

# **TAKING IZMAIL**

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[[dedication]]

For Francesca

## Lecture 7

*Narratio est rei factae, aut ut factae, utilis ad persuadendum expositio.*

– Quintilianus<sup>1</sup>

In the Kramer case, the legal luminary Prince Urusov won an acquittal for his defendant despite the fact she'd confessed, the corpus delicti<sup>2</sup> was satisfied, and there was even the lifeless stocking plucked from an envelope that had fallen, cloudlike, upon the exhibits table. When the verdict was delivered to the courtroom's rapturous applause, the defendant walked up to her successful counsel, but instead of the expected words of thanks, she gave her saviour a loud slap in the face. This smack propelled the previously obscure music teacher to fame, setting many a pen in motion. But the debate that ensued in the press on the morality of the defence counsel's actions was ill destined to grapple with such perplexities. And small wonder. For in defending mankind, you may suddenly find yourself an ally of iniquity; an abettor of immorality; an accessory to a crime; a foe of justice. Here we had Kramer herself confessing to the murder, and yet seemingly at the same time she hadn't killed a soul. Urusov's sin had been to retell her story in his own words. And as for the incident alleged to have occurred, well, where was it now? The entirety of our so-called Created World is fluid and ephemeral. One day here you are, dusting the dandruff from your shoulders, the next – where've you gone? And yet the same cannot be said of words. No one will ever know the truth about that woman – and does it even matter – but here we have Urusov describing how the defendant caught her hair on a hook fastener as she was pulling her dress over her head, and now it is all but certain she'll be acquitted. So where was the wrongdoing in that? *Nullum*

*crimen, nulla poena sine lege!*<sup>3</sup> You cannot punish a person for an act not punishable in law at the time. That act is the very creation of the world. Imagine, my young friends, that nothing exists. Nothing at all. Not you. Not me. Nor this auditorium, unaired since the last lecture. Nor the chalk stump held in my fingers, which has just scratched across the blackboard, crumbling in a flurry of powder. Nor time itself, whose hands turn clockwise, gripping man by the wrist, saying, ‘Aha, gotcha! You can’t escape now, I’ll keep you manacled.’ Nor the blizzard outside the window. Do you hear it howling? Inky black. The prerequisites for the world’s creation are darkness and emptiness. Add to that an icy draft and a rocking and quaking as if you’re in an old Belebey railway carriage. Along with an immense pang of sadness! So, now we have all we need for creating the world, because we have nothing, and yet something is missing. A certain spark, perhaps. All of a sudden a spark cuts through the Bashkir gloom. It lights up and dies away. Then comes another spark, and another, as if someone were striking matches. Some primordial being, a supreme god of sparks, a sort of Perun figure. He is striking the matches and cursing the fact they’re damp. Whereupon who should emerge from his ear, or could it be from his hip, as is customary in the early naïve mythologies, which you must agree are rather touching and so much more fun than the wingless Trinity, or let’s say from his navel – it’s hard to make out in the pitch dark – but his opposite number, his nocturnal neighbour, his exuberant and rebellious divine adversary. In a word: Veles. He clears his throat, tosses and turns, grunts, sighs – and gives birth to time.

‘It must be around seven by now. We should watch out for our stop!’

Perun, meanwhile, rubs his eyes, yawns and with the word he divides the light from the darkness.

‘It will be dawn soon.’

And after that, the creation of the snowy steppe through the icy window is unstoppable. The sky begins to lighten. Bundled in a blanket, Perun beholds his still dim and blurry world, and a mere glance from him is enough. He looks down, and the rails are already slithering, the sleepers flickering; he looks up, and from nowhere the dim telegraph wires are dipping and diving like the pencil of a child drawing waves. The moment he thinks: ‘Village,’ a dark patch appears amid the snows, plumes of smoke rising into the frosty sky. He whispers, ‘I could do with some tea,’ and straightaway comes a knock at the door: ‘Here, I’ve brought you a nice hot brew!’

The glass rattles about in its voluminous holder, while the tea leaps at his lips trying to burn them.

‘We’re stopping.’ Perun peers through the window. He holds a sugar lump in his fingers, which are hovering over the steamy drink. The carriage gives a quiver at a railway switch, tea and sugar cube kiss, sending the tea racing through the cube’s little white body.

‘Chebyri,’ Veles reads out the name of the station. ‘See, you’ll even find people out here in the sticks.’

The station slows to a crawl, jolts and comes to a standstill. In the clouds of steam, a half-person passes below the window, followed by more half-people, cropped by the window, running towards the end of the train.

‘Oh we know all about that life,’ replies Perun, sipping his tea. He blows on the drink, dispelling the steam as though it were the skin on hot milk. ‘Why, men are even to be found up in the Arctic Circle, lying with their Parasha wives, and nary a grumble.<sup>4</sup> Man lives, Grigory Vasilievich, wherever his sentence sends him.’

The station judders to life and slides back across the pane.

‘Well, there went Chebyri,’ Veles says with a sigh. ‘Now you go and try proving to someone the place exists! Never mind, we’ll muddle through another couple of years, and then it will all be over. I’ll retire on a full state pension, you’ll have your half pension, and then we can enjoy our lives in comfort.’

And they get back to work. They come out with some word – for instance, ‘River!’ And, there and then, the carriages, too afraid to disobey, will clank across a bridge in their iron shoes, while down below a string of footprints through the powder snow unites the two river banks.

Or, ‘Braces!’ Happy to oblige and right on cue, a pair of braces will dangle from the top bunk, imagining themselves as a pendulum.

‘Oh, what a hole of a place!’

The newborn light stretches all the way to the close-shorn horizon. And there it is: Belebey. They’ve arrived.

The conductor slips the rouble for the tea into his pocket and makes the sign of the cross from the train step. ‘Judge not, and ye shall not be judged, as they say! Wishing you luck!’

The carriage pulls off. The conductor slams shut the door of the moving train. The platform crunches beneath their heels; snow has fallen during the night.

Out of the morning chill appears Svarog, who has arrived on the same train and is nibbling at a cloud of steam.

‘What a night, gentlemen. Every bone is aching. And the chap I shared the carriage with – never did you hear such snoring. I don’t suppose one can buy a newspaper out in this backwater?’

The circuit court session is being held in a merchants’ club across from the station.

Inside the room, it is warm. Through the double-glazed windows a bell tower can be seen with snowy epaulettes on its crosses. The usher smells of Cologne. The carafe on the purple tablecloth is refracting the tiles of the stove into lime-green lozenges.

Before he begins, Perun checks everything is in place: the spectacles are in their case, the lamp at the icon is lit, the portrait of the great judicial reformer Tsar Alexander II is not askew. He pulls a bell with a bone handle out of its newspaper wrapping.

To the sound of the usher’s mutterings, Veles sharpens his pencil with a blade, shaving the lead and blowing away the charcoal dust.

Svarog is offered the list of jurors to be vetted, but magnanimously waves it aside.

Perun drops the cards into a box, mixes them up and one by one pulls them out, reading aloud as he arches his brows and shakes his head, as if to say, Oh the surnames people are saddled with.

The jurors are sworn in. They drone drearily in discordant chorus, ‘I promise and swear ...’

The priest places the cross inside the Bible, winds his stole around it, tucks it under his arm and walks out.

Here is Mokosh. She has pulled out her plump breast and is nursing her baby. She gazes through the window, rocking back and forth as she sings a song. She straightens the nappy on her little bundle. Spying a new recruit with the red insignia of the internal troops casting sidelong glances, she smirks.<sup>5</sup>

At last, they are ready to read out the indictment.

‘On the third of Mounichion of this year, Witness So-and-So, who has a voice like a match being struck, went out into the yard in the morning to answer the call of nature and saw something across her neighbour’s fence.

‘Call the witness!’

‘Oh, but why bother listening to her, it is plain as day! Nothing can happen to an ox which is not according to the nature of an ox, nor to a vine which is not according to the nature of a vine.’<sup>6</sup>

‘So let’s hear from you, Veles!’

He gets up, sweeps his eyes over the rows, slowly and deliberately removes his watch from his wrist, sets it in front of him, leans his fists on the table and sighs.

‘Alas, the present material age is so worried about the inviolacy of the body that it has invented torture for the soul. Pay a visit to towns such as Belebey, and the things you’ll see and hear! Oh no, Calibans male and female aren’t confined to that nameless island ruled by the firm hand of Prospero. When you’ve been toiling like a dog for twenty years, nothing can surprise you anymore. The only word for it is *obscuri viri!*<sup>7</sup> Never shall I forget those women who bought heaps of umbrellas at the fair and strolled under them, but the moment it started raining, they closed the umbrellas to keep them dry and pulled the hems of their skirts over their heads instead. The savages! They slay each other, eat of all that is unclean, and they enter not into wedlock, but the maiden is taken and carried off, they dwell in the forest like the wild beasts, and they speak with ribaldry before fathers and daughters-in-law alike! When I served as state investigator near Orenburg, you’d sometimes be called out on a murder case and instead of the usual scene you’d find the victim’s body in the icon corner with the proper ablutions performed and the hut all nice and clean as if for a feast day. They’d shrug and tell you, “While we were waiting for Your Honour, we had a tidy up, the place was in a dreadful state!” Oh, but what’s there to be said! No civilized person can fathom in his mind or heart how someone could simply leave their blind mother out in the frost! So, you’re sitting in the carriage, reading or musing to the clackety-clack of the wheels, then you step out for some fresh air on the icy observation deck, where the rime has grown as thick as a finger. You breathe upon the frosty panes and scratch out a peephole into the night using a five-kopek piece. Peering through it, you watch the trampled embers slithering past. You imagine the people living in those abodes, perhaps at this very moment drinking tea, warming themselves by the stove, while over in the snowdrift it turns out you are shivering away, blinded by what you’ve seen, tormented by what you’ve lived through, forsaken and unwanted, left to die beneath the Big Dipper. All the times you wondered who might bring you a sip to drink in your dying moments, who might

offer you a ladleful of water. And now there is nothing for it but to sit in the dear old snow and forgive everyone everything. In Roman law, matricide was punished by drowning the culprit in a sack with a live dog, a rooster, a snake and a monkey. So let's battle against the bacteria infecting the social organism. Let's eliminate dangerous progeny, thereby purifying nature and ennobling the heart!

'I call upon the defence.'

'You don't believe me and you won't believe me, first, because you long ago made up your mind to convict my client, and, second, because in your eyes, though you see me for the first time in your lives, I am already cast in the role of an adulterer of the word. Ah, I see the smiles upon the faces of the magistrates on the state payroll, as though to say, Now the shenanigans will begin, old Balalaykin will start blathering on! But I need to earn a crust. Nothing to be done, I have to keep my nose to the grindstone. If a person's level of culture is determined by the wealth of impressions gained, then it might be said the more cultured a woman is, the more diverse her actions in general and her criminal endeavours in particular. I wish to challenge this conventional wisdom. Last week, an illiterate nanny was tried at a circuit session in Perelyub. She had been fired, and, on her way out, she threatened her masters with the words 'God will punish you, you'll see!' And, sure enough, after her departure, the child spent four days in agony until they noticed one finger was tightly bound in the middle by a hair, with the knot hidden between the digits. The hair was digging into the skin; at first they mistook it for a cut, then the finger became inflamed and gangrene set in. But the case before us today is by no means so clear-cut. Two women under the same roof, mother and daughter, two mangled and blighted fates. Both of them no strangers to misfortune in their joyless, futile lives. Both once dreamed of humble womanly happiness, but it did not come to pass, for womanly misery was their lot. The mother had gone blind from age, and Mokosh used to lead the old woman by the arms from the hut into the yard. And their lives might have carried on uneventfully, but suddenly there came the contractions, the waters, the labour and whatnot. Who had fathered the child? What did it matter. Whether it was a Roman soldier, a carpenter, or a ray of golden dust is none of our blasted business! So, she writhed and agonised and then she fell asleep. Well, not everyone can deliver their young the way cats do. Now, in the summer, they were investigating a case in the district court; in fact, Grigory Vasilievich was the prosecutor, and I was the defence counsel appointed by the court, so he'll keep me

from stretching the truth: such a buxom young thing in full flower, she hid her condition from her parents, binding her stomach, but then her time came. She delivered a stillborn and took such fright that she threw it into the stove. She said she was leaning against the kitchen table and something slipped out of her. She wrapped it in the paper from a salt-herring – and straight into the firebox with it. Her mother later saw the washed-out traces of blood on the floor, they doused the stove with water and pulled out the half-charred little corpse. The doctor concluded the baby was full term and viable and had lived for some time after the birth, as he found air in its lungs. Mokosh, on the contrary, held her little son tight and fell asleep. And the old woman, not wishing to rouse her exhausted daughter, decided to head off to the yard alone. She went out, but could not find her way back. She tripped over a log and fell. Then she called out, but no one heard her. It cannot take long to freeze to death in nothing but a thin cardigan. That was how they found her in the morning: sitting on a bank of snow, her palms pressed together as though in prayer. The easy choice would be to blame this poor helpless creature with her jug ears, Hutchinson-Gilford-syndrome lips, highly arched palate, her nail-biting habit and weakened plantar reflexes! But should we, as good Orthodox Christians, take instruction from Signor Lombroso?<sup>8</sup> If you bring a guilty verdict now, one end will await her: the vale of tears and the gnashing of teeth. For the soul of justice is mercy. Take the soul out of the body, and you are left with a corpse. Take mercy out of justice, and you are left with the letter of the law. One Roman emperor, while signing a death warrant, called out, ‘Woe to me, that I know how to write!’ I am sure when your foreman signs a verdict of ‘not guilty’ he will feel the very opposite. He’ll call out, ‘What good fortune that I know how to write!’ So let justice be served! I have no doubt your verdict will be ‘not guilty’, and you will let the silly girl go in peace and you’ll raise some small sum for her benefit.’

During the break, one of the jurors has a drink too many in the buffet and he shouts to the entire room: ‘I might find her guilty if I feel like it, or not guilty if I feel like it!’

In his instruction to the jury, Perun asks them to be guided by nothing but their moral bearings, their conscience and common sense. He tells them that the law can be an ass, as they must surely know. And the blood of a guilty man is just as red as the blood of an innocent man. Cool heads and warm hearts must prevail. He who jests at scars has never felt a wound. And, lastly, he adds, ‘Remember, you should



have no fear of magnanimity. It is incapable of corrupting you. It can only ennoble a man, even a bad one.'

No sooner have they gone than they are back again, bumping and nudging each other.

They all rise. The foreman crosses himself in front of the icon, clears his throat, and says, 'All living beings chase after happiness and run away from suffering.'

And then the future began.

Mokosha's child will be taken away and sent to a children's home where the rooms are toasty and they leave the children in their beds naked for the night, on a bare oilcloth – to save on laundering.

Mokosha herself will cry a lot in prison, then a comrade will teach her to feign madness.

'You'll see,' she will tell her. 'First they'll transfer you to the psych ward, then they'll set up a panel – and you'll be safe from Kolyma.'

Mokosh will start nightly screamings, howlings, swearings, baring her genitals, smearing herself with her own stools. She will indeed be transferred to the psych ward, where the staff will say nothing and they'll walk about in felt boots to keep the silence. The panel will include an experienced doctor who'll whisper to a young colleague who has just graduated and, what's more, is on his first day in the job: 'The test to see if they're faking it, Dmitry Mikhailovich, is easy enough ...'

'No, it's Dmitry Nikolayevich,' the crimson-faced newcomer will correct him, watching as Mokosh stands urinating right there on the carpet – without squatting, simply hoicking up her skirt.

'Yes of course, my apologies, Dmitry Nikolayevich. You know, after going a night without sleep, there'll be no shortage of things slipping your mind. It was a prisoner giving birth to twins – and she had a rough time with it. A boy and a girl. The number of deliveries I've done, and yet every single time I'm as elated as a student. I asked her what she'll call them. And she says, "Sasha and Sasha." "Who on earth would do that?" I objected. "Well, I don't care, it's in honour of their father." "Honour? What honour!" I said, "he stabbed a man to death!" And she says, "Good job he did, too!" So that's how it is, Dmitry Mikhailovich! Now we'll sort this lady out in a jiffy – and job done! You just watch!'

And he will say loudly, 'Give her chloroform! She'll fall asleep and the fit will pass!'

And Mokosh, who is writhing in convulsions on the floor, will be given a sniff of mint oil.

She will gradually grow weak, become still and calm down.

'So, Dmitry Mikhailovich, you see how easy that was. Everyone here plays dumb, they must think we're soft in the head. Nobody wants to travel to an unheated barracks under the Northern Lights to eat snow. I'll show you how to fill out the assessment form!'

And so they are to send Mokosh on the journey. To Potma. But the night before she is due to leave, she'll hook a towel through the bars and hang herself. Later, her cellmate will tell the tale on the train after the herring has been doled out, just as the sign for 'Saraktash' flashes past. She'll describe the female guard: 'The moment the woman saw it, she started shaking. Hardly surprising – well, they're afraid for their jobs. They want food on their table too.'

Svarog will be sitting in a straw-hut restaurant on a beach in Pitsunda, watching his wife eating a small cake and saying something as she scoops pastry cream up from the plate with her fork. Later, at a dacha in Verbilki, they will bring indoors a palm invigorated by a summer outside. Two years on, his son will yell, 'Rainbow!' when his nanny takes water in her mouth while ironing and sprays it out. A year later, Svarog will be placing his mother in her coffin and she'll suddenly smile. Svarog will recoil, and the employee from the funeral parlour will explain to him, 'No need to worry, sometimes it happens. Just a muscle spasm.' The following summer, he will be swimming alongside the boat, grabbing on to the side, he'll open his mouth and his new wife will pop strawberries in it. He will end his last speech by tracing an 'X' with his index finger through the stale air of the jam-packed room: 'No crime, no punishment!' At lunch, blood will suddenly come spurting from his throat – right on to the plate.

Many years later, Veles will lie awake one night and out of the blue he'll think, 'Dear Lord, thank you for this baby snuffling in the cot, for this woman lying by my side, for this streak of light on the ceiling, for that tooting from the nightly freight train, for those two stars over in the window.'

Wiping his sweaty neck with a handkerchief, Perun will wave his hand and say: 'Let there be a storm!'

Right then, not daring to disobey, the distant thunder will roll across the roofs of the dachas.

‘Hey, look, Rufus,’ Perun will prod a finger towards the grove. ‘See what a luscious plum we have here!’

From that grove an almighty commotion, held aloft by the tops of the birches, will creep forth, rumbling, rolling and flashing.

‘When I was small, Rufus, just as you are now,’ Perun will say to Rufus – for he will have no one else to converse with – ‘only you’re already an old man with a tail, but at your age I was still a boy and loved reading books. And one of those books was about a dog who went to the grave of her owner and waited for him there. As though she was saying, “Come on, climb out, let’s take our usual route: the bakery, milk, the newsstand, the square. I’ll carry the newspaper for you in my mouth!” The kind-hearted cemetery-goers would offer hunks of bread, eggs or whatnot right under her nose, but she wouldn’t touch a thing, and she died of fidelity and emaciation. They buried her on the spot, in her owner’s grave, so the two of them were reunited and they’re back on their old route: the bakery, milk, the newsstand, the square. And she carries the newspaper in her mouth each time. So you see, Rufus, what dogs can be like! But if one of these days I should snuff it, what will become of you? I don’t even have anyone to leave you to. You’ll be done for, my furry friend!’

At first, the roof of the neighbour’s barn will be covered in a light drizzle, then all of a sudden it will be drenched and begin gleaming, mirroring the sky. The poplars across the fence will start to sway. Dry branches will fly down from the pines on to the footpath. The rain will start pitter-pattering against the lilac bush. Initially, it will drip shyly from the drainpipes, soon turning into a trickle, and then it will gush in a headlong torrent, gathering pace, past the barrel, spattering the phloxes with brick crumbs and mud.

Out on the veranda, Perun will grab by the hem a curtain that has dashed itself against the window.

And the world will tumble towards Tartarus, snowballing with ever more detail, and it will snuffle and growl, hiss and mumble, trilling its ‘r’s, clearing its throat, whining nasally and bellowing to the end of time, until someone slams shut this book in its star-studded jacket.