Societies had to submit a reasoned opinion on the efficiency of the disciplinary punishment system and the need for corporal punishment to the Ministry of Internal Affairs [35. Adj. 26.].

This bureaucratic decision did not ensure uniformity in the approaches to the correctional education, but it gave the existing problem a systemic character. The founders of the shelters (the smallest number of those formed in the 1870s and 1880s), who initially defined the purpose of their activities as the education and training of "vicious young people", remained true to their principles. Thus, the board of the Saratov Society, having received the circular letter of the Ministry of Internal Affairs, regarded it as the official permission of the department to apply corporal punishment to pupils; upon that, it was noted that the final decision on the possibility of taking such opportunity was left to the founders of the correctional institution personally.

The discussion of this issue among the members of the Board of the Society and among the teaching staff of the Saratov Educational Shelter entailed the development of a unanimous opinion that this measure, insulting and degrading the boy's dignity, is pedagogically deficient. The society refused outright to introduce corporal punishments into the practice of the established shelter even for a short time, and notified the Ministry of Internal Affairs that the measures listed in the Charter were sufficient, and "there was never a need to use corporal punishment" [36, p. 148].

This decision was made despite the fact that the statistical information reported on this correctional institution demonstrated far from ideal behavior of its pupils. So, there were about 40 disciplinary offenses per pupil on average in 1874 [9, p.10].

Adherents of traditional views, for whom the liberal trends in the criminal policy of the state initially caused doubts, hastened to bring strict discipline and strict educational measures back to the internal structure of the shelters [9, pp. 9–12]. Thus, having received the similar circular letter, the board of the Warsaw Society, which initially set up a system of pedagogical stimulation in the Studzenets colony it established based on granting and depriving pupils of awards, regarded it as a direct instruction "from the upstairs" about the need to include whipping in the list of disciplinary penalties. By the decision of the founders, the list of punishments in effect in the Studzenets colony was supplemented with two measures, namely the replacement of ordinary food with bread and water for up to three days, and punishment with rods for up to 20 strokes by the resolution of the board of the society" [37, p. 758].

The doubt contained in the letter about the efficiency of using nonviolent educational methods to "keep pupils from violence, disobedience and other vicious manifestations" fell on favorable soil.

Assessment of the impact of flogging on pupils, subsequently reported by Mikliashevsky V. V., the chairperson of the Board of the Warsaw Society, indicates if not a positive then at least a neutral attitude towards the methods of punitive pedagogy. Nevertheless, this outstanding public figure expressed the opinion that "in exceptional cases and with proper use, the rod brings real benefits for the moral rehabilitation of juvenile offenders" in his public speeches [35. Adj. 26.].

His own observation of "the boys weeping and being upset when seeing their comrade falling to such depths, and the punished ones having realized the justice of the punishment, repented, and having suffered the punishment, solemnly promised to behave well and gain the favor of their superiors" spoke volumes to that [35. Adj. 26.].

The personal standing of the Chairman of the Board of the Society contributed to the fact that corporal punishment, set as a temporary measure became current in the correctional institution. If punishment with rods was applied only 5 times in the first five years of existence of the Studzenets agricultural colony [35. Adj. 26.], then in 1894 and 1896 the management of the correctional institution used them 32 times already [38, p. 131].

However, the practical application of corporal punishment was not as much "successful" everywhere. Thus, in the Yaroslavl shelter, the public flogging of a pupil ended with his "non-returnable running away" [35, p. 153], in the Nizhny Novgorod shelter - with a suicide attempt [35, p. 155]. Such incidents not only forced the founders of the correctional institutions to remain wary of

using punitive methods in solving educational tasks, but also put the question of the expediency of corporal punishment application in the correctional education system in the public's forum.

One of the main platforms for open discussion of this issue was the Congresses of the Representatives of the Russian Correctional Institutions (hereinafter referred to as Congresses), which joint the efforts of not only practitioners of forced education, but also government officials and scientists to develop the most efficient system for rehabilitation of juvenile offenders. The issue of corporal punishment of correctional shelters students in one form or another was brought up at almost every such meeting and always became the subject of heated discussions. Semchevsky V.N., the inspector of the Main Prison Administration, was the initiator of its discussion at the 1st Congress, held in Moscow in 1881, who wished to familiarize himself with the reasons of persons directly involved in penitentiary pedagogy for the expediency of using rods for educational purposes [35, p. 155].

The opinions of the participants of the 1st Congress on this issue differed significantly. Supporters of using rods insisted that the teenagers placed in shelters had violated the law, and therefore deserved high security and punishment. Cruel treatment of pupils also resulted from the excessive development of their strong distemper, which contributed to their passion for crimes.

They supported their arguments with the reports of the Societies abound with the descriptions of students more like hardened criminals than children. They characterized such children as follows: "Mania passion for theft, unnatural physical habitudes, a condition close to an animal due to poverty and negligence, complete idiocy when it comes to work, and vice versa, an amazing calculating mind when the opportunity to steal, escape or get away from punishment turns up, often complete lack of idea of God and religion" [39, p. 359].

And although thinking of the correctional education initiators at the end of the XIX century consolidated on the reasons of vicious behavior hidden in the harmful influence of the environment and not in the "ill- will" of children themselves [8, p. 1], but at the same time, there was also a conviction that they had already "got lumps" in that environment, and therefore nothing else could have at least some influence on them. In parallel, the supporters of rods insisted that flogging was a more natural and humane alternative to the discipline measures used in a number of European shelters that refused to use corporal punishment: such as marching in a circle, spinning a wheel, prolonged stay in a dark punishment cell, etc. [35, p. 154].

Opponents of rods appealed to availability of institutions in Russia in which the teachers went on without violent measures despite all similar difficulties.

Humanist educators also pointed out that corporal punishment based on bodily fear leads to short-term suppression only, but does not ensure that the pupil realizes the immorality of the offense committed, that the actual ill-treatment (deprivation, hunger, beatings) that criminal children faced in their lives caused their anger and loss of human likeness.

A powerful argument was the fear that the lack of legislative regulation of the corporal punishment application, along with the outdated traditional approaches of the correctional staff to the education makes children defenseless against their self-will [36, p. 159].

The participants of the discussion included those who generally recognized the negative effects of application of physical violence for educational purposes, but for a number of reasons did not dare to speak out against it.

Representatives of this group complained that persistent delinquents perceived cellular confinement, being the most severe punishment provided for by the Rules of 1866, as an opportunity to take a break from compulsory work in the fields and workshops, and deliberately sought to be subjects to disciplinary action. They also regretfully acknowledged that prohibition of corporal punishment deprived the educational staff of shelters, who often did not have proper training in interacting with "troubled" children, of a simple and reliable tool for influencing the pupils.

The outcome of the discussion, most of the participants of which adhered to a "pragmatically neutral" position, was expected. The resolution of the congress recognized application of corporal punishment as an "undesirable measure", but the matter of the need of ultimate refusal of its use was left open "pending more firm arguments of one or the other party" [35. Adj. 26.].

However, it was not possible to postpone settlement of this issue for a long time. The discussion of the draft general regulation [40, p.10], which started since the 2nd Congress (1884) already, which established unified approaches to the internal structure and regime of the correctional education institutions, again required an unambiguous solution to the matter of permissibility of corporal punishment application to pupils of such institutions. The development of the 1866 Rules and the preparation of a general Provision by the correctional education initiators in Russia started with the study of the European states experience, which became possible thanks to the IV International Prison Congress in St. Petersburg in summer of 1890.

At the stage of preparation for this event, the Imperially Established commission for its organization developed and sent to the prison administrations of the European states a questionnaire to collect information about the internal structure of the correctional institutions for minors. Analysis of materials obtained during the survey of the European colleagues demonstrated the widespread use of this type of punishment in the correctional institutions.

For example, flogging was a common practice in the shelters in Switzerland, Germany and Norway. In Denmark, both boys and girls were subjected to this punishment. In Sweden, corporal punishment was resorted to in all cases when, in the opinion of the educator, "it was impossible to do otherwise." Not only rods but also sticks were widely used in the English shelters. In North American States, teachers beat children in cases where "other punishments were invalid" [41, pp. 73–75].

Collection of similar information from the founders of the Russian shelters demonstrated that corporal punishments remained in practice as of 1890. Seven correctional shelters out of eleven that participated in the voting on the resolution of the congress recognized the undesirable application of rods in the correctional education system [36, p. 170].

Public censure of corporal punishment as a measure of discipline had a positive result. Under pressure from the progressive part of the public, administrations of the correctional shelters were forced to impose restrictions on the use of rods.

As a result, corporal punishments in juvenile delinquent institutions gradually acquired the status of extraordinary measures imposed for a strictly defined list of offenses. For example, in the Rukavishnikov shelter, these included "violent acts against comrades or teachers using cold weapons (knives, axes, hammers, etc.)" [42, p. 73].

In the Studzenets colony, a pupil was flogged just for escaping from the institution, if this was accompanied by the aggravating circumstances (theft in the institution during the escape, incitement to escape, lack of repentance after returning to the institution). It took place in the Rubezhovskaya colony when the brazen attempts against the tutor of one of the pupils "worried and confused many people around" [43, p. 40].

The less important "wrong-doings" of the students, based on habits derived from the destructive examples of the environment in which the minor ran around before arriving at the institution, could not be punished physically.

A substantial deterrence was also the spread of the requirement for the collective decision-making on rods application, set by the founders of the shelters. In the Studzenets colony, the exclusive right to inflict corporal punishment on a pupil was granted to the board of the Society based on the preliminary investigation of the situation [35. Adj. 26.]. In the Rukavishnikov shelter, every case that the director considered appropriate to apply this measure was discussed jointly by all teaching and educational staff with the participation of a physician. The unanimous and reasoned decision of such meeting was subsequently approved by the pedagogical council, the board, the trustee or another person in charge of the institution [36, p. 147].

Shelters that allowed application of corporal punishment, gradually rejected public whipping as a practice degrading the dignity of a teenager, while setting the maximum permissible number of blows and prohibiting its excess [36, p. 147]. The indicated methods of regulating the corporal punishment procedure witness the transformation of this measure in the experience of the correctional shelters from a frightening act of reprisal intended to repay the guilty person in full and provide "general prevention" of deviant behavior into an unpleasant but necessary procedure for the upbringing of vicious young people, a kind of "fostering rods." Yet, such restrictions did not solve the problem profoundly, but only were an attempt to adapt the archaic tool of pedagogical influence to new social realities.

The continued confrontation between the representatives of the humanistic and punitive parties in penitentiary pedagogy for many years did not allow developing a unified approach to solving the issue of corporal punishment within the framework of the Congresses. However, it was precisely thanks to this self-organization of the professional community that the prerequisites arose for banning whipping of pupils in the correctional shelters in terms of legislation. Thus, public discussion of the problem of juvenile delinquency and active involvement of general public in its prevention contributed to the fact that a typical towns-folk suddenly discovered behind the appearance of the evil person a victim of circumstances in deviant children, "left and abandoned by society". At the highest level of government, this understanding was expressed in the symbolic act of adopting institutions for the moral rehabilitation of juvenile offenders in February 1895 under the Highest patronage of the Emperor [40, p. 10]. For public, this meant the final approval of shelters in the educational institutions status, since the sovereign, who personified mercy and concern for his subjects, could not favor institutions that punished and tortured children.

The final consolidation of the humanist paradigm in the juvenile criminal policy of the state was reflected in the adoption of the "Regulations on educational and correctional institutions for Minors" (hereinafter referred to as the Regulation) on April 19, 1909, which finally abolished physical punishments in the correctional shelters. The discussion of this draft legislation, which took more than two years, became the scene of a climactic conflict between the representatives of the humanistic and traditional approaches in penitentiary pedagogy.

As a result, the Regulation of 1909 became one of the first fundamental normative legal acts to undergo a multi-stage legislative process established in the Russian Empire since 1905. It was prepared by Shcheglovitov I. G., the Minister of Justice, based on the decisions and resolutions drawn up by the Congresses of representatives of the correctional institutions, reviewed and finalized by a specially created Conciliation Commission, reviewed and approved for the second time by the State Duma and the State Council, and then by the Imperial consolidation by the Emperor.

During the operation of the Conciliation Commission, six of its members, representing an absolute minority, insisted on supplementing article 34 of the draft Regulation with a note prohibiting application of corporal punishment in the correctional shelters.

This initiative was unanimously supported in the State Duma during the second vote, but faced serious opposition from the conservative-minded members of the State Council. Durnovo P.N., the Minister of Internal Affairs, stood on the side of the defenders of corporal punishment in the Conciliation Commission. He insisted with reference to the experience of the European states on the need to recognize mandatory discipline with the rod in specific cases in order "not to restrict the freedom of action of persons who assumed the hard work of guiding and educating juvenile offenders" [41, p. 73].

Senator Lutze M.F., a friend of the Minister of Justice, spoke on behalf of the opponents of the rods. Urging not to follow Europe in brutality towards criminals, he pointed out that this issue should not become an obstacle that would cause the entire law to be rejected. Since the refusal to ballot the law would only create additional obstacles to the establishment of the educational institutions that much necessary for the country, in the absence of which juvenile offenders would end up in prisons, where rods were already excluded from disciplinary penalties [41, p.77].

Adoption of the 1909 Regulation did not result in complete eradication of violent methods of education in the correctional shelters. Unable to turn to the time-tested method, some educators invented particularly sophisticated methods of punishment aimed at arousing fear, for example, they deprived pupils of sleep, weaned them from smoking by feeding them soup with tobacco, put them on a stool in an uncomfortable position, forbidding them to move [10, p. 88], forced them to sleep without a mattress [44. 114 vol].

Corporal punishment in its different variations did not completely disappear from the practice of the correctional institutions for juvenile offenders even after the imposition of a final prohibition on its use. Due to the lack of proper education and psychological training, and sometimes the notorious love for children, the staff of the correctional shelters continued to resort to the well-known methods of maintaining discipline. However, the legislative ban on the application of corporal punishment to students of the correctional shelters not only acted as an obstacle to the self-will of the educationally incapable staff, but also pushed all those involved in the correction of "vicious young people" to pedagogical search for new forms and methods of work.

DISCUSSION

Overall, the data obtained are consistent with the findings of researchers [45; 46] on gradual abolition of corporal punishment in the Russian Empire, through expansion of audience against whom the application of this measure was not allowed. Together with this process, attempts were made to regulate the execution procedure itself. However, we find it necessary to supplement the conclusions of a number of authors that "humane, empathetic measures of educational impact were used against children in the correctional shelters, and teachers and educators exerted a moral influence on them, supporting the process with physical, labor and mental education [47; 48].

The sources we use testify that, despite the acceptance of the need to respect the rights and personal dignity of deviant adolescents, measures related to physical and psychological violence remained in the correctional education system for a long time. These practices were systematic and used even by the shelters, being the examples of setting up the juvenile offenders' rehabilitation for similar institutions.

CONCLUSION

Abolition of corporal punishment in the correctional shelters for juvenile offenders in the Russian Empire was a complex and contradictory process, the general characterization of which was the confrontation of two diametrically opposite approaches: the humanistic one, focused on the search for methods of moral improvement of the individual, and the traditional one, based on the views about the inevitability of resorting to whipping in the process of solving educational tasks, deeply rooted in various population groups.

The key factor that determined the predominance of the humanist framework was the activity of the progressive part of Russian society in raising the high profile of the problems of juvenile crime and involving various segments of the country's population in their solution.

The result of the interaction between the society and the state in the development of the system of penitentiary rehabilitation of deviant adolescents was the adoption of the Regulation, prohibiting corporal punishment of pupils. Although the law failed to liquidate whipping in the routine of the correctional shelters completely, meanwhile it served as a key milestone in the development of a genuine humanistic penitentiary pedagogy.

FUNDING

The research was carried out at the expense of a grant from the Russian Science Foundation No. 26-18-20114, [https://rscf.ru/project/26-18-20114 /](https://rscf.ru/project/26-18-20114/), at the expense of targeted financing (grant) of the Krasnoyarsk Regional Science Foundation.

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Вклад автора**Пашина Н. В.:** концептуализация, методология, создание рукописи и её редактирование**Author contribution****Natalya V. Pashina:** Conceptualization, Methodology, Writing - Review & Editing

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Автор заявляет об отсутствии конфликта интересов

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The author declared no conflicts of interest