

Patriarchy on Trial: Suicide, Discipline, and Governance in Imperial Russia*

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What's done is done. Be brave, man, and proud. You are not to blame! . . . Why, I am telling the truth, I do not fear looking truth in the face: *she* is to blame, *she* is to blame! (Fyodor Dostoyevsky, "The Meek One" [*Krotkaia*])

By the mid-nineteenth century, Russia was still a largely traditional society in which patriarchal forms of governance played an important role. Political and social power was essentially absolute and hierarchical: the tsar was the "affectionate father" (*batiushka*) to his subjects; the lord, master to his serfs; the father, head of the household. These structures were reinforced in law. Both the serf owner and the husband-cum-father possessed almost absolute administrative and judicial authority over their subordinates, whose obligation to submit and obey was likewise almost unlimited.¹ Analogous principles structured a wide range of other institutions and practices, including the military, the factory and workshop, and the governmental regulation of prostitutes (i.e., of women who were no longer supervised by fathers or masters).² By placing individuals into hierarchies defined by such categories as estate, age and se-

* This article has been several years in the making, and various versions have been presented. My debts are consequently too numerous to allow individual thanks, and I now do so collectively. I would also like to thank several individuals whose suggestions proved particularly important: Catriona Kelly, Catherine Crawford, Roger Bartlett, Steve Smith, Hubertus Jahn, and the anonymous readers of the *Journal of Modern History*. It goes almost without saying that all errors are my own. Finally, I would like to thank IREX and the Deutsche Forschungsgemeinschaft for funding my research into the history of suicide in Russia.

¹ On the role of patriarchy in Russian civil and criminal law, particularly as it related to family structures, see William Wagner, *Marriage, Property, and the Law in Late Imperial Russia* (Oxford, 1994); and Laura Engelstein, *The Keys to Happiness: Sex and the Search for Modernity in Fin-de-Siècle Russia* (Ithaca, N.Y., 1992), esp. pt. 1.

² See Elise Kimerling Wirtschafter, *From Serf to Russian Soldier* (Princeton, N.J., 1990), esp. chaps. 5–6; Reginald E. Zelnik, *Labor and Society in Tsarist Russia: The Factory Workers of St. Petersburg 1855–1870* (Stanford, Calif., 1971); and Laurie Bernstein, *Sonia's Daughters: Prostitutes and Their Regulation in Imperial Russia* (Berkeley, Calif., 1995), esp. p. 6.

[*The Journal of Modern History* 75 (March 2003): 23–58]
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niority, and gender, the patriarchal system legitimized the political order, preserved the social order, and facilitated practical governance in such areas as tax collection and the military draft.

The best term to describe this system is “patriarchy,” which I use in its broader sense to mean relations of governance presided over by a “father.” While patriarchy is built upon a concept of gender domination, to restrict its use to instances of male rule over females addresses neither the varieties of female experience as mediated, for example, by class nor other (gendered) relations of domination and submission.³ In its broader sense, therefore, the term “patriarchy” accentuates the analogous structures of power in a society—between the tsar and his servitors, the lord and his serfs, the husband and his wife, the master and his apprentice, the officer and his soldiers, and so forth. Understood in this sense, it can facilitate an analysis of the interconnections between various forms of domination, which is especially important given patriarchy’s overlapping jurisdictions. Because power within each unit was subordinated to superior authorities, with the monarch possessing ultimate power to intervene, arbitrate, and prescribe, the patriarchal system was in fact built on a myriad of potential and actual conflicts of interest. Consequently, it cannot be seen as ahistorical and absolute but rather must be seen as contingent and evolving, the product not just of macrohistorical processes and abstract principles but also of the specific practices of everyday life.⁴

Patriarchal systems of governance possessed many common features throughout early modern Europe. These included, most fundamentally, the religious model of divine law, the concept of the patriarchal family as a legitimizing metaphor and ideology for absolutist monarchy, and the centrality of analogical reasoning in both social and political organization.⁵ Yet the specific forms and regional outcomes of these principles could vary widely.⁶ Indeed,

³ Some feminists have criticized this use of the term patriarchy and refer instead to the institutionalization of male dominance over women (and children). See, e.g., Gerda Lerner, *The Creation of Patriarchy* (New York and Oxford, 1986), pp. 238–40. On the debate over the term, see Carol Pateman, *The Sexual Contract* (Stanford, Calif., 1988), pp. 19–38.

⁴ For a thought-provoking and panoramic overview of the history of patriarchy that takes this general kind of approach, see Pavla Miller, *The Transformations of Patriarchy in the West, 1500–1900* (Bloomington, Ind., 1998).

⁵ On political theory, see G. J. Schochet, *Patriarchalism in Political Thought* (Oxford, 1975). On representations, see Margaret W. Ferguson, Maureen Quilligan, and Nancy J. Vickers, eds., *Rewriting the Renaissance: The Discourses of Sexual Difference in Early Modern Europe* (Chicago, 1986), esp. pt. 1.

⁶ The rights of women in marriage thus varied widely, with conservative Russia being one of the most progressive states on matters of inheritance. The literature here is extensive. For a classic survey, see Lawrence Stone, *The Family, Sex and Marriage in*

power could tend to be diffused or centralized.⁷ Given the shared characteristics and local particularities of patriarchy, scholars have turned increasingly to the problem of practice and the paternalist principles regulating it. In his pathbreaking study of early modern Württemberg, David Sabean explored the particular concept and practices of *Herrschaft*. Arguing that the legitimacy of the system was not suddenly called into question following the French Revolution, as some scholars have suggested, he finds that legitimization (“the evocation of obedience”) was a continuing process integral to the everyday practices of *Herrschaft*.⁸ Like other scholars, Sabean thus explored the everyday negotiation of (patriarchal) power and the importance of popular resistance.⁹

Seen in this comparative perspective, Russia’s experience was both similar and distinctive. As in other parts of Europe, the exercise of patriarchal power was conceived to embody the paternalist principle of reciprocity: deference, service, and obedience were to be exchanged for protection and care. In the spirit of the *Polizeistaat*, the Russian government often represented its role through the metaphor of custodial care and tutelage, and a paternalist ethos was particularly encouraged in the army.¹⁰ In fact, reciprocity was often minimal, for subordinates—especially wives and serfs but even male members of the nobility—lacked any substantive recourse when paternal power became “arbitrary rule” (*proizvol*). Indeed, Russia lacked the traditions of a *Rechtsstaat*, for distrust of legal procedure and uniform legal standards played a central role in maintaining the tsars’ jealously guarded above-the-law status, the ideal of informal and personal power, popular concepts of justice (associated in part with naive monarchism), and the ultimate resonance in the late imperial period of the term *proizvol* in critiques of both autocracy and patriarchal relations more broadly. Not surprisingly, social-historical analyses of

England 1500–1800 (New York, 1977). On Russia, see Wagner and Engelstein (both cited in n. 1 above).

⁷ Susan Dwyer Amussen, *An Ordered Society: Gender and Class in Early Modern England* (Oxford and New York, 1988); esp. chap. 2.

⁸ David Warren Sabean, *Power in the Blood: Popular Culture and Village Discourse in Early Modern Germany* (Cambridge, 1984), pp. 20–27.

⁹ The term is from James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, Conn., 1990).

¹⁰ Marc Raeff, *The Well-Ordered Police State: Social and Institutional Change through Law in the Germanies and Russia, 1600–1800* (New Haven, Conn., 1983). While Wirtschafter (n. 1 above) does find that the ethos of paternalism failed to shield subordinates, she does stress its importance in the everyday regulation of the army. In contrast, Peter Kolchin argues that Russian serfdom was not characterized by an ethos of paternalism, which fundamentally distinguishes it from American slavery. See his *Unfree Labor: American Slavery and Russian Serfdom* (Cambridge, Mass., 1987).

governance in Russia have identified phenomena that parallel those found in other patriarchal societies: the many forms of resistance among peasants and soldiers, the roles of both coercion and negotiation on the serf estate, and the active role of women in defining their identities.¹¹

Perhaps the key contrast to Western Europe turns on the question of modernity. Traditional forms of patriarchy persisted in Russia well into the nineteenth and even twentieth centuries—hence the validity of comparisons with early modern Europe. Indeed, the Great Reforms of the 1860s, when serfdom was finally abolished, would mark the first significant challenge to them. Although patriarchal structures would come under increasing attack in subsequent decades, both ambivalence within educated society and resistance within the government and the church prevented a wide-ranging revision of patriarchy's legal basis. While wives ultimately did win the right to legal separation in 1914, for example, the extensive powers of the husband and father remained largely intact through the end of the imperial period.¹²

Patriarchy was a multilayered phenomenon consisting of specific yet evolving practices as well as inherent conflict. Central to it was a broadly defined right to employ physical discipline. The intent was multifaceted and broadly paternalistic: to punish disobedience, misbehavior, or minor crime; to act as an example and deterrent; and to instill a proper respect for authority, that is, an ethos of submission and obedience. In the case of serfs, the judicial system only handled major crimes and thus relegated general police and judicial powers to the serf owner. Until the nineteenth century, few restrictions short of a nominal ban on maiming and outright killing limited their right to discipline their serfs as they pleased, and the use of physical discipline as a means of social control was quite common.¹³ Indeed, any restrictions were rarely enforced, for a legal sentence of a severe beating could—accidentally—lead to death. In the most notorious case of the Catherinian period, Dar'ia Saltykova

¹¹ On the peasantry, see Daniel Field, *Rebels in the Name of the Tsar* (Boston, 1989); Steven Hoch, *Serfdom and Social Control: Petrovskoe, a Village in Tambov* (Chicago, 1986); David Moon, *Russian Peasants and Tsarist Legislation on the Eve of Reform: Interaction between Peasants and Officialdom, 1825–1855* (Basingstoke and London, 1992). For one key study on women, see Barbara Alpern Engel, *Between the Fields and the City: Women, Work, and Family in Russia, 1861–1914* (Cambridge, 1996).

¹² While public debates about marital abuse and the patriarchal family occurred at roughly the same time in Russia, Western Europe, and the United States, legal reform was much slower in Russia. The literature on this topic is extensive. See, e.g., Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence, Boston 1880–1960* (New York, 1988); Mary Lyndon Shanley, *Feminism, Marriage and the Law in Victorian England, 1850–1895* (Princeton, N.J., 1989), pp. 156–88; and Elizabeth Pleck, *Domestic Tyranny: The Making of Social Policy against Family Violence from Colonial Times to the Present* (New York, 1987).

¹³ Hoch, esp. chap. 5.

tortured many serfs to death before she was ultimately sentenced to a convent.¹⁴ Similar principles and autonomy governed the use of discipline within the family. Although the use of physical discipline formed a legitimate exercise of patriarchal authority, sanctioned by the law and centuries of practice, it is highly likely that not just the law but also custom distinguished legitimate punishment from illegitimate violence, or cruelty. The designation of discipline as cruelty could come from above, that is, from government officials, but it could also come from below. Because it was in the interest of serf owners to preserve some degree of stability, equilibrium, and labor productivity on estates, for example, accommodation with peasants proved necessary, and this included some common ideas about acceptable forms of punishment.¹⁵

During the nineteenth century, the boundary between legitimate punishment and illegitimate cruelty was explicitly called into question.¹⁶ Under Alexander I and Nicholas I, restrictions on the forms of legal punishment of serfs became more severe, and the number of prosecutions for maltreatment rose significantly. While these measures wholly failed to correct the abuses of serfdom, they demonstrate the state's extreme concern about social instability (peasant revolt) as well as its reliance on the methods of paternalist intervention. In the second half of the century, public attention would focus increasingly on marital and child abuse. Although the essence of the law was ultimately not revised, a critique of patriarchal structures (and discipline) influenced legal debate, judicial practice, and public opinion.¹⁷ My goal is not to trace all of these developments but rather to explore aspects of patriarchal forms of governance

¹⁴ For an overview of the judicial and police powers of the serfowner, see Jerome Blum, *Lord and Peasant in Russia from the Ninth to the Nineteenth Century* (Princeton, N.J., 1961), pp. 428–41; and V. I. Semevskii, *Krestianskii vopros v Rossii v XVIII i pervoi polovine XIX veka*, 2 vols. (St. Petersburg, 1888).

¹⁵ Unfortunately, the study of customary law has focused on the period after the emancipation of the serfs. Though the serf owner did, in principle, possess a practically unlimited (arbitrary) power, the role of customary law under serfdom requires further research. See Michael Confino, "Russian Customary Law and the Study of Peasant Mentalités" (part of an exchange on customary law with further contributions by Moshe Lewin, Christine D. Worobec, and George Yaney), *Russian Review* 44 (January 1985): 38–40.

¹⁶ My conceptualization of legitimacy, discipline, and violence has been strongly influenced by Susan Dwyer Amussen, "Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England," *Journal of British Studies* 34 (January 1995): 1–34. I would like to thank Catherine Crawford for drawing my attention to this article.

¹⁷ While Wagner (n. 1 above) considers the legal debates, to my knowledge there have been no systematic studies of spouse and child abuse in Russia, despite rich archival holdings. For a consideration of judicial statistics, which touch on this issue, see Stephen P. Frank, "Narratives within Numbers: Women, Crime, and Judicial Statistics in Imperial Russia, 1834–1913," *Russian Review* 55, no. 4 (1996): 541–66.

and the ethos of paternalism over a longer period and across several spheres. I propose to do this with a case study of an altogether unusual criminal offense: the crime of “instigating” suicide.

THE CRIME

Since the reign of Peter the Great in the early eighteenth century, suicide and attempted suicide had been felony offenses in Russia. Mitigating circumstances included not just incapacity and illness but also the more elusive and suggestive categories of torment, shame, and an “unbearable burden.” Although legal codification, which was completed in the 1830s, should have allowed Russia to follow the example of most of Western Europe in decriminalizing suicide, historicist principles were favored and the status of suicide was largely unchanged.¹⁸ Despite the ongoing emphasis on historicist principles, the 1845 Penal Code introduced some important revisions that would remain in force until 1917. While nominally remaining criminal offenses, suicide and attempted suicide now carried only religious and civil penalties. Furthermore, mitigating circumstances were reduced to actual illness. At the same time, criminal prosecution was extended to two new crimes not previously addressed in Russian law: the aiding and abetting of suicide and the instigation of suicide.¹⁹ For the editors of the penal code, both crimes were much more serious than suicide itself, and they even likened them to premeditated murder.²⁰

These were two quite distinctive acts. The aiding and abetting of suicide maintains a contemporary relevance, for it covers those cases when a second party helps the prospective suicide by procuring the desired poison or weapon, for example. In such cases, the intent and consent of the suicide are undisputed

¹⁸ The most important change was in punishment. In the original statutes, attempted suicide was subject to the death penalty, in the revision to the same range of punishment as attempted murder. For articles on suicide in the Military and Naval Regulations, see *Polnoe Sobranie Zakonov* (St. Petersburg, 1830), 5:370, 6:77. For the later versions, see statutes 347–48, *Svod zakonov Rossiiskoi Imperii*, vol. 15 (St. Petersburg, 1835). For an interesting study of suicide focusing on the reform era, which includes an overview of the legal background, see Irina Paperno, *Suicide as a Cultural Institution in Dostoevsky's Russia* (Ithaca, N.Y., 1997).

¹⁹ These statutes were included in the section on suicide in general. Interestingly, two patriarchal and gendered motives for suicide were explicitly exempted from punishment: patriotism and preservation of state secrets (for men) and preservation of chastity (for women). See *Svod zakonov ugovolnykh*, vol. 1: *Ulozhenie o nakazaniakh ugovolnykh i ispravitel'nykh* (St. Petersburg, 1845), nos. 1943–47 (in the 1866 edition: 1472–76).

²⁰ *Proekt ulozheniia o nakazaniakh ugovolnykh i ispravitel'nykh, vnesennyi v 1844 godu v Gosudarstvennyi Sovet, s podrobnym oznacheniem osnovanii kazhdogo iz vnesennykh v cei proekt postanovlenii* (St. Petersburg, 1871), p. 624.

but also irrelevant to the criminality of the act.²¹ In marked contrast, the instigation of a suicide never received comparable international recognition, and it remained largely a peculiarity of Russian and later Soviet legal cultures.²² As its exact text suggests, the statute articulated an explicitly paternalistic philosophy: “Parents, guardians, and other individuals possessing some sort of power [*vlast'*], who, through the manifest abuse of this power combined with cruelty, drive [*pobudiat'*]²³ a subordinate or someone entrusted to their guardianship to commit suicide, are [subject to the following penalties]: the loss of certain rights . . . and privileges and incarceration in a house of correction [*smiritel'nyi dom*] for a term lasting from eight months to one year and four months; in addition, if they are Christians, they are to be assigned a church penance, as determined by their spiritual authority.”²⁴

The issuance of a new law—especially one that creates an entirely new crime—hardly means that it was necessarily enforced. However, I have come across dozens of cases dating from the 1820s (i.e., some twenty-five years before the actual promulgation of the statute) through the end of the imperial period. These include some thirty cases with extensive documentation (court records, trial transcripts, and/or police investigations) plus numerous other references and commentaries.²⁵ While the instigation of suicide was certainly not a common offense in imperial Russia, it was also not a curiosity limited to a few exceptional incidents. Unfortunately, it is impossible to calculate the exact number of prosecutions.²⁶ While national judicial statistics began to be

²¹ In the course of researching the history of suicide in Russia from the medieval period through the early twentieth century, I have not come across a single prosecution for the aiding and abetting of suicide.

²² According to the prominent jurist N. S. Tagantsev, similar statutes did exist in several German codes, and he cites one from Braunschweig, which criminalized the abuse of authority leading to suicide, infanticide, abortion, child abandonment, and the concealment of a birth. See his *O prestupleniakh protiv zhizni po russkomu pravu*, 2 vols. (St. Petersburg, 1871), 2:442 n. 27. For an overview of the legal history of suicide in the West, see R. Weichbrodt, *Der Selbstmord* (Basel, 1937), pp. 76–92.

²³ I use the terms “instigation” or instigating suicide as synonyms for “driving someone to commit suicide,” which is probably the best translation of the Russian *pobudit'* but often difficult to use for stylistic reasons.

²⁴ Art. 1476, *Ulozhenie o nakazaniakh*.

²⁵ These were located in the archives of the Governing Senate and other judicial bodies, the Third Section (secret police), the jurist and senator A. F. Koni, and the Nizhnii Novgorod spiritual consistory as well as legal periodicals and various newspapers and journals.

²⁶ From my research, I would estimate that at least several cases reached Russia's highest court of appeal, the Governing Senate, each year between the 1830s and the 1850s. In the subsequent period, few cases reached the high court; those cases I located remained at the provincial level (*okruznyi sud*). Numerous reports in newspapers suggests that public awareness of the crime was nonetheless quite high.

published in the 1830s, the grouping together of different offenses under one rubric prevents a differentiated analysis. Before the official naming of this crime in the 1845 penal code, cases should have been included under the relevant statutes regulating abuses of authority (under which they were actually prosecuted). Scattered evidence suggests, however, that at least some cases of instigation were included under the general rubric of suicide.²⁷

Neither the difficulty in establishing reliable figures nor the relatively small number of total cases undermines the legitimacy of this study. As microhistorians have richly documented, the analysis of the unusual can often shed light on broader cultural patterns. The existence of cases from the 1820s and 1830s thus suggests that the actual statute from 1845 was a response to existing practices rather than an innovation.²⁸ Its fate after the abolition of serfdom in 1861 and the Judicial Reform of 1864 likewise points to its ongoing resonance. Jurists would struggle unsuccessfully to decriminalize suicide and attempted suicide but not the instigation of suicide. Subsequent drafts of the penal code (which were never enacted) actually introduced a more wide-ranging formulation of instigation not qualified by such legally ambiguous terms as cruelty. Indeed, the maximum punishment was to be increased from sixteen months of imprisonment to eight years of penal servitude.²⁹ While suicide would finally be deleted from the penal code after 1917, a statute on instigation was retained, and prosecutions continued to occur.³⁰ Indeed, evidence suggests that concern

²⁷ Among those cases of “suicide” that reached the Senate, the number of defendants was almost always larger than the number of prosecuted cases. In 1834, for example, there were six cases with eleven defendants, in 1838 thirteen cases with twenty-two defendants, and in 1846 twenty-one cases with twenty-six defendants. While archival registers are organized annually, the cases are sometimes listed by name and crime, and sometimes by name, social origin, and province. The latter clearly prevents an investigation of a particular crime. For judicial statistics, see *Otchet Ministerstva iustitsii*, 35 vols. (1834–68).

²⁸ The ill-defined mitigating circumstances in the original eighteenth-century statutes (torment, shame, unbearable burden), which were deleted from the 1845 penal code, all ultimately suggest that people “driven” to suicide should not be held accountable for their action. Unfortunately, I have not come across sources that illuminate the contemporary interpretation of these categories.

²⁹ In the proposals for and the final version of the 1903 code (which was never enacted), the term *podgovor* replaces *pobudit'*. This can also be translated as instigation, but contains a much stronger connotation of verbal suasion. See *Ugolovnoe ulozhenie: Proekt, izmennyi Ministrom Iustitsii po soglashenniu s Predsedatelem Vysochaishe uch. Redaktsionnoi komissiei* (St. Petersburg, 1898), p. 116; and *Novoe ugovnoe ulozhenie Vysochaishe utv. 22go Marta 1903* (Moscow, 1903), p. 148. See also the concurring opinions of members of the provincial courts of Chernigov, Tambov, and Saratov provinces in *Materialy dlia peresmotra nashego ugovnogo zakonodatel'stva* (St. Petersburg, 1881), pp. 349–50.

³⁰ The suicide of the engineer V. V. Oldenborger, “hounded to death by worker and

with instigation shaped the general approach to suicide in the early Soviet period. As police officers were reminded in one article in a professional journal, all suicides were to be investigated for, it was claimed, some 5 to 10 percent of cases may have been instigated by a second party.³¹ In her recent study of “everyday” Stalinism, Sheila Fitzpatrick likewise argues that cases of suicides were often investigated in some detail, with attention focused on whether the act had been instigated by an abuse of authority or some act of cruelty.³²

Focusing on the nineteenth century, this article will show how the crime of instigating suicide emerged as part of an (inadequate) effort to correct the abuses of serfdom but would, by the 1860s, become a (likewise inadequate) tool to regulate familial relations—specifically, the abuse of wives and children. In the earlier period, official interest in this crime focused on the perceived imperative both to improve patriarchal institutions by punishing abuses and to legitimize them by encouraging an ethos of paternalism. However, (paternal) intervention implicitly raised questions about the justice of patriarchy as a whole; prosecution spotlighted both its abuses and the conflict between its institutions. In the subsequent period of the Great Reforms, various ideals of cultural modernization and the rule of law guided a new generation of jurists who often rejected patriarchy yet nonetheless based their own intervention on a paternalist ethos. In both periods, therefore, prosecution was predicated on a paternalist model, which justified the intervention of the state in personal relations. Finally, this article will also explore the ways in which patriarchy was experienced and negotiated on the part of subordinate groups. As James C. Scott and others have suggested, the close analysis of such official documents as judicial and police records can reveal a “hidden transcript” of the powerless.³³ Indeed, the act of suicide and the prosecution of its instigation were both extreme circumstances, and the investigation exposed the patriarchal relationship to external view. Not surprisingly, serfs adeptly chose the language most suitable to their situation—whether submission or supplication.

communist zealots in 1921,” led to a highly publicized show trial in 1922, used by Lenin and other leaders to spotlight the regime’s opposition to specialist-baiting; the most severe sentence was one-year imprisonment. See the account in Kendall E. Bailes, *Technology and Society under Lenin and Stalin: Origins of the Soviet Technical Intelligentsia, 1917–1941* (Princeton, N.J., 1978), pp. 60–61.

³¹ A. Uchebatov, “Samoubiistva i organy doznaniia,” *Raboche-Krest’ianskaia militsiia*, no. 7/8 (1924), pp. 21–23.

³² Suicides were also investigated for their possible political motivations, which, as I will suggest at the end of this article, form a rhetorical counterpart to instigated suicides. See Sheila Fitzpatrick, *Everyday Stalinism: Ordinary Life in Extraordinary Times: Soviet Russia in the 1930s* (New York and Oxford, 1999), pp. 172–75.

³³ Scott (n. 9 above), esp. chaps. 1–2.

DEFINING CRUELTY

On February 6, 1837, collegial registrar Il'ia Doroshenko appeared at the Lkhvitskii District Court (Poltava province) to report that his serf, Petr Kovtun, had cut his throat and died. Stressing that Kovtun had possessed a passion for alcohol, Doroshenko noted that the serf had been drunk at the time. Upon investigation, fellow peasants confirmed that Kovtun was in fact more often drunk than sober and that he had indeed been drunk on February 4 when Doroshenko had had him taken to the manor house to sober him up. Upon Doroshenko's order, Kovtun had been undressed and chained to a column in the courtyard, where he had been left until evening. Concerned about "the clouding of [his] mental faculties" (*pomrachenie razsudka*), Doroshenko then ordered that Kovtun be brought to the kitchen and chained to a table. The next morning, however, he was found there dead, his throat slit with a kitchen knife. In addition to confirming the suicide, the investigation revealed the following facts: According to Kovtun's wife, Doroshenko had struck Kovtun for shirking his work before taking him from his hut to the manor house for punishment; other witnesses—both well-born and common—reported that Doroshenko's general behavior was above reproach and that he treated his peasants well.³⁴

Judicial records from this period present the historian with many difficulties. Until the 1864 Judicial Reform, courts were conducted through a written inquisitorial procedure and closed trials. Verdicts were thus reached upon an examination of a written summary of the case, in which testimony was paraphrased rather than recorded. As an adversarial tradition was unknown, the confession was deemed the highest form of proof (a principle inviting the use of torture), and neither defendants nor witnesses were usually called to testify in person. Such practices encouraged arbitrariness at all stages: police authorities collected and presented the evidence without oversight; a clerk compiled an official summary; and judges, who typically came from the local gentry, required but a few minutes to reach a verdict. Not surprisingly, bribery and other related forms of persuasion were rampant.³⁵

Despite their obvious limitations, court records can provide a glimpse into the attitudes and assumptions of official Russia, including the elite defendants

³⁴ Rossiiskii gosudarstvennyi istoricheskii arkhiv (henceforth RGIA), f. 1345, op. 236, d. 759, here esp. ll. 21–24.

³⁵ The most evocative description of prereform legal procedure is I. V. Gessen, *Sudebnaia reforma* (St. Petersburg, 1905), pp. 1–30. See also John LeDonne, "Criminal Investigations before the Great Reforms," *Russian History* 1, no. 2 (1974): 101–18; Richard Wortman, *The Development of a Russian Legal Consciousness* (Chicago, 1976); and Jörg Baberowski, *Autokratie und Justiz: Zum Verhältnis von Rechtsstaatlichkeit und Rückständigkeit im ausgehenden Zarenreich 1864–1914* (Frankfurt am Main, 1996), pp. 11–37.

and, to a lesser degree, the disempowered. Indeed, despite their arrest and prosecution, the accused continued to possess significant power. Throughout the prosecution of this case, for example, Doroshenko remained ensconced in his home, surrounded by his servants, and able to exercise whatever influence he possessed among both his peasants (the witnesses) and the local gentry (the judges). More fundamentally, his authoritative voice framed events within the generally recognized categories of paternalism: the moral weakness of the serf had required the use of paternal discipline. By stressing Kovtun's drunkenness and laziness, he tapped into established stereotypes of serf (mis)behavior, legitimized his use of discipline, and explained the suicide all at once. Nevertheless, the investigation of Kovtun's death also gave a voice to Kovtun's wife and fellow serfs. In this case, they played their appointed roles and confirmed the official story of Kovtun's dissoluteness and Doroshenko's intent to punish it. Such conformity was superficial. Though speaking out against Doroshenko was not in their best interest (as they would remain in his control after the investigation), they were hardly passive. Kovtun's wife volunteered the information about Doroshenko striking her husband, and the serfs who had carried out Doroshenko's orders (to place Kovtun in chains) explicitly denied Doroshenko's suggestion that they had acted without his full knowledge. Without any direct accusation, such testimony on specific points undermined the official explanation for the suicide and Doroshenko's own integrity.

The first statistical studies of suicide in Russia, which began to be published in this same period, provide a broader context for interpreting this and similar cases. While they confirm the "official transcript" on the causes of suicide among serfs, they also present a potentially subversive alternative reading, which was implicit in the very act of investigating the link between abuse and suicide. On the one hand, the most common attributed causes of suicide among the lower orders were individual moral failings, including drunkenness, debauchery, depravity, and impudence. On the other hand, many statisticians also correlated suicide with punishment. In one study published in 1836 by the Ministry of Interior, fifty-three of the 148 total suicides committed in St. Petersburg between 1831 and 1833 were attributed to dissoluteness and drunkenness, but some thirteen cases were directly linked to the fear of punishment.³⁶ Similarly, one study attributed the (proportionally) smaller number of suicides among peasants and women to the protective embrace of patriarchy, but a brief listing of "causes" on eight cases involving peasants and serfs was quite suggestive: anger, fear of punishment, melancholy, fear of military recruitment,

³⁶ *Statisticheskie svedeniia o Sanktpeterburge* (St. Petersburg, 1836), pp. 191–98. See also V. Androssov, *Statisticheskaia zapiska o Moskve* (Moscow, 1832), pp. 87–88; and E. Karnovich, *Sanktpeterburg v statisticheskom otnoshenii* (St. Petersburg, 1860), pp. 123–24.

fear of punishment, melancholy, punishment already inflicted (by a serf owner), and avoidance of punishment.³⁷ Although statistical and anecdotal evidence was cited linking punishment and suicide, general conclusions about serfdom or patriarchal discipline were not drawn.³⁸ Indeed, one case described as “remarkable” received significantly more attention: a serf had been able to explain his act before dying from his wounds. When living with his master, he recounted, he had been content with everything and provided for in all respects (*vsem dovolen i vo vsem obezpechen'*), but when he had gone out to work on his own (*khodit' po pasportu*) he had often failed to find a place. Consequently, he had begun to suffer from pensiveness (*zadumchivost'*). The suicide of this serf was depicted as the result of too much freedom, and serfdom as a benevolent patriarchy.³⁹

Returning now to the case against Doroshenko, we see that the fact of suicide brought the instance of maltreatment to the attention of the authorities; prosecution then revolved around this issue. Had illegal methods of punishment been used? Could the punishment be categorized as cruel? This focus clearly reflected contemporary legal standards, for the main issue in cases involving the punishment and death of serfs concerned the prohibition of “cruelty.”⁴⁰ Doroshenko’s case traveled through three juridical instances—the local district court; the provincial-level criminal chambers (*ugolovnaia palata*); and Russia’s highest court, the Governing Senate—and the decisions rendered became increasingly severe.⁴¹ For the district court, the primary issue was Doro-

³⁷ Ch.-Th. Herrmann, “Recherches sur le nombre des suicides et des homicides commis en Russie pendant les années 1821 et 1822,” in *Mémoires de L'Académie Impériale des Sciences de St.-Petersbourg*, 6th ser., *Sciences Politiques, Histoire, et Philologie* (St. Petersburg, 1934), 2:264–65, 270, 278.

³⁸ In contrast, literature published abroad or after 1861 did identify a direct causal relationship between serfdom and suicide. See L. Léouzon Le Duc, *La Russie Contemporaine* (Paris, 1853), pp. 299–301; I. I. Ignatovich, *Pomeshchich'i krest'iane nakanune osvobozhdeniia* (Moscow, 1910), pp. 228–36; and A. Povalishin, *Riazanskie pomeshchiki i ikh krepostnye: Ocherki iz istorii krepostnogo prava v Rossii v Riazanskoii gubernii v XIX stoletii* (Riazan, 1903), pp. 301–3.

³⁹ *Statisticheskie svedeniia* (n. 36 above), p. 193.

⁴⁰ There is some variation in the specific laws under which serf owners were prosecuted before 1845, but most were prosecuted under statutes ultimately derived from Peter the Great’s Military Articles (which also formed the basis of Russia’s secular laws on suicide). While officers were to command and soldiers to obey, “cruelty” was banned; hence the subsequent emphasis on this term. See art. 33, chap. 3, “Voinskie artikuly,” in *Polnoe Sobranie Zakonov*, vol. 5. Compare, e.g., statute 109, *Svod zakonov*, vol. 15. Under Nicholas I, moreover, restrictions on the forms of punishment were becoming more severe (though serf owners still had the right to sentence their serfs to forty blows with the rod or fifteen with the cudgel, imprisonment, exile to Siberia, and forced labor). On the judicial and police powers of the serf owner, see Blum (n. 14 above), pp. 428–41.

⁴¹ Many verdicts of local courts in cases involving the gentry required ratification

shenko's use of illegal methods of correction, and it ruled (rather liberally) that Doroshenko be freed under suspicion and warned against a repeat offense.⁴² The criminal chamber stressed the illegality of the punishment, but it also concluded that a direct causal connection between it and the suicide could not be established. Paradoxically, it specifically noted that the incident in which Doroshenko had struck Kovtun (which was fully legal) could hardly constitute sufficient grounds to commit suicide and did not even mention in this context the (illegal) act of chaining him up outdoors without proper clothing. It sentenced Doroshenko to two weeks of imprisonment and admonished him to use only legal forms of discipline in the future. At this point, the civil governor of Poltava, whose duties included the oversight and ratification of certain court decisions, intervened. In an indignant letter to the Governing Senate, he emphasized that Kovtun had been stripped of his outer clothing and boots before being chained up outdoors during the coldest month of the year and, for this reason, requested a harsher (if still minimal) penalty: six weeks of imprisonment plus church penance. While he did not causally link the suicide to the punishment, he stressed the extreme cruelty of the punishment (though not the affront to Kovtun's personal dignity). The Senate agreed. It ruled that Doroshenko must serve six weeks in prison and ordered that the local court was to ensure that he punish his serfs within legal limits in the future.⁴³

The prosecution of this crime both reinforced patriarchal structures and called them into question. In almost all cases, the intervention of high-ranking civil servants—usually the governor but occasionally the provincial procurator, a police official, and even the tsar—spurred a more vigorous prosecution. In effect, these powerful figures were using their superior patriarchal authority to discipline erring subordinates and thereby uphold the system as a whole. However, intervention both documented conflict within the patriarchal hierarchy and exposed its everyday practices to view. If serf owners were not guided by a paternalist ethos, how then could serfdom be justified as a patriarchal order? Could intervention (which was itself fully arbitrary) rectify cruelty and abuse (arbitrary rule)? As some tsarist officials were well aware, they could only intervene in a tiny minority of cases and their intervention would be limited to the particular case and not address the broader problem.⁴⁴ Moreover, the chances of a serf owner being called to account were minimal if the

from criminal chambers. The appeal to the Senate was not automatic, but nonetheless quite common, for it could occur due to a conflict of opinion within the criminal chambers but also one between the judiciary and the executive, as in this case.

⁴² This pernicious verdict, which was extremely common in prereform Russia, left Doroshenko in fact neither innocent nor guilty but rather uncomfortably in between and subject to the supervision of police authorities.

⁴³ RGIA, f. 1345, op. 236, d. 759, ll. 1–2, 24–29, 30–34.

⁴⁴ See the well-known letter of Prince M. Vorontsov to Count Benckendorff from 1831, cited in Ignatovich (n. 38 above), pp. 42–43.

serf survived the punishment. Only the presence of a dead body could really force an investigation of the causes of death and hence the character of household discipline. In other words, the body was the key piece of evidence, and this fact likely shaped the emergence of a particular crime linking abuse and suicide.

Bodies do not recount unambiguous tales but must themselves be interpreted. Upon receiving a report of a sudden or suspicious death, the local court or police would dispatch an investigator, accompanied in principle but not always in practice by a medic. The first issue to be resolved was the immediate cause of death, and in cases of violent death to determine whether a murder, accident, or suicide had taken place. Most cases of suicide were clear-cut: hanging, drowning, shooting, and cutting all leave characteristic marks on the body.⁴⁵ Because premeditated suicides were to be denied Christian burial, however, the broader circumstances were also assessed. When the body of Iakob Kushniruk was discovered in 1842, for example, the forensic examination established that he had died from hanging, but it also revealed abrasions on his back. The investigation subsequently found that he had hung himself following a punishment for drunkenness. However, the Kamenitskii district court, the Podol' Criminal Chambers, and the Senate all found the serf owner and her steward to be fully innocent of any wrongdoing. The punishment could not have been the cause, the courts ruled, because the five or six lashes had been completely legal. The forensic examination had only confirmed the mildness of the punishment, and the all-important "cruelty" was thus lacking. The case likewise conformed to cultural expectations: the reputation of the serf owner was above reproach, and the serf had been known to be a habitual drunkard. The cause of his suicide, it was concluded in passing, remained unknown.⁴⁶

Physical discipline could only drive someone to suicide, it seems, when it had in some way been excessive and illegal, hence cruel. Yet the judgment of what constituted cruelty varied tremendously. In an 1853 case from Kovno Province, a coachman received between ten and fifty strokes with the rod and was placed in shackles for stealing some flour. Although the curiously indeterminate number of blows and the use of shackles both stood on the boundary of legality, provincial authorities ruled that the landowner should not be prosecuted.⁴⁷

⁴⁵ Several of the most controversial cases involved disputes over whether the death was a suicide or murder. See Gessen (n. 35 above), pp. 20–21; and RGIA, f. 1151, op. 3, d. 90.

⁴⁶ RGIA, f. 1345, op. 240, d. 667, *passim*.

⁴⁷ Gosudarstvennyi arkhiv Rossiiskoi federatsii (henceforth GARF), f. 109, 4aia eksped., 1853 (op. 193), d. 129, l. 6.

In contrast, Titular Counselor Mostovskii and his bailiff, the peasant Ermolai Ivanov, were both found guilty of various offenses relating to the 1842 suicide of the serf Grigorii Afanas'ev in Mogilev province. The incident began when bailiff Ivanov struck Afanas'ev once with his hand and again with the handle of a rake in response to his "vulgarity" and "disobedience." The landowner then ordered his bailiff to hold Afanas'ev down while he himself whipped him, according to his statement, some fifteen strokes with a small whip. His hands lightly bound, Afanas'ev was then locked in a barn, where he untied the knot and used the rope to hang himself. Not only did the forensic investigation reveal signs of a severe punishment, it concluded that the marks on Afanas'ev's body could not have been inflicted with the whip identified by Mostovskii. In other words, Mostovskii had lied. Although some senators called for a more severe penalty, the Senate ultimately ordered that the bailiff Ivanov receive five days of imprisonment, perform a church penance, and, for reports of frequent violence with serfs, lose his job.⁴⁸ For his part, Mostovskii received a fine of fifty silver rubles (plus court costs), church penance, and, for lying about the whip, a citation with the local assembly of the nobility for behavior unbefitting a nobleman.⁴⁹ This last consideration was crucial not only to this particular case but also to the growing number of prosecutions for seigneurial abuse in general. The underlying goal was to correct the injustices of serfdom by inculcating ideals of noble honor, that is, the self-restraint and judiciousness inherent in the paternalist ethos. While cruelty with serfs was to be punished, the right, indeed the duty, of the noble to discipline and instruct them for their own good was not. Patriarchy was thus to be rationalized and improved, but not reformed.

While the investigation of suicide among serfs often pointed to seigneurial abuse, the representation of causality was not clear-cut. Such suicides can be described as protests against abuse or injustice, but this seems an imposition of a modern sensibility. The actual intentions of Kovtun, Afanas'ev, or other serfs are almost impossible to ascertain, and the concept of "protest" implies a degree of conscious design difficult to prove. Not surprisingly, the contemporary "official transcript" construed these cases in terms of either personal,

⁴⁸ Given the miserable reputation of bailiffs and their role in the day-to-day running of the estate, one would expect more cases involving them. However, this is one of the only ones I have come across. It is possible that local archives would have additional cases, for cases involving the nobility were almost guaranteed of being appealed to the highest court.

⁴⁹ RGIA, f. 1345, op. 117, d. 474. For the court records, see ll. 4–39; for the opinions of senators and the Ober-Prokuror as well as the final decree, see ll. 67–80. For other cases in which the serf owners were penalized, often for their own misrepresentation of events, see RGIA, f. 1345, op. 236 (1838), d. 773; GARF, f. 109, 4aia eksped., 1827 (op. 167), d. 156; and GARF, f. 109, 4aia eksped., 1859 (op. 199), d. 147.

moral culpability (e.g., drunkenness) or passive victimization. These corresponded to the Janus-faced stereotypes of peasants as embodiments of primitive violence and ignorance on the one hand and childlike naïveté on the other. Both representations upheld the gendered patriarchal relationship of authority to submission and thus legitimized active state intervention. Though acknowledging the potential linkage between abuse and suicide, courts almost always ruled that the judgment of the suicide itself be left in God's hands and that a direct causal linkage could not be established. Other sources, in contrast, do suggest that friends and family of the victim did sometimes make this linkage.

An 1857 incident from Kherson province is thus notable. The serf owner Alenikova regularly had serf girls come to her estate to perform routine domestic chores and to receive instruction in sewing and other "useful endeavors." In the evenings they would return to their families. Among these girls was fifteen-year-old Katerina Darmorisova, whose correct behavior and diligence found favor with her mistress. Neither the girls nor other serfs complained about cruelty or any poor treatment whatsoever. As Alenikova was elderly and in frail health, she soon decided to move to her brother's estate nearby and to take several servants with her. Despite the heated protests of Katerina and her parents, Katerina was included among them. During the next three weeks, the girl became lazy, disobeyed orders, and conducted herself altogether poorly. Finally, she was punished with fifteen strokes of a bundle of dried poplar branches, following which she returned to work without a complaint, albeit pensive and withdrawn. That evening she disappeared only to be found the next day, dead in a noose.⁵⁰

In this case, the official investigation represented the serf in terms of child-like naïveté rather than primitive depravity, and the actions of the well-meaning serf owner in terms of instruction rather than abuse. While the forensic examination did find bruises on Katerina's torso, thereby confirming the fact of the beating, the doctor discounted its importance, arguing that the beating had been altogether too minor to prompt a suicide. Rather, he diagnosed a psychological abnormality arising from a disease of the liver that, incidentally, also explained her generally morose and depressive temperament. This was actually a humane judgment, for it facilitated the Christian burial of the body, but it also shifted the blame: the cause of the suicide was located not on but within Katerina's body. Unlike physical injury, emotional hurt does not leave visible traces, and it did not leave traces in the official verdict either. While the report acknowledged the emotional causes of the misbehavior in the three weeks preceding the suicide (suggesting quite plausibly that Katerina was hoping to get sent home), this emotional subtext was integrated into neither the conceptualization of cruelty nor the explanation for the suicide. Indeed, taking

⁵⁰ GARF, f. 109, 4aia eksped., 1857 (op. 197), d. 229, ll. 4–8.

a serf into the household as a servant was completely legal and thus could not form the basis for a judgment of cruelty.⁵¹ The crime of instigating suicide thus depended upon a definition of cruelty based on specific violations of the laws on punishment. It lacked a nuanced conceptualization of suicide and its causal dynamics, especially in relation to abuse.

The close investigation of this case depended on the quick action of Dar-morisova's parents. Highly concerned about her disappearance, they arrived at the estate around the time Katerina's body was discovered and saw their daughter in the noose. Fellow peasants told them about the punishment, and they went immediately to the local authorities to report the death. At this point, Katerina's mother directly accused Alenikova of causing the suicide through her cruelty, thereby suggesting her basic familiarity with the law as well as her hope that she and her husband would find redress through official intervention. Unfortunately, the records do not contain more information about the words or actions of Katerina's parents; nevertheless, the suicide clearly provoked a moment of rupture. The three-week separation had been experienced as a tremendous hardship by both the parents and the daughter, and Katerina's disappearance and subsequent suicide had shocked her parents into reporting on their owner in an unusually direct fashion. Indeed, their persistence forced the official investigation to acknowledge the relevance of emotional factors. For Katerina's parents, Alenikova's fully legal actions constituted cruelty, prompting them to seek justice.⁵² In a final paternalistic twist, the police report stressed the emotional shock and excused them for their unfounded and unfair accusation.

THE INCULCATION OF PATERNALIST HONOR

In addition to the body, the other key piece of evidence in cases concerning the suicide of serfs was the reputation of the serf owner, and reputation comprised two major components: personal conduct and the proper administration of the estate. Investigations thus inquired after prior criminal offenses, rumors of dissipation (i.e., excessive alcohol consumption and illicit sexual behavior), the general treatment of peasants, and the financial condition of the estate. In looking to the person in its evaluation of a possible crime, Russia's courts were

⁵¹ Contemporary statistical studies did cite cases in which serf children separated from their parents committed suicide. See *Statisticheskie svedeniia o Sanktpeterburge* (n. 36 above), p. 197; and Androssov (n. 36 above), p. 88.

⁵² Peasants were not as insensible to death, familial loss, and feelings of individual dignity, as has sometimes been suggested. On the origins of this image of the "gray peasant," see Cathy A. Frierson, *Peasant Icons: Representations of Rural People in Late Nineteenth Century Russia* (New York, 1993), pp. 116–38.

continuing a practice dating back centuries. Not only did honor and reputation play a key role in shaping social and political power; they were also integrated into the judicial process, with some crimes being defined in terms of (dis)honor (ranging from rape to personal insult) and with reputation influencing legal procedure.⁵³ Reputation raised the issue of community norms and the role of the state in using law to shape behavior.

Social norms and hierarchies consequently shaped the evaluation of forensic and other evidence, especially as the closed trial and the absence of an adversarial tradition often limited the presentation of alternative readings. On February 11, 1839, the serf Tat'iana Popova was found in a noose and immediately cut down, but despite all efforts to resuscitate her she died two days later. The landowner Lieutenant Colonel Maslov reported the case on February 13, and the investigation began the following day. Evidence fell into three primary spheres: Popova's body, the immediate circumstances of the suicide, and Maslov's reputation. Upon examination of the body, the local medic found numerous marks and bruises on her torso and face. Nevertheless, he was satisfied with Maslov's explanation that cutting her down from the noose and trying to resuscitate her had caused them. Similarly, a glandular disease, not physical abuse, had likely produced the scabbing by her ear. To be sure, Maslov admitted that he had struck her two or three times with his hand the day of the attempted suicide, but he claimed that he had stopped when she began to bleed through her nose. (He added that she had bloody noses quite regularly.) Yet fellow peasants recalled some suggestive details: Popova had not had any marks on her face earlier that day, and Maslov had struck her some six times until her nose was bloody. In the period immediately preceding the suicide, Popova had likewise seemed withdrawn and preoccupied (*zadumchiva*). Despite this incident, his serfs described Maslov as a good master, who treated them with tolerance and condescension. On this evidence, the district court and the Kursk criminal chamber both found Maslov innocent. Nevertheless, the Senate ruled that the evidence was incomplete and ordered a further investigation of Maslov's character. It was then confirmed that Maslov had no record of cruelty, that he treated his peasants affectionately and gently (*laskovo i krotko*), and that his overall behavior was above reproach. Citing this new

⁵³ See Nancy Shields Kollman, *By Honor Bound: State and Society in Early Modern Russia* (Ithaca, N.Y., 1999), pp. 43–46, 112–14, and passim; and Valerie A. Kivelson, *Autocracy in the Provinces: The Muscovite Gentry and Political Culture in the Seventeenth Century* (Stanford, Calif., 1996), pp. 203–8 and passim. Stephen P. Frank has also demonstrated the importance of honor and reputation in the litigious culture of the village. See his *Crime, Cultural Conflict, and Justice in Rural Russia, 1856–1914* (Berkeley, Calif., 1999), pp. 147–48 and passim.

evidence, the Senate confirmed the decision of the criminal chambers, explicitly noting that a few slaps could hardly drive someone to suicide.⁵⁴

This case leaves many unanswered questions. Most of the marks on Popova's body in fact remained unexplained, especially as a second medical authority disagreed with some of the original findings. Moreover, the serfs had given detailed testimony on the one incident in which Maslov had hit Popova but then emphasized Maslov's condescension toward them. Did they feel more confident in reporting the specific incident than in characterizing general conditions? Were the questions on Maslov's behavior leading? Who had actually pronounced the key words: condescending, affectionate, and gentle? This question is central, because the general reputation of the serf owner guided the decision making of the courts, especially when the facts were either disputed or ambiguous.

Other cases confirm this pattern. In November 1852, for example, the peasant Semenev hung himself, and the local authorities ruled that the cause was pensiveness or religious mania (*mania religiosa*). As the report stated, "the infliction of punishment of not more than eight strokes with the rod over clothing, [which occurred] the day before the death, was extremely light [*samoie legkoe*] and could not have had any influence on the death of Semenev. Regarding the landowner Kastriut, the district leader of the gentry stated that Kastriut never allows prohibited measures for the management of his serfs . . . but to the contrary responds as leniently as possible to their deeds [*postupki*]."⁵⁵ In this instance, the argument was actually threefold: the real cause of the suicide was some sort of mental disorder, the beating was negligible in any case, and the landowner's reputation was above reproach.

However, reputation could be a double-edged sword. Occasionally the investigation of a suspicious suicide led to an investigation of estate management and ultimately to calls that the estate be sequestered. Though such drastic measures were in fact seldom taken, the breadth of investigation is significant. At issue was not just a particular instance of maltreatment but a general pattern of behavior. In one such case (not coincidentally from 1859, just two years before the abolition of serfdom), the broader investigation was in fact initiated because two peasants had seized the opportunity to lodge a complaint with the governor against their owners just as the investigation of the suicide was beginning. Further complicating the case was the attempt of the mistress of the estate first to hide the fact of suicide and then to delay informing the authorities so that the body would not be available for forensic examination. While she succeeded in destroying the physical evidence of her beatings, the peasants

⁵⁴ RGIA, f. 1345, op. 117, d. 386, ll. 1–4, 30–33, 54–56, and passim. For a similarly ambiguous case, see RGIA, f. 1345, op. 113, d. 306.

⁵⁵ GARF, f. 109, 4aia eksped., 1852 (op. 192), d. 109, esp. 11. 5, 8.

testified with noteworthy enthusiasm: not only did they blame her for provoking the suicide, but they also reported cruel treatment in general as well as an overall worsening of their economic situation, including an increased *corvée*, restrictions on land use, and so forth.⁵⁶

In other court decisions, in which serf owners were either found guilty or left under suspicion, personal behavior and morality formed the key evidence. In one 1831 case from Tambov province, a district court ruled that the nobleman Ensign Zaitsev should lose his rank and noble status and be returned to military service. The case was appealed, and the ultimate verdict is unfortunately unknown. Nevertheless, the evidence used against Zaitsev is suggestive of the broader criteria of judgment in such cases. While drunk, Zaitsev had cruelly punished his serf for insufficient care in his duties, and the serf had then hanged himself. Although additional details on this event are not given, the suicide cast attention on Zaitsev himself. The investigation uncovered two prior offenses. In the first, Zaitsev had been freed by imperial manifesto, but in the second he had been found guilty of insulting superiors, using improper language, and debauched behavior. For these offenses, he had been sentenced to two months of imprisonment and a reprimand by the local assembly of the nobility. As the vice-governor noted in conclusion to his report, “all these measures were insufficient to instruct or convince Zaitsev to correct his behavior, for the general inquiry into his behavior has revealed that he [has continued to] indulge in drunkenness, disorderly conduct, and the cruel treatment of his servants.”⁵⁷ The critical evidence in this case was not in fact the punishment of the serf, but the character of the serf owner. The maltreatment of serfs thus directly raised the question of the behavior befitting the nobility.

Many investigations failed to provide sufficient evidence to convict a serf owner under the article on instigating a suicide, for though forensic evidence was playing an increasingly important role by the 1850s its legal status remained ambiguous. If the defendant was savvy enough to deny everything (and many were), the courts were faced with finding two unimpeachable witnesses to the crime. Circumstantial evidence documenting a pattern of abuse or immoral behavior could fill the gap—especially when official interest had been piqued. In August 1854, the governor of Chernigov sent a special report to the tsar in which he reported the drowning of the fourteen-year-old peasant girl Akulina Shokhova, the serf of Collegial Secretary Filip Arshukov. Because rumors had reached him according to which the girl had intentionally drowned

⁵⁶ GARF, f. 109, 4aia eksped., 1859 (op. 199), d. 147. In another case, the landowner was cleared of any wrongdoing but also instructed to correct various irregularities in the administration of the estate. See GARF, f. 109, 4aia eksped., 1857 (op. 197), d. 229, esp. l. 6.

⁵⁷ GARF, f. 109, 4aia eksped., 1831 (op. 171), d. 194, ll. 1–5.

herself following a beating and attempted rape by her master, the governor had initiated a special inquiry by the Third Section of his Majesty's Personal Chancellery (the secret police). The tsar requested that he be kept informed of the situation.

In the end, the police turned up only what it considered circumstantial evidence. According to witnesses, Arshukov had gone into the serf's hut the day of her drowning, she had screamed and run out, and he had followed dressed only in a shirt and underclothes. He had then beaten and threatened her repeatedly as she worked. It was further established that Arshukov had ordered a serf to lie about the incident, that he was known to treat his serfs cruelly, and that he kept a harem of three young women, who all claimed to have been raped by him as girls. However, as Arshukov refused to confess, the investigation failed to determine whether the serf had drowned herself intentionally as a consequence of maltreatment or whether a rape had really been attempted. Nevertheless, the Third Section requested that his estate be sequestered due to Arshukov's poor morals and management. Upon receiving this report, the tsar then ordered that Arshukov be held under arrest until the conclusion of the case. A year later, the Senate came down with a verdict of suspicion, under which Arshukov was placed under police surveillance and his estate under trusteeship. Having periodically submitted formal petitions proclaiming his innocence, complaining of his poverty, and demanding the return of his property, he was ultimately freed from further surveillance in 1866, some twelve years after the suicide.⁵⁸

That the tsar was informed of this perhaps trivial incident and that he expressed interest in following it was not unusual. Indeed, since the late 1820s, Nicholas had regularly requested additional information on incidents summarized in the official chronicle of events in the empire compiled for him. When something caught his interest, he would have the Third Section make inquiries. Although it is impossible to establish an underlying logic to his requests, Nicholas repeatedly followed up on incidents of suicide among army officers as well as of the alleged provocation of suicide: altogether thirty-five such files dating to his reign survive in the archive. Until he disbanded the Third Section, his successor, Alexander II, continued the tradition, requesting information on a total of twenty-five cases involving some sort of suicide. Most often intervention was limited to a request for further information (though the impact of such a request on the prosecution of a case should not be underestimated). Occasionally, however, the tsar would actively intervene, such as in the case of Arshukov or Titular Counselor Nikolai Zavitaev and his wife Liubov'. In this 1827 case from Tver province, Liubov' was accused of cruelty resulting in the suicide of a serf girl, and her husband was accused of

⁵⁸ GARF, f. 109, 4aia eksped., 1854 (op. 194), d. 166; and 1866 (op. 206), d. 126.

intentionally hiding the body to obstruct the investigation. When rumors reached the tsar that Zavitaev had bribed the local judges, Nicholas promptly ordered that both be sent before the criminal court and held under strict arrest.⁵⁹

This general practice reflected Nicholas's personal style of governance, his distrust of the judiciary, and his preference for administrative solutions.⁶⁰ Fully recognizing and condemning the rampant corruption in the court system—bribery and personal connections were often the single most important factors in the judgment of a case—he sought to solve the problem not by encouraging the rule of law but rather by combating abuses through personal intervention and police surveillance. Since paternal justice remained his ideal, he was determined to make the absolutist state function, not to reform it. Indeed, in his view, the law represented an instrument of his autocratic will, and his intervention did not undermine but rather ensured justice. The key administrative agent in his endeavor was the Third Section, which, as Richard Wortman notes, was “to oversee the enforcement of the law and the virtue of the citizenry. The supreme power became a ‘social conscience,’ whose righteous imperatives would inspire proper conduct, just as personal conscience inspired individual morality.”⁶¹ For similar reasons, Nicholas strengthened the supervisory powers of provincial governors, who formed an extension of his personal authority and surveillance in the provinces. The intervention of the tsar, the governors, and the Third Section could result in the review of cases and even the overturning of verdicts.

The burgeoning of the bureaucracy under Nicholas I combined with legal codification and police surveillance help to explain the judicial interest in the peculiar crime of instigating suicide during the second quarter of the nineteenth century. Yet the dynamics of prosecution as well as Nicholas's own intervention suggest that these cases are best understood in a broader framework. One of the most important considerations seems to have been the preservation of the “delegated absolutism”⁶² of serfdom along Nicholas's revised model. Following the example of European monarchs and similarly concerned with combating ideas of popular sovereignty, Nicholas propagated new images of autocracy, in which the private, familial virtue embodied and celebrated in the imperial family (as opposed to the public virtue of the civil servant) came to represent “the attitudes towards authority and modalities of conduct, both of-

⁵⁹ GARF, f. 109, 4aia eksped., 1827 (op. 167), d. 156.

⁶⁰ On the reign of Nicholas I, see Nicholas V. Riasanovsky, *Nicholas I and Official Nationality in Russia, 1825–1855* (Berkeley, Calif., 1962).

⁶¹ Wortman, *Legal Consciousness* (n. 35 above), p. 240. For a discussion of the Third Section, which stresses the role of patriarchal ideology, see also Sidney Monas, *The Third Section: Police and Society in Russia under Nicholas I* (Cambridge, Mass., 1961). Finally, see P. S. Squire, *The Third Department: The Establishment and Practices of the Political Police in the Russia of Nicholas I* (Cambridge, 1968).

⁶² Cf. Engelstein (n. 1 above), p. 26.

ficial and private, that should prevail in the macrocosm of the empire.” As Wortman has convincingly demonstrated, the sentimental idyll of the imperial family—with its display of probity, moderation, self-restraint, and religious faith—thereby became the exemplar of autocracy, and Nicholas himself was the “stern and righteous *paterfamilias*.”⁶³ The broader influence of this model was likewise reflected in educational norms, police surveillance of public morality, and even the pedagogical impulse guiding the new provincial newspapers. Altogether, a kind of Victorian morality thus structured Nicholas’s attempt to rationalize autocracy and its patriarchal structures.

In this broad endeavor to reshape the institutions of Russian society (and not just the state), it was necessary to punish vice among the nobility and hence to promote a standard of conduct befitting a nobleman. Based on the concept of patriarchal honor, this ideal of nobility was, in turn, to be expressed in a stern if benevolent paternalism with subordinates, especially serfs, but also wives and children. It is hardly surprising, therefore, that both the language used in the prosecution of instigated suicide and, more important, the evaluation of evidence indicate that the conduct of the serf owner was the single most important criterion of judgment. Unfortunately, it is difficult to assess the degree to which this ideal actually shaped the development of a corporate identity or paternalist ethos within the provincial nobility. To be sure, the local courts often investigated cases without prodding from above and sometimes either found serf owners guilty or left them under suspicion. Similarly, the local noble assemblies did at times give negative character references. Still, as local conditions and loyalties should not be underestimated, provincial-level studies would be necessary to evaluate the extent to which nobles espoused and/or acted upon the model.

Parallel to this development and not necessarily consistent with Nicholas’s emphasis on patriarchal justice was the growing concern within the criminal chambers and Senate for legal norms and judicial procedures, a concern that becomes particularly evident in cases from the late 1840s and 1850s. Despite Nicholas’s avowed distaste, this pattern suggests that the ideal of a bureaucratic state regulated by law and procedure was also motivating judges, senators, and governors, that is, those who have been termed “enlightened bureaucrats.”⁶⁴

⁶³ Richard Wortman, “The Russian Imperial Family as Symbol,” in *Imperial Russia: New Histories for the Empire*, ed. Jane Burbank and David L. Ransel (Bloomington, Ind., 1998), esp. pp. 64–68, 71. See also his *Scenarios of Power: Myth and Ceremony in Russian Monarchy*, vol. 1, *From Peter the Great to the Death of Nicholas I* (Princeton, N.J., 1995).

⁶⁴ The literature on the so-called enlightened bureaucrats is extensive. In addition to Wortman (*Legal Consciousness*), see W. Bruce Lincoln, *In the Vanguard of Reform: Russia’s Enlightened Bureaucrats 1825–1861* (DeKalb, Ill., 1982); Daniel T. Orlovsky, *The Limits of Reform: The Ministry of Internal Affairs in Imperial Russia* (Cambridge, Mass., 1981); and George L. Yaney, *The Systemization of Russian Government: Social*

Their intervention thus reflected an attempt to apply the new laws rather than to use them for paternalistic justice per se. In other words, the interests of the law and of justice could coincide in cases of seigneurial abuse.

One of the main reasons for the official interest in reforming serfdom under Nicholas I was the undisputed fact that it had lost its legitimacy and increasingly seemed to be a cause of social disorder and peasant rebellion. Even as Nicholas sought to improve serfdom through intervention and the dissemination of paternalism as a model, he also recognized it as an evil in its present state, one that he was unable to abolish. By the mid-nineteenth century, serfdom thus lacked those highly elaborated ideological justifications common to American slavery, an absence that has led one comparative study to conclude that Russia's gentry did not possess an ethos of paternalism.⁶⁵ However, the highly formalized language of judicial transcripts, police investigations, and statistics suggests that the proper paternalist ethos was well known to officials, serf owners, and serfs alike. Though a peripheral phenomenon, the crime of instigating suicide demonstrates the contradictions and conflicts involved in regulating the patriarchal basis of autocracy. Intended to encourage a moral and internalized concept of seigneurial honor, it exposed the abuses of patriarchy, challenged norms governing household discipline, and advanced the development of an external, juridical concept of law.

REFORMING THE PATRIARCHAL FAMILY

While this article has thus far focused on the prosecution of serf owners for driving their serfs to commit suicide, the crime in the prereform era was not limited to serfdom. The other institution in which one finds significant state intervention combined with the propagation of a paternalistic ethos was the military, although, in contrast to serfdom, its legitimacy was hardly in doubt. As Elise Kimerling Wirtschafter has demonstrated, paternalistic values were supposed to govern the relations between commanders, seen as "fathers" to their subordinates, and soldiers, who needed guidance and protection. Here too, fatherly concern for welfare combined with the strict use of discipline. In her examination of prereform military justice, she finds very similar phenomena to those described in this article: "cruelty" was prosecuted as a way to

Evolution in the Domestic Administration of Imperial Russia, 1711–1905 (Urbana, Ill., 1973).

⁶⁵ In arguing that Russia's nobility did not have a paternalistic ethos, Kolchin (n. 10 above) cites the lack of elaborate written defenses of serfdom on the basis of paternalism, such as what one finds in the American South. I find the data inadequate and hope that more local studies of the nobility (especially through judicial records) will be able to illuminate practices and self-image.

inculcate a paternalistic ethos (to shape the sense of honor among officers), to correct abuses, and to preserve social order. Wirtschafter also describes cases from as early as 1820 in which we find the model of instigated suicide: suicide and attempted suicides among subordinates leading to the investigation and punishment of superior officers for cruelty and abuse of authority, that is, for driving a subordinate to such a desperate and illegal act.⁶⁶ While additional research in military archives would be needed to evaluate the extent of this phenomenon, secret police records from the 1850s confirm Wirtschafter's evidence. While dying from a self-inflicted gunshot wound, for example, Sergeant-Major Zagurskii named the oppression (*pritesnenie*) of his superior officer as his motive, but then withdrew his accusation. The accused was nonetheless fully investigated and ultimately exonerated as a good and energetic officer.⁶⁷

Intervention also occurred in other patriarchal institutions, including the family and school. For cruelty leading to the suicide of her daughter-in-law, for example, a local court in Nizhnii Novgorod province sentenced the peasant Aksin'ia Pavlova in 1830 to five lashes with the whip and five years of church penance, including one year at a convent.⁶⁸ Similarly, when the thirteen-year-old schoolboy Viktor Balushev attempted suicide in 1845, he blamed the inspector of his gymnasium in Saratov, who, apparently to avoid further consequences, resigned from his job and entered a monastery.⁶⁹ Interestingly, the frequency of such cases seems to be much lower than that among serfs and soldiers, likely because the government perceived little threat to social stability—in notable contrast to its well-known concern about both peasant disorders and cases of disobedience, desertion, and even mutiny within the military. This situation changed after the emancipation of the serfs from the personal-paternal authority of the landlord in 1861.

In the postemancipation era, the school, the army, and especially the family became the key arenas for the crime of instigated suicide. While this shift is partly explained by the end of the lord-serf relationship, it also presents an

⁶⁶ Wirtschafter (n. 2 above), chaps. 5–6, esp. pp. 126–37, 196 n. 77.

⁶⁷ As Wirtschafter notes (*ibid.*, p. 120), soldiers did have a legal identity and formal channels for presenting complaints, in contrast to serfs. For this case, see GARF, f. 109, 4aia eksped., 1858 (op. 198), d. 257. See also the case of Sergeant-Major Riumin, f. 109, 4aia eksped., 1850 (op. 190), d. 215.

⁶⁸ Gosudarstvennyi arkhiv Nizhegorodskoi oblasti (henceforth GANO), f. 570, op. 557, 1830, d. 156. See also the case involving the suicide of a peasant woman (*odnadvorka*) whose husband was accused of beating her beforehand, RGIA, f. 1345, op. 236, d. 743.

⁶⁹ GARF, f. 109, 4aia eksped., 1845 (op. 185), d. 173. See also the case of Mariia Vlasova, wife of a titular counselor, accused in the suicide of noncommissioned officer Iakob Gerasimovich, RGIA, f. 1345, op. 240 (1842), d. 404; and another involving Bulgarian colonists, GARF, f. 109, 4aia eksped., 1846 (op. 186), d. 202.

interesting question. Why did the crime of instigated suicide persist at all in the postemancipation period? The answer is twofold. The abolition of serfdom inherently raised the question of whether other (patriarchal) institutions should also be reformed, and new public forums, from the newspaper to the jury trial, encouraged unprecedented public awareness of such social issues as abuse and the nature of the family. The emergence of the “woman question” in particular involved a passionate debate about women’s essential nature, legal status, and right to education and individual autonomy. Moreover, the phenomenon of “fictitious marriages” (through which young women were “liberated” from the authority of their fathers) helped shape a perceived crisis of the traditional familial and social order. While reform of statutory family law did ultimately gain significant support within official circles and parts of the population, almost all proposals were blocked by conservatives as well as by the Orthodox Church, which maintained its jurisdiction over divorce and separation. With the pressure for reform effectively stymied, alternative solutions to such concrete problems as abuse were clearly necessary, and the obscure statute on suicide proved useful.⁷⁰ The crime of instigating suicide continued to operate within the framework of patriarchy after 1861, but intervention could now reflect contradictory impulses: the inculcation of a paternalist ethos among parents and husbands (parallel to the earlier cases) as well as the circumvention, criticism, and even subversion of patriarchy. The reform of the legal system, the emergence of a public sphere of newspapers and journals, and the critique of the arbitrariness (*proizvol*) of autocracy and its (patriarchal) institutions all shaped a new environment for suicide and its cultural meanings.

Two landmark decisions from 1854 and 1868 provided the impetus to bring the crime of instigated suicide into the family. In both cases, parents were prosecuted for abusing their children under the article on instigating suicide, though neither child had actually committed suicide. Ekaterina Leont’eva was accused of beating her nine-year-old son with a rod, feeding him poorly, tying his hands and feet, and locking him in a small wardrobe as well as an unheated larder. Though she argued that such measures were necessary to cure him of his masturbation, the State Council—Russia’s highest governmental body—found her acts indefensible. However, as there was no specific law governing child abuse, it cited the statute on instigated suicide as the one most applicable to this case involving the abuse of dependents. Rather than being sent to prison as specified therein, she was instead sentenced to a convent for three years, at which time she was to be released if she had truly repented her “unnatural”

⁷⁰ See Wagner (n. 1 above). On the growing conservatism of the church in particular, see Gregory Freeze, “Bringing Order to the Russian Family: Marriage and Divorce in Imperial Russia, 1760–1860,” *Journal of Modern History* 62 (December 1990): 709–46.

behavior. Interestingly, the court linked the abuse of her son to previous instances of serf abuse, for which she had already lost the right to administer her estate and serfs.⁷¹ In the second case from 1868, the Senate built on this precedent and explicitly sought to broaden the scope of the law. Ruling that parental mistreatment had driven fifteen-year-old Ol'ga Umetskaia to commit arson (she had set fire to the house of her parents), the Senate held that the statute on instigated suicide could be used in all cases of abuse leading to despair and crime, whether or not a suicide had actually occurred.⁷² While it is difficult to assess the extent to which this precedent was followed, as other cases located by this author did involve a suicide, the regulation of the patriarchal relationship had clearly entered a new phase.

During the next decade, the Leont'eva and Umetskii cases became the subject of legal debate, with opinion splitting into two camps. Those critical of the decisions generally saw them as a well-meaning but misguided deviation from the letter of the law, which they also condemned as rife with contradiction and imprecision. If the aim was to address the abuse of parental and other patriarchal forms of authority, they argued, it would be preferable to design a new law to do just that, a law that would not contain the word "suicide." Though recognizing the general validity of such criticism, other jurists supported the spirit of the new interpretation, arguing that the Senate had finally focused on the real issue, which was the abuse of authority. While both camps supported the general revision of family law reducing the absolute authority of the husband and parents over the wife and children, they put forward different concepts of legality. Whereas the first argument promoted the rule of law in itself, the second reworked the traditional, instrumentalist view of law as a means to promote paternalistic justice and the general welfare.⁷³

This debate reflected the influence of the ambitious judicial reform of 1864, which fundamentally revised court structures and legal procedure along the lines of Western norms. In theory it created an independent court based upon such principles and structures as trial by jury, an adversarial system, a public

⁷¹ RGIA, f. 1151, op. 4 (1854), d. 149, esp. 114–16, ll. 119–23.

⁷² For the full text of the decision, see no. 160 (Po delu Gubernskogo Sekretaria Vladimira i zheny ego Ekateriny Umetskikh), *Resheniia ugovnogo kassatsionnogo departamenta Pravitel'stviuushchego Senata* (St. Petersburg, 1868), pp. 224–33.

⁷³ For the first view, see Tagantsev (n. 22 above), 2:442–46; N. A. Nekliudov, *Rukovodstvo k osobennoi chasti Russkogo ugovnogo prava*, vol. 1, *Prestupleniia i postupki protiv lichnosti* (St. Petersburg, 1876), pp. 256–58; Aleksandr Lokhvitskii, *Kurs russkogo ugovnogo prava* (St. Petersburg, 1871), pp. 546–48; and for the second, A. Kistiakovskii, "O samoubiistve po russkim ugovnym zakonam," *Zhurnal grazhdanskogo i ugovnogo prava*, no. 3 (March 1882), pp. 89–94; and the opinions of members of the provincial courts of Chernigov, Tambov, and Saratov provinces in *Materialy dlia peresmotra nashego ugovnogo zakonodatel'stva* (St. Petersburg, 1881), pp. 349–50.

legal process, and the equality of all citizens before the law. The goal of its proponents was no less than to inculcate respect for law in Russia and in this way to shape a modern civil society. This project was undermined by the state, which did not subordinate itself to the law, and by the partial exclusion of the peasantry from the new judicial system and hence from the “educational” project envisaged by the reformers. For peasants, so-called *volost’* (an administrative unit denoting several villages) courts decided minor criminal and many civil matters. While I have not found cases of instigated suicide in the *volost’* courts—peasants instead were prosecuted in regular courts (*okruzhnyi sud*)—the concept that peasants had different customs and should hence be judged by different standards strongly influenced legal arguments. In principle, conviction required the establishment of both cruelty and a causal relationship between the abuse and the suicide. The strategy of the prosecution was generally to challenge the legitimacy of discipline, which often meant to depict it as simple violence, a holdover from a premodern era. In contrast, defense attorneys exploited a wide range of scientific theories and cultural truisms, transforming both the courtroom and the law. Indeed, public taste and cultural norms were at the heart of the new interest in instigated suicide.

Jury trials became public spectacles, as interesting cases attracted large audiences and extended newspaper coverage. When the merchant’s wife Aleksandra Bergardt was accused in 1872 of having driven her daughter Varvara to suicide, for example, the reporter introduced his report with the following observation: “This case has awoken tremendous interest in the city of Smolensk: the courtroom was overflowing with the public, which not only occupied all the seats but also found places in the aisles and windows. Women were predominant. A crowd of people stood by the entryway to the court, and a kind of carnival [*gulian’e*] ensued around the building.”⁷⁴ Though prosecution appears to have been relatively rare, public awareness of the law was quite high. Many newspaper reports on individual cases of suicide (particularly among schoolchildren) raised the question of instigation, sometimes implying that local power structures hindered true justice, which would require prosecution.⁷⁵ Coverage in the local and national press could also facilitate public commentary and criticism. When the Simferopol procurator decided not to

⁷⁴ Reprinted with a transcript of proceedings in *Smolenskie gubernskie vedomosti* as “Sudebnye zasedaniia,” *Sudebnyi vestnik*, no. 93 (1872), p. 2; for the continuation, no. 94 (1872).

⁷⁵ On the suicide of young people being blamed on their schools, see, e.g., “Delo, vyzvanoe samoubiistvom Nikolenko,” *Nedelia*, no. 33 (1870), pp. 1080–81 (continued in nos. 34 and 39); and “Kto vinovat’?” *Peterburgskii listok* (January 27, 1876); such cases became extremely common in the twentieth century and form a separate part of my study of suicide. For an overview of the problem then, see V. Portugalov, “Melkii bes i ego zhertvy,” *Novyi zhurnal dlia vsekh*, no. 17 (March, 1910).

prosecute a case, noting that the deceased should have lodged a complaint instead of committing suicide, the progressive weekly *Nedelia* ironically commented, “it would have been interesting to know with whom the soldier [*den’shchik*, or batman] could have lodged a complaint.”⁷⁶

Physical violence was no longer necessary to bring a case, as in the suicide of Ol’ga Guseva, whose husband was prosecuted and ultimately found not guilty of instigation. He had rejected her on their wedding night (due to her having lied about her chastity) and had not prevented her from taking a gun with her as she fled from him and her shame. Guseva left a short but highly significant suicide note: “I ask that nobody be accused of my death and that the causes not be sought” (*V moei smerti proshu nikogo ne vinit’ i prichin ne doiskivat’sia*). Variations on this ambiguous first phrase (I ask that nobody be accused of my death) appear in literally hundreds of suicide notes in late imperial (and Soviet) Russia; it underscores the extent to which the idea of instigation permeated the construction of suicide.⁷⁷

As intimate relationships and private abuse entered the public eye, substantive questions were raised about the nature of (patriarchal) authority and human agency. What under Nicholas I had been understood as the benign paternalism of the paterfamilias could thus be represented as arbitrary rule (*proizvol*). In the case of Elizaveta Tychinskoi from Kiev, the father was constructed as a despot. Having suffered years of (truly horrifying) abuse from her father, who refused to give up her passport and thereby allow her to determine her own residence, she described her life as pure torment (*pytka*), took poison, and refused an antidote, asking simply to be left to die in peace. For the court, this was a clear-cut case of parental abuse, in which the father had “manifestedly persecuted” his daughter and treated her cruelly. While the tyranny of the father was not in question, the autonomy of the daughter was. This case raised a very difficult issue: how can we really identify the cause of a suicide? Before her death, Elizaveta had seen the well-known doctor and psychiatrist Ivan Sikorskii, who was subsequently asked to certify the mental illness necessary for a Christian burial. Believing, however, that Elizaveta was psychologically healthy (if also the clear victim of her father), he could only recommend an autopsy, which would perhaps expose “the secret of her death” (*raskryt’ tainu*

⁷⁶ “Sudebnye protsessy: Dovedenie zhestokost’iu do samoubiistva,” *Nedelia*, no. 28 (1899), pp. 912–13. For a case involving a Cossack sergeant and his subordinate, in which the sergeant was found guilty, see “Sudebnye protsessy: Samoubiistvo soldata ot zhestokogo obrashcheniia,” *Nedelia*, no. 9 (1896), p. 280.

⁷⁷ While this could refer to both murder and (instigated) suicide, I would suggest that the latter was more of a concern in part because suicide can be staged to prevent any suggestion of murder. In the Guseva case, the husband was not even present. See Institut rossiiskoi literatury (henceforth IRLI), f. 134, op. 4, d. 208; for the press coverage, including the verdict, *Ekaterinburgskaia nedelia*, nos. 8 and 50 (1889).

smerti).⁷⁸ The body-as-evidence was now multivalent: it could still reveal the scars of abuse, but the cause of suicide lay even deeper within. Medical approaches to suicide could thus undermine the causal structure of instigated suicide.

A common defense strategy—one implicitly encouraged by leading textbooks on criminal law—was to question the concept of cruelty by depicting physical abuse as light and not criminal in itself.⁷⁹ In one 1874 case from Poltava province, the peasant Denisenko was found guilty of having caused the suicide of his wife through his beatings. When the case was appealed to the Senate, the defense pointed out that the law did not in fact prosecute “light beatings” between spouses; consequently, the beating was not illegal and could not constitute cruelty. In effect, this strategy adopted the prereform model, according to which a violation of the regulations on seigneurial punishment was generally necessary to the establishment of cruelty. The second strategy was an appeal to customary law: as wife beating was customary among peasants, the defense argued, it could not drive someone to commit suicide. In its decision, however, the Senate upheld the jury’s original verdict: Denisenko received six months of incarceration and church penance.⁸⁰

In the 1872 case against Aleksandra Bergardt mentioned above, the defense attorney took a more creative and successful approach. In countering the indictment, in which siblings and servants detailed beatings and general abuse, he depicted the treatment of the daughter Varvara not as cruelty but rather as an inevitable “family drama,” an all-too-familiar conflict of generations: whereas the parents came from a conservative merchant background, in which hard work and discipline were paramount, the daughters had received a superficial modern education, which had caused them to reject their parents’ values and to complain about their harsh lives. “It is impossible to blame anyone for this; masses of people live similarly to the Bergardts. Parents strive to educate their children and—according to their means—give them a cheap education; the daughters learn to chatter in French, dance, play the piano but they fancy themselves educated and despise their parents as uneducated

⁷⁸ IRLI, f. 134, op. 4, d. 264, esp. ll. 6–9.

⁷⁹ Most scholars highlighted the fundamental ambiguity of the term, but they tended to put forward a broad definition. Nekliudov ([n. 73 above], p. 256) defined cruelty as violence upon the individual as well as general oppression and hardship, and he further believed it unnecessary to document a pattern of abuse, noting that one incident could be sufficient. While Tagantsev ([n. 22 above], 2:445) suggested that cruelty could encompass both physical and moral dimensions, he argued that the jury was faced with determining the definition in each case.

⁸⁰ “Po delu krest’ianina Denisenko,” no. 222 (April 3, 1875), *Polnyi svod reshenii ugovnogo kassatsionnogo departamenta Prav. senata za 1875* (Ekaterinoslav, 1911), pp. 329–30.

merchants and only dream about how to become the wife of a civil servant in order thus to escape the hated merchant estate.” With Ostrovsky’s plays parodying merchants well known by the 1870s, such stories about merchants and generational conflict were readily understandable for the jury and the public at large. In summing up, the attorney concluded that the parents deserved sympathy, the children pity; the experience would be a lesson for them both. After a fifteen-minute deliberation, the jury found Aleksandra Bergardt not guilty.⁸¹

Finally, in one 1868 case from Voronezh province, the defense attorney masterfully appealed to customary law, cultural difference, and modern science to dismantle the case of the prosecution.⁸² The defendant, the nineteen-year-old peasant Stepan Ozerskii, was accused of beating and thereby causing the suicide of his seventeen-year-old wife Varvara. Though Ozerskii admitted beating her lightly the day in question, the forensic examination revealed numerous bruises on Varvara’s body and head indicative of more than just a few slaps. In their preliminary testimony (which they largely withdrew at the trial), neighbors stated that they had not witnessed this particular beating but confirmed another instance and mentioned rumors of marital unhappiness, which Ozerskii himself confirmed. On their wedding night, he claimed, he had discovered her “dishonor,” presumably a previous loss of virginity. He had beaten her, and she had subsequently repulsed his sexual advances and refused to obey him. Although numerous other witnesses described Varvara as modest and unassuming, she was, in her husband’s words, evil and obstinate. This information provided the basis for the prosecution.

In making his case, the defense attorney, N. I. Kalenius, first sought to undermine the causal relationship between a beating and suicide, a relationship the prosecution had largely taken for granted: “The prosecution is based on the fact that the husband beat the wife, and that the wife hanged herself. There is no connection between these two events: the wife could also have hanged herself when the husband had not beaten her at all; it is also possible that she would not have hanged herself after a beating, as many do not, even those who have been beaten badly. Husbands hang themselves more frequently, although their wives do not beat them; criminal statistics show that the number of suicides among men is three times higher than among women.” Having deconstructed causality with statistics, he then turned to the beating itself and adopted a position of cultural relativism. Quoting both such peasant proverbs

⁸¹ *Sudebnyi vestnik*, no. 94 (1872), p. 3. For a case from Kiev in which the mother was found guilty, see “Sudebnye protsessy: Mat’ vinovnitsa samoubiistva docherei,” *Nedelia*, no. 14 (1900), pp. 479–81.

⁸² For a full report on this case, including transcripts from the trial, see “Sudebnaia khronika,” *Sudebnyi vestnik*, no. 143 (July 4, 1868), p. 1.

as “Where they love, they also beat” (“*gde liubiat tam i b’iut*”) and the latest legal authorities, he argued that the definition of cruelty depended on the cultural level of the couple. Whereas custom allowed wife beating among peasants, a different standard governed more educated circles. Consequently, cruelty among peasants must be assessed differently than cruelty among elites. “We must examine people and their customs as they are, not as they should be,” he thus asserted. “With time peasants will probably stop beating their wives, but now, in court, we must only consider what is, not what could be.” On this basis, he concluded that cruelty could not be proven; because wife beating was acceptable behavior among peasants, the blows had not been strong enough to cause Varvara’s death, and they had not even prevented her from eating lunch.

Having thus discounted the notion of cruelty, Kalenius returned to the problem of causality in order to suggest another explanation for the suicide. In this endeavor, he again exploited popular stereotype and modern science. Quoting the forensic report, which described Varvara as having a delicate build, similar to that of a child due to incomplete physical development, he suggested that Varvara was in fact abnormal. Whereas she was already seventeen and still not fully grown, the normal age of maturity for Russian women—according to the attorney—was thirteen or fourteen. “I drew this conclusion,” Kalenius noted, “with the help of medical authorities, and I believe that my explanation of the natural consequences, which sometimes occur from abnormal [physical] development will be understandable, just as everything which is natural is understandable.” Having prepared the jury to hear the natural truth, he proceeded to paraphrase several prominent German scientists (including Krafft-Ebing, Greisinger, and Spielmann), none of whom would have been recognized by members of the jury but who had all written on nervous illnesses sometimes arising as a consequence of abnormal development. In interpreting the scientific jargon for the jury, he found all the described symptoms in Varvara Ozerskaia: an aversion to her husband, an aversion to housework, and irritability when reprimanded. “And for the sick extravagance [*bolezennoe sumasbrodstvo*] of the wife,” he concluded his statement, “the husband has been brought before the court, and for that he languishes in prison! [It is] in your will, gentlemen of the jury, [to] free the accused.”

Attempting to address the issues raised by the defense attorney, the prosecutor only weakened his case. He argued that the beating had been excessive because its cause had been so trivial: Varvara had forgotten to feed the hens, resulting in the death of two chicks. In his rebuttal, Kalenius attacked the ignorant condescension of the prosecutor, pointing out that two chickens, not chicks, had perished and that such a loss was hardly insignificant for a poor peasant family. Indeed, Stepan Ozerskii was the only working-age man in the household, and his mother and sister had nobody else to support them. Kalen-

ius had constructed a brilliant case. Having cited peasant custom and the newest scientific theories, he appealed to the jury to return the son and brother to his family. In the process, he represented himself as a man of the people, educated at a district school, and equally comfortable with rural life and with the latest scientific advances. The prosecutors, in rhetorical contrast, were patriarchal and condescending, meddling in private family relationships and taking a superior, pedagogical position vis-à-vis the peasantry. The jury was convinced, and the defendant Stepan Ozerskii was quickly found not guilty.

CONCLUSION

Many of the questions raised about the causes of Varvara Ozerskaia's suicide remain pertinent today. During the last two centuries, medical doctors, psychiatrists, and sociologists have all failed to provide satisfactory answers to the enigma of suicide. Why does someone respond to misfortune with suicide, while someone else does not? It is thus impossible to state definitively that Varvara Ozerskaia hanged herself as a result of either a specific beating or a pattern of abuse (though that is one possible explanation), and to draw such a conclusion is not the object of this study. Rather, the historical analysis of the crime of instigated suicide illuminates the transformation of patriarchal governance in imperial Russia.

That the crime of instigated suicide existed at all was largely due to the official concern during the reign of Nicholas I with the explosive dangers of serfdom and the honor of the nobility. The key legal issue in its prosecution was the establishment of cruelty, which was defined as a violation of the laws on punishment, and little attention was devoted to the mechanism linking punishment and suicide. Based on a paternalistic concept of authority, the law presumed that the suicide of a subordinate could be directly attributed to the actions of a superior, and it sought to discipline the superior in order to uphold the system. In the postemancipation era, the crime of instigated suicide assumed new functions and meanings. Its primary environment moved from closed courtrooms and bureaucratic structures to several highly public and dialogic forums: the professional legal and scientific communities, the jury trial, and the newspaper. Within this new, less ordered world, prosecution was often employed to punish abuses of authority in order to limit the power of the patriarch and modernize social relations. In this sense, it was one small aspect of a broader process in which patriarchal forms of governance were criticized and undermined. Arbitrary rule was thus located in patriarchal governance, whether the state, the family, or the school. Although statutory law had not changed, legal and popular definitions of legitimate patriarchal discipline had. Cruelty could thus designate not just illegal forms of punishment but also physical and moral abuse in general.

If patriarchy was undermined in the late imperial period, paternalism persisted. This study has thus found important continuities as well as changes. Throughout the nineteenth century, the prosecution of instigated suicide constructed the victim as passive, for it was precisely this representation that facilitated active intervention (of the tsar, the governors, the courts, the intelligentsia) in the name of (paternal) justice, cultural norms, and ultimately civilization. In effect, however, prosecution denied agency to the suicide, who was not represented as a conscious actor. Serfs who represented their suicides as the active affirmation of the self and personal dignity violated this unwritten rule. With justice depending on paternalistic intervention, not individual initiative, the government constructed these cases in terms of insubordination and even political subversion, rather than instigation.⁸³

Official interest in eliminating and punishing abuse likewise coexisted with popular expectations that this was possible. Despite their formulaic and inquisitorial character, prereform court records indicate the complexity of peasants' responses to suicide and abuse. In numerous cases, peasants played key roles in drawing the attention of local authorities to the incident, and their testimony regularly incriminated the serf owner—more often indirectly but sometimes directly, especially by the 1850s. They thus used laws and legal structures to protect themselves against abuses of power and seem to have believed in the possibility of finding just redress. Belief in official intervention and the possibility of justice persisted in the latter era; hence the tremendous public indignation when abuses went unaddressed. Indeed, public awareness of abuse within the family grew significantly in the last decades of tsarism, a phenomenon found in both the educated and lower classes. Although the government failed to introduce adequate laws, the Senate as well as some local courts did address the issue, often finding creative solutions (including the appropriation of the statute on instigated suicide).⁸⁴

The crime of instigated suicide reproduced a gendered representation of patriarchal justice with clear distinctions drawn between passive victims and

⁸³ I address this problem in a forthcoming article, "In the Name of Freedom: Autocracy, Serfdom, and Suicide in Russia." The most famous case is that of Grigorii Miasnikov, whose 1828 suicide in Arzamas led to the direct involvement of Count Benckendorff and the tsar in the investigation. For a brief summary of this case, see A. S. Gatsiskii, *Liudi nizhegorodskogo povolzh'ia: Biograficheskie ocherki*, bk. 1 (Nizhnii Novgorod, 1887), p. 153.

⁸⁴ Joan Neuberger mentions that the peace courts did address abuse, sometimes causing some disagreement within families: those sentenced to brief spells in prison for wife or child abuse did not recognize that they had done wrong. See her "Popular Legal Cultures: The St. Petersburg *Mirovoi Sud*," in *Russia's Great Reforms, 1855–1881*, ed. Ben Eklof, John Bushnell, and Larissa Zakharova (Bloomington, Ind., 1994), pp. 240, 242. Wagner (n. 1 above) also argues that the Senate expanded the rights of wives in practice despite the blockage of statutory reform.

their active protectors. However, a disproportionate number of cases from across the nineteenth century actually involved women—whether as serf owners or as mothers—accused of driving their dependents to suicide. Although definite conclusions cannot be drawn due to the limited sample, this could suggest that notions of “female misrule” influenced both the decision to prosecute and the willingness of peasants (and servants) to testify against their mistresses. Indeed, the image of the cruel serf owner was often female: Dar’ia Saltykova is the archetype from the eighteenth century—the case always cited to prove both the extremes of abuse (she had tortured serfs to death before her detention) as well as the general failure of the government to intervene. Similarly, the most famous portraits of serf abuse from nineteenth-century literature also single out female landowners: Ivan Turgenev’s “Mumu” and Lev Tolstoy’s “Polikushka.”

Though such literary representations did not construct the victims of abuse as passive, they did examine a parallel process, one not found in the official transcripts of serf abuse: how arbitrary power seeks to annihilate dignity, autonomy, and the self. Fyodor Dostoyevsky explored the theme in a slightly different context: “The Meek One” (quoted in the epigraph to this article) is the inner monologue of a husband attempting to understand his wife’s suicide. Having retold the story of their relationship (and half-admitted his own psychological cruelty), the narrator comes to the problem of culpability. Was he himself to blame? Or was the cause within her soul or her body? Had it been a momentary impulse? Anemia and exhaustion? There was no answer.⁸⁵ Dostoyevsky had captured the essence of the problem. The cause of suicide can never be definitively identified. Just as the reformed courts, professionalization of the legal and medical professions, and the public awareness of abuse all provided the basis for increased intervention in familial relations, modern science undermined traditional notions of human agency and hence the causal basis of instigation. With medical authorities locating the causes of suicide within (rather than on) the body and with statisticians concerned with correlations and regularities, there was no longer an “official transcript” (or a master narrative) for the individual stories. As defense attorney Kalenius had pointed out, the wife could have hanged herself when the husband had not beaten her at all.

The picture that emerges from this study is quite ambiguous. That paternalism persisted in Russia is hardly unusual in a European context. In France, the state constructed its intervention in the sphere of child abuse with metaphors of paternity; similarly, the paternalist basis of the modern welfare state

⁸⁵ F. M. Dostoevskii, “Krotkaia: Fantasticheskii rasskaz,” in *Polnoe sobranie sochinenii v tridsati tomakh* (Leningrad, 1982), 24:5–35. For further analysis, see Paperno (n. 18 above), pp. 182–83.

is well known.⁸⁶ Yet in comparison to Western Europe (and the early Soviet period), paternalism in late imperial Russia was in fact significantly less interventionist. This was due in part to institutionalized gridlock within the government, which proved unable to mediate between the interests of the Church and the forces of reform (who themselves generally favored increased intervention on a Western model). A second reason lies in the very mechanisms of patriarchal governance. On the one hand, it was necessary to regulate patriarchal authority in order to prevent abuse from undermining it; on the other hand, it was necessary to assert and celebrate patriarchal authority in order to maintain autocratic legitimacy, divine law, and social order.⁸⁷ In many respects, the balance between these two mechanisms was lost in the late imperial period, when autocracy found itself on the defensive. The dialogism of the postreform era thus coexisted with old patriarchal structures and new forms of paternalism. Indeed, neither the state nor the intelligentsia renounced their paternalistic roles in Russian society, and power often continued to be construed as personal and unofficial. It is thus no surprise that the crime of instigating suicide persisted after 1917, when patriarchal models found new expression and helped to shape the Soviet experience of modernity.⁸⁸

⁸⁶ See Sylvia Schafer, *Children in Moral Danger and the Problem of Government in Third-Republic France* (Princeton, N.J., 1997), esp. pp. 11–16; and Gisela Bock and Pat Thane, eds., *Maternity and Gender Policies: Women and the Rise of the European Welfare States, 1880s–1950s* (London, 1991).

⁸⁷ I would like to thank Catriona Kelly for her comments on this issue.

⁸⁸ See Fitzpatrick (n. 32 above) on attitudes toward power and its abuse, and Stephen Kotkin, *Magnetic Mountain: Stalinism as Civilization* (Berkeley, Calif., 1996).