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Leo Tolstoy
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There was a time between 1820 and 1830 when the officers of the Semenof regiment the flower of the youth at that time; men who were for the most part Freemasons, and subsequently Decembrists¹—decided not to use corporal punishment in their regiment, and, notwithstanding the stringent discipline then required, theirs continued to be a model regiment without corporal punishment.

The officer in charge of one of the companies of this same Semenof regiment, meeting Serge Ivanovitch Muravief—one of the best men of his, or indeed of any, time,—spoke of a certain soldier, a thief and a drunkard, saying that such a man can only be tamed with rods. Serge Muravief did not agree with him, and proposed to transfer the man into his own company.

The transfer was made, and almost the next day the soldier stole a comrade's boots, sold them for drink, and made a disturbance. Serge Ivanovitch mustered the company, called out the soldier, and said to him: "You know that in my company we neither strike men nor flog them, and I am not going to punish

¹ Members of the party which attempted, but failed, to secure by force a liberal constitution for Russia at the time Nicholas I. ascended the throne.—Tr.

you. I shall pay, with my own money, for the boots you stole; but I ask you, not for my sake, but for your own, to think over your way of life, and to amend it." And after giving the man some friendly counsel, Serge Ivanovitch let him go.

The man again got drunk and fought, and again he was not punished, but only exhorted:—

"You are doing yourself great harm. If you will amend, you yourself will be the better for it. Therefore I ask you not to do these things any more."

The man was so struck by this new kind of treatment that he completely altered, and became a model soldier. This incident was related to me by Serge Ivanovitch's brother, Matthew Ivanovitch, who, like his brother, and all the best men of his day, considered corporal punishment a shameful relic of barbarism, disgraceful to those who inflict it, rather than to those who endure it. When telling this story he could never refrain from tears of emotion and delight. And, indeed, for those who heard him tell it, it was hard not to follow his example.

That is how educated Russians, seventy-five years ago, regarded corporal punishment. And in our day, seventy-five years having gone by, the grandsons of these men take their places as magistrates at sessions, and calmly discuss whether such and such a full-grown man (often the father of a family, or sometimes even a grandfather) should or should not be flogged, and how many strokes of the rod he ought to have.

The most advanced of these grandsons, meeting in committees and local government councils, draw up declarations, addresses, and petitions, to the effect that, on certain hygienic or pedagogic grounds,² it would be better not to flog all the

² By petitioning, openly, for the repeal of such laws as that which empowers the local magistrates to have peasants flogged, the petitioners would risk being looked at askance by those in power, and might easily lose any places they held under government. But as members of local health committees, or of committees to promote education, it is sometimes possible for

muzhiks (people of the peasant class), but only those who have not passed all the classes of the national schools.

Evidently a great change has occurred in what we call the educated upper classes. The men of the twenties, considering the infliction of corporal punishment to be disgraceful to themselves, were able to get rid of it even in the military service where it was deemed indispensable; but the men of our day calmly apply it, not to soldiers only, but to any man of one special class of Russian people, and cautiously, diplomatically, in their committees and assemblies, draw up addresses and petitions to the government, with all sorts of reservations and circumlocutions, saying that there are hygienic objections to punishment by flogging, and therefore its use should be limited; or that it would be desirable only to flog those peasants who have not gone through a certain school course; or not to flog peasants referred to in the manifesto issued on the occasion of the Czar's marriage.

Evidently a terrible change has taken place among the so-called upper classes of Russian society. And what is most astonishing is, that it has come about just while,—in the very class which it is considered necessary to expose to this revolting, coarse, and stupid torture by flogging,—during these same seventy-five years, and especially during the last thirty-five years (since the emancipation of the serfs), an equally important change has taken place in the contrary direction.

While the upper, governing classes have sunk to a plane so coarse and morally degraded that they have legalized flogging, and can calmly discuss it, the mental and moral plane of the peasant class has so risen, that corporal punishment has become for them, not only a physical, but also a moral torture.

I have heard and read of cases of suicide committed by peasants sentenced to be flogged, and I cannot doubt that such cases

people (while appearing anxious only to further the special cause entrusted to them) to utter veiled protests with a minimum amount of risk.—Tr.

occur, for I have myself seen a most ordinary young peasant turn white as a sheet, and lose control of his voice, at the mere mention, in the District Court, of the possibility of it being inflicted on him. I have seen how another peasant, forty years old, who had been condemned to corporal punishment, wept, when—in reply to my inquiry whether the sentence had been executed—he had to reply that it had been.

I know, too, the case of a respected, elderly peasant of my acquaintance, who was sentenced to flogging because he had quarreled with the starosta, not noticing that the starosta was wearing his badge of office. The man was brought to the District Court, and from there to the shed in which the punishment is usually inflicted. The watchman came with the rods, and the peasant was told to strip.

"Parmen Ermil'itch, you know I have a married son," said the peasant, addressing the starshina, or elder, and trembling all over. "Can't this be avoided? You know it's a sin."

"It's the authorities, Petrovitch; I should be glad enough myself,—but there's no help for it," replied the elder, abashed.

Petrovitch undressed and lay down.

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

The clerk, an eye-witness, told me the story, and said that every man's hand trembled, and none of those present could look into one another's eyes, feeling that they were doing something dreadful. And these are the people whom it is considered necessary, and probably for some reason advantageous, to beat with rods like animals—though it is forbidden to torture even animals.

For the benefit of our Christian and enlightened country it is necessary to subject to this most stupid, most indecent, and most degrading punishment, not all the inhabkants of this Christian and enlightened country, but only that class which is the most industrious, useful, moral, and numerous.

The highest authorities of an enormous Christian empire, nineteen centuries after Christ, to prevent violation of the law,

can devise nothing wiser and more moral than to take the transgressors,—grown-up, and sometimes elderly, people,—undress them, lay them on the floor, and beat their bottoms with birches.³

And people, who consider themselves most advanced, and who are grandsons of those who, seventy-five years ago, got rid of corporal punishment, now, in our day, most respectfully, and quite seriously, petition his excellency the minister, or whoever it may be, that there should not be so much flogging of grown-up Russians, because the doctors are of opinion that it is unhealthy; or that those who have a school diploma should not be whipped; or that those who were to be flogged about the time of the emperor's marriage should be let off. And the wise government meets such frivolous petitions with profound silence, or even prohibits them.

Can one seriously petition on this matter? Is there really any question? Surely there are some deeds which, whether perpetrated by private individuals or by governments, one cannot calmly discuss, and condemn only under certain circumstances. And the flogging of adult members of one particular class of Russian people, in our time, and among our mild and Christianly enlightened folk, is such a deed. To hinder such crimes against all law, human and divine, one cannot diplomatically approach the government under cover of hygienic, or educational, or loyalistic considerations. Of such deeds we must either not speak at all, or we must speak straight to the point, and always with detestation and abhorrence. To ask that only those peasants who are literate should be exempt from being beaten on their bare buttocks, is as if, in a land where the law decreed that unfaithful wives should be punished by being stripped and exposed in the streets, people were to petition that

³ And why choose just this stupid, brutal method of causing pain, and not something else? Why not stick needles into people's shoulders or other parts? or squeeze their hands and feet in vices? or do something of that kind?—Author's Note.

to Russia. The question of corporal punishment is one which claims attention in England and in some parts of America to-day.—Tr.

this punishment should only be inflicted on such as could not knit stockings, or do something of that kind.

About such deeds one cannot "most humbly pray," or "lay our petition at the foot of the throne," etc.; such deeds must only, and can only, be denounced. And such deeds should be denounced, because when an appearance of legality is given to them, they disgrace all of us who live in a country in which they are committed. For if it is legal to flog a peasant, this has been enacted for my benefit also, to secure my tranquility and well-being. And this is intolerable.

I will not, and I cannot, acknowledge a law which infringes all law, human and divine; and I cannot imagine myself confederate with those who enact and confirm such legalized crimes.

If such abominations must be discussed, there is but one thing to say, viz., that no such law can exist; that no ukase, or insignia, or seals, or imperial commands, can make a law out of crime. But that, on the contrary, the dressing up in legal form of such crimes (as that the grown men of one—only one—class, may at the will of another, a worse, class,—the nobles and the officials,—be subjected to an indecent, savage and revolting punishment) shows, better than anything else, that where such sham legalization of crime is possible, there exist no laws at all, but merely the savage license of brute force.

If one has to speak of corporal punishment inflicted on the peasant alone, the needful thing is, not to defend the rights of the local government, or appeal from a governor (who has vetoed a petition to exempt literate peasants from flogging) to a minister,—and from the minister to the senate, and from the senate to the emperor,—as was proposed by the Tambof local assembly,—but one must unceasingly proclaim, and cry aloud, that such applications of a brutal punishment (already abandoned for children) to one—and that the best—class of Russians, is disgraceful to all who, directly or indirectly, participate in it.

Petrovitch, who lay down to be beaten after crossing himself and saying, "Christ suffered and told us to," forgave his tormen-

tors, and after the flogging remained the man he was before. The only result of the torture inflicted upon him was to make him scorn the authority which decrees such punishments. But to many young people, not only the punishment itself, but often even the knowledge that it is possible, acts debasingly on their moral feelings, brutalizing some men and making others desperate. Yet even that is not the chief evil. The greatest evil is in the mental condition of those who arrange, sanction and decree these abominations, of those who employ them as threats, and of all who live in the conviction that such violations of justice and humanity are needful conditions of a good and orderly life. What terrible moral perversion must exist in the minds and hearts of those—often the young—who, with an air of profound practical wisdom, say (as I have myself heard said) that it won't do not to flog peasants, and that it is better for the peasants themselves to be flogged.

These are the people most to be pitied for the debasement into which they have sunk, and in which they are stagnating.

Therefore, the emancipation of the Russian people from the degrading influence of a legalized crime, is, from every aspect, a matter of enormous importance. And this emancipation will be accomplished, not when exemption from corporal punishment is obtained by those who have a school diploma, or by any other set of peasants, nor even when all the peasants but one are exempted; but it will be accomplished only when the governing classes confess their sin and humbly repent.⁴

December 14, 1895.

⁴ Though "Shame" was written by Count Tolstoy in December, 1895, and incompletely printed soon after in a Russian newspaper, this is not only the first English translation published of the article, but it is the first time it has been printed complete in any language; for the Russian version referred to above was mutilated to meet the requirements of the Russian censor, and failed to convey the author's full meaning.

The brutality against which the article protests continues to be practiced in Russia, and is still legal. The hope of obtaining moral results by flogging those of whose conduct we disapprove is, however, not confined