

SHAME!

by Leo Tolstoy

Translated from the Original Russian and edited by Leo Wiener
Assistant Professor of Slavic Languages at Harvard University

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In the twenties of the nineteenth century the officers of the Semenovski Regiment, the flower of the youths of that day, for the most part Masons and subsequently Decembrists, decided not to use any corporal punishment in their regiment, and, in spite of the strict demands of military service at that time, the regiment continued to be a model one, even without the application of corporal punishment.

One of the commanders of a company of the Semenovski Regiment, upon meeting one day Sergydy Ivanovich Muravdv, one of the best men of that, and indeed of any, time, told him about one of his soldiers, a thief and drunkard, saying that such a soldier could not be brought to Ins senses in any other way than by means of the rod. Sergyey Mu rave v did not agree with him and offered to take the soldier in his company.

The transfer was made, and the soldier in the very first days stole a pair of boots from his comrade, and with the proceeds from the sale of them got drunk, and acted riotously. Sergyey Ivanovich called together the company and, calling the soldier to the front, said to him:

" You know that in my company soldiers are not beaten or flogged, and I will not have you punished. For the boots 'which you stole I will pay with my own money, and I beg you, not for my sake, but for your own sake, to reflect upon your life and to change it." And, having given the soldier friendly instructions, Sergydy Ivanovich dismissed him.

The soldier again got drunk and had a fight. And again he was not punished, but only admonished: " You will only harm yourself the more; but if you mend your ways, you will be better off for it. For this reason I ask you not to do such things." The soldier was so surprised at this new way of being treated that he changed completely and became a model soldier.

The narrator of this story, Sergyey Ivanovich's brother, Matvyey Ivanovich, who, like his brother and all the best men of the time, considered corporal punishment to be a disgraceful remainder of barbarism, disgraceful not so much for the man punished, as for the men punishing, never could keep back tears of emotion and transport, when he spoke of it, and it was equally impossible to restrain tears, when listening to him.

Thus corporal punishment was viewed by cultured Russians seventy-five years ago. Now seventy-five years have passed, and in our time the grandchildren of these men preside in the capacity of County

Council chiefs in courts and calmly discuss the question whether rods are to be administered or not, and how many rods are to be given to such and such an adult, a father of a family, often a grandfather.

Rut the leaders among these grandchildren sitting in committees and County Council assemblies hand in memorandums, addresses, and petitions, asking, in the name of hygienic and pedagogical purposes, that not all the peasants, but only those who have not finished a course in a popular school, be subject to flogging.

An enormous change has taken place in the midst of the so-called higher cultured class. The men of the twenties, considering corporal punishment to be a disgraceful act for themselves, found a way for abolishing it in the army, where it was thought to be indispensable; but the men of our time calmly apply it, not to the soldiers, but to all men of one of the classes of the Russian people, and cautiously, diplomatically, in committees and assemblies, with every imaginable excuse and circumlocution, address and petition the government as to this, that the punishment with rods does not comply with the demands of hygiene and so must be limited, or that it would be desirable to flog only such peasants as have not finished a course in the rudiments, or that the peasants who are included in the manifesto on the occasion of the emperor's marriage may be exempted from corporal punishment.

Obviously a terrible change has taken place in the midst of the so-called higher Russian society, and, what is most remarkable, this change has taken place at a time when in the very class, which it is assumed necessary to make submit to the disgusting, coarse, and stupid torture of flogging, there has in the last seventy-five years, especially in the last thirty-five years, since the liberation, taken place just such a vast change, only in the opposite direction.

While the higher, ruling classes have coarsened and morally fallen to such an extent that they have legalized flogging and calmly discuss the same, there has in the peasant class taken place such an uplifting of the mental and moral level that the application of corporal punishment to this class appears to the men of this class not only as a physical, but also as a moral torture.

I have heard and read of cases of suicide among peasants condemned to rods, and I cannot refuse to believe this, because I saw myself an ordinary young peasant, at the mere mention in the township court of the possibility of administering corporal punishment to him, grow as pale as a sheet and lose his voice ; I saw also another peasant, of about forty years of age, who was condemned, to corporal punishment, burst out weeping, when, in reply to my question whether the decree of the court was carried out, he had to answer that it was.

I know also of a case where an acquaintance of mine, a respectable middle-aged peasant, who was condemned to be flogged for having, as

usual, called the starosta names, without paying attention to the fact that the starosta wore the insignia, was taken to the township office, and from there to the shed where the punishment is administered.

The watchman came with the rods, and the peasant was told to take off his clothes.

" Parriën Ermfly ch, I have a married son," said the peasant, turning to the township elder, and shaking with his whole body. " Can't this be omitted ? It is a sin."

" The government, Petrovich,— I should gladly,— what is to be done ?" replied the embarrassed elder.

Petrovich took off his clothes and lay down.

" Christ has suffered and told us to suffer," he said.

As the scribe who was present told me, everybody's arms trembled, and nobody dared to look into his neighbour's eyes, feeling that they were doing something terrible. And these people it is assumed indispensable and apparently useful for some one to Hog like beasts,

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indeed, even animals are not allowed to be tortured.

For the good of our Christian and enlightened state it is indispensable to subject to a most insipid, indecent, and offensive punishment, not all the members of this Christian enlightened state, but only one of its classes, the most industrious, useful, moral, and numerous.

The highest authorities of an enormous Christian state have not been able nineteen centuries after Christ to invent something more useful, clever, and moral for the counteraction of violation of laws than that the people who have violated the laws, grown men, and sometimes old men, be undressed, thrown on the floor, and beaten with rods on their backsides.¹

And the men of our time, who consider themselves to be leaders, the grandsons of the men who seventy-five years ago destroyed capital punishment, now most humbly and quite seriously ask the minister or some one else not to subject to flogging the adult Russians so much, because the doctors find this unhealthy, not to subject to flogging those who have finished a course, and to free from flogging those who should be flogged immediately after the emperor's marriage. But the wise government keeps profound silence in response to such frivolous requests or even prohibits them.

But is it possible to ask about these things ? Can there be a question about them ? There are certain acts, whether they be committed by private individuals, or by governments, which cannot be discussed coolly, condemning the commission of these acts only under certain conditions. And the flogging of adults from one of the classes of the Russian nation in our time, amidst our meek and

enlightened Christian people, belongs to this class of acts. It is not right for the abatement of the transgression of all divine and human laws diplomatically to approach the government on the score of hygiene, school education, or the manifesto. Such things must either not be mentioned at all, or must be talked about as to their essence and always with contempt and horror. To ask that only such peasants as have finished the rudiments be not switched over their bare hips, is the same as if, where the punishment of an adulterous woman was that she be taken naked through the city, one should ask that the punishment be applied only to those women who do not know how to knit stockings, or something like that.

About such things people cannot "ask most humbly" and "prostrate themselves before one's feet," and so forth; such things can and must be only arraigned. Such things must be arraigned, because these things, when the aspect of legality is given to them, only disgrace us all, who live in the state where such acts are committed. Indeed, if the flogging of the peasants is a law, this law is made for me as much as for anybody, to secure my peace and well-being, but this cannot be admitted.

I do not want and am not able to recognize a law which violates all the divine and human laws, and I cannot imagine myself of one accord with those who write and confirm such crimes under the form of law.

If we have to speak at all of this monstrousness, we can say only this, that there can be no such law, that no ukases, Mirrors of Law, signatures, or command of his Majesty can make a law of a crime, and that, on the contrary, the vesting of such a crime (as this, that the adults of but one, the best class, may at the will of another, a worse class, – that of the gentry and officials, – be subjected to an indecent, savage, disgusting punishment) with the form of law proves better than anything else that where such an imaginary legalization of a crime is possible no laws exist, but only savage arbitrariness of rude power.

If we must speak at all of the corporal punishment which is administered to but one, the peasant class, we must not defend the rights of the County Council assembly or complain to the minister of the governor who protested against the solicitations about stopping the flogging of those who know how to read, or complain to the senate of the minister, or complain still higher up of the senate, as was proposed by the Tambov County Council, but must never stop crying and shouting that the application of this savage punishment, which is no longer used in the case of children, to one, the best class of Russians, is a disgrace for all those who take part in it directly or indirectly.

Petrovich, who lay down to receive the rods, making the sign of the cross and saying, "Christ suffered and told us to suffer," forgave his tormentors and after the rods remained what he had been. The torture accomplished upon him could have had but one result, that of making him despise the power which can prescribe such punishments. But on many young men not only the punishment itself, but frequently

the mere acknowledgment that it is possible, has the effect of lowering their moral sense and provoking either desperation or brutality. But this is not yet the chief harm of this monstrousness. The chief harm consists in the mental condition of those men who establish, permit, and prescribe this illegality, those men who use it as a threat, and all those who live in the conviction that such a violation of all justice and humanity is necessary for a good, regular life. What a terrible maiming there must be in the brains and hearts of such men, frequently young men, who, as I myself have heard, assert with an aspect of profound wisdom that it is impossible not to flog the peasant, and that it is better for the peasant that he should be flogged.

It is these people who are to be pitied most for the bestiality into which they have fallen and in which they abide.

Therefore the liberation of the Russian people from the corrupting influence of the legalized crime is in every way an affair of vast importance. This liberation will not take place when those who have finished a course, or any other peasants, or even all the peasants, with the exception of one single peasant, shall be exempted from corporal punishment, but only when the ruling classes will recognize their sin and shall meekly submit to it.

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1 Why this particular stupid, savage method of causing pain, and no other ? Why not stick pins into the shoulder or some other part of the body, compress the hands or feet in a vise, or something like that? – Author's Note.