

## TRIAL AND ERROR

# The Malleability of Truth in the Conviction of Dmitri Karamazov

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FYODOR DOSTOEVSKY'S TIMELESS NOVEL, *THE BROTHERS KARAMAZOV*, EXPLORES THE ETERNAL QUESTION OF WHETHER JUDICIAL SYSTEMS CAN ACTUALLY ATTAIN JUSTICE AND TRUTH. SET IN NINETEENTH-CENTURY RUSSIA, THE NOVEL TELLS THE STORY OF FYODOR PAVLOVICH AND HIS SONS: THE RATIONALIST IVAN, THE RELIGIOUS ALYOSHA, THE SENSUALIST DMITRI, AND THE ILLEGITIMATE SMERDYAKOV. THE SUDDEN MURDER OF FYODOR SPAWNS FAMILIAL AND SOCIETAL DISCORD, AND DMITRI IS CHARGED WITH PATRICIDE. THE NOVEL CULMINATES IN A THRILLING COURTROOM DRAMA THAT CAPTURES THE ATTENTION OF THE KARAMAZOV FAMILY'S ENTIRE COMMUNITY. THIS DISCOURSE VIEWS DOSTOEVSKY'S JURY TRIAL IN *THE BROTHERS KARAMAZOV* NOT ONLY AS THE TRIAL OF DMITRI KARAMAZOV, BUT ALSO AS A TRIAL OF RUSSIAN CULTURE, PITTING TRADITIONALISM AGAINST MODERNITY. THIS PAPER ASSESSES HOW RUSSIA'S DUALISTIC CULTURE SETS THE STAGE FOR DOSTOEVSKY TO INVENT ATTORNEYS, WITNESSES, JUDGES, AND SPECTATORS WHO ILLUSTRATE THE VARIOUS FACETS OF LATE-NINETEENTH-CENTURY RUSSIAN SOCIETY AT ITS PIVOTAL CROSSROADS. THE ARTICLE ULTIMATELY EXPLAINS HOW DOSTOEVSKY'S THRILLING LEGAL BATTLE REVEALS HIS DOUBT THAT THE RUSSIAN COURTS, OR ANY ARBITRARILY ESTABLISHED LEGAL SYSTEM, COULD EVER ACHIEVE TRUE JUSTICE.

During the latter part of Fyodor Dostoevsky's life, Russia lays "between a past which has not quite ended and a future which has not quite begun."<sup>1</sup> The beauty of Dostoevsky's literature lies in its depiction of both sides of this turning point in Russian history: on one hand, he writes of Russia's rich, unique national identity and traditional values. On the other, he expresses ambivalence towards Russia's movement in the direction of Europeanization, populism, and intellectualism.<sup>2</sup> Dostoevsky birthed *The Brothers Karamazov* in 1880 during this turbulence, just fourteen years after Czar Alexander II instituted a distinctly Western judicial system in Russia, which included public hearings and jury trials. Although Dostoevsky initially supported these reforms, he became increasingly critical of their ability to adjudicate fairly.<sup>3</sup> Thus, the judicial trial and error in *Brothers Karamazov* not only determines Dmitri Karamazov's guilt or innocence for the murder of his father, but also reveals Dostoevsky's prediction about the fate of Russia's future in the face of opposing cultural forces and divergent ideas regarding truth and justice.

The dualistic culture that Dostoevsky immersed himself in was integral to his inspiration to construct a trial of his own in *The Brothers Karamazov*. Especially during the end of his life, Dostoevsky was "very much rooted in his time... he was deeply preoccupied with events taking place in both



PORTRAIT OF THE AUTHOR, FYODOR DOSTOEVSKY, IN 1872  
(COURTESY OF WIKIMEDIA COMMONS)

Russia and in Europe."<sup>4</sup> Accordingly, Dostoevsky read innumerable types of literature from all regions of the cultural spectrum—novels, periodicals, Christian literature, classic Western works, psychological treatises, and traditional Russian literature.<sup>5</sup> Dostoevsky learned about Western liberalism and idealism and contrasted it with Russian traditionalism and conservatism. He cultivated a passion for the unique national spirit of Russia and protectiveness over values of family, community, and Christian morality. As a result of his vast reading, Dostoevsky became apprehensive about the threat of Russia's "danger of succumbing to the forces of modernization and capitalism" from the West.<sup>6</sup> However, Dostoevsky also grew to believe that Russia should follow in the footsteps of European domination and exploitation in order to spread those values.<sup>7</sup> His seemingly paradoxical belief that Russia should become simultaneously more Russian and more European mirror the contemporaneous Russian dilemma in which "the old order has come to an end and in which the outlines of a new order are not yet distinguishable."<sup>8</sup>

Dostoevsky also undertook intensive reading of political disputes and trial proceedings; this gave him an extensive breadth of knowledge about the reformed judicial system, enabling him to write his very own, historically accurate trial proceeding in *The Brothers Karamazov*.<sup>9</sup> Even before he wrote this novel, Dostoevsky composed opinion pieces that were frequently published in newspapers and journals, declaring what he thought judges should have decided in various cases.<sup>10</sup> As a result of his broad and purposeful reading of literature from Russia and elsewhere, Dostoevsky developed both an infatuation and a concern for the increased European influence on Russian culture, especially in the judicial realm.<sup>11</sup> Dostoevsky thus orchestrated a Westernized jury trial in *The Brothers Karamazov* to serve as, "the perfect vehicle for advancing his moral, religious, and political ideas."<sup>12</sup> The trial that constitutes a large part of the novel is therefore Dostoevsky's comprehensive commentary on each element of the new judicial system.

*The Brothers Karamazov* stands at the forefront of Russia's crossroads, reflecting Dostoevsky's apprehension about "Russia's historical identity."<sup>13</sup> One of the central features of Russian traditionalism is strong, unbreakable family ties—particularly that of a father-son relationship. Fyodor Karamazov's betrayal of his biological sons and Dmitri's alleged patricide, which inherently corrupts this father-son bond, represent the fact that Russia's most time-honored traditional values are at stake at this trial and at this point

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in Russian history.<sup>14</sup> Throughout the novel, “the family... becomes the critical unit of society, and its unity and biological continuity are threatened by the loss of values which characterizes Petersburg society as a whole.”<sup>15</sup> The source of Dostoevsky’s frustration and his criticism of the Westernized jury trial is the fact that a non-Russian justice system is adjudicating a matter of fundamental, familial Russian values.

Dostoevsky’s primary concern with the European jury trial’s artificial transplantation into the Russian social fabric was that the adversarial justice system’s alleged discovery of truth would supplant Russia’s pure, Christian attitude to truth. One of the most remarkable components of the 1864 judicial reform was its forceful separation of religion and law. Before the Europeanization of the Russian courts, different courts existed for each social class and the system afforded the Christian clergy special treatment. Although European culture fascinated Dostoevsky, he also feared that European modernization would monopolize Russia’s future.<sup>16</sup> Consequently, Dostoevsky portrays the Europeanized jury trial as an anti-Russian institution because it purportedly attains truth through deceit and theatrics; the attorneys on both sides intentionally distort reality in order to win the trial. Instead of proposing an alternative to the Europeanized jury trial, Dostoevsky adopts a reluctant acceptance but continues to criticize the system: he resentfully recognizes that, “The future...belongs to the world of the court, that is, to Western law and jurisprudence.”<sup>17</sup> *The Brothers Karamazov* is a call to action for the Russian people to avoid blindly accepting the court as the most civil and equitable means of achieving justice.<sup>18</sup> Contained in Dostoevsky’s hand-crafted jury trial is a subtle, yet caustic critique of the spectacle of the attorneys’ statements, the institution of the jury itself, both the lay and expert witnesses, the judge, and the public’s response to the trial, revealing Dostoevsky’s disillusionment with the Western judicial reforms of 1864.

Dostoevsky’s main criticism of the prosecutor is that he treats Dmitri’s murder trial as a performance to advance his career and reputation, rather than as an opportunity to help serve justice. The most convincing proof that the law-

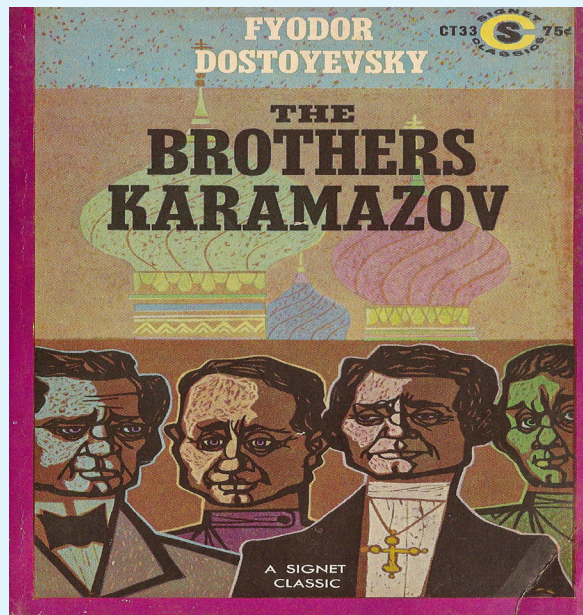
yers are performing to please the crowd rather than the jury is the fact that they employ complicated rhetorical arguments and literary allusions in their statements, but the jury is uneducated and does not understand such references.<sup>19</sup> First, the prosecutor Ippolit Kirillovich takes up the case to prove himself as a litigator and directs his speech not to the jurors, but to the lawyers “who have ridiculed him and hindered his career.”<sup>20</sup> The prosecutor does not even mention the defendant’s name until he is well into his closing statement. He knows that he could not win the case on the facts alone, as the evidence against Dmitri was all circumstantial, so he resorts to preaching about Russia’s moral and spiritual values, the civic duty of its citizens, and its future.<sup>21</sup> Kirillovich appeals to Russia’s strong family values in asking, “Shall I offend society if I say that [Fyodor Pavlovich] is even one of many modern day fathers?”<sup>22</sup> Instead of focusing primarily on the case at hand, the prosecutor universalizes the charge and condemns society for adopting a “broad, Karamazovian nature” of depravity and degradation.<sup>23</sup> Ironically, Kirillovich preemptively chastises the defense attorney for using “eloquent and moving words, aimed at your emotions,” and warns the jurors not to be convinced by them, although the prosecutor has been spewing empty rhetoric for three chapters.<sup>24</sup> The prosecutor also distorts the truth by attempting to illustrate Fyodor Pavlovich as a pitiable, humble, and moral patriarch whom all Russians can relate to, when the community knows quite well that he is a depraved sensualist.<sup>25</sup> It is painfully ironic that Kirillovich, who has just attempted to prove what the reader knows is a lie, ends his speech with a pathos-laden invocation to the jury about serving justice and truth: “Remember that you are the defenders of our truth, the defenders of holy Russia, of her foundations, of her family, of all that is holy in her!”<sup>26</sup> This statement epitomizes Dostoevsky’s ideal judicial system in which justice and truth are inseparable; however, in the context of the prosecution’s elaborate lie, it is hypocritical and almost sardonically comical. Although Kirillovich attempts to bridge the Russian conflict between traditional and modern values by appealing to Russian values in his arguments, Dostoevsky implicitly condemns the prosecutor for tainting precious Russian morality by exploiting it to distort the truth.

Similarly, although the defense attorney is supposedly defending the truth by attempting to acquit an innocent man, he is still convoluting the truth by refusing to believe it. The fact that Fetyukovich actually thinks that Dmitri is guilty but still represents him is the strongest evidence that he takes this case to pursue self-aggrandizement, publicity, and “advancing his personal and political agenda.”<sup>27</sup> Fetyukovich skillfully pokes holes in the prosecution’s case and attacks the credibility of its witnesses,<sup>28</sup> but is “not interested in Dmitri as a person; he ‘vouches’ for his client from purely technical and strategic considerations.”<sup>29</sup> In fact, the defense attorney explicitly admits that it was “certain juridical fact” and “characteristic peculiarities” that urged him to take the case.<sup>30</sup> Through the character of the defense attorney, Dostoevsky comments on the unjust nature of the Westernized court system by pointing out that once the witness examinations conclude, Fetyukovich’s theatrical routine is the only word representing Dmitri.<sup>31</sup> And that word is focused on exploiting the impressionability of the people via rhetoric, rather than fulfilling his obligation to fight the charges against his client. Similarly to the prosecutor, Fetyukovich attempts to universalize the case to win over his audience with pathos: “The prosecutor threatens Russia with the wrath of Europe, just as Fetyukovich threatens fathers with the wrath of their sons.”<sup>32</sup>

Dostoevsky highlights the difference between truth and justice through characters who contradict themselves in court, while they are under oath. Another element to support the idea that Fetyukovich is simply performing for himself is that he entirely reverses the basis of his argument during his summative statement. He originally declares that Dmitri is innocent: “I swear by all that’s holy. I believe completely in the explanation of the murder I have just presented to you.”<sup>33</sup> However, just a few minutes later, Fetyukovich asks his audience to consider the possibility that Dmitri did, in fact, kill his father, and begs the jury to “overwhelm [Dmitri] with your mercy” if they believe the defendant is guilty.<sup>34</sup> The fact that Fetyukovich changes his mind about the most important fact in the case mid-speech deals a significant blow to his credibility and makes a mockery of the Western judicial system—the defense attorney blatantly contradicts himself during his own statement, but the public is still invariably in awe of him. In short, Fetyukovich symbolizes “a new stage in the history of the world—and the law—in which the world is torn loose not only from its former moral and spiritual moorings but from its ideological moorings as well.”<sup>35</sup> Another character who contradicts herself and perverts the relationship between truth and justice is Dmitri’s former fian-

cée, Katerina Ivanovna, who introduces a genuine piece of evidence: a letter proclaiming Dmitri’s intent to kill his father, which distorts the truth. Katerina originally testified on Dmitri’s side but suddenly switches to the prosecution, revealing how the justice system even pits lovers against one another just as it pits truth against justice.

Although Dmitri Fyodorovich is the one on trial for the murder of his father, the attorneys and audiences are much less concerned with his fate than they are interested in the spectacle of the courtroom drama.<sup>36</sup> Since he is innocent, Dmitri represents both the truth and Russia itself.<sup>37</sup> Just as Russia is caught between progressive Europe and its traditional past, Dmitri must choose between his father Fyodor Pavlovich’s sensualist nature, his brother Ivan Fyodorovich’s cold rationality, and his brother Alyosha Fyodorovich’s unconditional love. The public essentially perceives Dmitri as a scapegoat for betraying the invaluable Russian paternal bond and for acting upon the impulse to get revenge on his father, which is societally intolerable—despite that most members of society have, and often repress, this vengeful impulse.<sup>38</sup> Dostoevsky depicts “the court as a deracinated un-Russian institution that cannot abide Dmitri’s quintessential earthy Russian character.”<sup>39</sup> Dmitri makes several attempts throughout



THE BROTHERS KARAMAZOV BOOK COVER (COURTESY OF FLICKR)



## *“This supports Dostoevsky’s vision of Westernized court as an instrument of propoganda through which judges adjudicated to advance their political agenda.”*

the trial to speak up for himself, both in spontaneous outbursts and solicited answers to the judge’s inquiries, but the judge constantly silences him: “Watch your words, defendant...You are harming yourself in the opinion of your judges.”<sup>40</sup> The condemnation that Dmitri receives from the court’s leader for speaking the honest truth represents Dostoevsky’s belief that the modernized judicial system simply cannot perceive and accept the truth accurately: “Dmitri’s word, the Russian word, is effectively silenced.”<sup>41</sup> He is not given a fair chance to make his voice heard, as the judge continually suppresses his truthful statements.<sup>42</sup> This supports Dostoevsky’s vision of the Westernized court as an instrument of propaganda through which judges adjudicated to advance their political agenda.<sup>43</sup> Despite making several efforts to defend himself during the trial, when asked to speak at the end of the trial, Dmitri “was terribly tired in body and spirit. The look of strength and independence...had all but vanished.”<sup>44</sup> Since Dmitri represents Russia as a whole on trial, this statement reflects Russia’s retreat away from its time-honored values—its culture, too, is tired in body and spirit.

Ivan is another truthful defense witness whose testimony is rejected by the judicial system that, in Dostoevsky’s opinion, has little regard for the actual truth. During his testimony, Ivan shakily declares that Smerdyakov is the true murderer of Fyodor Pavlovich, which the reader knows is the actual truth. However, because raw emotion and perceived mental instability accompany Ivan’s testimony, “Ivan’s confession is too true to be believed.”<sup>45</sup> It is ironic that the audience and jury are swayed by the emotional words of the untruthful attorneys and witnesses, but are unconvinced by the emotional testimony of a truthful witness. The judge, who Dostoevsky portrays as a suppressor of truth, bellows at Ivan, “Are you in your right mind? ...Witness, your words are incomprehensible and impossible in this place.”<sup>46</sup> The judge’s demand for evidence in light of Ivan’s confession is frustrating, because he lacks concrete proof to back up his word. On the other hand, the prosecution submits a great deal of concrete proof, in the form of physical evidence and legal exhibits. Dostoevsky thus demonstrates what he believes to be a fundamental

paradox of the new judicial system: although Ivan is telling the truth, he cannot possibly back up his claim with evidence; although the prosecution is weaving a lie, they produce a plethora of evidence.<sup>47</sup>

Dostoevsky also emphasizes the unreliability of evidence in the courtroom with the introduction of dubious expert witnesses on both sides of the trial. For example, the Moscow doctor who testifies to Dmitri’s temporary insanity without ever meeting him only does so at the behest of Katerina—not even the defense attorney supports this testimony. Dostoevsky satirizes the employment of pseudoscience in the courtroom to prove that expert witnesses are, more often than not, “bought or subjective.”<sup>48</sup> The experts contradict one another, and the doctor from Moscow and Doctor Herzenstube take the case to pursue their personal vendettas against each other, overall making “the expert testimony appear ludicrous.”<sup>49</sup> The fact that evidence can be misconstrued to deny the truth and the fact that evidence is essential to proving the truth indicates Dostoevsky’s belief that “evidence...is a knife (literally “a stick with two ends”) that can cut either way...the one small truth on which larger truths hinge.”<sup>50</sup>



THE IMPERIAL COUNCIL, WEST SIDE, ST. PETERSBURG, THE BIRTHPLACE OF DOSTOEVSKY (COURTESY OF WIKIMEDIA COMMONS)

## “Do we have any truth in Russia, gentlemen, or is there none at all?”

In addition to insinuating how the participants in Dmitri's trial itself depict the shortcomings of the justice system, Dostoevsky also issues a polemic against the transformation of a judicial trial into a public spectacle. The masses gather in the courtroom not to see justice served, but because they take pleasure in the rhetoric of and competition between famous attorneys as “a contest between gladiators.”<sup>51</sup> The public is almost comically irrational in that it believes that “this was not a controversial case at all,” and that “the criminal was guilty, clearly guilty, utterly guilty” before the trial even begins, before they see concrete evidence or hear arguments from either side.<sup>52</sup> Dostoevsky portrays the public as extremely fickle—one minute, the prosecutor convinces them that Dmitri is guilty, and the next, they are swayed by the defense attorney's argument. Dostoevsky indicates just how illogical public opinion can be by writing that the women favored Dmitri's acquittal, even though they believed him to be guilty, because “an idea had been formed of him as a conqueror of women's hearts.”<sup>53</sup> On the other hand, the men of the city took pleasure in Dmitri's conviction out of jealousy and vanity, because their wives sympathized with him.<sup>54</sup> Both the press and the masses are preoccupied with the trial, and it becomes a source of daily public entertainment. Accordingly, Gary Rosenshield opines that the O.J. Simpson trial is a modern-day reappearance of *The Brothers Karamazov* trial in its transformation into a media spectacle and a theater for lawyers to advance their careers.<sup>55</sup> The malleability and superficiality of the people renders the entire trial a courtroom drama. Ivan's frenzied cry of “Circuses! Bread and circuses!” embodies the public's desire for public amusement in the place of a judicial trial.

Ultimately, the jury trial in *The Brothers Karamazov* advances Dostoevsky's opinion that the Westernized courts installed by the Russian government in 1864 do not fairly serve justice because they fail to recognize the truth. Dostoevsky believed that truth of a crime, or lack thereof, should determine a just punishment: “The trial and the judgment that the court passes on Dimitri are a judgment of Russian society's ability to perceive the truth—and they prove to be a withering judgment.”<sup>56</sup> Throughout the progression from Smerdyakov's confession to the trial's verdict, the truth progressively grows more distorted through

bias and rhetoric.<sup>57</sup> As a result of misperceiving the truth, the court wrongfully convicts an innocent man.<sup>58</sup> In the novel, the relationship between crime and punishment is perverted, contrary to Dostoevsky's belief that this relationship “must be rational—and to a certain extent impartial, standardized, formal, and codified” to serve justice.<sup>59</sup> The Westernized jury trial, however, strays from this standardization, employing deceit instead of truth, especially through deceptive attorneys. Dostoevsky once published an article that epitomizes his pessimism with regards to the jury trial sarcastically entitled “Deceit Is Necessary to Truth. Deceit Multiplied by Deceit Produces Truth. Is This So?”<sup>60</sup> His anxiety regarding the new judicial reforms constitutes one aspect of his “fear of the Westernization, secularization, and increasing individualism in Russian society,” which he developed during the 1860s and 1870s when Russia was on the brink of modernity.<sup>61</sup> The Western court system and law—“ephemeral, superficial, and of this world only”—are symbols of Dostoevsky's cynicism about Russia's future.<sup>62</sup> After Dmitri's trial concludes and the court spectators converse, Dostoevsky speaks through one of the members of the crowd: “Do we have any truth in Russia, gentlemen, or is there none at all?”<sup>63</sup>

## ENDNOTES

1. Geoffrey C. Kabat, *Ideology and Imagination: The Image of Society in Dostoevsky* (New York: Columbia University Press, 1978), 11.
2. *Ibid.*, 14-15.
3. Gary Rosenshield, *Western Law, Russian Justice: Dostoevsky, the Jury Trial, and the Law* (Madison: The University of Wisconsin Press, 2005), 224.
4. Kabat, x.
5. Robert L. Belknap, *The Genesis of the Brothers Karamazov: The Aesthetics, Ideology, and Psychology of Text Making* (Evanston: Northwestern University, 1990).
6. Kabat, 30.
7. Rosenshield, 169.
8. *Ibid.*, 10.
9. Belknap, 19.
10. Rosenshield, 132.
11. Robert Bird, "Refiguring the Russian Type: Dostoevsky and the Limits of Realism," *Northwestern University Press* (2004), 24.
12. Rosenshield, 137.
13. Kabat, 165.
14. *Ibid.*, 142.
15. *Ibid.*, 142.
16. Rosenshield, 192.
17. Rosenshield, 192.
18. *Ibid.*, 205.
19. *Ibid.*, 199.
20. *Ibid.*, 161.
21. *Ibid.*, 162.
22. *Fyodor Dostoevsky, The Brothers Karamazov* (New York: Farrar, Straus and Giroux, 2002), 696.
23. *Ibid.*, 699.
24. *Ibid.*, 722.
25. *Ibid.*, 695-696.
26. *Ibid.*, 722.
27. Rosenshield, 150.
28. Amy D. Ronner, *Dostoevsky and the Law* (Durham: Carolina Academic Press, 2015), 195.
29. Rosenshield, 178.
30. Dostoevsky, 725.
31. Rosenshield, 151.
32. *Ibid.*, 168.
33. Dostoevsky, 740.
34. *Ibid.*, 747.
35. Rosenshield, 192.
36. *Ibid.*, 178.
37. *Ibid.*, 149-150.
38. Kabat, 161-2.
39. Rosenshield, 149.
40. Dostoevsky, 666.
41. Rosenshield, 150-151.
42. *Ibid.*, 150.
43. Rosenshield, 193.
44. Dostoevsky, 750.
45. Ronner, 200.

46. Dostoevsky, 686.
47. Ronner, 197.
48. Rosenshield 143
49. *Ibid.*, 143.
50. Robin Feuer Miller, "The Brothers Karamazov Today," *Northwestern University Press*, 2004, 8.
51. Rosenshield, 133.
52. Dostoevsky, 662.
53. *Ibid.*, 657.
54. Rosenshield, 153.
55. *Ibid.*, 193-4.
56. Kabat, 160.
57. *Ibid.*, 160.
58. Rosenshield, 220.
59. *Ibid.*, 217.
60. *Ibid.*, 133.
61. *Ibid.*, 192.
62. *Ibid.*, 224.
63. Dostoevsky, 752.

## REFERENCES

- Belknap, Robert L. *The Genesis of the Brothers Karamazov: The Aesthetics, Ideology, and Psychology of Text Making*. Evanston: Northwestern University, 1990.
- Bird, Robert. "Refiguring the Russian Type: Dostoevsky and the Limits of Realism." *Northwestern University Press*, 2004.
- Dostoevsky, Fyodor. *The Brothers Karamazov*. New York: Farrar, Straus and Giroux, 2002.
- Kabat, Geoffrey C. *Ideology and Imagination: The Image of Society in Dostoevsky*. New York: Columbia University Press, 1978.
- Miller, Robin Feuer, "The Brothers Karamazov Today." *Northwestern University Press*, 2004.
- Ronner, Amy D. *Dostoevsky and the Law*. Durham: Carolina Academic Press, 2015.
- Rosenshield, Gary. *Western Law, Russian Justice: Dostoevsky, the Jury Trial, and the Law*. Madison: The University of Wisconsin Press, 2005.