

THE RUSSIAN PENAL CODE.



IN the formation of a judgment with regard to the character of a people, or the nature of a government, few considerations are of greater importance than those which are suggested by the crimes that the people commit and the punishments that the government inflicts. The penal code of a state is in a certain sense an index to the national life, since it not only reveals the nature of the disorders from which the social organism suffers and the methods of treatment to which the governing power resorts, but also shows approximately the stage of moral culture and enlightenment which the people have reached and the extent of the influence for good or evil which the ruling authorities exert. It is my purpose in the present paper to review briefly some of the salient features of the penal code of Russia, and to point out, as clearly as I can, the bearing which that code seems to me to have upon the social condition of the Russian people, the distinctive characteristics of the Russian system of government, and the causes that underlie Russian discontent and disorder.

The Russian penal code, as revised, amended, and republished at St. Petersburg in 1885, makes a compact octavo volume of nearly seven hundred pages. In the arrangement of its contents it is not unlike the volume known as the Revised Statutes of the United States. The crimes and offenses with which it deals are grouped into twelve principal classes, each of which corresponds roughly with what is called in the Revised Statutes a "Title." These groups, or "titles," are subdivided into chapters, varying in number from two to fourteen, and the chapters are in turn broken into sections, the latter being numbered continuously, as in the Revised Statutes, without reference to the larger subdivisions of the text. The scope of the code, the manner in which offenses are classified, and the proportion which each separate category of crime and punishment bears to the whole body of criminal law will be understood from the following syllabus:

TITLE I. Crimes and offenses in general and degrees of guilt. 175 sections.

* I use the words "church" and "state" throughout this article in a somewhat restricted sense — to mean in one case the sacerdotal hierarchy, and in the other the political mechanism as embodied in the official class. It is impossible to speak of the church as a collective

TITLE II. Crimes against the Faith [religion] and violations of the ordinances for its safeguard. 65 sections.

TITLE III. Crimes against the State, viz.: treason, rebellion, and all offenses against the sacred persons of the sovereign emperor and the members of the imperial house. 23 sections.

TITLE IV. Crimes and offenses against administrative order. 67 sections.

TITLE V. Crimes and offenses committed in the imperial or public service. 178 sections.

TITLE VI. Violations of the ordinances relating to the duties and obligations which individuals owe to the imperial and local authorities. 43 sections.

TITLE VII. Crimes against the property and revenues of the state. 283 sections.

TITLE VIII. Crimes against social order and well-being. 574 sections. [This title does not include offenses committed by one person against another, such as assault, robbery, or murder, but merely offenses which have the nature of disobedience to certain general ordinances intended to promote the public welfare.]

TITLE IX. Violations of the laws which relate to the rights of station, rank, position, etc. 44 sections. [This title comprises such offenses as the fraudulent concealment of the name and rank of an infant, the illegal assumption of titles, decorations, or other marks of distinction, etc.]

TITLE X. Crimes against the life, well-being, freedom, and honor of private individuals. 263 sections.

TITLE XI. Crimes against family and domestic rights. 51 sections. [This title includes all violations of the laws that relate to marriage and divorce, and to the reciprocal duties of fathers, mothers, and children, guardians and wards, etc.]

TITLE XII. Crimes and offenses against the property of private persons. 111 sections.

The intention of the codifiers in making this classification of crimes seems to have been to arrange them as far as practicable in the order of their estimated gravity or importance. Offenses against church and state* are therefore given the first place, and crimes which merely affect the life, liberty, and honor of

body of believers when church membership is enforced by imprisonment and exile; and it is equally impossible to make the state include the people when every attempt of a citizen to take part in the life of the state is punished with penal servitude.

private citizens come last. Crimes which have a tendency to weaken the dominant authority of church and state are furthermore given a disproportionate amount of space, as compared with crimes which threaten merely the lives or property of private persons. All the provisions of law contained in the first seven titles, and most of those in the eighth and ninth, have a direct bearing upon the welfare of the state as a political organism, and are intended to guard its existence, confirm its supremacy, and tighten the grasp in which it holds its subjects, the people. Almost every human action that can by any possibility injure the state or weaken the power of the ruling authorities is made by law a crime, and is punished with extreme if not barbarous severity. That this is not too sweeping an assertion will, I think, abundantly appear from the citations which I shall presently make from the statutes themselves.

The first important title or division of the Russian penal code is that which comprises what are called "Crimes against the Faith," and the severity with which such crimes are punished furnishes a striking illustration of the importance which the state attaches to the church as the chief bulwark of its own authority. The first section, which may be taken as fairly indicative of the spirit of the whole title, is as follows:

"SECTION 176. Whoever dares with premeditation, and publicly in a church, to blaspheme [literally, 'to lay blame upon'] the glorious Triune God, or our Most Pure Ruler and Mother of God, the ever-Virgin Mary, or the illustrious Cross of the Lord God Our Saviour Jesus Christ, or the Incorporeal Heavenly Powers, or the Holy Saints of God and their Images, such person shall be deprived of all civil rights and exiled for life, with not less than twelve nor more than fifteen years of penal servitude. If such crime shall be committed not in a church but in a public place, or in the presence of a number of assembled people, be that number large or small, the offender shall be deprived of all civil rights and exiled for life, with not less than six nor more than eight years of penal servitude."

The next section, which deals with another aspect of the same crime, is as follows:

"SECTION 177. If the offense described in the foregoing section [No. 176] be committed not in a public place nor before a large assemblage of people, but nevertheless in the presence of witnesses, with an intention to shake the faith of the latter or lead them astray, the offender shall be deprived of all civil rights and exiled for life to the most remote part of Siberia."

Section 178 provides that "Whoever, with

premeditation, in a public place and in the presence of a large or small assemblage of people, dares to censure [or condemn] the Christian faith, or the orthodox church, or to revile [or abuse] the Sacred Scriptures or the Holy Sacraments [literally, 'mysteries'], such person shall be deprived of all civil rights and exiled for life, with not less than six nor more than eight years of penal servitude. If such crime shall be committed not in a public place nor in the presence of an assemblage of people, but nevertheless before witnesses, and with an intention to shake the latter's faith and lead them astray [literally, 'to seduce them'], the offender shall be deprived of all civil rights and exiled for life to the most remote part of Siberia."

Section 179 declares that if any person shall witness or have personal knowledge of the commission of the crimes set forth in sections 176-178, and shall fail to inform the authorities thereof, he shall be imprisoned for not less than four nor more than eight months, according to the circumstances of the case.

Section 181 is as follows: "Whoever, in a printed work, or even in a written composition, if the latter be by him in any manner publicly circulated, indulges in blasphemy or speaks opprobriously of the Saints of the Lord, or condemns the Christian faith or the orthodox church, or reviles the Sacred Scriptures or the Holy Sacraments, such person shall be deprived of all civil rights and exiled for life to the most remote part of Siberia. The same punishment shall be inflicted upon all persons who knowingly sell, or in any other way publicly circulate such works or compositions."

Section 182 provides that "All persons who shall be found guilty of so-called scoffing—that is, of making sneering or sarcastic gibes that show manifest disrespect for the rules or ceremonies of the orthodox church, or for Christianity in general—shall be imprisoned for not less than four nor more than eight months."

It would be hard, I think, to find in the criminal laws of any other civilized state punishments of such severity attached to crimes of such a nature. In most countries an insulting or contemptuous reference, even in a church and during service, to the "Incorporeal Heavenly Powers" [the angels] would be regarded merely as a misdemeanor, and would be punished with a small fine or with a brief term of imprisonment, as a disturbance of the public peace. In Russia, however, disrespectful remarks concerning the "Saints of the Lord and their Images," even although such remarks be made to three or four acquaintances, in the privacy of one's own house, may be punished with "deprivation of all civil rights and exile for life to the most remote part of Siberia"—

that is, to the coast of the Arctic ocean in the territory of Yakutsk.

Such extraordinary penal legislation as this naturally suggests the inquiry: "What seems to be, in the estimation of the law-maker, the relative gravity of the offenses described in the sections above cited in comparison with such common-law crimes as assault, highway robbery, and murder?" An examination of the statutes contained in Titles VIII. and X. of the code shows that a sarcastic gibe at the expense of the orthodox church is as heinous a crime as a personal assault which ends in homicide, provided such assault is not made with homicidal intent. [Compare Section 182 with Section 1464.] Public censure or condemnation of the orthodox church is put on a penal level with the organization of a band of counterfeiters, robbers, or incendiaries. [Compare Section 178 with Section 924.] Finally, the punishment for blasphemous remarks made publicly in a church with regard to the "Incorporeal Heavenly Powers," or the "Saints of the Lord, and their Images," is precisely the same punishment which is prescribed for willful manslaughter, and is only one degree lighter than the penalty for the deliberate and premeditated murder of a pregnant woman, with full knowledge of her condition. [Compare Section 176 with Sections 1452 and 1455.]

It is not my intention, of course, to excuse or to palliate such offenses as those set forth in the quoted sections of the Russian code, nor to raise any question as to the propriety of punishing them; but I do mean to call attention to what seems to me the barbarous injustice of putting such offenses on a level with highway robbery and murder. Russian churches and cathedrals are full of so-called "miracle-working images," or pictures of the Madonna and of various "Holy Saints of the Lord." I never entered even the cathedral of St. Isaac in St. Petersburg without finding on the frame of the *ikon** of the Madonna, which stands at the head of two or three steps on the right of the *ikonostas*, a number of small articles of apparel, such as head kerchiefs, handkerchiefs, scarfs, etc., which had been placed there by their owners with the expectation that they would acquire, through contact with the ikon, some miraculous virtue. It would be perfectly natural for an intelligent man, and even for a good man and a good Christian, to express irreverent if not contemptuous doubt as to the miracle-working power of this gilded and bejeweled picture; and it would be strange if he did not, in addition, say something disrespect-

ful of a church which not only permits, but encourages, such delusions. Under the provisions of Section 177 of the penal code, such a man, for making such remarks, might be exiled for life to the remotest part of Siberia. In the summer of 1886, while visiting with my wife one of the holiest cathedrals in Moscow, I saw a number of ignorant Russian peasants devoutly kissing in succession twenty or thirty black decaying fragments of human bone which were set in the squares of what looked precisely like a checker-board. The bones were supposed to be finger joints, toe joints, and other osseous fragments of various "Holy Saints of the Lord"; and many of the peasants pressed their lips to every bone in the collection, taking them row by row successively, from the lower right hand to the upper left hand corner of the checker-board. As I watched this performance, I could not help expressing aloud to my wife an opinion with reference thereto which the ecclesiastical authorities would undoubtedly have regarded as blasphemous, and which, had I been a Russian, might have sent me to the most remote part of Siberia, if not into penal servitude. Many of the rites and ceremonies of the Russo-Greek church are extremely injurious to the health of the people, and this is particularly the case with the universal custom of kissing sacred pictures and bones. Nothing probably has done more than this practice to spread contagious diseases among the ignorant peasants of the empire, and the terrible ravages of diphtheria in some of the provinces of European Russia are attributable mainly to this cause. A porous and partly decayed bone of a "Holy Saint of the Lord" which is breathed upon and kissed by thousands of men, women, and children becomes in time a poisonous source of contagion; and the encouragement by the priests of the belief that an application of the lips to such a bone is pleasing to God, or beneficial to man, seems to me in the highest degree immoral and criminal. If I were a Russian and lived in Russia, I should undoubtedly express this opinion at the first opportunity, in the most forcible and emphatic manner possible. Under the provisions of Section 177 I should thereupon be condemned as a blasphemer, and should go in chains and leg-fetters to the remotest part of eastern Siberia.

Blasphemous or disrespectful remarks concerning holy persons or things are not, however, the only offenses contemplated by Title II., and included among "Crimes against

* An ikon is a painted portrait of the Madonna, or of some holy saint of the orthodox church. It is, as a rule, heavily overlaid with gold in such a manner that only the head and one hand of the figure can be seen,

and it is often framed in solid gold or silver and richly jeweled. The "miracle-working" ikon of Our Lady of Kazan, in the Kazan Cathedral at St. Petersburg, is adorned with jewels to the value of \$60,000.

the Faith." One whole chapter is devoted to heresy and dissent, and punishments of the most cruel severity are prescribed for abjuration of the orthodox faith, for secession from the true church, and for the public expression of heretical opinions. Section 184, for example, provides that if a Jew or Mohammedan shall, by persuasion, deception, or other means, induce an orthodox Christian to renounce the true church and become an adherent of the Jewish or Mohammedan faith, he shall be deprived of all civil rights and exiled for life, with not less than eight nor more than ten years of penal servitude.

Section 187 declares that if any person tempt or persuade an adherent of the Russo-Greek church to leave that church and join some other Christian denomination, he shall be banished to Siberia for life.

Section 188 provides that if any person shall leave the orthodox church and join another Christian denomination, he shall be handed over to the ecclesiastical authorities for instruction and admonition; his minor children shall be taken into the custody of the Government, his real estate shall be put into the hands of an administrator, and until he abjures his errors he shall have no further control over either.

Parents who are required by law to bring up their children in the true faith, but who, in violation of that duty, cause such children to be christened or educated in accordance with the forms and tenets of any other Christian church, shall be imprisoned for not less than eight nor more than sixteen months. During such time the children shall be taken in charge by orthodox relatives, or shall be turned over to a guardian appointed by the Government. [Section 190.]

If a Jew or a Mohammedan shall marry an orthodox Christian and shall fail to bring up the children of such marriage in the orthodox faith, or shall throw obstacles in the way of the observance by such children of the rules and forms of the orthodox church, the marriage shall be dissolved, and the offender shall be exiled for life to the most remote part of Siberia. [Section 186.]

All persons who shall be guilty of aiding in the extension of existing sects, or who shall be instrumental in the creation of new sects hostile or injurious to the orthodox faith, shall be deprived of all civil rights and exiled for life, either to Siberia or to the Trans-Caucasus. [Section 196.]

I met large numbers of dissenters exiled under this section, both in the Caucasus and in all parts of Siberia. It is the unvarying and universal testimony of both the civil and military officers of the Russian Government

that these dissenting Christians form the most honest, the most temperate, the most industrious, and altogether the most valuable part of the whole population in the regions to which they have been banished. The ispravnik, or chief police officer, of Verkhni Udinsk, in eastern Siberia, speaking to me of three or four settlements of dissenters in his okrug, or circuit, said: "If all the people in my territory were only exiled heretics I could shut up the jails and should have little or nothing to do; they are the best people within my jurisdiction." I need hardly comment upon the cruel injustice of sending good citizens like these to the remotest part of eastern Siberia simply because they do not believe in worshipping images and kissing bones, or because they cross themselves with two fingers instead of three.

It would be easy to fill pages with illustrative examples of the unjust and oppressive character of Russian penal legislation in the field of religious crime. Every paragraph fairly bristles with threats of "imprisonment," "exile," and "penal servitude," and the whole title seems to the occidental mind to breathe a spirit of bigotry and intolerance. One might perhaps expect to find such laws in a penal code of the Middle Ages; but they strike one as an extraordinary anachronism when they appear in a code which was revised and amended in the capital of a so-called Christian state in the year of our Lord 1885.

The shortest title or division in the Russian penal code is that which relates to "Crimes against the State," or, speaking more precisely, "Crimes against the Sovereign Ruler of the Empire and his authority." This title contains altogether only 23 sections, and occupies only 10 out of the 700 pages of the volume, but what it lacks in extent it more than makes up in severity. It begins with the brief but comprehensive declaration that "Every evil design and criminal action against the life, welfare, or honor of THE GOSSUDAR THE EMPEROR, and every intention to cast him from the throne or to deprive His Supreme Authority of its freedom or to restrict its rights, or to commit any violence whatever against His Sacred Person, shall subject the offender to deprivation of all civil rights and the penalty of death."

It is not necessary, it will be observed, that a man should commit an overt act in order to be brought under the sweeping condemnation of this section, nor that the overt act, even if committed, should be directed against the life or safety of the Tsar. If the offender simply harbors an evil design or forms a mere intention, not to assault the Tsar's "Sacred Person," but to restrict his rights, or,

in other words, to limit his supreme authority, it is enough to justify the infliction of the death penalty.

Section 242 states this plainly in terms and says that "An evil design . . . shall be regarded as an actual crime, not only in a case where the offender has made an attempt to carry such design into execution, but also in every case . . . where he has orally or in writing given such thought or design expression."

Sections 243 and 244 extend the death penalty to all persons who take part in evil designs or criminal actions having for their object the Sacred Person of the Gossudar the Emperor; to all persons who aid or abet such designs or actions; to all persons who afford refuge or concealment to the evil-thinkers or evil-doers; to all persons who have knowledge of such evil designs or actions and fail to give notice thereof to the authorities; and to all persons who commit an act of violence against a soldier or a sentry who is guarding the sacred persons of the Gossudar the Emperor or the members of the imperial house. All the inherited or acquired property of persons found guilty of the offenses set forth in these sections shall be confiscated by the state.

Section 246 provides that if any person shall speak impudent, insulting words of the Gossudar the Emperor, or shall deliberately injure or destroy a portrait, statue, bust, or other representation of him set up in a public place, such person shall be condemned as an insulter of MAJESTY to deprivation of all civil rights and exile for life, with not less than six nor more than eight years of penal servitude.

Section 249, which is known to the political exiles in Siberia as the "omnibus section," on account of its wide scope and applicability, was quoted in my article upon the "Prison Life of the Russian Revolutionists," in *THE CENTURY MAGAZINE* for December. This section also directs the infliction of the penalty of death.

Section 266 declares that if any person shall compose and circulate a written or printed notice, call, or proclamation with the intention of inciting the people to rebellion or to open insubordination, such person shall be deprived of all civil rights and exiled for life, with not less than eight nor more than ten years of penal servitude.

Section 252 provides that if any person shall compose and circulate any printed work or written document, or shall make a public speech which does not directly and manifestly incite to rebellion against the Supreme Authority, but which nevertheless attempts to dispute or throw doubt upon the inviolability of the

rights of such Supreme Authority, or which audaciously condemns the form of administration established by the laws of the state or the fixed order of succession to the throne, such person shall be deprived of all civil rights and exiled for life, with not less than four nor more than six years of penal servitude. Any person who keeps such a work or document in his possession without obtaining permission from the higher authorities shall be imprisoned for not less than seven days nor more than three months, and shall then be subjected to police surveillance for not less than one nor more than three years. [The offender in such a case may be put under police surveillance either at his own place of residence or in a Siberian village a thousand miles away, to which he may be banished by "administrative process."]

In order to appreciate the extraordinary severity of these laws for the protection of the Sacred Person, the Dignity, and the Supreme Authority of the Tsar it is only necessary to compare them with the laws contained in Title X. for the protection of the personal rights and honor of private citizens. From such a comparison it appears that to injure a portrait, statue, bust, or other representation of the Tsar set up in a public place is a more grievous crime than to so assault and injure a private citizen as to deprive him of eyes, tongue, an arm, a leg, or the sense of hearing. [Compare Section 246 with Section 1477.] To organize or take part in a society which has for its object the overthrow of the Government or a change in the form of the Government, even although such society does not contemplate a resort to violence nor immediate action, is a crime of greater gravity than to so beat, maltreat, or torture a human being as partly to deprive him of his mental faculties. [Compare Section 250 with Section 1490.] The making of a speech or the writing of a book which disputes or throws doubt upon the inviolability of the rights or privileges of the Supreme Authority is as serious an offense as the outraging of a woman. [Compare Section 252 with Section 1525.] The mere concealment of a person who has formed an evil design affecting the life, welfare, or honor of the Tsar, or the affording of refuge to a person who intends to bring about a restriction of the rights or privileges of the Supreme Authority, is a more serious matter than the premeditated murder of one's own mother. [Compare Section 243 with Section 1449.] Finally, in the estimation of the penal code, the private citizen who makes or circulates a caricature of the Sacred Person of the Tsar, for the purpose of creating disrespect for his personal characteristics or for his management of the empire, commits a

more heinous crime than the jailer who outrages in a cell until she dies an imprisoned, helpless, and defenseless girl fifteen years of age. [Compare Section 245 with Sections 1525, 1526, and 1527.]

If, in the face of the tremendous penalties set forth in the above-quoted sections of the code, the intelligent and freedom-loving classes of Russia continue to form societies intended to bring about a change of government, or if they still "audaciously" question or throw doubt upon the inviolability of the rights claimed by the Supreme Authority, it certainly cannot be denied that they have the courage of their convictions.

It may be said in defense of the Russian Government that it does not construe these laws strictly nor enforce them with rigorous and indiscriminate severity against all political offenders. I do not care to dispute the truth of this proposition; but, even if it be true, it does not alter the fact that these laws stand on the pages of a statute-book revised as lately as the year 1885.

It is not necessary, for my present purpose, to go minutely into the details of the legislative provisions contained in the titles which relate to "Crimes against Administrative Order" and "Violations of the Ordinances relating to the Duties and Obligations which Individuals owe to the Imperial and Local Authorities." Their form and spirit are clearly indicated or foreshadowed in the sections of Title III. above quoted, and I need therefore only say of them that more effective laws for the suppression of individual freedom and the right of popular self-government were probably never devised. They not only render impossible all association or combination on the part of individual citizens to oppose the tyrannical exercise of power, but they punish with imprisonment or exile the mere expression of a judgment with regard to the expediency of a law or the propriety of an official action. Section 281, for example, says that "All persons who shall be found guilty of composing and circulating written documents [as, for instance, a circular letter] containing unpermitted judgments with regard to the ordinances and actions of the Government shall be imprisoned for not less than sixteen months nor more than two years."

Section 1035 provides that "All persons who shall . . . print [in a newspaper or book] remarks calculated to shake the trust or confidence of the people in the laws of the empire, or in the ordinances and directions of the administrative or judicial authorities, or who shall allow themselves to dispute [or question] the obligatory force of such laws, or to approve or justify actions that are by such laws forbidden,

with a view to bringing those laws into disrespect, shall be imprisoned for not less than two nor more than sixteen months."

It is hard for an American to realize a state of affairs in which the public expression of a judgment or an opinion with regard to Governmental action is "unpermitted," and in which it is more or less hazardous for a dozen law-abiding citizens to meet at regular intervals in a private house for the discussion of public questions. Section 320 of Title IV. declares that "Persons guilty of belonging to a society which employs any means whatever to conceal from the Government its existence, its nature, or its aims, or to keep secret its meetings, the subject of its deliberations, or the relations between its members, or a society which secretly disseminates any doctrines whatever, shall be imprisoned in a fortress for not less than four nor more than eight months, or in a prison for not less than one nor more than three weeks, according to the circumstances of the case."

Of course, persons who meet regularly for any purpose in a private house render themselves liable to an accusation based upon this section. As soon as their meetings attract the attention of the secret police, they are made the subject of an official examination, which almost always leads to consequences more or less unpleasant for the participants. I know a group of gentlemen in St. Petersburg who meet at stated intervals for the discussion of public affairs, and who, although they are neither conspirators nor revolutionists, spend the evening in making a pretense of gambling, in order that neither the servants nor the police may suspect them of secret machinations. In the eyes of the Government a club of gamblers is a safe and innocent organization, but a private debating society is a dangerous menace to social order and to the rights and privileges of the Supreme Authority.

Under the reform laws of Alexander II., certain public assemblies, such as those of the nobles, and meetings of the town councils and provincial assemblies, must be recognized and tolerated; but every possible precaution is taken to prevent the discussion in them of imperial affairs, and to suppress in their proceedings everything that might have a tendency to "excite the public mind." Section 1038 of Title VIII. of the code provides that "For printing and publishing, without permission of a local governor, the proceedings [even the legal and innocent proceedings] of any assembly of nobles, provincial assembly, or town council, the offender shall pay a fine of three hundred rubles, or suffer imprisonment for three weeks, or both."

When one considers that in Russia a cen-

tralized bureaucracy attempts to regulate everything, and that in its dispositions and operations it touches private life and invades the field of private activity at innumerable points, one can understand how unbearable must be the position of persons whose affairs are thus "regulated," and how intolerable must become the complete suppression of the right of free speech. The sufferer from the misdirected or tyrannically exercised power of a subordinate official cannot even protest. He must simply lay his hand on his mouth, bow his head, and submit.

I have been asked many times by friends in America why intelligent and liberty-loving Russians do not get out of such a country. Many answers might be given to this question, but perhaps the most comprehensive and cogent of them will be found in Sections 325-328 of the Russian penal code, which are as follows:

"SECTION 325. Whoever leaves the fatherland and enters the service of a foreign Government without the permission of his own Government, or becomes a subject of a foreign power, such person, for violation of his allegiance and his oath, shall be deprived of all civil rights and expelled from the limits of the empire forever. If he returns, he shall be exiled to Siberia for life.

"SECTION 326. Whoever leaves the fatherland and does not return at the summons of the Government shall for this disobedience be deprived of all civil rights, and expelled from the limits of the empire forever — unless, within a period to be fixed at the discretion of a court, he shows that his disobedience was due to causes which were beyond his control, or which mitigate his guilt. Until he shall make such proof, he shall be regarded as missing,

* "European Messenger" (a monthly magazine), pp. 10-20, St. Petersburg, January, 1887.

and his property shall be controlled by the bureau of guardianship.

"SECTION 327. Any person who, without permission of the Government and without adequate reason, lives abroad beyond the period fixed by law for persons of his station shall also be regarded as missing [literally, 'absent without news'], and his property shall be taken in charge by the bureau of guardianship.

"SECTION 328. Any person who persuades a subject of the empire to emigrate to another country shall be punished with penal servitude in a convict company for not less than twelve nor more than eighteen months, or be banished to Siberia for life."

Under one of the above-quoted sections (326) Turgenieff, while living in Paris in 1863, was summoned to St. Petersburg to answer before the Directing Senate for something that he had written or said. One can see from his letters to his friend, P. V. Annenkoff, how humiliating and exasperating obedience was to him, but — he obeyed.*

The Government does not recognize the right of its subjects to go abroad or to live abroad without its permission; and if, therefore, a Russian takes refuge from oppression in a freer country, he must face the prospect of expatriation, outlawry, the loss of all the property left behind him, and exile to Siberia if he ever returns. Few people are willing to separate themselves for life in this way from friends, relatives, home, country, and all that man naturally holds dear. What alternative, then, is left to the oppressed when oppression becomes intolerable? They must either submit or fight; and if they are not willing to submit and are not able, under the provisions of this code, to oppose tyranny by peaceful collective action, they will inevitably resort to violence and fight, singly or in small groups, as they are now fighting, until they go to Siberia in leg-fetters or perish on the scaffold.

George Kennan.

A SONG OF LIFE.

A SONG, boys, a song
Life is young yet,
Love has tongue yet;
Why should Life and Love go wrong?
Come, boys, a song!

A song, boys, a song!
Life 's at flush still,
Love 's ablush still;
What though cares and curses throng?
Come, boys, a song!

A song, boys, a song!
Life is gray now,
Love 's away now,
We are left to limp along;
Still, boys, a song!

A song, boys, a song!
Death is here soon,
Death will cheer soon,
Death is nigh, and Love is strong;
So, boys, a song!

Richard E. Burton.