

## CHAPTER XXI.

"Well, how are the children?" Nekhludoff asked his sister, having calmed down.

Thus the unpleasant conversation was changed. Natalie became calm and talked about her children. She would not speak, however, about those things which only her brother understood in the presence of her husband, and in order to continue the conversation she began to talk of the latest news, the killing of Kanesky in the duel.

Ignatius Nikiforovitch expressed his disapproval of the condition of things which excluded the killing in a duel from the category of crimes.

His remark called forth Nekhludoff's reply, and a hot discussion followed on the same subject, neither expressing fully his opinion, and in the end they were again at loggerheads.

Ignatius Nikiforovitch felt that Nekhludoff condemned him, hating all his activity, and he wished to prove the injustice of his reasoning. Nekhludoff, on the other hand, to say nothing of the vexation caused him by his brother-in-law's interference in his affairs (in the depth of his soul he felt that his brother-in-law, his sister and their children, as heirs, had the right to do so), was indignant at the calm

and confident manner of that narrow-minded man who continued to consider legal and just that which to Nekhludoff was undoubtedly foolish. This self-confidence irritated him.

"What should the court do?" asked Nekhludoff.

"Sentence one of the duelists, as it would a common murderer, to hard labor."

Nekhludoff's hands again turned cold, and he continued with warmth:

"Well, what would be then?"

"Justice would be done."

"As if the aim of courts was to do justice!" said Nekhludoff.

"What else?"

"Their aim is to support class interests. Courts, according to my idea, are only instruments for the perpetuation of conditions profitable to our class."

"That is an entirely new view," said Ignatius Nikiforovitch, smiling calmly. "Usually somewhat different aims are ascribed to courts."

"In theory, but not in practice, as I have learned. The only aim of the courts is to preserve the existing state of things, and for this reason they persecute and kill all those who are above the common level and who wish to raise it as well as those who are below it."

"I cannot agree with the view that criminals are executed because they are above the level of the average. For the most part they are the excrescence of society, just as perverted, though in a different manner, as are those criminal types whom you consider below the level of the average."

"And I know people who are far above their judges."

But Ignatius Nikiforovitch, not accustomed to being interrupted when speaking, did not listen to Nekhludoff, which was particularly irritating to the latter, and continued to talk while Nekhludoff was talking.

"I cannot agree with you that the aim of courts is to support the existing order of things. The courts have their aims: either the correction----"

"Prisons are great places for correction," Nekhludoff put in.

"Or the removal," persistently continued Ignatius Nikiforovitch, "of those depraved and savage people who threaten the existence of

society."

"That is just where the trouble is. Courts can do neither the one nor the other. Society has no means of doing it."

"How is that? I don't understand----" asked Ignatius Nikiforovitch, with a forced smile.

"I mean to say that there are only two sensible modes of punishment--those that have been used in olden times: corporal punishment and capital punishment. But with the advance of civilization they have gone out of existence."

"That is both new and surprising to hear from you."

"Yes, there is sense in inflicting pain on a man that he might not repeat that for which the pain was inflicted; and it is perfectly sensible to cut the head off a harmful and dangerous member of society. But what sense is there in imprisoning a man, who is deprived by idleness and bad example, and keeping him in secure and compulsory idleness in the society of the most depraved people? Or to transport him, for some reason, at an expense to the government of five hundred roubles, from the District of Tula to the District of Irkutsk, or from Kursk----"

"But people seem to fear these journeys at government expense. And

were it not for these journeys, we would not be sitting here as we are sitting now."

"Prisons cannot secure our safety, because people are not imprisoned for life, but are released. On the contrary, these institutions are the greatest breeders of vice and corruption--i. e., they increase the danger."

"You mean to say that the penitentiary system ought to be perfected?"

"It cannot be perfected. Perfected prisons would cost more than is spent on popular education and would be a new burden on the populace."

"But the deficiencies of the penitentiary system do not invalidate the judicial system," Ignatius Nikiforovitch again continued, without listening to his brother-in-law.

"These deficiencies cannot be corrected," said Nekhludoff, raising his voice.

"What then? Would you kill? Or, as a certain statesman suggested, pluck out their eyes?" said Ignatius Nikiforovitch, smiling triumphantly.

"Yes; that would be cruel, but expedient. What we are doing now is both cruel and inexpedient."

"And I am taking part in it," said Ignatius Nikiforovitch, paling.

"That is your business. But I do not understand it."

"I think there are many things you do not understand," said Ignatius Nikiforovitch, with a quiver in his voice.

"I saw a public prosecutor in court trying his utmost to convict an unfortunate boy, who could only arouse compassion in any unperverted man----"

"If I thought so, I should give up my position," said Ignatius Nikiforovitch, rising.

Nekhludoff noticed a peculiar glitter under his brother-in-law's eye-glasses. "Can it be tears?" thought Nekhludoff. They really were tears. Ignatius Nikiforovitch was offended. Going toward the window, he drew a handkerchief from his pocket, coughed, and began to wipe his eye-glasses, and, removing them, he also wiped his eyes. Returning to the couch, Ignatius Nikiforovitch lit a cigar and spoke no more.

Nekhludoff was pained and ashamed at the grief that he had caused his brother-in-law and sister, especially as he was leaving the next day and would not see them again. In great agitation he took leave of them and departed.

"It is quite possible that what I said was true. At any rate, he did not refute me. But it was wrong to speak that way. Little have I changed if I could insult him and grieve poor Natalie," he thought.