

CHAPTER XVIII.

Maslova might be sent away with the first party of exiles; hence Nekhludoff was preparing for departure. But he had so many things to attend to that he felt that he could never get through with them, no matter how much time there might be left for preparations. It was different in former times. Then it was necessary to devise something to do, and the interest in all his affairs centered in Dmitri Ivanovich Nekhludoff. But though all interest in life centered in Dmitri Ivanovich, he always suffered from ennui. Now, however, all his affairs related to people other than Dmitri Ivanovich, and were all interesting and attractive, as well as inexhaustible.

Besides, formerly the occupation with the affairs of Dmitri Ivanovich always caused vexation and irritation; while these affairs of others for the most part put him in a happy mood.

Nekhludoff's affairs were now divided into three parts. He himself, in his habitual pedantism, thus divided them, and accordingly placed them in three different portfolios.

The first was that of Maslova. This consisted in efforts to obtain a successful result in the pending petition, and preparations for departure to Siberia.

The second part related to the settlement of his estates. The Panov land was granted to the peasants on condition of their paying a rent to be used for common necessities. But, in order to complete that arrangement, it was necessary to sign an agreement and also make his will. The arrangement made for the Kusminskoie estate was to remain in force, only there remained to be determined what part of the rent he was to appropriate to himself, and what was to be left for the benefit of the peasants. Without knowing what his necessary disbursements would be on his trip to Siberia, he could not make up his mind to deprive himself of his income, although he reduced it by one-half.

The third part related to aid to prisoners, who were now applying to him more and more frequently.

At first, when written to for aid, he proceeded immediately to intercede for the applicants, endeavoring to relieve their condition, but in the end their number became so great that he found it impossible to help every one, and was involuntarily brought to a fourth matter, which had of late occupied him more than either of the others.

His fourth concern consisted in solving the question, Why, how and whence came that remarkable institution called the Criminal Court, to which was due the existence of that prison, with the inmates of which he had become somewhat familiar, and all those places of confinement, beginning with the fortress dedicated to two saints, Peter and Paul,

and ending with the island of Saghalin, where hundreds and thousands of victims of that wonderful criminal law were languishing?

From personal contact with prisoners, and from information received from the lawyer, the prison chaplain, the inspector, and from the prison register, Nekhludoff came to the conclusion that the prisoners, so-called criminals, could be divided into five classes. The first class consisted of people entirely innocent, victims of judicial mistakes, such as that would-be incendiary, Menshov, or Maslova, and others. There were comparatively few people of this class, according to the observations of the chaplain--about seven per cent.--but their condition attracted particular attention. The second class consisted of people convicted for offenses committed under exceptional circumstances, such as anger, jealousy, drunkenness, etc.--offenses which, under similar circumstances, would almost invariably have been committed by all those who judged and punished them. This class made up, according to Nekhludoff's observations, more than one-half of all the prisoners. To the third class belonged those who committed, according to their own ideas, the most indifferent or even good acts, but which were considered criminal by people--entire strangers to them--who were making the laws. To this class belonged all those who carried on a secret trade in wine, or were bringing in contraband goods, or were picking herbs, or gathering wood, in private or government forests. To this class also belonged the predatory mountaineers.

The fourth class consisted of people who, according to Nekhludoff, were reckoned among the criminals only because they were morally above the average level of society. Among these the percentage of those who resisted interference with their affairs, or were sentenced for resisting the authorities, was very large.

The fifth class, finally, was composed of people who were more sinned against by society than they sinned themselves. These were the helpless people, blunted by constant oppression and temptation, like that boy with the mats, and hundreds of others whom Nekhludoff saw both in and out of prison, and the conditions of those whose lives systematically drove them to the necessity of committing those acts which are called crimes. To these people belonged, according to Nekhludoff's observations, many thieves and murderers, with some of whom Nekhludoff had come in contact. Among these Nekhludoff found, on close acquaintance, those spoiled and depraved people whom the new school calls the criminal type, and the existence of which in society is given as the reason for the necessity of criminal law and punishment. These so-called depraved types, deviating from the normal, were, according to Nekhludoff, none other than those very people who have sinned less against society than society has sinned against them, and against whom society has sinned, not directly, but through their ancestors.

Nekhludoff's attention was attracted by a habitual thief, Okhotin, who came under this head. He was the son of a fallen woman; had grown up

in lodging-houses, and till the age of thirty had never met a moral man. In childhood he had fallen in with a gang of thieves, but he possessed a humorous vein which attracted people to him. While asking Nekhludoff for aid he jested at himself, the judges, the prison and all the laws, not only criminal, but even divine. There was also a fine-looking man, Fedorff, who, in company with a gang of which he was the leader, had killed and robbed an old official. This one was a peasant whose father's house had been illegally taken from him, and who, while in the army, suffered for falling in love with an officer's mistress. He was attractive and passionate. His sole desire in life was to enjoy himself, and he had never met any people who, out of any consideration, tempered their passions, nor had he ever heard that there was any other aim in life than personal enjoyment. It was plain to Nekhludoff that these two were richly endowed by nature, and were only neglected and mutilated as plants are sometimes neglected and mutilated. He also came across a vagabond, and a woman, whose stupidity and apparent cruelty were repulsive, but he failed to find in them that criminal type spoken of by the Italian school. He only saw in them people who were disagreeable to him personally, like some he had met in dress-coats, uniforms, and laces.

Thus the investigation of the question: Why are people of such great variety of character confined in prisons, while others, no different than those, enjoy freedom and even judge those people? was the fourth concern of Nekhludoff.

At first he hoped to find an answer to this question in books, and bought every book bearing on the subject. He bought the works of Lombroso, Garofalo, Ferri, Mandsley and Tard, and read them carefully. But the more he read them, the greater was his disappointment. The same thing happened with him that happens with people who appeal to science with direct, simple, vital questions, and not with a view of playing the part of an expounder, writer or teacher in it. Science solved a thousand and one various abstruse, complicated questions bearing on criminal law, but failed to give an answer to the question he had formed. His question was very simple: Why and by what right do some people confine, torture, exile, flog and kill other people no different than they are themselves? And in answer they argued the questions: Whether or not man is a free agent? Can a criminal be distinguished by the measurements of his cranium? To what extent is crime due to heredity? What is morality? What is insanity? What is degeneracy? What is temperament? How does climate, food, ignorance, emulation, hypnotism, passion affect crime? What is society? What are its duties? etc., etc.

These arguments reminded Nekhludoff of an answer he had once received from a schoolboy. He asked the boy whether he had learned the declension of nouns. "Yes," answered the boy. "Well, then decline 'Paw.'" "What paw? A dog's paw?" the boy answered, with a sly expression on his face. Similar answers in the form of questions Nekhludoff found in scientific books to his one basic question.

He found there many wise, learned and interesting things, but there was no answer to his principal question: By what right do some people punish others? Not only was there no answer, but all reasoning tended to explain and justify punishment, the necessity of which was considered an axiom. Nekhludoff read much, but only by fits and starts, and the want of an answer he ascribed to such superficial reading. He, therefore, refused to believe in the justice of the answer which constantly occurred to him.