

POOR LAWS, MANAGEMENT, AND LABOR CONTROL IN RUSSIA AND BRITAIN, OR THE HISTORY OF THE BENTHAM BROTHERS IN RUSSIA

Between 1780 and 1787, the brothers Samuel and Jeremy Bentham were managers of a large Russian estate owned by Prince Grigorii Potemkin, one of the closest advisors of Catherine II. In doing so they faced two related—but distinct—problems: Russian peasants were unskilled, and British skilled workers and supervisors, who had been brought in to work on the estate, were hard to control. Ultimately, the problem of supervising the English workers (and not the Russian serfs) is what led the Bentham brothers to reflect on the relationship between free and forced labor, and then between labor and society. Before and after Foucault,¹ the Benthams' Panopticon has been seen as a response to social deviance and as a concept related to prisons and the emergence of a global surveillance system in modern societies. I want to challenge this view by arguing that the Panopticon project actually was a system for controlling wage labor, which drew inspiration from a particular image of Russian serfdom and from the Bentham brothers' experiences in that country. I shall also examine the impact that debates on the Poor Laws in Britain had on Bentham's conceptions of labor and, thus, their influence on his Russian experiences. The section that follows discusses the fate of the Panopticon and nineteenth-century conceptions, politics, and practices of labor, in both Britain and Russia. A new understanding of their convergence and differences is the ultimate goal of my analysis.²

A Global History of Labor Control: The Case of the Bentham Brothers in Russia

Samuel Bentham, Jeremy's brother, arrived in Russia in 1780, as a naval engineer. At first he first worked for an English manufactory in St. Petersburg and then toured the Ural Mountains in 1781–82, before entering the service of Prince Potemkin, in 1784. The prince was at this time Catherine's lover and close advisor, and he owned country estates and numerous factories. He was also directly involved in the ongoing Russian expansion, east to Poland and south to Crimea. The government was then devoting much attention to the development of a short stretch of Black Sea coast that it had secured from Turkey in 1774. These ambitions generated tensions and conflicts with the Ottoman Empire, and an alliance with Britain was part of the Russian strategy. It was thus not by chance that Potemkin asked Samuel Bentham to manage one of his estates, located in the Krichev district of Belorussia.

Russia had seized Krichev from Poland in the first partition, in 1772; it had belonged to Polish magnates who refused to give fealty to Catherine II, who granted the estate to Potemkin. The estate was a large one and included five towns. Krichev's inhabitants were Russians, Germans, Don Cossacks, and Polish Jews. Farming was the main pursuit there, but the district also had rich resources of timber for shipbuilding. The people were known for their skills in carpentry, and local landowners, including Potemkin, began to bring in other skilled craftsmen, causing the male population to grow from fourteen to twenty-one thousand, between 1776 and 1785.³ When Samuel Bentham arrived at Krichev he found a brandy distillery, a factory, a tannery, copper works, a textile mill with 172 looms for making sailcloth, and a ropewalk⁴ with 20 wheels, supplying Kherson's shipyards.⁵ In fact, the estate was the principal supplier to naval stores down to the Black Sea. Bentham's main task was to build ships for Potemkin, however he found himself faced with a twofold problem involving labor that was both unskilled and undisciplined. The first problem was that the estate's serfs lacked the skills needed for building ships. To address this problem, he suggested that both machines and skilled workers be brought in from Britain. Potemkin's Anglophilia encouraged this approach—he did not care about details, but he wanted Englishmen to drive Krichev's looms and run his botanical gardens, windmills, and shipyards, from the Crimea to Krichev. When twenty skilled workers arrived on the estate in 1785, disciplinary problems quickly surfaced. The English workers showed little respect for instructions or work schedules, and while their foremen complained about the lack of discipline,

they too disobeyed Bentham's instructions.⁶ John Debraw, in charge of their supervision, described them as "a Newcastle mob—hirelings from the rabble town; a good-for-nothing crowd demanding high pay for no return."⁷ Jeremy Bentham noted "a lack of discipline and order among the workmen,"⁸ and one foreman even threatened to lodge a complaint with Potemkin and Catherine. It was in this context that Jeremy, who had joined his brother a few months earlier, wrote numerous letters that took up these problems and called for an improvement in the system of labor surveillance, particularly regarding the work of the foremen.⁹ The letters addressed the well-known problem of how to supervise the supervisors: "With regard to instruction, in cases where it cannot be given without the instructor's being close to the work, or without setting his hand to it by the way of example before the learner's face, the instructor must indeed . . . shift his station as often as there is occasion to visit different workmen."¹⁰ Jeremy was impressed by the virtues of the Panopticon principle elaborated by his brother: "Relative to a house of correction . . . it occurred to me that a plan of a building, lately contrived by my brother, for purposes in some respects similar, and which, under the name of the Inspection house, or the Elaboratory, he is about erecting here, in Krichev, might afford some hints for the above establishment. . . . To say all in one word, it will be found applicable, I think, without exception, to all establishments whatsoever, in which, within a space not too large to be covered or commanded by buildings, a number of persons are meant to be kept under inspection."¹¹ Jeremy completed this project by creating a drawing of the architecture of the Panopticon. These letters would become famous, because they contained the Panopticon project or model prison; they were subsequently assembled into the Panopticon letters, published first in 1791.¹²

The prison project, then, was first of all a project for labor surveillance, and the unskilled serfs were less of a concern than the skilled foremen. The project was not a reaction to the indiscipline of Russian serfs, but on the contrary, it was a response to the behavior of English foremen and skilled workers. Russia thus inspired Bentham with a model of labor organization and surveillance that could be applied in Europe, and in England in particular, as Jeremy Bentham suggested in his correspondence.¹³ Most of the countless interpretations of the Panopticon, including Foucault's, go wrong precisely because they overlook this context and hence the link between prison and labor, on the one hand, and free and forced labor, on the other. At the same time, it should be stressed that the Panopticon was not the reaction of an English liberal confronted with an absolutist system and forced labor. For Bentham, after all, the point was precisely to improve the surveillance and labor efficiency of English wage workers.

It is therefore incorrect to assert that Bentham's attitudes expressed the exclusive influence of absolutist Russia on an English liberal; rather, these concerns reflected the evolution of legal and economic organization of the Russian estates, as well as those that arose during this period in Great Britain, with regard to labor discipline in the newly emerging industrial world. To prove these assertions, I first detail the way Russian estates were managed at the turn of the eighteenth to the nineteenth century, and I then discuss the status of labor in Britain.

Estate Organization in Russia: *Instruktsiia*, or How to Supervise the Supervisor

Tsarist state rules did not regulate estate organization or the work of the peasants. The first law to do so dates from 1797 and limited forced labor on private estates to three days a week. Further state rules on this subject did not appear until the years preceding emancipation. Yet this situation did not mean that estate organizations were placed entirely in the hands of noble landowners, free to engage in abusive practices toward peasants, as several historians have claimed.¹⁴ Although state law did not control relationships within estates directly, it nevertheless laid down a framework of operating rules. Seigniorial justice has often been taken to be a synonym for feudalism, the old order, and serfdom, in medieval and modern Europe and in modern Russia. More recent approaches have substantially modified this picture regarding modern Europe, as well as modern Prussia, Lithuania, and, last but not least, Russia.¹⁵ I shall follow this line of thought and demonstrate that *instruksii* and legal documents issued by the landlords cannot necessarily be taken as synonymous with peasants' submission and enserfment or their coerced exploitation. In Russia at the end of the seventeenth century, several estates published instructions or edicts (*nakazy, instruksii*) that (along with a collection of national laws) sought to provide a list of the rules for a given estate. The state gave these regulations the force of law. This formal framework is important, because it testifies to the tsarist state's determination not to abdicate its authority inside the estates but rather to decentralize the production and application of the pertinent rules. These rules therefore supplemented rules applicable throughout the country, which defined who was entitled to own and transfer inhabited estates. State order determined the institutional definition of the noble landowner and granted him the right to promulgate the rules of his estate. In other words, the tsar could withdraw a lord's authority at any moment if he abused his power or if his entitlement to own land did not comply with the rules.

Until about 1750, these *instruktsiia* concerned taxation and estate administration above all, and the organization of actual farmwork remained in the background.¹⁶ This was because at that time most noble landowners were required to justify their right to ownership, cope with the introduction of capitation, and integrate their various activities, whether related to farming or not, within the estate.

Significant changes took place in the 1760s, when the *instruktsiia* began to focus more on work organization and the role of bailiffs.¹⁷ This was the time when both the Free Imperial Economic Society and Western economists (Bentham above all) focused on the question of supervision in organizations. In the estates, this change was accompanied by a corresponding modification in the form and dissemination of the documents employed. The number of *instruktsiia* increased, although they still affected only a minority of estates. Victor Aleksandrov, one of the leading Soviet specialists in these documents, found them mostly in estates belonging to the wealthiest nobles, those with more than five hundred male peasants under them. Although this group made up only 5 percent of the noble population, 55 percent of private peasants were on these estates. Potemkin, with his twenty thousand male peasants, was at the very top of this list.¹⁸

The dissemination of *instruktsiia* during the second half of the eighteenth century has been commonly and relatively consistently interpreted as a confirmation of the “golden age of nobility” in Russia. It has been asserted that at the time of Catherine II, nobles benefited from considerable privileges, including the right to freely exploit peasants based on specific rules validated by the state.¹⁹ But was this really the case?

No doubt Catherine herself encouraged the publication of these instructions, both at the time of her reforms in 1767 and in the Charter to the Nobility, in 1785, as it was in keeping with the logic of a “well-ordered state” typical of this autocracy and the Prussian regime of the same period.²⁰ However, debates within the commissions set up by Catherine, as well as the official laws adopted at the time, emphasized the importance of having not only an administrative and police order, but an economic order as well. The nobles were supposed to run their estates in a more rational way, both in the sense of using more advanced farming techniques and of laying down appropriate operating rules to govern the peasants as well as the bailiffs. At the same time, for enlightened seigniors, moral and economic issues were not separate categories; the problems of poverty and moral order were closely connected.²¹ This met the state’s interest in reducing social tensions (particularly after the Pugachev revolts in 1774–75) and in preserving its pool of soldiers.²²

For similar reasons, the *instruktsiia* granted considerable weight to village communities and elders.²³ State rules acknowledged and legitimized the *instruktsiia* and acknowledged the existence of peasant customary law and village communities. This hierarchy of legal rules aimed to promote mutual control by the actors and a certain amount of flexibility within the system. Although the traditional views of historians suggests otherwise, under serfdom both manors and commune were strong.²⁴ Of course, this legal and social order did not exclude conflicts or even unrest. Petitions were sent to landowners²⁵ and uprisings occurred, and in some cases there were acts of violence against the bailiff or the landowner.²⁶ These actions were not always a reaction to the services demanded by the landowners but, on the contrary, often came in response to technical or organizational innovations.²⁷

Most important to us, however, is the way conflicts were resolved; despite political importance of the *instruktsiia*, historians have given insufficient attention to the uses peasants made of village, estate, and state institutions, and instead overstress the role of conflict. Rather than opposed to one another, these institutions were in fact complementary. The *instruktsiia* designated legal proceedings to be undertaken by the appropriate judicial authorities (peasant court, estate litigation offices). Thus Roman Voronotsov, the owner of one of the largest estates and a member of the IVEO (the Free Imperial Economic Society), encouraged the introduction of peasant courts to settle disputes between peasants themselves and between peasants and bailiffs.²⁸ On large estates such as Sheremetev, conflicts were settled through a central office of all the estates, in accordance with clear-cut rules.²⁹ Potemkin used the same system in Krichev.

In other words, the tsarist elites' demand for institutional order coincided more with the strictly economic interests of the noble landowners and the need for economic and social stability within the peasant commune. Landowners were less interested in using these instructions to control the peasants than in using them to control and regulate bailiff activity.³⁰ The bailiffs were either nobles themselves (in which case they were called *upravitelny*) or free or unfree peasants (called *prikashchiki*), and they were concerned with the organization of production, taxation, and the collection of any kind of economic and fiscal information. A complex and hierarchical system of surveillance was in place: Bailiffs deployed agents among the peasants to watch them, and while bailiffs supervised such peasant agents, they were themselves viewed with great suspicion by landlords, who feared both fraud and overexploitation of peasants. To overcome this problem, landlords developed a complex system of

remuneration, bonuses, and fees for the bailiffs. Remuneration was usually paid in kind, as a fixed proportion of the harvest. Bonuses were of little importance, for innovations were rare. As a consequence, fees played a great role. Bailiffs were held responsible for harvest or quitrent failure, and this pushed them to transfer these losses on to the peasants and thus “squeeze” them further.

Indeed, in the 1760s and 1770s, in the eyes of noble landowners, tsarist leaders, and agronomists, bailiffs were usually corrupt individuals who appropriated a good portion of the lord’s revenues for themselves and exploited the peasants without encouraging them. All of this resulted in losses for the lord, because it led to a lack of incentive and motivation on the part of the peasants and could even spark riots. The aim of the *instruktsiia* during the second half of the eighteenth century, therefore, was quite the opposite of the one put forward by most historians—they were not primarily intended to further squeeze peasants, but to limit abuses by the bailiffs.

These dynamics were pushed forward by the Pugachev unrest and the influence of the Enlightenment and rational estate management.³¹ As agronomists, economists, and philosophers suggested, constraints alone were not enough to ensure efficient use of resources—and particularly labor. Enlightened landowners were especially sensitive to this argument, and, as a supporter of “rational” management and as Catherine’s advisor, Potemkin warmly supported it.³²

Such was the situation when Samuel Bentham arrived in Russia. Bailiffs’ activities, on the one hand, and the estate’s multiple forms of activity (farming, manufacturing, proto-industry), on the other, were at the core of the ideas and practices on the estate level and within the cultural and political elites. Bentham suggested improving the system for controlling the bailiffs; he also suggested integrating and coordinating skilled and unskilled workers and peasants. At first glance, this solution considered people exclusively in their professional and functionalist aspects (as overseers and skilled or unskilled workers) and ignored the fact that Russian serfs were quite distinct from British free workers. We need to assess this consideration, not only because (as we will see in next chapters) the legal status of Russian peasants was more complex than has usually been stated, but also because British workers had a particular legal status too, and Bentham was fully aware of this.

Controlling Labor: Paupers and Servants in Britain

According to Bentham, the difference between a servant and a slave is that for the latter, the power of the master is unlimited and the slave

has no rights. As Jeremy Bentham wrote: "Slavery is susceptible of many modifications and alleviations. . . . There was a great difference between the condition of a slave at Athens and Lacedemon; there is still more between that of a Russian serf and a Negro in the southern states of America. But whatever may be the limits as to the modes of exercising authority, if the obligation of service be unlimited in point of duration, I always call it slavery."³³ According to Bentham, it was not the condition but rather the duration of the obligation that constituted the real difference between free and unfree labor. The living conditions of a free worker were not necessarily better than those of a slave or serf.

We have to avoid the temptation to translate this qualification into today's categories. At the turn of the century, in Britain as in France and the United States, Adam Smith's argument that free labor was more productive than unfree labor was not fully accepted, even among liberal milieus. Quite the contrary: if, according to the utilitarian principles, one could show that the enslavement of a minority group increased the sum of total happiness, then a rationale for slavery was acceptable.³⁴ As we have seen, this argument was advanced among British as well French utilitarians, Jean-Baptiste Say being one of the most important examples.³⁵

Such an attitude was all the more widespread because at that time, the notion of "free" labor was not the one we are accustomed to now. As I discuss in detail in chapter 6, in Britain, until the mid-nineteenth century, most free labor was actually unfree. Servants, apprentices, laborers, and artificers could be imprisoned until they were willing to return to their employers to complete the service they had agreed upon. Wage earners were considered domestics and were above all supposed to provide a service.³⁶ The labor of servants was usually conceived as a master's property, and property consisted in the service rather than in the body or person of the captive.

The Benthams fully adhered to this view. According to Jeremy, only by offering a service could a man find "happiness or security."³⁷ However, "The master alone is considered as possessing a property, of which the servant, in virtue of the service he is bound to render, is the object; but the servant, not less than the master, is spoken of possessing or being invested with a condition." These relationships of dependence applied also to the superintendent, who was subordinate to the master but was controller of the servant.³⁸ That is to say, master and servant did not enter a contract between formally equal persons, but instead each carried a different legal status. Legally speaking, servants were considered much the same as children and married women: they were under the full authority of their master. Because of this, "The most flagrant species of breach of duty, and that which includes indeed every other, is that which

consists in the servant's withdrawing himself from the place in which the duty should be performed."³⁹

The legal status of labor provided the common ground upon which the organizational concerns of the firm (or the estate) and the relief system for the poor lay. In fact, insubordination or failure to comply with workshop production rules was presented as a breach of contract without notice, and as such was liable to sanctions under criminal law.⁴⁰ Criminal-law control over labor was aimed at reducing both turnover and supervision costs,⁴¹ and limiting turnover was also one of the main aims of the Poor Laws. This link is crucial in the broad history of labor and labor institutions in Britain, as well as in the particular history we are dealing with here, that is, the origin of the Panopticon. In both cases, labor surveillance was at center stage. The Old Poor Law (which evolved through a series of statutes, culminating in the Act of Elizabeth, in 1601) required individual parishes to relieve their own poor and set able-bodied paupers to work. By the mid-seventeenth century, many parishes were using the Poor Law to shelter both children and the aged in hospitals and to employ those capable of labor in workhouses or with local employers.⁴² Around the end the seventeenth century, a number of urban workhouses were set up to train poor children while profiting from pauper labor. In this context, the distinction between vagrant and poor was crucial; a poor person without employment or residence became a vagrant and was submitted to penalties similar to those imposed on "ordinary workers" (that is, servants). "Vagrancy" described a condition in which an able-bodied person without work or other means of subsistence was to be submitted to corporal punishment and returned to his parish.

In the seventeenth and eighteenth centuries, the English Poor Law system was distinctive in Europe to the extent that it embodied a nationally organized, comprehensive, and publicly regulated approach to relief.⁴³ However, in the mid-eighteenth century, the workhouses and Poor Laws began to be disparaged as inefficient and expensive. A parliamentary enquiry of 1776 revealed the existence of 1,970 workhouses holding a total of 90,000 paupers. In most cases, pauper labor did not meet the general running costs of a workhouse. This situation became all the more alarming when the estimated poor rates increased sharply from £700,000 in 1700 to £1,500,000 in 1776.⁴⁴ Increasing enclosure of the countryside greatly contributed to this rise by cutting off access to the land.⁴⁵

In 1782, a bill known as Gilbert's Act was adopted that allowed neighboring parishes to group together for Poor Law purposes and set up poorhouses under a board of guardians. This occurred just around the time when Samuel and Jeremy Bentham moved to Russia, and they closely followed this debate. The Krichev experience confirmed for Jeremy the

necessity of reforming both the workhouses and the Poor Laws. The passage of this bill also explains why critiques of poor laws and the Panopticon project emerged concurrently in public debates of the mid-1780s. Only the “indigent” and disabled were supposed to receive relief, Jeremy Bentham argued, while the “ordinary poor” had to settle down and find an employment.⁴⁶

At the same time, attempts were made to increase the efficiency of the entire system by rational organization, that is, by supervision of the workhouses. This made the boundary between free and unfree labor even more tenuous. Servants, wage earners, the poor, criminals, slaves, and serfs all had to respond to common general principles of utility and efficiency, “no matter how different, or even opposite the purpose: whether it be that of punishing the incorrigible, guarding the insane, reforming the vicious, confining the suspected, employing the idle, maintaining the helpless, curing the sick, instructing the willing in any branch of industry, or training the race in the path of education: In a word, whether it be applied to the purposes of perpetual prisons in the room of death, or prisons for confinement before trial, or penitentiary houses, or houses of correction, or work-houses, or manufactories, or mad-house, or hospital, or schools.”⁴⁷

During the 1770s and the 1780s, anti-slavery activity intensified at the same time as a profound transformation in English attitudes toward the poor was taking place. These issues remained connected until, under pressures of widespread hostility toward both coerced labor and public relief, the apprenticeship system of slavery was introduced in the colonies in 1833–34 and a new Poor Law was passed in 1834.⁴⁸ Following the suggestions of Bentham and others since the 1780s, reformers made a sharp distinction between the “natural poor” and the indigent (unable to work), and only the latter were permitted to benefit from poor relief. The same principles were applied to former slaves, who qualified as vagrants if they were not settled and employed.

To sum up, in turn-of-the-century Britain, the barrier between free and unfree labor was movable and negotiable, and it was conceived through categories quite different from those of today. In intellectual and public debates of the time, poor relief, the general condition of labor, and the question of slavery and serfdom were tightly linked. More than just “efficiency” was at stake (hence Adam Smith’s and others’ assertions that wage labor was more productive and efficient than forced labor); public order, vagrancy, and social welfare were equally important. It was not only slaves or the indentured who could have been the “runaways,” but also serfs, servants, and apprentices. All of these groups were subject to sanctions of criminal law, in addition to civil law. The material and living conditions of

free workers and servants were not necessarily better than those of serfs. From this viewpoint, therefore, differences in labor control and labor rights in Britain and Russia were a matter not of opposite notions, but of degree. Russia remained at one extreme of a common spectrum and not “beyond the line.” With this in mind, I now turn to explain the fate of Jeremy Bentham’s ideas on labor organization in the two countries.

The Fate of Bentham’s Panopticon: Labor Organization in Nineteenth-century Britain and Russia

The Bentham brothers’ plan to build a Panopticon in Krichev was met with favor by Potemkin, who was himself an enthusiast for ideas of labor optimization through the division of labor and enhanced supervision. This kind of Westernizing utopia, born from a mixture of coercion, science, and control, was a cornerstone of the reform plans of Catherine and her close collaborators. One of those collaborators was Potemkin, and another, Mikhail Tatishchev, had been in close contact with the Bentham brothers in London during the late 1760s, when he was involved in drafting Catherine’s *Nakaz* (“Instruction”) for the Legislative Commission and her new legal code.⁴⁹ But while Bentham and his brother were originally motivated by a goal of controlling English foremen, Potemkin and the other Russian reformers came to see the project as a way to control serfs. The ambition to combine the division of labor with surveillance had a profound influence on one of the Bentham brothers’ intimates in Russia, Nikolai Mordvinov.⁵⁰

Nonetheless, the shared project of the Bentham brothers and Potemkin—to build a Panopticon on Potemkin’s estate—fell through, because he sold the estate in 1787, which led Jeremy Bentham to return to England. Jeremy’s contribution was to generalize his brother’s project,⁵¹ making it applicable outside of Russia and incorporating it into his general approach to the organization of labor. He first extended the idea of an office of labor surveillance to prisons, then to schools, and finally to hospitals—and to all situations in which the problem of supervision arose.⁵²

Jeremy Bentham’s starting point, to be sure, was an idea that resonated powerfully with his sense of morality: that it was better to put prisoners to work than let them vegetate and that such an approach would facilitate prisoners’ progressive reintegration into society. Yet he could not resist straying from this rationale and returning to the utilitarian calculation that new forms of surveillance and organization could and should make prison labor profitable.⁵³ From there it was but a short step to start thinking about ways to maximize prisoner productivity. At first he proposed to rationalize prisoners’ diet: they should not become malnourished or else

their productivity would diminish. Yet Bentham thought mostly in terms of amounts and was not embarrassed to suggest that prisoners be given spoiled food mixed with fresh food (within reasonable limits, to avoid abrupt drops in labor productivity).⁵⁴ He seemed excited at the thought that prisoners could be made to work fifteen hours and more without their wanting to leave their jobs, as wage laborers did.

Bentham was not exceptional in advancing these ideas. For example, his friend Admiral Jonas Hanway, founder of the Magdalen Hospital, applied the same principles to the Navy and workhouses. He transformed the prison into a place of highly productive forced labor and then exported that model to the working world at large.⁵⁵ To discipline wage labor in ways similar to forced labor was thus a widespread goal in nineteenth-century Britain, and the Panopticon was only one of many proposed methods.

It is here that the gap between Britain and Russia narrows. When Samuel and then Jeremy went to Russia, the question of labor surveillance was being discussed in relation to rural estates, but also, as in Britain in these same years, to poor relief. Before the reign of Catherine the Great, the aged and infirm were supported in parish almshouses, and able-bodied vagrants were frequently conscripted to factories, mines, or the military. In 1775 an edict created the Offices of Public Welfare (*Prikazy obshchestvennogo prizreniia*) and proposed establishing workhouses under the authority of local police to punish the lazy and enable the needy to support themselves. The first workhouse (*Rabotnyi dom*) was built in Moscow in 1782, the same year Samuel Bentham moved to Siberia and that Gilbert's Act was adopted in Britain. This was the culmination of a broader movement started in Russia in the mid-1770s, which coupled Catherine's ambition of urbanization and modernization of the country with police control over migrants and with "Russian pity."⁵⁶ This movement received a boost from Bentham's Panopticon theory. In 1806, Samuel Bentham returned to Russia and convinced Alexander I to build a "Panopticon School of Arts" in Saint Petersburg.⁵⁷ During the years that followed, the tsar ordered the construction of a number of such buildings devoted to administration and education.⁵⁸ At the same time—and with the tsar's encouragement—more and more of Bentham's works were translated into Russian. However, in Russia as in Europe, the end of the Napoleonic Wars brought a backlash against the reformers. Various Russian authors denounced the conditions of the workers in Europe and showed that the landowners treated and fed their serfs much as they did their horses.⁵⁹

At least at this level of generality, the Russian leaders' sense of distance from Bentham was shared by almost all nineteenth-century Russian intellectuals and economists, who relentlessly criticized a utilitarianism

that they contrasted with Russian empathy and communal principles. The interests of the intellectuals and the autocracy converged in affirming a Russian uniqueness that they identified with both the spirit of community and the rejection of consumerism and hedonism.

While Bentham's utilitarian ideas were met with a mixed reception, his theories on prisons and labor discipline found enthusiastic adherents among some "reformers," including Nikolai Mordvinov, a friend of Samuel Bentham and president of the Free Imperial Economic Society between 1823 and 1840. Mordvinov was one of the noble landowners who—starting in the 1780s—had issued more and more written *instrukt-sii* designed to improve the nobles' control over their estates and especially over the labor of their serfs. He had known the Bentham brothers since the 1780s, and his aims and opinions were influential on Jeremy Bentham's thought. Conversely, Mordvinov was deeply influenced by Bentham's ideas and his system of modeling the division of labor on a well-organized prison. In 1807 Samuel Bentham was back in Russia, and he brought Mordvinov writings by his brother, who at that time considered Samuel one of his best disciples.⁶⁰ After the Napoleonic Wars, in 1818–19, it was Mordvinov's turn to go to England and present Jeremy with his draft project for a representative assembly in Russia.⁶¹ At this time, Mordvinov insisted, like Bentham, that more surveillance and control over the serfs was necessary to boost productivity.⁶²

Finally, Mordvinov intervened in the reforms of the exile system, which were implemented in 1822. As Andrew Gent has recently shown, there was an intersection of the system of punishment, exile to Siberia, and colonization.⁶³ However, following my argument—and as the involvement of Mordvinov testifies—these reforms would have not become prominent were it not for the experiences of Samuel Bentham in Siberia, the increased circulation of Western ideas on colonization, and their link with Bentham's utopia. It is therefore interesting from a historiographical perspective and ultimately surprising to hear the enthusiastic praise later expressed for the liberal spirit of Mordvinov, that "great liberal" who has supposedly been unjustly forgotten.⁶⁴

This approach was the opposite of what Russian reformers and economists had advocated at the beginning of the century, having been inspired by Smith and his invisible hand to show that free labor was more profitable than serfdom. According to Mordvinov, productivity gains were unlikely to be achieved by granting greater freedoms, for which he said the serfs were not ready. But gains could be made, he claimed, through stricter supervision and organization of their work. The inspiration came from Bentham rather than Jean-Baptiste Say. This was the context in

which the new military colonies attempted to reconcile serfdom with new agricultural methods, and military management with settlement on the land. From the end of the Napoleonic Wars to the mid-1830s, top leaders, as well as many Russian economists and agronomists, supported the colonies, which they believed were capable of reconciling order and productivity, liberty and coercion. This experiment, at once economic, political, and social, affected 750,000 people, but the results were meager, and the military colonies were abandoned after being shaken by riots in the early 1830s.⁶⁵

Meager results did not stop noble proprietors from implementing measures advocated by agronomists, albeit with coercive methods. We have already seen the example of Mordvinov. A similar case was that of Pavel Kiselev, the minister of state domains, who imposed corporal punishments and fines on peasants who resisted changes in the organization of labor or the extension of the potato fields that were figured into Kiselev's plans as a protection against future bad harvests. The new measures he introduced sparked peasant riots that destroyed the potato fields.⁶⁶ However, though this approach of forcibly introducing changes into the organization of agricultural labor was dominant, it was not universal, and scholars have shown that landowners in fact achieved varying degrees of success in introducing new agricultural methods.⁶⁷ Many of their findings on both the microeconomic level of the estate and the regional level highlight the rising productivity of noble estates in the first half of the nineteenth century.⁶⁸ In general, the "instructions" issued by noble landlords with increasing frequency from the last quarter of the eighteenth century addressed the same concern as did Bentham: how to improve labor organization by giving greater responsibility to supervisors rather than peasants.⁶⁹

We can thus conclude that the relationship between coercion and reform, free labor and forced labor, was no less complex in Russia than in the West. In Europe, Bentham inspired those who wished to rationalize society through supervised labor, but in Russia not everyone followed his approach, for negotiated reforms did indeed take place, most notably at some noble estates. This helps to explain the conclusion drawn by recent economic historiographers: whether in agriculture, proto-industry, or industry proper, the data shows that serfdom was not synonymous with either demographic decline⁷⁰ or arrested economic or technological development.⁷¹ Economic growth in the first half of the nineteenth century—its momentum as well as its limitations—rested on the laws of serfdom, an institutional structure that formed not only a system of constraint, but a basis for mutual negotiation.⁷²

Conclusion

Notions and practices of labor vary over time and can hardly be compared in terms of universal and ahistorical notions of free and unfree labor. Otherwise we would find it very difficult to explain why Bentham's Panopticon was conceived on the basis of his experiences in Russia. Bentham's utopias were embedded in the context of the late eighteenth to early nineteenth centuries, and the clear-cut opposition it drew between the free labor of the servant and the unfree labor of the slave was an attempt—one made by several "liberal" British intellectuals of that time—to halt slavery while at the same time preserving the statuses of servant and master. The poor were in turn redefined in accordance with whether or not they were willing to work, and, if they were, they entered the category of servants. Bentham's Panopticon project reveals his ambition to apply the order and social control of labor conceived for Russian estates and British prisons to the "free" labor of skilled wage earners, precisely at the moment when the latter were escaping their former status as servants or apprentices. The Poor Laws, the Master and Servant Acts, slavery, and the legal status of the Russian peasantry all came under attack during the last quarter of the eighteenth century. In Britain, this culminated in the 1830s reforms that clearly distinguished the "real poor" from vagrants, put slaves under apprenticeship, and introduced new vagrancy laws. At the same time, in Russia, tsarist elites encouraged changes in the legal status of the peasantry through reforms that, although partial, initiated a general process of peasant emancipation.

Both systems declined along similar paths. Serfdom collapsed at the same time that the Master and Servant Acts began to face increasing criticism in Britain and the colonies.⁷³ And even though the Poor Laws system was abandoned in 1844, it was not until 1875 that criminal-law sanctions backing labor contracts were done away with. Genuine measures to protect laborers, including measures pertaining to occupational, industrial accidents, were not adopted until the twentieth century. How can we explain these similarities? Beyond the circulation of ideas we have just discussed, were there common institutional and economic paths in both Europe and Russia?

The next chapters will address these questions.

Notes

This chapter is a revised version of my article "The Traveling Panopticon: Labor Institutions and Labor Practises in Russia and Britain in the Eighteenth and Nineteenth Centuries," *Comparative Studies in Society and History* 51, 4 (2009): 715–41. I would like to

express my gratitude to the journal and Cambridge University Press for granting permission to reproduce it here.

1. Foucault, *Discipline and Punish*. Anne Brunon-Ernst has recently challenged the idea that Foucault understood the Panopticon in terms of mere surveillance. See her “When Foucault Reads Bentham,” paper presented at Annual Meeting of the Law and Society Association, Berlin, 25 July 2007, http://www.allacademic.com/meta/p178059_index.html.
2. My sources are contemporary works published in Britain, Russia, and other European countries, and include legal texts such as laws, case law, and jurisprudence, as well as Russian archival sources. The latter are mostly estate archives and local court litigations available at the Russian State Archives of Ancient Acts (RGADA) and the Central State Historical Archive in Moscow (TsGIAM).
3. Evgeniia P. Zakalinskaia, *Votchinnnye khoziaistva Mogiliovskoi gubernii vo vtoroi polovine XVIII veka* [Noble estates in the province of Mogilyov during the second half of the eighteenth century] (Mogilyov: Mogilevskii oblast’ Kraeved. muzei, 1958), 27, 34.
4. A ropewalk was a long, straight, narrow lane or a covered pathway, where long strands of material were laid before being twisted into rope. Rope was essential in sailing ships, and the standard length for a British naval rope was 1,000 feet (305 meters).
5. Montefiore, “Prince Potemkin.”
6. Jeremy Bentham, *The Correspondence of Jeremy Bentham*, 12 vols. Timothy L. S. Sprigge, ed. (London: Athlone Press, 1968–2006), v. 2:504; *The Works of Jeremy Bentham*, 11 vols., John Bowring, ed. (Edinburgh: William Tait, 1838–1843), v. 10:161; Werrett, “Potemkin and the Panopticon”; Christie, *The Bentham in Russia*; Christie, “Samuel Bentham and the Western Colony”; Montefiore, “Prince Potemkin.”
7. Bowring, *Works of Jeremy Bentham*, 10:161.
8. Bentham, *Correspondence*, 3:498.
9. *Ibid.*, 503, 509–12.
10. Bowring, *Works of Jeremy Bentham*, 4:41.
11. Jeremy Bentham, *The Panopticon Writings*, Miran Bozevic, ed. (London: Verso, 1995), letter 1.
12. Jeremy Bentham, “*Panopticon*”: or, *the Inspection-House; containing the idea of a new principle of construction applicable to any sort of establishment, in which persons of any description are to be kept under inspection; and in Particular to Penitentiary-houses, Prisons, Houses of industry, Workhouses, Poor Houses, Manufacturies, Madhouses, Lazarettos, Hospitals, and Schools; with a plan of management adopted to the principle; in a series of letters, written in the year 1787, from Crechhoff in White Russia, to a friend in England*, 2 vols. (London: T. Payne, 1791).
13. Werrett, “Potemkin and the Panopticon.”
14. Blum, *Lord and Peasant*; Tracy K. Dennison, “Did Serfdom Matter? Russian Rural Society, 1750–1860,” *Historical Research* 79, 203 (2003): 74–89.
15. Michael Confino, *Domaines et seigneurs en Russie vers la fin du XVIIIe siècle: Étude de structures agraires et de mentalités économiques* (Paris: Institut d’études slaves de l’Université de Paris, 1963), 39ff.; Konstantin V. Sivkov, “Nakazy upraviteliiam XVIII v. kak istochnik dlia istorii sel’skogo khoziaistva v Rossii” [Eighteenth-century estate regulation as a source for the history or rural economy in Russia], in *Sbornik akademika B. D. Grekova ko dniu 70-letiiia* (Moscow: Nauka, 1952), 241–46; Konstantin V. Sivkov, “Istochniki po istorii sel’skogo khoziaistva Evropeiskoi Rossii vo vtoroi polovine XVIII veka” [Sources of the history of agriculture of European Russia during the second half of the eighteenth century], in *Problemy istochnikovedeniia* [Problems of historiography] VIII (Moscow: Nauka, 1959); Nikolai L. Rubinshtein, *Sel’skoe khoziaistvo Rossii vo vtoroi polovine XVIII v.* [Russian agriculture during the second half of the eighteenth century] (Moscow: Nauka, 1957); Melton, “Enlightened Seigniorialism,” 675–708.
16. Confino, *Domaines et seigneurs*, 40.

17. Confino, *Domaines et seigneurs*; Melton, “Enlightened Seigniorialism”; Rubinshtein, *Sel’skoe khoziaistvo*; Sivkov “Istochniki po istorii.”
18. Viktor A. Aleksandrov, *Sel’skaia obshchina v Rossii, XVIII–nachalo XIXe veka* [The agrarian commune in Russia, eighteenth and early nineteenth centuries] (Moscow: Nauka, 1976).
19. Confino, *Domaines et seigneurs*.
20. Raeff, *The Well-ordered Police State*.
21. Confino, *Domaines et seigneurs*. For examples, see: Mikhail Golitsyn, “Polozhenie dlia krest’ian Efremovskoi votchiny sela Mikhailovskogo derevni Varvarovki 1839 g.” [The conditions of peasants of the estate Efremovskii, village of Varvarovki, in 1839], in *Materialy dlia istorii votchonnogo upravleniia v Rossii*, ed. M. V. Dvornar-Zapol’skii (Kiev: tipography Imperatorskogo Universiteta, n.d.), 276–80.
22. Bush, *Serfdom and Slavery*.
23. Confino, *Domaines et seigneurs*, 44; T. I. Kliengstaedt, “Iz’iasnenie sposoba k pooshchreniiu zemledel’tsov k trudoliubiiu” [Encouraging attitudes toward labor of rural populations], *Trudy IVEO XVI (1770)*: 248.
24. Tracy Dennison and Sheila Ogilvie, “Serfdom and Social Capital in Bohemia and Russia,” *Economic History Review* 60, 3 (2007): 513–44.
25. See, for example, Confino, *Domaines et seigneurs*; Melton, “Enlightened Seigniorialism,” 702–4; and the special issue of *Istoricheskie zapiski* 37 (1951). See also Rodney Bohac, “Everyday Forms of Resistance: Serf Opposition to Gentry Exactions, 1800–1861,” in *Peasant Economy, Culture, and Politics of European Russia, 1800–1921*, ed. Esther Kingston-Mann and Timothy Mixer (Princeton: Princeton University Press, 1991), 230–60; Wirtschafter, *Structures of Society*.
26. Police archives reproduced in *Materialy dlia istorii krepostnogo prava v Rossii: Izvlecheniia iz sekretnykh otchetov ministerstva vnutrennykh del za 1836–1856 gg* [Materials for the history of serfdom in Russia: elements from the secret reports of the ministry of the interior]. (Berlin: Behrs Buchhandlung, 1873). See also, Petr Andreevich Zaionchkovskii, *Ormena krepostnogo prava v Rossii*, 3rd ed. (Moscow: Izd-vo Kniga, 1968), and its English translation: *The Abolition of Serfdom in Russia*, ed. and trans., Susan Wobst (Gulf Breeze, FL: Academic International Press, 1978).
27. Confino, *Domaines et seigneurs*; David Moon, *The Abolition of Serfdom in Russia, 1762–1907* (New York: Longman, 2001).
28. R. Vorontsov, “O sposobakh k ispravleniiu sel’skogo domostroitel’stva,” (The methods for studying agrarian family units) *Trudy IVEO* 5 (1765): 1–13.
29. The archive of this estate is in RGADA, fond 1287 Sheremetevy, opis’ 3, chast’ 2. On this, see: Wirtschafter, *Social Identity*; Janet Hartley, “Catherine’s Conscience Court—An English Equity Court?” in *Russia and the West in the Eighteenth Century*, ed. A. G. Cross (Newtonville, MA: Oriental Research Partners, 1983), 306–18. .
30. Indova, “Instruktsiia kniazia,” 460.
31. Confino, *Domaines et seigneurs*.
32. Christie, “Samuel Bentham and the Western Colony.”
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34. David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770–1823* (New York: Oxford University Press, 1999), 353–56.
35. Jean-Baptiste Say, *Cours d’économie politique* (Brussels: Meline, Cans et Compagnie, 1843), 522.
36. Deakin and Wilkinson, *The Law of the Labor Market*, 45.
37. Jeremy Bentham, *Principles of Morals and Legislation*, ch. 43, sec. 1, par. 1433; Bowring, *Works of Jeremy Bentham*, v. 1.
38. *Ibidem*, par. 1472 and 1516.
39. par. 1518.

40. George J. Barnsby, *Social Conditions in the Black Country, 1800–1900* (Wolverhampton, England: Integrated Publishing Services, 1980).
41. Michael Huberman, *Escaping from the Market: Negotiating Work in Lancashire* (Cambridge: Cambridge University Press, 1996).
42. Kathryn Morrison, *The Workhouse: A Study of Poor-law Buildings in England* (Exeter: Royal Commission on the Historical Monuments of England, 1999); M. A. Crowther, *The Workhouse System, 1834–1929: The History of an English Social Institution* (Athens, GA: Georgia University Press, 1981).
43. Deakin and Wilkinson, *Law of the Labor Market*, 114.
44. *Reports from Committees of the House of Commons*, 1st. ser., IX, 1774–1802: 297–538. See Crowther, *The Workhouse System*, 29.
45. See, for example, J. R. Wordie, “The Chronology of English Enclosure, 1500–1914,” *Economic History Review* 36 (1983): 483–505. For classical interpretations, see Karl Polanyi, *The Great Transformation* (Boston: Beacon Press, 1957, orig. 1944); and Eric Hobsbawm, *Industry and Empire* (Middlesex: Penguin, 1969).
46. Jeremy Bentham, “Essay II. Fundamental Positions in Regard to the Making Provision for Indigent Poor,” in *Essays on the Subject of the Poor Law* (1796), reproduced in *The Collected Works of Jeremy Bentham Writings on the Poor Law*, ed. Michael Quinn (Oxford: Clarendon Press, 2001), 39.
47. Bentham, *Panopticon Writings*, letter 1. See fn. 13.
48. On this link, see Davis, *The Problem of Slavery*, 356. On the apprenticeship system for slaves, see Drescher, *Capitalism and Antislavery*; Engerman, *Terms of Labor*.
49. Anthony C. Cross, *By the Banks of the Neva: Chapters from the Lives and Careers of the British in Eighteenth-century Russia* (Cambridge: Cambridge University Press, 1999).
50. *Ibid.*
51. Bentham, *Correspondence*, 4:40.
52. *The Panopticon Writings* were systematized and partly abridged in five editions of Bentham’s works. The cited edition contains letters from Russia, as well as the final published version of the Panopticon. On this subject, see Philip Schofield, Catherine Pease-Watkins, and Cyprian Blamires, *Rights, Representation, and Reform: Nonsense Upon Stilts and Other Writings on the French Revolution* (Oxford: Clarendon Press, 2002); and Catherine Pease-Watkins, “Bentham’s Panopticon and Dumont’s Panopticon,” University College London Bentham project, www.ucl.ac.uk/bentham-project.
53. J. Bentham, *The Rationale of Punishment* (1830), repr. in Bowring, *Works of Jeremy Bentham*, 1:439.
54. Semple, “Foucault and Bentham,” 130–131.
55. *Ibid.*, 85–86.
56. Joseph Bradley, “The Moscow Workhouse and Urban Welfare Reform in Russia,” *Russian Review* 41, 4 (1982): 427–44; Georg Shvittau, *Trudovaia pomoshch v Rossii* [Labor assistance in Russia], 2 vols. (Petrograd: tip. A. Kollias’, 1915).
57. M. S. Bentham, “Description of the Panopticon at Okhta,” *Mechanic Magazine* (31 Mar. 1849), cited in Werrett, “Potemkin and the Panopticon,” 11.
58. Bentham, *Correspondence*, 8:224.
59. See Kingston-Mann, *In Search of the True West*, 69.
60. Bentham, *Correspondence*, 7:563–67.
61. Bentham, *Correspondence*, 10:542.
62. Nikolai S. Mordvinov, “Nekotoriia soobrazheniia po predmetu manufaktur v Rossii i o tarife” [Some observations on Russian manufactures and the tariffs], *Zhurnal Departamenta Gosudarstvennoi ekonomiki* 14 (30 Dec. 1815): 282–303, 345–388. On Mordvinov, see A. M. Gnevushev, *Politiko-ekonomicheskie vzgliady gr. Mordvinova* [Mordvinov’s political and economic orientations] (Kiev: M. V. Dovnar-Zapol’skii, 1904).

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64. See, for example, Basil Dmytryshyn, “Admiral Nikolai Mordvinov: Neglected Russian Liberal,” *Russian Review* 30, 1 (1971): 54–63; and more recently, Susan P. McCaffray, “What Should Russia Be? Patriotism and Political Economy in the Thought of N. S. Mordvinov,” *Slavic Review* 59, 3 (2000): 572–96.
65. Richard Pipes, “The Russian Military Colonies,” *Journal of Modern History* 22, 3 (1950): 205–19.
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72. Hoch and Augustine, *The Tax Census*; Vladimir M. Kabuzan, *Narodonaselenie Rossii v XVIII–pervoi polovine XIXe v.* [The Russian population from the eighteenth through the first half of the nineteenth century] (Moscow: Izdatel’stvo Akademii Nauk SSSR, 1963).
73. Huberman, *Escaping from the Market*; Robert J. Steinfeld, *Coercion, Contract, and Free Labor in the Nineteenth Century* (Cambridge and New York: Cambridge University Press, 2001); Deakin and Wilkinson, *Law of the Labor Market*; Willibald Steinmetz, ed., *Private Law and Social Inequalities in the Industrial Age* (Oxford: Oxford University Press, 2000). On the evolution of Britain’s rules on labor health, see Peter W. Bartrip and Sandra Burman, *The Wounded Soldiers of Industry: Industrial Compensation Policy, 1833–1897* (Oxford: Oxford University Press, 1983); Peter W. Bartrip, *Workmen’s Compensation in Twentieth-century Britain: Law, History, and Social Policy* (Brookfield, Vt. and Avebury: Aldershot, 1987); E. P. Hennock, *British Social Reform and German Precedents: The Case of Social Insurance, 1880–1914* (Oxford: Oxford University Press, 1987).