

Reading and Judging:
Russian Literature on Trial

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ABSTRACT

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This dissertation explores the ethical and aesthetic stakes of readers' judgments by analyzing mock trials of literary characters that were performed in Soviet Russia and abroad in the 1920s and 1930s. Literary trials were part of a larger craze for public mock trials in the decades after the Russian Revolution. Mock trials functioned as a participatory and educational form of entertainment. Fictional defendants included Lenin, invented characters accused of drunkenness and hooliganism, and the Bible. At the same time as increasingly propagandistic mock trials were being performed, intellectuals staged trials of characters from nineteenth-century and contemporary Russian literature. In émigré communities such as Berlin, Paris, and Prague, literary trials were popular as entertainment and fundraisers through the 1920s and 1930s.

My analysis focuses on mock trials of characters from works by Dostoevsky and Tolstoy, whose novels proved especially popular for mock trial adaptations in the 1920 and 1930s. I also consider Nabokov's participation in a mock trial based on *The Kreutzer Sonata* as a bridge between Tolstoy's novella and Nabokov's later novel *Lolita*. I read back and forth between the literary works and their mock trial adaptations in order to explore both how trial participants interpreted the texts and how the texts respond to the kinds of judgment at work in the trials. The challenges that Dostoevsky and Tolstoy's fiction pose to readers became the central questions of mock trial adaptations: What is the relationship between interpretation and truth? Do we have the right to judge others? Does narrative have the power to redeem?

I argue that while Soviet and émigré literary trials offer selective, politically motivated readings of the original works, they also enter into dialogue with the works' major ethical questions and offer new ways of thinking about how truth, judgment, and redemption operate in them. As a result, the mock trials bring together two approaches to literature: a reader-centric approach that interprets the text in order to reveal something about the reader's current reality, and a text-centric approach that aims to uncover the original meaning. While some of the literary trial interpretations and judgments appear to be misreadings, or bad readings, of the original works, I argue that this kind of reading, which closely attends to textual details while asking the text to speak to the readers' present, offers a model for an ethically engaged approach to literature.

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A NOTE ON TRANSLITERATION

I follow the Library of Congress system of transliteration with a few exceptions. For well-known Russian writers and certain literary characters, I use accepted transliterations (Tolstoy rather than Tolstoi, Dostoevsky rather than Dostoevskii, and Raskolnikov rather than Raskol'nikov). I also transliterate names ending in –ii to –y. I follow the Library of Congress system when providing bibliographic information.

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INTRODUCTION

1. Introduction

In 1932 in Paris, more than half a century after its initial publication, Fyodor Dostoevsky's novel *Demons* (*Besy*) was reimagined as a public mock trial. The literary event was intended to be a fundraiser for an émigré lawyers' association. In the lead up to the trial, there were waiting lists to check out copies of *Demons* from Russian libraries,¹ and the trial itself drew a huge crowd, almost filling the enormous performance hall.² Well-known émigré writers, including Mark Aldanov and Aleksandr Kuprin, participated as jurors. The jury was asked to decide two questions: whether the fictional co-conspirators were guilty of murdering the student Shatov, and whether they belonged to a criminal society.³ Dostoevsky's novel ends before the trial of the conspirators, so these literary trials both drew on and extended the original text by inviting participants to judge the characters. After only ten minutes of deliberation, the Paris jury found the conspirators guilty by a vote of seven to five. This guilty verdict is perhaps not surprising—as one newspaper reviewer commented, the émigré jurors felt they were judging the “forerunners of the Bolsheviks.”⁴ The prosecutor went as far as to argue which role “each of the defendants would have played in the Bolshevik Revolution (Liputin—Chekist, Shigalev—a communist theorist, who will be tried by Liputin for ‘deviations,’ and so on).”⁵

¹ “Sud nad geroiami romana ‘Besy,’” *Illiustrirovannaia Rossiia*, March 19, 1932, 20.

² L. L., “Sud nad ‘Besami,’” *Vozrozhdenie*, March 22, 1932, 7.

³ “Sud nad geroiami romana ‘Besov,’” *Poslednie novosti*, March 18, 1932, in Ob”edinenie Russkikh Advokatov vo Frantsii Records, 1919-1973, BAR Ms Coll/Ob. Rus. Adv., Box 9, Bakhmeteff Archive of Russian and East European Culture, Columbia University, New York, NY.

⁴ L. L., “Sud nad ‘Besami,’” 7. Unless otherwise noted, all translations are my own.

⁵ *Ibid.*

Despite the prosecutor's nakedly political reading of *Demons*, the Paris mock trial also engaged the novel's ethical and moral questions. An article published before the trial expressed confidence in the jurors' ability to decide the case: "There is no doubt that despite the complexity of the questions they will have to decide, the jurors will be able to manage the task splendidly."⁶ For most readers of the novel, the questions posed to the jurors—whether the five co-conspirators participated in the murder of Shatov, and whether they belonged to criminal society—seem fairly straightforward.⁷ With the exception of the character Shigalev, all the defendants are guilty. (The Paris jury found Shigalev guilty of participating in the "group of five" but acquitted him for not reporting the murder.) However, the Paris trial participants did not merely make interpretive judgments about the facts of the text. They also made ethical judgments about each character's degree of responsibility. Although the Paris jury did find the defendants guilty, rather than meting out harsh (mock) punishment against the "forerunners of the Bolsheviks," they decided that the defendants "deserve[d] leniency."⁸ The jury took mitigating circumstances into account, including the fact that Verkhovensky, the main instigator, was not present at the trial. They also acknowledged their own politically biased interest in the case: "the emigration in this case cannot issue a final sentence since the emigration itself is the injured party..."⁹ By judging the "group of five" leniently, the Paris trial offered redemption for Dostoevsky's fictional characters, with one reviewer declaring the evening not only a material

⁶ "Sud nad geroiami romana 'Besov,'" *Poslednie novosti*, March 18, 1932.

⁷ Ibid.

⁸ "Protsess 'Besov,'" *Poslednie novosti*, March 22, 1932, in *Ob"edinenie Russkikh Advokатов vo Frantsii Records, 1919-1973*, BAR Ms Coll/Ob. Rus. Adv., Box 9, Bakhmeteff Archive of Russian and East European Culture, Columbia University, New York, NY.

⁹ L. L., "Sud nad 'Besami,'" 7.

success for raising money for the lawyers' association, but also a "great and well-deserved moral [...] success."¹⁰ According to reviewers, the Paris mock trial engaged the novel's ethical questions, even as it offered a political reading of Dostoevsky's novel. The mock trial served not as a mere literary game, but as a forum for the participants to debate and express their own ethical values, as refracted through a literary work.

The émigré trial of *Demons* can be understood as part of a broader craze for mock trials in Russia and abroad in the two decades after the Revolution. In her book *Performing Justice: Agitation Trials in Early Soviet Russia*, Elizabeth Wood catalogues a wide variety of fictional agitation trials (*agitsudy*) that were staged as quasi-educational entertainment during the Civil War and the 1920s. The defendants ranged from revolutionary heroes (Lenin) and villains (Vrangel) to social ills (such as prostitution or illiteracy). More engaging than a lecture but more controllable than a mass agitational event, mock trials proved to be useful propaganda.

The participatory mock trials of the 1920s became a precursor to the terrorizing show trials of the 1930s. Wood traces the origins, goals, and scope of mock trials performed in Soviet Russia from 1919 to 1933 in order to determine "how and why did the agitation trial, which [...] began as a form of entertainment and education, give rise to a form of spectacle that demeaned both its subjects and its audience."¹¹ Julie Cassiday's *The Enemy on Trial: Early Soviet Courts on Stage and Screen* similarly analyzes early agitation trials in order to understand the later Stalinist show trials. Cassiday focuses on the shared theatricality of both the 1920s mock trials and the show trials: "By examining the dramatic means of representation on stage and screen

¹⁰ "Protsess 'Besov,'" *Poslednie novosti*, March 22, 1932.

¹¹ Elizabeth A. Wood, *Performing Justice: Agitation Trials in Early Soviet Russia* (Ithaca, NY: Cornell University Press, 2005), 2.

specific to the early Soviet period, we can see what elements of theater and cinema entered the Soviet courtroom, how they functioned in a legal setting, and why they made Soviet show trials arguably the kangaroo courts of the twentieth century.”¹²

At the same time that increasingly propagandistic mock trials were being performed, intellectuals, soldiers, and others staged trials of characters from nineteenth-century and contemporary Russian literature.¹³ In the early 1920s in Vitebsk, Mikhail Bakhtin played the defense attorney in a number of literary trials. He was apparently very good at it—he won almost every case.¹⁴ Public literary mock trials appear to have gone out of fashion in Soviet Russia by the mid-1920s, but the phenomenon continued in émigré communities, where literary trials became popular as evening entertainment and fundraisers through the 1920s and 1930s.¹⁵ In Berlin in 1926, the young Vladimir Nabokov played Pozdnyshov in a mock trial based on Tolstoy’s *The Kreutzer Sonata*.¹⁶ Both in Russia and the emigration, literary trials were based on

¹² Julie Cassiday, *The Enemy on Trial: Early Soviet Courts on Stage and Screen* (DeKalb, IL: Northern Illinois University Press, 2000), 4.

¹³ Literary trials were also popular in classrooms as pedagogical tools. In a famous scene in Veniamin Kaverin’s 1940 novel *Two Captains* (*Dva kapitana*), the narrator Sania and his classmates put Pushkin’s Eugene Onegin on trial. See Veniamin Aleksandrovich Kaverin, *Dva kapitana* (1940), accessed April 7, 2021, https://librebook.me/dva_kapitana_kaverin_veniamin_aleksandrovich/vol1/1?mtr=true.

¹⁴ Katerina Clark and Michael Holquist, *Mikhail Bakhtin* (Cambridge, MA: The Belknap Press of Harvard University Press, 1984), 50. See also R. M. Mirkina, “Bakhtin, kakim ia ego znala (Molodoi Bakhtin),” *Dialog, Karnaval, Khronotop* no. 1 (2) (1993): 93; and Aleksandra Shatskikh, *Vitebsk: zhizn iskusstva, 1917-1922* (Moscow: Iazyki russkoi kul’tury, 2001), 224.

¹⁵ I discuss mock trials staged in Berlin and Paris in the 1920s and early 1930s in Chapters Two and Three. The Association of Russian Lawyers in Prague and the Union of Russian Writers and Journalists in Prague also staged literary trials in the mid- to late-1930s including trials based on Dostoevsky’s *Demons* (1935), Lev Urvantsev’s *Vera Mirtseva* (1935), and Tolstoy’s *The Living Corpse* (1937). The playbills for the latter two trials explain that the audience was asked to decide the verdict, an important feature of most literary trials. See Afishi i programmy literaturnykh vecherov Soiuz, povestki na sobraniia, izveshcheniia o literaturnykh konkursakh i dr., Fond 2474 opis’ 1 edinitsa khraneniia 23, Soiuz russkikh pisatelei i zhurnalistov v Chekhoslovakii (Praga, 1922-1942), Rossiiskii gosudarstvennyi arkhiv literatury i iskusstva (RGALI), Moscow, Russia.

¹⁶ I discuss Nabokov’s performance in the 1926 Berlin trial in Chapter Four.

similar texts and followed similar formats. Trials based on Russian novels, novellas, plays, short stories, and poems were staged for large public audiences that filled event halls in Moscow, Petrograd, Vitebsk, Prague, Berlin, and Paris.¹⁷ The verdicts were harsh or lenient, unanimous or contested, consistent or unpredictable, but always unenforceable. The defendants were, after all, fictional characters, and the trials judged fictional crimes. Dostoevsky's Raskolnikov and Tolstoy's Katiusha Maslova proved two of the most popular characters to put on trial. These literary trials were not strict adaptations of the original works, many of which do not include fully narrated trials, but instead extensions and interpretations of them. The trials were usually scripted, but certain participants (the lawyers and sometimes the defendant) wrote their own speeches. What was unscripted, however, was the verdict: literary trials were participatory, and so certain audience members and sometimes the entire audience were invited to vote on the verdict.

This dissertation analyzes mock trials of literary characters that were performed in Soviet Russia and émigré communities in the 1920s and 1930s in order to explore the political, ethical, and aesthetic stakes of readers' judgments. Mock trials foreground and actualize the kinds of judgments that all readers of narratives make. Analyzing Soviet and émigré mock trials of the same literary characters offers a window into the values and priorities of two very different "interpretive communities."¹⁸ I argue that Soviet and émigré literary trials both reflect their

¹⁷ The émigré magazine *Illustrated Russia* published a photo of the 1931 mock trial of Katiusha Maslova that is helpful for understanding the scale of these mock trials. The trial took place in the Salle Gaveau, a thousand-person concert hall in Paris. The hall looks packed in the photo, and the caption describes the crowd as "huge." See "Sud nad Katiushei Maslovoi," *Illiustrirovannaia Rossiia*, April 11, 1931, 14.

¹⁸ Stanley Fish defines interpretive communities as "made up of those who share interpretive strategies not for reading (in the conventional sense) but for writing texts, for constituting their properties and assigning their intentions. In other words, these strategies exist prior to the act of reading and therefore determine the shape of what is read rather than, as is usually assumed, the other way around." Stanley Fish, "Interpreting the 'Variorum,'" *Critical Inquiry* 2, no. 3 (Spring 1976): 483. Fish's concept of interpretive communities informs my analysis of

participants and grapple with the original works' major ethical questions. In doing so, they bring together two opposing approaches to literature: a reader-centric approach that interprets the text in order to reveal something about the reader's current reality, and a text-centric approach that aims to uncover the text's original meaning. While some of the interpretations and judgments on display in literary trials appear to be misreadings, or bad readings, of the original works, I argue that this kind of reading, which closely attends to textual details while asking the text to speak to the readers' present, offers a model for an ethically engaged approach to literature.

I focus my discussion on mock trials staged in the 1920s and 1930s that were based on novels by Dostoevsky and Tolstoy. There are two reasons for this limited focus. First, their works proved the most popular for mock trial adaptation in the early twentieth century. Of the twenty-two literary trial productions from the 1920s and 1930s about which I have information, half were based on novels by Dostoevsky or Tolstoy.¹⁹ Second, by limiting my scope to canonical Russian authors, I can explore how early Soviet and émigré readers responded to, reinterpreted, and reimagined their literary heritage in a new context. I argue that both Soviet and émigré literary trials forward narrow, politically motivated readings of the original works that often reveal more about the trial participants' cultural and political situations than about the texts themselves. Nevertheless, in their selective readings of the original works, these trials also enter into dialogue with the works' central questions about judgment, guilt, and responsibility.

My analysis of literary mock trials draws on narrative theory of readers' judgments,

Soviet and émigré mock trials of the same literary characters. While I differ from Fish by maintaining that there is a text that exists separate from the readers' experience of it, I argue that the different ways in which Soviet and émigré readers interpreted and judged the same characters stemmed from those communities' different values and priorities.

¹⁹ My count includes three performances of the *Trial of Raskolnikov* that was staged in Petrograd and Moscow in 1921. I treat these performances as separate trials because each time, the audience was invited to vote on the verdict, and the verdict changed from performance to performance. For a discussion of these trials, see Chapter Two.

adaptation studies, and Russian cultural and legal history. As an introduction to my theoretical frames, I first analyze a short story by Anton Chekhov that brings together questions of narrative, interpretation, and judgment.

2. Chekhov's "Story of a Head Gardener"

Chekhov's "Story of a Head Gardener" (*Rasskaz starshego sadovnika*) (1894) is a frame narrative that tells two stories of people who are acquitted of committing crimes, while questioning the ethics of acquittal. In the outer frame story, an unnamed, aristocratic narrator at a flower sale listens as his neighbor points out a nearby worker and describes how he was acquitted for burglary the previous week due to insanity, despite his apparent good health. The neighbor uses this anecdote to bemoan the state of the Russian legal system:

Nowadays in Russia scoundrels are very often acquitted on account of sick states and temporary insanity, yet these acquittals, this clear indulgence and latitude, lead to no good. They demoralize the masses, everyone's sense of justice has dulled since they are used to seeing wickedness go unpunished, and you know, in our age you can confidently say, in the words of Shakespeare, "For in the fatness of these pury times / Virtue itself of vice must pardon beg." (*PSS* 8: 342-43)²⁰

The neighbor's story of the worker who was inappropriately acquitted reflects a broader trend of the post-reform Russian legal system: a high number of acquittals. Juries' tendency to acquit defendants could be interpreted negatively, as the neighbor does, as indicative of the public's lack of morality or sense of justice. Alternatively, the high number of acquittals could be interpreted positively, as the head-gardener Mikhail Karlovich interprets it. He claims to feel "triumphant" when he hears about an acquittal, even if it appears to be a mistake. For Mikhail Karlovich, what matters more than evidence is the jurors' faith: "Judge for yourselves,

²⁰ A. P. Chekhov, "Rasskaz starshego sadovnika," *Polnoe sobranie sochinenii i pisem v tridsati tomakh*, vol. 8 (Moscow: Izdatel'stvo "Nauka," 1977), 342-43. Subsequent references will be given in parenthetical form.

gentlemen: if judges and juries trust man more than proof, material evidence, and speeches, then is this belief in man himself not higher than any everyday considerations?" (*PSS* 8: 343). The frame narrator declares Mikhail Karlovich's interpretation "a good thought," and the gardener responds by telling a story to demonstrate that his positive view of acquittals is not a new idea (*PSS* 8: 343).

Mikhail Karlovich tells a legend he heard from his Swedish grandmother about an elderly doctor in a small town who "was always sullen and antisocial," yet was beloved by the townspeople because "he loved them like children, and did not even spare his life for them" (*PSS* 8: 343-44). When the doctor, whom even robbers would not harm, is found dead, the townspeople cannot believe that he has been murdered. As the judges who examine the case declare: "Here we have all the evidence of murder, but since there is no one in the world who could kill our doctor, there was obviously no murder and the totality of evidence is just a simple coincidence" (*PSS* 8: 345). When the murderer is discovered by chance, everyone still doubts that he did it. At the trial, the evidence overwhelmingly suggests that the accused murdered the doctor, yet the chief judge cannot bring himself to read the death sentence: "No! If I judge incorrectly, then let God punish me, but I swear that he is not guilty! I do not admit the thought that you can find a man who would dare to kill our friend the doctor! A man could not sink so low!" (*PSS* 8: 346). The accused is set free, the townspeople applaud the verdict, and Mikhail Karlovich offers a moral of the story: "The acquittal may bring harm to the townspeople, but on the other hand, judge what a beneficial effect this faith in man had on them—a faith that does not remain dead but that instills generous feelings in us and always spurs us to love and respect every person. Every one! And that is important" (*PSS* 8: 346). When the frame narrator's neighbor appears to want to object to Mikhail Karlovich's story, "the head-gardener made a

gesture suggesting that he did not like objections” (*PSS* 8: 346). The story ends with no explicit discussion of Mikhail Karlovich’s tale beyond his own assessment that the acquittal was a good outcome, despite all the evidence suggesting that the accused committed the murder.

Mikhail Karlovich’s story questions the value of evidence and argues for acquittal as an absolute moral good. It offers a clear lesson for his audience and perhaps, by extension, Chekhov’s audience. Yet because his story is embedded in a frame structure, readers are invited to question the head-gardener’s story and his interpretation of it.²¹ James Phelan’s rhetorical definition of narrative can help to untangle what is going on in this frame narrative: “somebody telling somebody else on some occasion and for some purpose(s) that something happened.”²² In Chekhov’s story, there are two somebodies telling two different stories: Mikhail Karlovich tells the story of the doctor who is murdered, and the unnamed frame narrator tells the story of Mikhail Karlovich telling his story about the moral value of acquittal.

Once we separate out the two tellers and their two stories, their motives and modes of storytelling appear quite different. Whereas the head-gardener offers a case for why Russian juries’ tendency to acquit defendants is a good thing, the frame narrator offers details about the head-gardener that complicate our interpretation of the inner story. The frame narrator describes him as an “intelligent, very good-natured, well-respected man” but notes his weaknesses: “he

²¹ In his book *Telling Silence: Russian Frame Narratives of Renunciation*, Charles Isenberg explores the complex dynamics of frame narratives. He asserts that frame narratives “are not only narratives within narratives, but narratives *about* narratives,” whereby the relationship between the frame story and the inner story “is a way of making two stories tell a third.” See Charles Isenberg, *Telling Silence: Russian Frame Narratives of Renunciation* (Evanston: Northwestern University Press, 1993), 2, 10. In an article, I argue that frame narratives create complex power dynamics between the inner and outer narrators, and that readers are invited to untangle those dynamics to interpret and judge the story for themselves. See Erica Stone Drennan, “Breaking the Frame: Leskov’s ‘Concerning “The Kreutzer Sonata”’ and the Ethics of Storytelling,” *Slavic and East European Journal* 61, no. 4 (2017): 696-713.

²² James Phelan, *Somebody Telling Somebody Else: A Rhetorical Poetics of Narrative* (Columbus: The Ohio State University Press, 2017), 5.

called himself the head-gardener, although there were no junior ones; his expression was unusually self-important and haughty; he did not tolerate being contradicted and liked to be listened to seriously and attentively” (PSS 8: 342). Although the frame narrator dismisses these weaknesses as “innocent” (*nevinnye*), they nevertheless affect how readers interpret and judge Mikhail Karlovich’s story (PSS 8: 342). The head-gardener begins his discussion of the moral value of acquittal by asking the narrator and others to “judge for yourselves,” yet at the conclusion of his story Mikhail Karlovich does not want to hear the neighbor’s objections or engage in any discussion of the story (PSS 8: 343). His dislike of being contradicted overrides his apparent invitation for his listeners to judge. Mikhail Karlovich not only tells the story of the acquittal, but also interprets it and makes an ethical judgment about it.

Mikhail Karlovich’s judgment appears good—he lauds the townspeople for having a faith in humanity that compels them to love everyone—yet his story undercuts his message. “Every person” is not loved and respected because the doctor, supposedly the best person of all, is not respected—his murderer is not held responsible and brought to justice. Mikhail Karlovich also does not respect his listeners, for he refuses to hear their objections. His story offers a generalized ethical judgment—that acquittal is always a moral good—while ignoring and glossing over specifics. The head-gardener cannot even be bothered to get the doctor’s last name right: he says it is either “Thompson or Wilson—well, it doesn’t matter. The last name is not the point” (PSS 8: 343). The doctor’s name may not seem like the point to him, but individuality and specificity matter in narratives. Mikhail Karlovich’s generalized approach to ethical questions contradicts how narratives ask readers to make judgments. As Phelan explains in one of his theses about narrative judgments, “*individual narratives explicitly or more often implicitly establish their own ethical standards in order to guide their audiences to particular ethical*

*judgments.*²³ In other words, making ethical judgments about narratives requires dealing with the specifics of the story. The acquittal of the doctor's alleged murderer, and Mikhail Karlovich's positive judgment of that acquittal, does not represent a moral success but instead a refusal to engage with the specifics of the case. The verdict represents a failure of imagination: the townspeople and judges cannot imagine that anyone could murder the doctor, so they do not bring his killer to justice. Mikhail Karlovich's tale is not a story about loving and respecting every man, but instead a story about a failure to consider the specifics of a situation and make an ethical judgment.

Whereas Mikhail Karlovich's inner story offers no room for his audience to make their own interpretations and judgments, Chekhov's frame narrative is fully open to interpretation. The reader is not told how to judge Mikhail Karlovich, his story, or his position—that acquittal is always a moral good. The frame narrator within the story, and Chekhov outside it, provide details that can undercut the head-gardener's story and worldview, but it is up to readers to judge the story for themselves. As a result, Chekhov's story is far more aesthetically successful than Mikhail Karlovich's, for it can lead to debate and discussion. There is no single answer to whether the doctor's murderer should have been acquitted, or whether Mikhail Karlovich is right about the general ethical good of acquittal. Chekhov's open-ended story invites the reader to participate in it by interpreting and making judgments. Where Mikhail Karlovich's story lauds a verdict that is the result of narrow-mindedness, Chekhov's story allows for many imaginative possibilities.

Chekhov's "Story of a Head Gardener" is a story about judgment—the townspeople's

²³ James Phelan, *Experiencing Fiction: Judgments, Progressions, and the Rhetorical Theory of Narrative* (Columbus: The Ohio State University Press, 2007), 10. Italics in the original.

interpretive, ethical, and legal judgment of the suspected murderer; Mikhail Karlovich's ethical judgment of the act of acquittal; and his audience's ethical and aesthetic judgments of his story. Chekhov's story raises numerous questions about whether, and how, people should make judgments. How should people use evidence to make judgments? Who has the right to judge others? Should people judge at all? What are the ethical stakes of judging? This story is not unique in Chekhov's oeuvre in raising thorny questions about judgment. In her article "Paying the Price: The Rhetoric of Reckoning in Čechov's 'Peasant Women,'" Cathy Popkin analyzes how the story "*Baby*" calls the act of judgment into question, while also demanding that readers judge the characters and story for themselves. Popkin suggests that by "foreswearing authorial verdicts," Chekhov invites readers to "be jurors," which puts them in a difficult position: "What does Čechov mean by exhorting his readers not to judge, while practically defying them not to?"²⁴ In good Chekhovian fashion, Popkin concludes her article with this question, rather than offering an answer. Literature poses questions—it does not offer definitive answers.

Questions about the ethics of judgment and the reader's role in making judgments were central to Soviet and émigré literary mock trials, in which participants were called upon to judge characters. In some cases, participants tackled these questions head-on; in other cases, the trials indirectly raised these questions. Questions about the ethics of judgment are also central to the works by Dostoevsky and Tolstoy that I discuss, and so in my analysis I consider how the texts would respond to the kinds of judgment enacted by the mock trials.

²⁴ Cathy Popkin, "Paying the Price: The Rhetoric of Reckoning in Čechov's 'Peasant Women,'" *Russian Literature* 35, no. 2 (1994): 220.

3. Reading and Judging Narrative

My approach to Chekhov's story and literary trials relies on Phelan's work on narrative judgment. Phelan places judgment at the center of the reading experience: "the judgments we readers of narrative make about characters and tellers (both narrators and authors) are crucial to our experience—and understanding—of narrative form."²⁵ According to Phelan, the judgments readers make while reading are a key part of what distinguishes the experience of reading narrative: "in narrative internal judgments of characters (and narrators) are required, while in lyric such judgments are suspended until we take the step of evaluation."²⁶ Phelan breaks down narrative judgments into three types: "interpretive judgments about the nature of actions or other elements in the narrative, ethical judgments about the moral value of characters and actions, and aesthetic judgments about the artistic quality of the narrative and of its parts."²⁷ Literary works about crimes foreground all three types of judgment—readers are asked to make interpretive judgments about what happened, ethical judgments about the perpetrator and whether his or her actions are justified, and aesthetic judgments about the narrative's overall success. Like Chekhov's short stories, they recast readers as jurors, asking them to judge the characters and events, even as the works sometimes question the ethics of judging. Literary mock trials enact readerly judgment by asking audience members to decide a character's guilt or innocence as part of the performance. They reimagine literary works by making the audience's ethical judgments the central, critical acts of the narratives. By reading literary trials of Tolstoy and Dostoevsky's characters through the lens of narrative judgment, we can explore how mock trial participants

²⁵ Phelan, *Experiencing Fiction*, 3.

²⁶ James Phelan, *Narrative as Rhetoric: Technique, Audiences, Ethics, Ideology* (Columbus: Ohio State University Press, 1996), 33.

²⁷ Phelan, *Experiencing Fiction*, 9.

judged characters, as well as what kinds of judgments readers of the novels are asked to make.

As applicable as Phelan's model of narrative judgment seems to literary trials, there are important differences between the experience of watching a literary trial and judging the accused and the experience of reading a novel and judging its protagonist. Phelan argues that narrative progression is key to understanding how readers experience narrative form. He defines narrative progression as "the synthesis of both the textual dynamics that govern the movement of narrative from beginning through middle to end and the readerly dynamics—what I have so far been calling our engagement—that both follow from and influence those textual dynamics."²⁸ Readers of a narrative live with the characters. Readers of *Crime and Punishment* enter into Raskolnikov's world and mind, experiencing his confusion, dreams, and murders alongside him. Audience members at a trial of Raskolnikov do not spend the same sustained time with the character or gain access to his inner world. They are told the narrative of his murders after the fact, in a piecemeal form that develops through a dialogue between the judge, lawyers, and witnesses. Literary trial audiences do not re-experience the original form of the novel. Instead, they must make judgments based on abbreviated, restructured narratives and interpret evidence that is wielded as arguments.

Given that literary trial audiences are asked to make judgments about an original narrative retold as competing narratives and that they do not experience the original narrative progression, how can we understand the kinds of judgments that trial audiences make? I believe we can best understand what literary trial audiences do as judging an interpretation of a work. They do not judge Dostoevsky's Raskolnikov, but Raskolnikov as read and interpreted by the trial's creators and participants. As a result, by approaching literary trials as a window into

²⁸ Ibid., 3.

readerly judgments, we can explore several interrelated questions: 1) how specific readers (the literary trial participants) made interpretive, ethical, and aesthetic judgments of the original characters and narrative, and how they translated their interpretations into a trial adaptation; 2) how literary trial audiences made interpretive, ethical, and aesthetic judgments about the retelling/interpretation of the original, as seen through their verdicts; and 3) what a literary trial reinterpretation of a work can reveal about the role of readers' judgment in the original text.

Mock trials can seem like frivolous endeavors—literary games for adults, or classroom activities for children. Yet the judgments that they ask participants to make are central to what it means to read narratives more broadly. In her book *Poetic Justice*, Martha Nussbaum focuses on the novel's ability to contribute to public life because the genre requires readers to be active moral thinkers—it pushes them to develop their ethical reasoning by inviting them to make imaginative connections between themselves and others. Nussbaum argues that reading novels “can be a bridge both to a vision of justice and to the social enactment of that vision.”²⁹ In her discussion of Dickens' *Hard Times*, Nussbaum shows how readers are “constituted by the novel as judges of a certain sort” whose judgments mean something: “insofar as the characters matter to us, and we are active on their behalf, we do not feel that the dispute is about nothing at all that we are merely playing around.”³⁰ Mock trials offer a window into the kinds of judgments that all readers make, and the ways in which the act of reading and judging characters and narratives develop readers' moral imaginations. Throughout this dissertation, I explore what literary trial interpretations and verdicts reveal about how the original works encourage and construct readers'

²⁹ Martha Nussbaum, *Poetic Justice: The Literary Imagination and Public Life* (Boston: Beacon Free Press, 1995), 12.

³⁰ *Ibid.*, 83.

judgments. By rereading Dostoevsky and Tolstoy through the lens of literary trials, we can reconsider the ethics and aesthetics of the original works.

4. Literary Trials as Adaptations

While literary trials offer a window into the dynamics of narrative judgment and enter into dialogue with the original texts, they do not faithfully reproduce the originals, a feature to which reviewers in the 1920s and 1930s tended to react negatively. As I discuss in subsequent chapters, many reviews of mock trials were quite critical—a review of a trial of Raskolnikov from *Crime and Punishment* dismissed the production as a “poor gift to Dostoevsky,” and a planned trial of Katiusha Maslova from Tolstoy’s *Resurrection* prompted a heated public debate in Parisian émigré newspapers about the appropriateness of a trial adaptation.³¹ A review of a Paris trial based on Dostoevsky’s novel *Demons* is more measured, but it contains kernels of common critiques of adaptations. The reviewer somewhat snobbishly suggests that the performance was particularly interesting “for those, unfortunately likely many, members of the emigration who don’t know Dostoevsky’s novel well.”³² While the trial was a material success—the reviewer notes that the enormous performance hall was almost full and thus the organization must have made money—he criticizes it for lack of fidelity to Dostoevsky’s novel. Some speeches were added that are not in the original, certain textual moments were rearranged, and, “tragically, [...] the voice of Dostoevsky was drowned out by ordinary voices.”³³ The mock trial did not faithfully reproduce Dostoevsky’s novel, which for the reviewer was a failing.

³¹ Galubin, “Sud nad Raskol’nikovym,” *Letopis’ doma literatorov* no. 3 (1921): 7. I discuss this and other reviews of a Soviet trial of Raskolnikov in Chapter Two. I discuss the Paris trial of Katiusha Maslova in Chapter Three.

³² L. L., “Sud nad ‘Besami,’” 7.

³³ *Ibid.*

Soviet and émigré mock trials are not unique in their attempts to translate Dostoevsky and Tolstoy’s works into new forms—the Russian classics have been regularly adapted into operas, plays, and films.³⁴ In *Adaptation in Contemporary Theatre: Performing Literature*, Frances Babbage traces the changing critical approach to the concept of an adaptation’s fidelity “from a position which broadly assumed that faithful re-creation was the desired end” toward more expansive ideas about the goals of adaptations.³⁵ Babbage describes comparative approaches that consider a variety of possible relationships between original texts and adaptations, including dialogic relationships, whereby the original work’s “re-animation through theatre—a process which exposes ‘solutions’ that may only be discoverable in this live context—suggests the vital role played by adaptations in helping to negotiate the dynamics and dependencies of past and present, old words/worlds and new.”³⁶ In other words, adaptations need not strive to be as “faithful” as possible to the original to be aesthetically successful, as the reviewer of the *Demons* mock trial seemed to believe.

The language of fidelity used to describe adaptations has fallen out of favor, with critics disavowing its moralistic tinge.³⁷ In his study of adaptations of Dostoevsky, Alexander Burry prefers the term transposition to adaptation because it “implies transformation, development of an ongoing project, and dialogue between two works. In short, it connotes a lateral rather than

³⁴ For more on film adaptations of Russian literature, see *Border Crossing: Russian Literature into Film*, ed. Alexander Burry and Frederick H. White (Edinburgh: Edinburgh University Press, 2016). For more on adaptations of Dostoevsky’s works, see Alexander Burry, *Multi-Mediated Dostoevsky: Transposing Novels into Opera, Film, and Drama* (Evanston, IL: Northwestern University Press, 2011).

³⁵ Frances Babbage, *Adaptation in Contemporary Theatre: Performing Literature* (London: Bloomsbury Methuen Drama, 2018), 39.

³⁶ *Ibid.*, 43.

³⁷ *Ibid.*, 39.

hierarchical relationship; therefore, I feel it is more helpful in seeking new ways of understanding the process of reworking literature into other forms.”³⁸ Babbage and Burry’s dialogic, rather than fidelity-oriented, approach to adaptations provides a helpful framing for considering mock trials in relation to the novels that they reimagine. Rather than attempting to evaluate their quality by focusing on how closely they adhere to the original, I am interested in how literary trials enter into dialogue with the original texts, refracting them and opening them up to new kinds of interpretation.

There is a significant difference between most of the transpositions that Babbage and Burry study and mock trials: whereas theatrical and film adaptations are (typically) stand-alone works of art that are performed for an audience, mock trials are collaborative enterprises that require audience participation to decide the verdict.³⁹ Burry connects transpositions of literary texts to both literary criticism and the reading process: “Transposing a text into another form, as an extension of the act of reading, is an essentially hermeneutical, constitutive act. It accentuates the aspect of the reading process involving compilation and interpretation.”⁴⁰ This connection between transposition and the reading process is heightened in participatory literary trials, where not only the creators of the adaptation but also its audience are involved in interpreting the text by deciding the verdict.

A transposition’s shifting position in relation to the original work is a subset of a broader phenomenon: whenever we read and interpret a text, we bring our own historical position and

³⁸ Burry, *Multi-Mediated Dostoevsky*, 15.

³⁹ Of course, theatrical adaptations of literature can also be interactive. In her chapter “Layered Space: Adaptation, Immersion and Site,” Babbage examines recent interactive adaptations of Poe’s *The Masque of the Red Death* and Kafka’s *The Trial*. See Babbage, *Adaptation in Contemporary Theatre*, 115-63.

⁴⁰ Burry, *Multi-Mediated Dostoevsky*, 29.

understanding to bear on it. In his discussion of literary hermeneutics, Peter Szondi identifies two opposing approaches to literary works: “to sublimate or, alternatively, to eliminate the historical distance between text and reader. The history of hermeneutics can be understood [...] as a series of confrontations between these two orientations.”⁴¹ Szondi refers to the first orientation as “grammatical interpretation,” which is an attempt to understand and preserve the text’s original meaning.⁴² “Allegorical interpretation,” in contrast, brings the text into the reader’s present: “it gives the sign a new meaning derived not from the conceptual world of the text but from that of the interpreter.”⁴³ Szondi traces the shifting balance of power between these two approaches through history, while also demonstrating how neither approach can be fully separated from the interpreter’s own historical position. These two conflicting orientations toward a literary text—attempting to access its original meaning versus making the text mean something new in the interpreter’s present—are both at work in literary trials, which draw on specific passages from the original works in order to offer interpretations that are grounded in the trial participants’ present. By reading Soviet and émigré mock trial transpositions, or interpretations, of literary works in dialogue with the original texts, I attempt to put the literary trials’ allegorical and grammatical interpretations in dialogue with one another. Rather than focusing exclusively on one pole of hermeneutics or the other, I read back and forth between mock trials and the literary texts they were based on in order to explore what specific readers’ interpretations and judgments reveal about both their historical positions and the original texts.

⁴¹ Peter Szondi, *Introduction to Literary Hermeneutics*, trans. Martha Woodmansee (Cambridge: Cambridge University Press, 1995), 8.

⁴² *Ibid.*

⁴³ *Ibid.*, 9.

5. Soviet versus Émigré Mock Trials

Soviet and émigré mock trials of the same literary characters offer a clear contrast for examining how interpreters' historical and cultural circumstances affect their approaches to literary texts. In his article on early twentieth-century literary trials, Andrei Rogachevsky traces their relative popularity after the Civil War in Russia, but explains that they were less popular than other kinds of agitation trials both because their concerns seemed distant from their audiences and because they required knowledge of specific literary works.⁴⁴ The aims of literary trials also differed from those of Soviet agitation trials: whereas agitation trials “instilled in the audience an officially approved worldview and mode of behavior, [...] literary trials were organized mainly for introducing workers to classical and contemporary literary works in an interactive form that was accessible to the illiterate masses.”⁴⁵ Literary trials did not function as propaganda, but as entertainment, and so audiences had more freedom to make their own judgments: “It goes without saying that in a trial of a character of any literary work, there is more freedom in terms of rendering a verdict because the audience is usually notified in advanced that a fictional character is on trial, and so they don't take his ‘crime’ with all due seriousness.”⁴⁶

This freedom to judge characters also characterizes émigré mock trials, which, like the Soviet literary trials, grew out of a pre-Revolutionary literary trial tradition.⁴⁷ Cassiday explains that after the 1864 legal reforms, mock trials gained prominence in Russia first as pedagogical

⁴⁴ Andrei Rogachevskii, “Literary Trials: From ‘People’s Philology’ to The Inquest Practice of the Repressive Organs,” *Russian Literature LXIII* (2008) II/III/IV: 484-485. In Russian.

⁴⁵ *Ibid.*: 484.

⁴⁶ *Ibid.*: 494.

⁴⁷ Rogachevsky characterizes émigré literary trials as analogous to pre-Revolutionary literary trials. See Rogachevskii, “Literary Trials:” 495.

tools for training lawyers (moot courts) and engaging secondary school students (trials based on Russian literature). Literary trials then expanded beyond educational institutions into “clubs patronized by the Russian upper classes where the morally ambiguous attitudes and actions of the Russian novel’s most popular protagonists were regularly discussed in the form of fictional litigation.”⁴⁸ While Soviet agitation trials also drew on other popular genres in order to create useful propaganda for collectively judging “the enemies of Bolshevism,” open-ended Soviet and émigré literary trials remained closer to their pre-Revolutionary roots.⁴⁹ The freedom of judgment central both to Soviet and émigré literary trials distinguished them from the later, deadly serious Stalinist show trials, “in which if some kind of improvisation were allowed, it was only in the process of the court proceedings, but by no means in the final result.”⁵⁰

Despite their shared roots in pre-Revolutionary literary trials and their similar open-ended forms, Soviet and émigré mock trials often offered starkly different interpretations of literary texts that were based in the participants’ social and political contexts. As I discuss in Chapter Two, an early Soviet trial of Raskolnikov defended Dostoevsky’s character on the grounds that he would make a good future Soviet citizen, thus dragging Dostoevsky’s nineteenth-century novel into the mock trial participants’ present. Some émigré trials also tended toward allegorical interpretation—as mentioned above, the Paris trial based on *Demons* judged the characters as proto-Bolsheviks. In both cases, the trial participants’ historical positions can help us to make sense of their judgments: whereas the Soviet Raskolnikov defended himself by claiming he would be a good member of the new proletarian society, the émigré prosecutor interpreted

⁴⁸ Cassidy, *Enemy on Trial*, 53.

⁴⁹ *Ibid.*, 54.

⁵⁰ Rogachevskii, “Literary Trials:” 496.

Dostoevsky's characters from *Demons* as future Bolsheviks in order to argue for their conviction. The allegorical approach to interpretation is similar, but the interpreters' judgments of those interpretations are completely opposed.

Soviet and émigré literary trials also had different relationships to the trial form and the law. The works by Dostoevsky and Tolstoy that I discuss were written in the aftermath of the 1864 legal reforms, which introduced the jury trial to Russia. By the 1920s, the jury trial no longer existed in Soviet Russia. The Bolsheviks abolished the jury trial and developed a new legal code in the early 1920s. As Wood explains, while proponents of agitation trials hoped they would teach a new "Soviet legal consciousness," many of the trials did not focus on legal issues: "the principal focus was on moral and social wrongdoing rather than crimes against the law. The majority of the trials did not even name articles of the law in their indictments. Instead they rendered judgments on behaviors that were not, strictly speaking, illegal."⁵¹ Soviet literary trials transposed the crimes of Dostoevsky and Tolstoy's novels into a new context where the legal structures and trial form of the original works no longer existed. Émigré trials, in contrast, were often staged by former imperial Russian lawyers as fundraisers, and some had the explicit goal of celebrating the Russian jury trial in exile. Whereas Soviet literary trials reimagined the crimes and trials of imperial Russian novels in a new legal context, émigré literary trials attempted to preserve and celebrate the Russian nineteenth-century legal tradition.

As Chekhov's "The Story of a Head Gardener" demonstrates, nineteenth-century Russian juries were notable for their high number of acquittals.⁵² In her book *Russia's Legal Fictions*, Harriet Murav traces how the introduction of the jury trial as part of the 1864 reforms altered the

⁵¹ Wood, *Performing Justice*, 6.

⁵² See Harriet Murav, *Russia's Legal Fictions* (Ann Arbor: The University of Michigan Press, 1998), 62.

“hierarchy of judgment:” “the power of judgment, which had formerly inhered in the tsar or his officials, is now dispersed to a corporate body that mingles social classes.”⁵³ The nineteenth-century jury also had a great deal of freedom in its judgments: “Like the juries of continental Europe, the Russian jury was not bound by law to pronounce a guilty verdict even if it found that the accused did commit the crime.”⁵⁴ The freedom of Russian juries to analyze and judge a defendant’s motives, rather than remain bound by strict legal parameters, brings the role of the juror close to that of a reader who interprets and judges a character. Jurors were reminded “to determine the guilt or innocence of the accused according to their ‘inner conviction, based on the aggregate of all the circumstances of the case.’”⁵⁵ The jury “answered ‘yes’ or ‘no’ to the questions put to it, but could find that a suspect was guilty but deserved indulgence.”⁵⁶ Although the Bolsheviks would develop their court system, Cassidy argues that future Bolsheviks learned “the dynamic form and function of theatricalized justice” from late nineteenth-century political trials, including the trial of Vera Zasulich that ended in her acquittal despite her apparent guilt.⁵⁷ The nineteenth-century Russian jury trial, with its broad scope for jurors’ personal and ethical judgments, thus functioned as an important reference point for both émigré and Soviet mock trials, despite the abolition of the jury trial in post-Revolutionary Russia.

While my project connects the legal and the literary, I have reservations about how my dissertation fits into the interdisciplinary field of Law and Literature. As Gary Rosenshield points

⁵³ Ibid., 59, 61.

⁵⁴ Ibid., 56

⁵⁵ Ibid. 60, quoting 1864 decree.

⁵⁶ Ibid.

⁵⁷ Cassidy, *Enemy on Trial*, 31.

out, both strains of the field, law-in-literature (literary works with legal themes or concerns) and law-as-literature (the practice of reading law as a literary text), “view literature not as an end but as a means.”⁵⁸ Literature acts in the service of law, not the other way around. I aim to do something different: to read (mock) legalistic reinterpretations of novels that fall into the “law-in-literature” purview in order to shed light on issues of judgment, ethics, and aesthetics in the novels.

My approach to law and literature is indebted to Dominick LaCapra’s *Madame Bovary on Trial*, in which he reads the (real) trial of Flaubert in dialogue with the novel. LaCapra proposes that “while the trial was ‘reading’ the novel in one way, the novel may be argued to have read the trial in rather a different way.”⁵⁹ He explores both sides of the novel-trial relationship, demonstrating how the trial reads the novel as well as how the novel “responds,” “call[ing] into question the grounds of the trial by rendering problematic its assumptions.”⁶⁰ By pairing a reading of the novel with a discussion of its reception at the trial, LaCapra does not attempt to offer a “definitive interpretation” of the text.⁶¹ Instead, he argues that “the study of a text’s reception should be combined with an attempted critical reading of the text that provides intellectual and historical perspective on processes of reception.”⁶² LaCapra’s approach recalls adaptation studies’ understanding of adaptations as in dialogue with the original works, rather than as mere attempts to replicate them. I draw on LaCapra’s method by dividing my discussion

⁵⁸ Gary Rosenshield, *Western Law, Russian Justice: Dostoevsky, the Jury Trial, and the Law* (Madison, WI: University of Wisconsin Press, 2005), 9.

⁵⁹ Dominick LaCapra, *Madame Bovary On Trial* (Ithaca: Cornell University Press, 1982), 7-8.

⁶⁰ *Ibid.*, 7.

⁶¹ *Ibid.*, 9.

⁶² *Ibid.*, 8.

of literary trials into two parts: 1) how the mock trial reads the literary work and 2) a close reading of the literary work to consider how it “responds” to the trial interpretation, thus putting the original text in dialogue with its trial transposition. Rather than attempting to offer conclusive interpretations of the original works, my back-and-forth approach between the trials and the texts explores aspects of the original works illuminated by the trial interpretations. By examining both sides of the relationship between mock trials and the literary works, I explore both how the specific Soviet and émigré trial participants read the original texts and question what the texts have to say about the kinds of judgments at work in the trials.

6. Chapter Breakdown

This dissertation examines mock trials of Dostoevsky and Tolstoy’s characters that were performed in the 1920s and 1930s in Soviet Russia and abroad in order to explore how trial participants, and readers more broadly, judge characters and literary works. The first chapter provides historical and cultural context for my subsequent discussion of literary trials. I examine Soviet agitation trials related to literary issues, including trials of books and readers, in order to establish the typical structure and aims of mock trials, and to consider the trials as forms of both entertainment and collective judgment. I also compare the Soviet mock trials to a popular fictional trial contest published in an émigré magazine, contrasting the political and cultural biases and modes of interpretation that emerge in Soviet and émigré mock trials. I argue that both Soviet and émigré mock trials reveal as much about their participants and audiences as they do about the subjects on trial. Like the trial of Flaubert and other real trials, they reflect their participants’ modes of interpretation: trials “attest to the way [cultural] phenomena are read or interpreted in a decisive social institution and to the hermeneutic conventions operative

therein.”⁶³ By exploring how mock trial participants’ political and cultural contexts affected their interpretations and judgments, I lay the groundwork for considering how the same literary texts were interpreted and judged by different literary trial participants, while also considering how the texts themselves respond to those judgments.

Each of the remaining chapters puts literary trials of Dostoevsky and Tolstoy’s characters in dialogue with the original works. In the second chapter, I read Soviet and émigré mock trials of Raskolnikov alongside Dostoevsky’s *Crime and Punishment* in order to explore how two very different groups of readers/trial participants found redemption for the murderous character. I argue that the mock trial creators selectively wielded textual evidence in order to present diametrically opposed interpretations of Dostoevsky’s protagonist. While these readings of the character can seem narrow, I put the mock trial transpositions in dialogue with the novel to show how they also speak to the novel’s ethics of openness and unfinalizability.

In the third chapter, I consider materials from several Soviet and émigré trials based on Tolstoy’s *Resurrection* in order to explore readers’ ethical judgments. I question how readers could turn Tolstoy’s anti-trial novel into a trial and the implications of reading against authorial intent. In the second part of the chapter, I read Tolstoy’s novel alongside the trial versions to argue that while the mock trials may misread the novel on Tolstoy’s terms, they also shed light on contradictory forms of reading and judgment at work within the text. I argue that the multiple trial reinterpretations of *Resurrection* reveal the politically-tinged Soviet and émigré concerns about the novel, as well as the novel’s own counter-narratives about the importance of dialogue and interpretation, counter-narratives that cannot be fully silenced by the novel’s verdict against judgment.

⁶³ Ibid., 15.

In the final chapter, I read Nabokov's speech as Pozdnyshev in a mock trial version of Tolstoy's *The Kreutzer Sonata* as a bridge between Tolstoy's novella and Nabokov's later novel *Lolita*. I show how in his speech, Nabokov twists Tolstoy's words to create his own character with a very different justification for murder. This kind of creative misinterpretation was effective for Nabokov: although his character was convicted in the mock trial, the audience judged Nabokov's performance positively on aesthetic terms. I use this gap between the conviction and the audience's positive judgment of Nabokov's speech to consider the relationship between ethical and aesthetic judgment in Tolstoy's novella and Nabokov's later novel. I explore how both Tolstoy's Pozdnyshev and Nabokov's Humbert ask their audiences to judge them, while also attempting to control those judgments, effectively putting themselves on trial in their confessions. Nabokov's reinterpretation of Pozdnyshev in his speech offers a model for reading both *The Kreutzer Sonata* and *Lolita* against their protagonists, in a way that unites readers' ethical and aesthetic judgments.

All of my chapters draw on archival materials, but to varying degrees and to different ends. The archival record of 1920s and 1930s literary trials is not complete for many reasons. Some materials were lost, some I have not yet been able to find, and others never existed in the first place. While some trials were almost fully scripted, such as Boichevsky's *Trial of Raskolnikov* that I discuss in Chapter Two, others were largely improvised and never written down. Bakhtin, who played the defense attorney in several literary trials, including a trial based on Tolstoy's *Resurrection* that I discuss in Chapter Three, was notable for speaking without notes, a fact that would have made him an impressive orator but makes him a challenging object of study.⁶⁴ Where there are gaps in the archival record, I draw on newspaper reviews and

⁶⁴ Mirkina, "Bakhtin, kakim ia ego znala (Molodoi Bakhtin)," 94.

accounts to make sense of a trial's goals and approach.

While the incomplete archival record has been frustrating at times, it also offers an opportunity to think expansively about what literary trials do. It has pushed me to look beyond straightforward comparisons between literary texts and their mock trial adaptations, comparisons that risk falling into the trap of fidelity criticism, to question what kind of relationship exists between Dostoevsky's and Tolstoy's works and mock trials of their characters. This approach has led me to consider literary trials as a window into what readers do when they interpret and make judgments about a text. Literary trials are an example of what Wolfgang Iser calls the aesthetic pole of a literary work, or "the realization [of the text] accomplished by the reader."⁶⁵ This realization by the reader is not identical to the author's textual creation, which Iser terms the "artistic" pole, nor is it identical to the literary work itself, which Iser contends is brought into existence by "the convergence of text and reader."⁶⁶ Literary trials realize literary texts by asking participants and audience members to engage actively with a text's questions and indeterminacies.⁶⁷ Rather than dismissing literary trials as pale imitations of the original works, like some trial reviewers did, we can consider them as valid possible realizations of the texts that offer new insights into them. We can read literary trials in dialogue with the original texts in order to consider how the two forms speak to one another, and what the trial realizations can reveal about the original works.

⁶⁵ Wolfgang Iser, "The Reading Process: A Phenomenological Approach," *New Literary History* 3, No. 2 (Winter 1972): 279.

⁶⁶ *Ibid.*

⁶⁷ Iser emphasizes the participatory nature of literary texts as critical to fulfilling the text's intentions. While literary trials are participatory in a different way than he suggests—he writes about the reading process as participatory—they function in similar ways to reading by asking participants and audience members to make connections and attempt to find meaning in the text—to decide its ethical questions and reach a verdict.

In her discussion of theatrical adaptations of literary texts, Babbage argues, “The practice of adaptation in the theatre positively destabilizes prose literature, making immediate and graspable the sense in which the latter is not fixed, final and authoritative but malleable, contingent, and contestable.”⁶⁸ This is particularly true for mock trial adaptations, which turn literary works’ ethical concerns into central questions for debate. Nineteenth-century Russian literature is famous for grappling with pressing ethical questions—What is to be done? Who is to blame?—and those kinds of questions become the foundation of literary trial adaptations. By reading back and forth between Soviet and émigré mock trials and the works on which they were based, we can grapple with those questions and consider our own responsibility as readers to make judgments. To put a character on trial you have to identify with that character, interpret the narrative, and make a judgment that is normative, that has ethical weight. You have to read not to escape from the world but to enter into dialogue with it. In this dissertation, I hope to demonstrate that all reading asks us to make judgments, the most important of which are about ourselves: what kinds of readers, and people, do we aspire to be?

⁶⁸ Babbage, *Adaptation in Contemporary Theatre*, 214.

CHAPTER ONE

Trials of Reading and Reading Trials

1. Introduction

In 1924 in Soviet Russia, the Bible was put on trial. The publication *Komsomol Easter* (*Komsomol'skaia paskha*) featured the “Political Trial of the Bible,” a script and instructions for how to organize the mock trial, which was staged at the Tsindel’ textile factory in Moscow.⁶⁹ After a comical attempt to determine the defendant’s age and author, the Bible is charged: “The book of the Bible is brought to trial on charges of circulating false information about the origins of the world and man and teaching immoral principles of behavior with clearly selfish intent.”⁷⁰ The president of the court and the prosecutor proceed to discredit the Bible through close readings of the text. The president of the court asks if God created light on the second day but the sun on the third, where did the light come from?⁷¹ The Bible offers only a platitude in response: “the ways of God are inscrutable.”⁷² One witness uses his scientific knowledge about the age of planets to prove that the creation myth cannot be accurate.⁷³ Another witness argues the Bible is anti-proletarian because it aims to maintain the status quo—the poor are promised nothing but life after death, which, the witness is certain, does not exist.⁷⁴

⁶⁹ Lynn Mally, *Revolutionary Acts: Amateur Theater and the Soviet State, 1917-1938* (Ithaca, NY: Cornell University Press, 2000), 62 fn. 59, citing *Rabochii klub* 7 (1924): 38.

⁷⁰ “Politsud nad Bibliiei,” *Komsomol'skaia paskha* (Moscow: “Novaia Moskva,” 1924), 115.

⁷¹ Smerdiakov similarly questions the timeline of the Biblical creation story in Dostoevsky’s *The Brothers Karamazov*. See F. M. Dostoevskii, *Polnoe sobranie sochinenii v tridsati tomakh*, vol. 14 (Leningrad: Izdatel'stvo “Nauka,” 1975), 114.

⁷² “Politsud nad Bibliiei,” 116.

⁷³ *Ibid.*, 119.

⁷⁴ *Ibid.*, 125.

One of the arguments against the Bible's accuracy becomes an ethical question about the nature of work. After clarifying that God created everything with his words, not his hands, the prosecutor attempts to estimate how much time God spent working on each of the six days of creation. He and the Bible agree that God only spoke five or six words per day, for a total of about three minutes of work spread over six days. The prosecutor generously rounds this meager sum up to three and a half hours of work—fashioning man out of clay presumably took longer—and then asks: “Why did he need to rest from his work... And from what work, when he was only blathering on[?]”⁷⁵ God not only did not work long enough to deserve a day of rest, but he did not really work—he only spoke. The prosecutor rejects the idea that to work with words is a valuable activity, as valid as other forms of work.

Yet manipulating words to create reality is exactly what the prosecutor and other participants in the mock trial do. They read, analyze, and offer interpretations of a text, which take on (mock) legal weight: the Bible is sentenced to be removed from all libraries and depositories, leaving only enough copies for scientific research.⁷⁶ The participants in the mock trial engage in textual analysis in order to convict the Bible; the words of the sentence then become a performative utterance, whereby “the issuing of the utterance is the performing of an action.”⁷⁷ Although the prosecutor may declare speech acts an invalid form of activity, this mock trial and, indeed, the genre as a whole, is deeply concerned with how words work, and its verdict reflects how its participants read.

In this chapter, I examine Soviet agitation trials of books and readers, as well a published

⁷⁵ Ibid., 117.

⁷⁶ Ibid., 128.

⁷⁷ J. L. Austin, *How to Do Things with Words* (Cambridge: Harvard University Press, 1975), 6.

émigré mock trial contest, in order to consider the dynamics of reading and judgment at work in mock trials. I also establish the typical structures and goals of 1920s Soviet mock trials. The Soviet agitation trials I analyze aimed to police what kinds of reading and reading material were acceptable, while also demonstrating how mock trials functioned as forums for collective judgment. Early Soviet trials of readers and books suggest that reading itself is a normative act: that there is a right and a wrong way to read, and that reading can be judged on ethical, if not legal, grounds. (Most of the trials I discuss are light on citations of law.) The émigré mock trial contest I analyze in the second part of the chapter enacts a connection between reading and judgment by asking the magazine *Illustrated Russia*'s readers to judge fictional defendants based on their reading of mock trial scripts.

The normative values on display in the Soviet and émigré trials are markedly different. I compare the concerns of Soviet and émigré mock trials to argue that the trials reveal just as much about their participants' political and cultural contexts as they do about the subjects on trial, and that the judgments rendered in the trials thus function as mirrors of their participants. The mock trials I analyze in this chapter are adjacent to the trials of literary characters that I discuss in the rest of the dissertation. I consider Soviet agitation trials of readers, writers, and books, as well as an émigré trial contest that asked participants to read trials and render judgment on what they read. All of these mock trials help to illuminate what it means to recast literary questions as (mock) legal ones and the relationship between reading and judging, issues that are critical to understanding what readers do when they put literary characters on trial.

2. Structure and Goals of Early Soviet Mock Trials

In his Foreword to Boris Andreev's 1926 *Trial of the Old Way of Life*, Grigory Shperling,

writing under the pen name Gr. Avlov,⁷⁸ explains one of the benefits of the mock trial, or agitation trial (*agitatsionnyi sud*), form is its flexibility: “The agitation trial is built not on a prepared text, but only on a script, giving the circle-members, the participants in the trial, a broad opportunity to improvise.”⁷⁹ Mock trial scripts were intended to be guides for the participants, who were free to enact the trial in their own words. This freedom to improvise served two purposes: it pushed participants to engage consciously with the trial as a whole, rather than simply memorizing their lines, and it (ideally) made the trials seem more realistic, blurring the line between fiction and reality. Some mock trials were highly successful at obscuring their fictional nature—in 1921, *Pravda* reported on an agitation trial of a prostitute in the court section of the paper, as though it were a real trial. The paper had to print a retraction explaining the piece should have been published in the events section since it was a fictional performance, not an actual trial.⁸⁰

In his 1926 book *Mock Trials: (How to Organize and Stage Them)*, Iosif Rebel’sky lauds the unique opportunity offered by mock trials as compared to other club work: they encourage active participation.⁸¹ Although mock trials had been a consistent part of mass club activities,

⁷⁸ According to Mally, Avlov was “part of the cultural division of the Petrograd Politprosvet and editor of the most widely distributed book on united artist circles.” See Mally, *Revolutionary Acts*, 51.

⁷⁹ Gr. Avlov, “Predislovie” to Boris Andreev, *Sud nad starym bytom* (Moscow: Izdatel’stvo “Doloi negrammotnost’,” 1926), 3.

⁸⁰ See Wood, *Performing Justice*, 105. It was apparently not unusual for audiences to mistake fictional trials for real ones: in the introduction to his 1926 *Trial of Stepan Korolev*, B. S. Sigal claims, “in many cases, the audience remains certain that the trial is real until the end.” B. S. Sigal, *Sud nad Stepanom Korolevym (Posledstviia p’ianstva)* (Moscow: Kooperativnoe izdatel’stvo “Zhizn’ i znanie,” 1926), 3.

⁸¹ Rebel’sky uses the term *instsenirovannyi sud* (staged trial) rather than *agitatsionnyi sud* (agitation trial), both of which I refer to as mock trials. However, there can be important distinctions between the terms. In their book instructing readers how to organize trials of wall newspapers, G. Apresian and M. Sobolev distinguish a trial (*sud*) from a dramatization (*instsenirovka*). Although trials of wall newspapers are sometimes referred to as “agitation trials,” “staged trials,” or “literary trials” (*literaturnye sudy*), they argue that none of these terms fit their concept of a wall newspaper trial, which should be a “communal ‘real-life’ trial” (*obshchestvennyi ‘samdelishnyi’ sud*).

Rebel'sky claims that they had previously resembled plays, whereby actors memorized and performed a text. He argues that a mock trial can be much more than a play: "mock trials present the audience with the full opportunity to actually be an active participant, and this opportunity should be used to the fullest extent."⁸² Rebel'sky instructs club organizers on how and why to stage mock trials. There is a contradiction inherent to his project: he provides very detailed and specific written instructions for how to stage trials that are supposed to be improvised and open to spontaneous decisions by the participants. Rebel'sky's book thus poses a dilemma: is the mock trial as Rebel'sky envisions it, and as was performed in the 1920s, an open work? Or does the mock trial give the appearance of openness when, in fact, its author maintains control of the form?

Umberto Eco defines an open work as "characterized by the invitation to *make the work* together with the author," i.e., a work that is inherently participatory, that only exists due to the combined efforts of author/creator and performer/audience.⁸³ Although every work of art is "open" to a multiplicity of interpretations, only works that invite active participation are truly open. By this definition, 1920s mock trials were open works. Rebel'sky details four ways in which mock trials should, and did, invite active participation: 1) the audience should act as

According to Apresian and Sobolev, a staged trial is not a trial of real people or events, but instead requires performers to play fictional roles, and an agitation trial only agitates *for* something, rather than interrogating it. See G. Apresian and M. Sobolev, *Kak organizovat' sud nad stennoi gazetoi* (Moscow: Izdatel'stvo "Pravda" i "Bednota," 1928), 14-16. Although narrow, these definitions can help to categorize the material I discuss in this chapter. Scripted, fictional trials with agitational agendas, such as the *Trials of the Illiterate* and the *Political Trial of the Bible*, can be considered either staged or agitation trials. The *Trial of Pornography in Literature* can be considered a literary trial due to its content, but it also resembles Apresian and Sobolev's vision of the wall newspaper trial as a "real, serious, public event" (Ibid., 15). In English, we could describe all of these trials as "mock trials" because they do not have real legal stakes. I refer to the trials I discuss in this chapter as mock trials or agitation trials.

⁸² I. V. Rebel'skii, *Instsenirovannye sudy (Kak ikh organizovat' i provodit')* (Moscow: Trud i kniga, 1926), 3.

⁸³ Umberto Eco, "The Poetics of the Open Work," in *The Open Work*, trans. Anna Cancogni (Cambridge: Harvard University Press, 1989), 21.

“people’s assessors” (*narodnye zasedateli*) who help decide the verdict; 2) mock trials should be performed by club members, not by professional actors; 3) topics for mock trials should not be dictated from above, but instead decided by the participants; and 4) authors should write outlines for mock trials, rather than full scripts.⁸⁴ However, both Eco’s open works and mock trials are not open to *any* form of participation because the author/creator controls how the performer or audience can interact with the work. As Eco explains, an open work “offers the performer the opportunity for an oriented insertion into something which always remains the world intended by the author.”⁸⁵

Rebel’skiy details how performers and audience members were supposed to participate in mock trials, down to providing instructions for how to organize rehearsals. The first rehearsal should be structured around six questions, including “What is a mock trial” (*instsenirovannyi sud*), “Why in this case did we specifically choose this form of mass work,” and “What benefit can staging a mock trial bring to participants in the trial?”⁸⁶ Rebel’skiy advocates actively engaging participants during preparatory sessions, rather than trying to perfect the performance. He explains that there is pedagogical value in letting the participants choose the mock trial topic, in part because it “immediately imposes on all the participants a certain moral responsibility for the results of the trial.”⁸⁷ The freedom that Rebel’skiy claims participants should have in their development of a mock trial seems somewhat at odds with his detailed instructions for how to prepare for a trial—he specifies when and how to choose the topic, how many people to assign to

⁸⁴ Rebel’skii, *Instsenirovannye sudy*, 4.

⁸⁵ Eco, “The Poetics of the Open Work,” 19.

⁸⁶ Rebel’skii, *Instsenirovannye sudy*, 23.

⁸⁷ *Ibid.*

each role, and how to develop testimony to fit with the indictment.

If there is a contradiction between Rebel'sky's ideal of the mock trial as a participatory genre and his strict instructions for how performers should participate in its development, there is a much bigger contradiction between Rebel'sky's vision for how audiences should decide the verdicts and how most agitation trials were actually scripted. As mentioned above, Rebel'sky wants the audience to participate in the performance by playing the role of people's assessors. In the real Soviet legal system, assessors were elected for two-year terms but performed duties in court for no more than ten days a year. Assessors acted as co-judges during trials, serving on the bench alongside elected judges. They were "expected to represent the community with their common-sense approach, and to foster the impression of mass participation in the administration of justice."⁸⁸ In many mock trials, two people's assessors were elected by the audience at the beginning of the performance to help decide the verdict.⁸⁹ Rebel'sky recommends that the entire mock trial audience serve as people's assessors, which makes the verdict a collective, democratic decision and thus brings the mock trial closer to the pre-Revolutionary jury trial. Whether two audience members were elected or the entire audience served as assessors, the use of people's assessors was intended to make the public feel like they were participating in the trial by judging the defendants and serving (fictional) justice.

But were mock trial audiences really empowered to decide the verdicts? Scripts from the 1920s belie this notion. Almost every published script includes a fully-fledged verdict for the

⁸⁸ Karel Hulicka, "The Judicial System in the U.S.S.R.," *The Southwestern Social Science Quarterly* 42, No. 2 (September 1961): 162.

⁸⁹ See, for instance, many of B. S. Sigal's mock trials, including *Sud nad grazhdaninom Fedorom Sharovym po obvineniiu v zarazhenii tripperom* (1925); *Sud nad Ivanom Lobachkovym po obvineniiu v p'ianstve i khuliganstve* (1926); *Sud nad grazhdanami Ivanom i Agaf'ei Mitrokhinyami, po vine kotorykh proizoshlo zabolevanie rabocheho tuberkulezom* (1926); *Sud nad pionerom kuril'shchikom* and *Sud nad neriashlivym pionerom* (1927).

president of the court to read. Although in their forewords, most mock trial authors advocate using the script as a guide for improvisation, the fact that verdicts were provided suggests that at least the outcomes of the trials were pre-determined, if not the exact words the participants would utter. Rebel'sky provides instructions for how to guide the audience to the (correct) verdict by posing discussion questions:

1. Does the audience recognize the accused guilty of the crime that was presented to them in the indictment[?]
2. What are the main causes that occasioned the crime of the given person or the given group of people, what role did the surrounding atmosphere and environment play here[?]
3. Does the audience consider it possible, recognizing the accused as guilty, to mitigate his punishment, or to give him a conditional sentence[?]
4. What proposals does the audience make to the relative authorities or the relative people for the prevention of similar events in our public life in the future[?]⁹⁰

These are not open-ended topics for discussion, but leading questions. Rebel'sky assumes that the audience will find the defendant guilty.⁹¹ The only real question is whether there are mitigating circumstances that would warrant a reduced sentence.

Many published mock trial scripts followed Rebel'sky's formula. For instance, in Sigal's 1926 *Trial of Ivan Lobachkov Accused of Drunkenness and Hooliganism*, the president of the court declares that based on the legal code, the defendant should be sentenced to three years of strict isolation in a correctional home (*ispravitel'nyi dom*). However, Lobachkov's sentence is reduced to one year due to mitigating circumstances: his youth, the fact that this is his first

⁹⁰ Rebel'skii, *Instsenirovannye sudy*, 38.

⁹¹ This default assumption, that the audiences will find mock trial defendants guilty, contrasts with the imperial Russian juries' tendency to acquit that I discuss in the Introduction.

conviction, and the bad influence of “the surrounding environment.”⁹² Whether the verdict was pre-written or collectively determined by the audience, Soviet mock trial verdicts followed a set pattern: the sentence was reduced because the defendant’s circumstances were considered partially to blame for the crime. There was little room for the audience to deviate from this script—to decide that the defendant actually was not guilty, or that he or she was fully responsible for his crime. In Rebel’sky’s vision of the mock trial, audience participation is circumscribed to fit the genre’s conventions.

Although Rebel’sky claimed to want performers and audience members to actively participate in creating mock trials, both he and mock trial authors attempted to limit how participants could engage with the performances. Julie Cassiday traces how the mock trial transformed from a truly spontaneous genre immediately after the Revolution to a scripted, controlled form later on. By the late 1920s, she explains, “the desire to orchestrate precisely spectators’ involvement betrays the overwhelming importance theorists placed on audience participation.”⁹³ Although Rebel’sky’s vision of the mock trial appears close to Eco’s definition of an open work, whereby the work is co-created by its performers and audience, Cassiday shows how “guid[ing] the naive viewer to a correct interpretation” of the trial was “ultimately just as important as improvisation and participation.”⁹⁴ The Soviet mock trial was not a truly open work, but instead a pre-determined play that could best impart its moral lessons by actively involving the performers and audience in its realization.

⁹² B. S. Sigal, *Sud nad Ivanom Lobachkovym po obvineniiu v p'ianstve i khuliganstve* (Leningrad: Rabochee izdatel'stvo “Priboi,” 1926), 40.

⁹³ Cassiday, *The Enemy on Trial*, 67.

⁹⁴ *Ibid.*, 72.

3. Reading and Political Agitation

While trials of literary characters that I discuss in subsequent chapters were only a small subset of 1920s mock trials, books and texts were central to agitational work. V. Aleksandrov and I. Tsaregradsky's 1924 publication *Evening of the Book in the Club* explains the importance of the written word for developing political consciousness among young people: "When the task is to deepen, to systematize the political and educational work and capture the broadest mass of young people, one must simultaneously set the goal of implementing in this mass the written word, through which this deepening is possible."⁹⁵ Like Rebel'sky's book on mock trials, Aleksandrov and Tsaregradsky's book aims to both explain the importance of "Evenings of the Book" and provide concrete instructions for how to organize them. It presents this type of event as a synthesis of older forms of library propaganda, such as posters and slogans, with more active forms of club work, such as political trials (*politsudy*) and dramatizations.⁹⁶ The primary goal of an Evening of the Book was to demonstrate the important political role that books could play: "The first goal of the evening is to show young people the wide social significance of the book and the written word, their significance as a class factor, as an instrument in the struggle for the cause of the working class."⁹⁷

Books could wield tremendous political power, but only the "right" books. Evenings of the Book were intended to direct reading, "propagandizing desirable books for reading, demonstrating the negative sides of reading bad literature, acquainting the spectator with the

⁹⁵ V. Aleksandrov and I. Tsaregradskii, *Večer knigi v klube* (Moscow: "Novaia Moskva," 1924), 6.

⁹⁶ *Ibid.*, 5.

⁹⁷ *Ibid.*, 10.

most interesting book.”⁹⁸ *Evening of Books for Youth Clubs*, a set of instructions for orchestrating such an event for young people, includes a play script for the evening that ends with a trial of popular, bourgeois authors and their characters. Upton Sinclair, a representative of “good” literature, is asked to preside over the ad-hoc court, and Gadfly and Pathfinder, characters from the 1923 film *The Little Red Devils* (*Krasnye d’iavoliata*), volunteer to be prosecutor and witness for the prosecution.⁹⁹ There is no defense attorney, nor any pretense of a fair trial—when Anastasia Verbitskaia, the author of *The Keys to Happiness* (*Kliuchi schast’ia*, 1913), attempts to defend her novel, Sinclair interrupts her: “Enough. The court, without wasting its strength on contemplation, has decided to consider the allegations proven.”¹⁰⁰ Sinclair’s refusal to engage with any arguments in support of “bad” literature is comical, but also violates the typical form of 1920s mock trials, which usually included defenses (even if they were often feeble). Far from blurring the line between fiction and reality by following the rules of a real trial and involving the audience in deciding the verdict, *Evening of the Book in Youth Clubs* uses the trial form as an amusing way to instruct the audience what not to read.

While some Evenings of the Book did not actively engage their audience, other literary evenings were truly participatory, similar to the literary mock trials I discuss in subsequent chapters. The Leningrad Council of Trade Unions’ 1928 publication, *Writer before the Court of the Working Reader*, provides instructions and information about Evenings of Worker Criticism (*Vechera rabochei kritiki*), in which readers directly questioned and criticized the work of Soviet

⁹⁸ Ibid., 11.

⁹⁹ Vitaly Zhemchuzny, *Evening of Books for Youth Clubs*, in *Mass Culture in Soviet Russia: Tales, Poems, Songs, Movies, Plays, and Folklore 1917-1953*, ed. James von Geldern and Richard Stites (Bloomington and Indianapolis: Indiana University Press, 1995), 74, 81.

¹⁰⁰ Ibid., 82.

writers. The publication lists thirty-four such evenings that took place in Leningrad in 1926-1927, with over 100 recorded attendees at almost every event (700 people apparently attended a December 1927 evening on the work of Lidiia Seifullina).¹⁰¹ According to N. Veis's introductory essay, these evenings "eliminate the rift (*razryv*) between the reader and the writer, bring them [...] face to face."¹⁰² The majority of each evening was devoted to readers' discussion of an author's work. In his essay on how to put on an Evening of Worker Criticism, V. Sakharov advocates limiting the introductory speakers—the organizing librarian, a professional critic, and (if possible) the author—to five to fifteen minutes each, reserving most of the potentially four-hour-long event for reader-directed discussion. He also delineates the professional critic's role: the critic is to outline key questions in an author's work in order to help shape the debate, without resolving any of those questions for the readers. The critic "needs only to pique (*zadet'*) the audience and induce it to actively participate in the evening."¹⁰³ These evenings asked audience members to be active readers, who could directly question and criticize an author for his or her work. By de-emphasizing the professional critic's role versus that of the readers, Sakharov and the other orchestrators of these events supported a democratization of the critical process, whereby readers had as much right to critically engage with a work as a professional critic or the author. Evenings of Worker Criticism represent a kind of reader-response criticism in action, where readers' experience of a work becomes more important than the author's intended meaning. Mock trials of literary characters similarly created mass entertainment out of readers' responses to, and interpretations of, literary works.

¹⁰¹ *Pisatel' pered sudom rabochego chitatelia: Vechera rabochei kritiki*, compiled by G. Brylov, N. Veis, and V. Sakharov (Leningrad: Izdatel'stvo Leningradskogo Soveta Profsoiuzov, 1928), 47-48.

¹⁰² *Ibid.*, 8.

¹⁰³ *Ibid.*, 38.

4. Trials of the Illiterate: Non-Readers on Trial

Between 1922 and 1925, scripts for at least four different *Trials of the Illiterate* were published in Soviet Russia. The wealth of agitation trials on the subject of illiteracy underscores the importance the early Soviet government placed on literacy. Lenin considered literacy a critical pre-requisite for political engagement: “An illiterate person exists outside of politics. He must be first taught from an alphabet book. Without literacy there can be no politics; without it there are only rumors, gossip, tales, and prejudices, but no politics.”¹⁰⁴ Mock trials of the illiterate were not concerned with what people were reading, like the *Evening of the Book in Youth Clubs* discussed above, nor did they dive into issues posed by individual authors, books, or characters. Instead, these trials aimed to promote literacy among adults by connecting illiteracy to actual crimes, shaming individuals who chose not to become literate, and blaming counter-revolutionary actors, such as religious figures, for undermining the literacy campaign. *Trials of the Illiterate* provide a window into the relationship between reading and active political engagement as developed through the mock trial form.

The 1922 script *Trial of the Illiterate* included in *Club! Help The Political Instructor!*, an addendum to the publication *Red Company (Krasnaia Rota)*, is little more than a sketch of a mock trial. At only five pages long, the script includes sixteen possible signs and slogans that should decorate the courtroom (“Whoever is against literacy — that is an enemy of the people,” “All the bourgeois are literate. Therefore it is so difficult to defeat them,” etc.), but only outlines

¹⁰⁴ Lenin, quoted in I. V. Glushchenko, “The Soviet Educational Project: The Eradication of Adult Illiteracy in the 1920s-1930s,” *Russian Social Science Review* 57, no. 5 (2016): 379.

for characters' speeches, rather than specific lines of dialogue.¹⁰⁵ Perhaps the sketch-like script was sufficient guidance for performers because the mock trial so closely adheres to an established format. The script begins with the comment: "The form of the trial is the usual."¹⁰⁶ The content, however, differs from later *Trials of the Illiterate*. Ivan Perepechko, a Red Army soldier, is on trial for permitting a Romanian spy to enter headquarters. The spy presented Perepechko with a blue piece of paper that resembled the valid passes that soldiers carried. Because Perepechko could not read, he allowed the spy inside, where he attempted to steal documents before being shot. In this trial, illiteracy enables a crime but is not the crime itself.

Nevertheless, the author instructs the mock trial participants to emphasize Perepechko's illiteracy. In his closing statement, the prosecutor is supposed to stress the fact that Perepechko is on trial less for his mistake than for his illiteracy. His illiteracy is deemed the result of his own failure to educate himself: a teacher testifies that there is a school in the regiment, but Perepechko chose not to attend. In his final statement, the accused "pleads guilty, repents, and asks permission to become literate in order to atone for his guilt by working for the good of the working class."¹⁰⁷ The court grants his request: although Perepechko is found guilty and should be sent to a concentration camp (*kontsentratsionnyi lager'*), the court decides to send him to school to learn to read instead. His sentence is commuted due to "his whole-hearted and sincere repentance at the trial, as well as his youth and short time in the Red Army."¹⁰⁸ The purpose of the agitation trial is to push people to become literate, and so the "carrot and stick" structure of

¹⁰⁵ "Sud nad negramotnym," *Klub! Pomogi politruku!: Materialy dlia instsenirovok* (Khar'kov: Izdanie Voenno-Redaktsionnogo Soveta U. V. O.: 1922), 16-17.

¹⁰⁶ *Ibid.*, 16.

¹⁰⁷ *Ibid.*, 19.

¹⁰⁸ *Ibid.*

the trial serves this goal: the audience should be made aware of the harm that can result from illiteracy, but they should not fear punishment for being illiterate. Instead, they should be encouraged to go to school to learn to read.

Before the verdict is read, the president of the court is supposed to provide concrete arguments in favor of literacy and education. The author suggests citing statistics about German bread production versus Soviet in order to prove the value of education: in Germany, more than twice as much bread is produced per *desiatina* (an old Russian unit of area) than in Soviet Russia, and in Germany almost everyone is literate.¹⁰⁹ This logic is clearly flawed—the president gives no explanation for how a literate population relates to agricultural production—but this kind of hard “evidence” is intended to help convince the audience of the importance of the Soviet literacy campaign.

The 1922 script for *Trial of the Illiterate* concludes with a list of possible variations on the trial, depending on where it is performed. In hospital settings, the author suggests the defendant can be an illiterate orderly who accidentally kills a patient by giving him medicine from a bottle that looks like the usual medicine bottles but is actually labeled “poison.” Alternatively, another Red Army trial can involve an illiterate soldier who throws a cigarette near a warehouse filled with explosives and accidentally blows it up because he cannot read the warning sign. Regardless of the content of the trial, the author explains that key moments should remain the same:

- 1) Illiteracy is emphasized in the indictment and the prosecutor’s speech as the main cause of the crime. The accused is on trial not so much for the crime he committed as for his illiteracy that led to the crime.

- 2) In his final speech the defendant repents.

¹⁰⁹ Ibid.

3) When summarizing the questioning and the sides' arguments, the president of the court concentrates on the benefits of education, the need for literacy, and such.

4) The verdict should be harsh in principle, but in light of the defendant's repentance, the punishment is replaced by sending him to school.¹¹⁰

No matter the specifics of the trial, the message is the same: literacy, not punishment, is the desired outcome for the fictional defendant and, by extension, the real audience, who is meant to identify with the defendant and learn from the mock trial.¹¹¹

Three subsequent scenarios for *Trials of the Illiterate* follow the outline of the 1922 mock trial, with a few interesting differences. Whereas in the 1922 script, illiteracy is the root cause of the crime, in the later scripts illiteracy *is* the crime. The 1919 Council of People's Commissars' (Sovnarkom) decree on illiteracy criminalized a citizen's refusal to learn to read. However, no one was ever put on trial for breaking this law.¹¹² Or rather, no real citizen was ever prosecuted—fictional ones were instead. The later *Trials of the Illiterate* aimed to impress upon audience members the importance of becoming literate and the consequences of not doing so. Later trials are also longer and more scripted. The 1923 script consists of nine dense pages of dialogue; the 1924 and 1925 are twenty-three and twenty-two pages long, respectively. The later authors also attempt to exert more control over the trial participants—whereas the 1922 text emphasizes that the specific content is less important than the overall structure, the later scripts

¹¹⁰ Ibid., 21.

¹¹¹ Cassiday describes how mock trial audiences simultaneously acted as the jury and “identified with the accused, turning the censure of the enemy of the people into the condemnation of oneself.” She explains that the defendant's confession and commitment to active participation in Soviet life was supposed to be mirrored by the audience: “Theoretically, each audience member of an agitsud underwent a similar but silent confession of guilt so that he too could leave the old way of life and join the defendant on the healthy path toward socialism.” See Cassiday, *Enemy on Trial*, 72-74.

¹¹² Peter Kenez, “Liquidating Illiteracy in Revolutionary Russia,” *Russian History* 9, no. 2/3 (1982): 181.

include detailed speeches for each lawyer, and the 1925 version includes a pre-written verdict. Rather than close reading each of these (very similar) trials, I focus on aspects of each trial that help to illuminate typical arguments and features of Soviet agitation trials.

The 1923 *Trial of the Illiterate* puts forth an argument against the Soviet illiteracy campaign itself, only to refute it. The indictment accuses the five defendants of violating the 1919 decree on illiteracy, as well as “aiding the counter-revolution” by refusing to attend literacy school, since “illiteracy is the bulwark of the counter-revolution.”¹¹³ Witnesses for the defense include a priest, a mullah, a landowner, and a *basmach* (a derogatory term for Central Asian protesters against the Soviet regime), all of whom argue that it is a waste of time to teach peasants to read because they need to work. The *basmach* comes across as particularly evil: he baldly states that “the more illiterate a peasant, the better for me—the more that I can deceive him and make him believe that I, who am actually ruining his household, am his only benefactor, who is liberating him from the ‘oppressive’ Soviet people.”¹¹⁴ Despite the defense witnesses’ over-the-top arguments, the defense attorney tries to defend his clients on the grounds that the illiteracy campaign itself is ill founded. This line of defense is unusual—typically mock trial defense attorneys do not really defend their clients, but instead agree with the prosecution’s assessment of guilt and merely offer reasons for why the sentence should be minimized.¹¹⁵ In this trial, however, the defense attorney mounts a real defense by arguing that the law itself is misguided: “The decree on the liquidation of illiteracy is one of those stupid things that the

¹¹³ *Sud nad negramotnymi* (Tashkent: Izdanie Turkglavpolitprosveta, 1923), 1.

¹¹⁴ *Ibid.*, 4.

¹¹⁵ See, for example, V. Avdeev, *Sheptuny i znakhari* (Leningrad: Rabochee izdatel'stvo “Priboi,” 1926) and B. S. Sigal, “*Sud nad pionerom kuril'shchikom*” i “*Sud nad neriashlivym pionerom*” (Moscow: Kooperativnoe Izdatel'stvo “Zhizn' i znanie,” 1927).

Soviet government did, all the more so since the decree was issued during the period of war communism, when the old stock [*zapasy*] (the so-called bourgeoisie) was dying out and nothing was being formed.”¹¹⁶ Because the attorney considers the law to be foolish, he concludes his argument: “the defense demands the acquittal of the accused, in light of the baselessness of the charges, and repayment of court expenses.”¹¹⁷

But of course, the defense does not prevail. Ten people’s assessors—two each from the Trade Union (*Profsoiuz*), the Union of Ploughmen (*Soiuz “Koshchi,”* the mass organization of the working peasantry in Turkestan), the Komsomol, the Zhenotdel (*Zhenskii otdel*, the section of the Russian Communist party devoted to women’s affairs in the 1920s), and the Party—confer for ten minutes and then announce the (scripted) verdict: the defendants are not truly guilty—instead, the people who pushed them to remain illiterate are guilty. The accused are required to start attending school for literacy within six months; the instigators—all the defense witnesses—are given the harshest possible punishment: ten years imprisonment.¹¹⁸

Boris Andreev, the author of the 1924 *Trial of the Illiterate*, published at least four mock trial scripts between 1924 and 1926. His *Trial of the Illiterate* more closely follows the format of other 1920s mock trials than the two earlier illiteracy trials. The script begins with an “Explanation” (*poiasnenie*), in which Andreev describes the following text as an “outline, subject to further development in the form of improvisation by the participants.”¹¹⁹ He specifies that the speeches of the defense and prosecutor “on no account should be learned by rote

¹¹⁶ *Sud nad negramotnymi*, 1923, 6.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*, 9.

¹¹⁹ Boris Andreev, *Sud nad negramotnym* (Leningrad: Izdatel’stvo Knizhnogo Sektora GUBONO, 1924), 3.

(*zazubrivat'sia*) by the participants.”¹²⁰ Instead, participants in the mock trial should use the text as a guide as they develop their own speeches. Yet even as Andreev declares that his script is intended to be a mere outline, it reads much closer to a formal play script than the earlier two *Trials of the Illiterate*. In addition to filling more than twice as many pages, Andreev’s text includes detailed instructions for set decoration and stage directions.

Andreev’s mock trial scenario includes an innovation not seen in the previous two versions: the president of the court gives the witnesses instructions for how they are required to testify. “I warn you,” he tells the witnesses, “that in the court you must tell only the sole truth, without consideration for acquaintance or friendship.”¹²¹ He proceeds to inform them that false testimony is punishable by law and can result in a minimum sentence of one year. The president’s instructions to the witnesses differ significantly from witness instructions in pre-Revolutionary jury trials. In imperial Russian courts, both jurors and witnesses had to swear to tell the truth before God and kiss both the cross and the Gospel. However, there was an important exception to taking the religiously grounded oath: family members could not testify against one another under oath. Because family bonds were considered sacred, the 1864 Russian legal reformers “viewed any system that compelled close relatives to give testimony under oath as tantamount to suborning perjury.”¹²² In contrast, the oath in Andreev’s script and many Soviet mock trials emphasized that family ties should not prevent a witness from testifying truthfully.¹²³ Family ties were no longer considered more sacred than the law—instead, the witnesses’ highest

¹²⁰ Ibid.

¹²¹ Ibid., 6.

¹²² Rosenshield, *Western Law, Russian Justice*, 99.

¹²³ See Wood, *Performing Justice*, 4.

calling was to present the truth in order to further Soviet justice. Of course, the irony of demanding true testimony from witnesses in a mock trial is that none of it is true—the entire trial is a work of fiction. Yet many mock trials in the 1920s included admonitions to the witnesses to tell only the “truth,” and some even included sworn oaths.¹²⁴ These moments make mock trials appear similar to real trials, in which witnesses would be instructed to tell the truth and possibly take an oath. By emphasizing the importance of telling the truth in a performative work of fiction, the mock trial genre blurs the line between truth and fiction, a line that becomes increasingly blurry in mock trials based on works of literature.

Of the four *Trials of the Illiterate*, E. Militsyna's 1925 script reads the least like a real trial. The defendant is given a speaking name, Ivan Temnyi (Ivan Dark), which was a hallmark of eighteenth-century literature.¹²⁵ Temnyi is charged with abusing the teacher of his village, refusing to go to school in violation of the decree on the liquidation of illiteracy, and agitating against those who did go to school and the teacher. However, no specific law is cited in the indictment—it includes a space to fill in the statute number, but the number itself is left blank.¹²⁶ This failure to specify which law was violated is typical of mock trials from the mid- and late-1920s—their authors were less interested in presenting real legal issues than in teaching moral lessons.¹²⁷ The script for Militsyna's mock trial is also less participatory than Andreev's.

Although both cast lists include two people's assessors, Andreev provides instructions for how to

¹²⁴ “Like defendants and witnesses in real trials, when the agitsud began, those in a mock trial signed a solemn oath to tell the truth in court.” See Cassidy, *Enemy on Trial*, 64.

¹²⁵ According to Cassidy, speaking names for characters were common in Soviet mock trials. She points out the paradox of “the highly conventionalized theatrical techniques used in a genre so ‘realistic’ as to be confused with real life.” See Cassidy, *Enemy on Trial*, 71.

¹²⁶ E. Militsyna, *Sud nad negramotnym* (Rostov-Don: “Burevestnik,” 1925), 7.

¹²⁷ See Wood, *Performing Justice*, 219-220.

elect the assessors from the audience, whereas Militsyna does not. Her cast list specifies the assessors' ages (thirty years old), which suggests that they were parts played by actors.¹²⁸ The assessors do not figure into the script or help decide the verdict. Instead, the verdict is provided as a pre-written speech for the secretary to give: Ivan Temnyi is found guilty, but given his lack of consciousness, he is not punished. Instead, he must promise to become literate by the tenth anniversary of the October Revolution.¹²⁹ (In contrast, Andreev's script includes a one-sentence-long suggested verdict, rather than specific lines of dialogue.)

Unlike the other three *Trials of the Illiterate*, which end with a verdict, the 1925 version concludes with a speech by the president of the court about the government's effort to eradicate illiteracy:

The government will mercilessly fight against illiteracy, which divides working people. Let us flow together in one impulse to overcome darkness, to arm every worker and peasant with the weapon of knowledge. With a dense network we will spread schools throughout the Russian land. There should not be beaten-down, ignorant people... Long live knowledge!¹³⁰

This speech breaks the fourth wall—it is directed at the audience, rather than the defendant or any participant in the trial. With his triumphant conclusion, “Long live knowledge!” the president of the court reaffirms the mock trial's purpose: not to teach the audience about the law or to engage them in a mock legal exercise, but to propagandize the literacy campaign and promote reading.

Although all four *Trials of the Illiterate* aim to promote literacy, they do so at the expense of inviting the audience to critically engage with the specific trial narratives and make their own

¹²⁸ Militsyna, *Sud nad negramotnym*, 6.

¹²⁹ *Ibid.*, 22.

¹³⁰ *Ibid.*

judgments. Each script concludes with a version of the same verdict: the defendants' guilt is mitigated by their circumstances or their willingness to acknowledge their guilt, and so they are sentenced to learn to read, rather than be punished. Although two audience members are invited to participate in Andreev's mock trial as people's assessors, at least the outline of the verdict in all four trials is pre-determined, leaving no room for the audience to judge the performance and help decide the outcome. Rather than inspiring the audience to critically examine evidence, each mock trial script aims simply to promote reading among the trial's characters and the audience. But *what* the defendants and audience should read remains unexplored in these mock trials. By focusing exclusively on literacy, the *Trials of the Illiterate* ironically ignores what it means to read—they do not ask the audience to make interpretations or judgments, and they do not discuss specific texts. Other 1920s mock trials delved into territory that the *Trials of the Illiterate* ignored: readers and books.

5. When Books Testify Against Their Readers: Readers on Trial

“It must be said that he read me with interest. But he handled me so that I aged ten years.”¹³¹ So testifies *100%*, a novel by Upton Sinclair and a witness in the *Political Trial of the Book-Destroyer*. Published in 1924 as part of the collection *Evening of the Book in the Club*, the mock trial focuses on proper treatment of physical books. The trial bridges the gap between *Trials of the Illiterate*, which are concerned only with the ability to read and not the content of books, and mock trials of books and characters, which marshal textual evidence as legal evidence. By examining the *Political Trial of the Book-Destroyer* and Boris Andreev's *Trial of*

¹³¹ V. Aleksandrov and I. Tsaregradskii, “Politsud nad knigoubiitsei,” *Večer knigi v klube* (Moscow: “Novaia Moskva,” 1924), 68.

the Reader, which also deals with proper treatment of books and invokes literary characters as witnesses, I consider the Soviet (mock) legal relationship to books on two levels: as mere physical objects and as complex worlds open to interpretation. These two mock trials are ostensibly trials of readers, yet they gesture toward a new question: what does it mean to judge books and put them on trial?

Realism goes out the window in the *Political Trial of the Book-Destroyer*: four of the five witnesses are books, and are “dressed in cases reproducing the covers of their respective books. They all look worn and dirty.”¹³² This embrace of fantasy was unusual for mid-1920s agitation trials. Cassidy explains that the mock trial genre “claim[ed] legitimacy as propaganda because of its realism.”¹³³ However, Cassidy also argues that the genre’s realism is “hodgepodge.” “Realism” for mock trial theorists did not mean faithfully reproducing real courtrooms, but instead meant any technique, realistic or not, which furthered the genre’s goal: affecting spectators’ real lives.¹³⁴ According to Cassidy, “the pinnacle of [the mock trial’s] realism” was that “the ‘realistic agitsud would be mistaken for a real-life trial.’”¹³⁵ Although mock trials could still seem like real trials when certain non-realistic theatrical techniques were employed, such as speaking names, performers dressed up as books cross the line into obvious fiction.¹³⁶ If the genre valued the illusion of realism, why would a mock trial author incorporate fantastical

¹³² Ibid., 65.

¹³³ Cassidy, *Enemy on Trial*, 65.

¹³⁴ Ibid., 66.

¹³⁵ Ibid., 69.

¹³⁶ The 1923 *Trial of the Prostitute*, which was covered in *Pravda* as a real trial, includes a character with a speaking name. However, as Cassidy points out, “After abbreviating the defendant’s speaking name, Zaborova (Hedge-roller), the reporter could easily confuse the staged *Trial of a Prostitute* with real trials of the same time.” Cassidy, *Enemy on Trial*, 70.

elements? What does the presence of books as speaking characters do to a potentially mundane, straightforward trial about how Soviet citizens should physically handle books?

The *Political Trial of the Book-Destroyer* concerns Kozlov, a Komsomol member and worker, who is on trial for mishandling books from the factory library. The indictment describes how he returned books “in a completely useless state” and thus is on trial “for the damage of national treasure, in accordance with statute 185 of the Criminal Code.”¹³⁷ Kozlov declares he is not guilty—he points out that “the books were already old, read, and torn”—but the president of the court asks him to account for exactly how he treated the books.¹³⁸ He questions whether Kozlov bent them, or put “dirty and greasy things” on them, or even “tore out scraps for cigarettes?”¹³⁹ Kozlov acknowledges that he once tore out a sheet to roll a cigarette out of necessity: “I returned from the club late, I was dying to smoke and, as bad luck would have it, there was tobacco, but no paper. So I ripped out a page.”¹⁴⁰ Although tearing out book pages to roll cigarettes seems about as anti-reading as possible, Kozlov joins a long tradition of employing books for non-reading purposes in Russian literature. In the introduction to Gogol’s short story “Ivan Fedorovich Shpon’ka and His Aunt” in *Evenings on a Farm Near Dikanka*, the narrator Rudy Panko comically claims the story is unfinished because his wife used some of the pages to bake pies.¹⁴¹ In a subsequent real-life example, Bakhtin employed one of the two copies

¹³⁷ Aleksandrov, “Politsud nad knigoubiitsei,” 66.

¹³⁸ Ibid.

¹³⁹ Ibid., 67.

¹⁴⁰ Ibid.

¹⁴¹ In another comic example, Pushkin makes fun of the illustrations of his *Eugene Onegin* that appeared in *Nevsky Almanac* in a short fragment in which Tatiana, sick with a stomachache, tears up the pages for the purpose of “wiping.” See A. S. Pushkin, “Na kartinki k ‘Evgeniiu Oneginu’ v ‘Nevskom al’manakhe,’” *Sobranie sochinenii v desiati tomakh*, vol. 2 (Moscow: Gosudarstvennoe izdatel’stvo Khudozhestvennoi literatury, 1959), 582.

of his manuscript on the eighteenth-century German novel for cigarette-rolling papers during the German invasion.¹⁴² Kozlov's (mis)use of books unwittingly connects him to larger a literary tradition.

After Kozlov's testimony, the books that he abused are called as witnesses. The president of the court asks *100%*, the first witness, to describe its contents. "My idea is to show how American capitalists fight with workers' organizations. I describe the activities of one provocateur. My contents are very interesting," the book declares.¹⁴³ Upton Sinclair's 1920 political work might be very interesting to the attendees of this *Evening of the Book*, yet after *100%*'s brief summary the text itself is not discussed any further. Instead, the witness provides a long statement about how Kozlov treated it. Whereas previous readers had washed their hands and wrapped the cover before reading, Kozlov rolled the book into a tube, left greasy stains on the pages, and wrote notes in the margins. His mother even put a hot iron on it. After reading it, Kozlov threw the book into a corner and eventually gave it to his younger sister, who tore out pages. By the time Kozlov returned the book to the library, it was unreadable. *100%* loses its purpose because of Kozlov: "I will say only that I am a useful book, I could have brought a lot of good, but because he ruined me, I did not fulfill my purpose."¹⁴⁴ After the testimony, the prosecution and defense ask follow up questions about *100%*'s physical condition. The prosecutor clarifies that the book was rendered unreadable; the defense tries to find out whether it was printed on high-enough quality paper, and thus whether it might have been destroyed

¹⁴² Michael Holquist notes that this anecdote "gives some idea, perhaps, of how cavalierly Bakhtin regarded his own thoughts once they had already been thought through." M. M. Bakhtin, "Introduction," *The Dialogic Imagination: Four Essays*, ed. Michael Holquist, trans. Caryl Emerson and Michael Holquist (Austin: University of Texas Press, 1981), xxiv-xxv.

¹⁴³ Aleksandrov, "Politsud nad knigoubiitsei.", 68.

¹⁴⁴ *Ibid.*, 69.

eventually anyway. Although *100%* could have spoken about its contents as a political, anti-capitalist book, the trial focuses almost exclusively on the physical evidence of its mistreatment, to which any witness could have testified, not just the book itself.

Subsequent book-witnesses follow up on *100%*'s testimony about Kozlov's mistreatment, with even less discussion of their contents. The next witness, a set of issues of the newspaper *Youth Truth (Iunosheskaia pravda)*, describes how Kozlov frequently tore out pages in order to get butter at the cooperative. *Youth Truth* bemoans its lost pages: "Now I don't remember the content of that article that our factory Komsomol unit needed."¹⁴⁵ A physics textbook explains that Kozlov did not even read it, but merely thumbed through the pages with saliva on his fingers while he was sick. The next reader to check out the textbook got sick and almost died. "So instead of spreading knowledge, I began to spread infection," the textbook explains tragically.¹⁴⁶ Kozlov's treatment of all three texts prevents them from serving their purpose: *100%* cannot be read, an important article is missing from *Youth Truth*, and the physics book transmits disease rather than knowledge. Yet the trial emphasizes the physical condition of the books, rather than their contents, and thus does not aid in fulfilling the books' purpose by spreading their messages. *The Political Trial of the Book-Destroyer* is an educational propaganda piece that treats books as objects in order to teach people how to handle them properly. The trial does not delve into the literary, ethical, or political questions that the books pose.

In his closing statement, the defense attorney is supposed to emphasize that Kozlov read "good, necessary books," and thus should be acquitted.¹⁴⁷ The trial focuses on the physical

¹⁴⁵ Ibid., 70.

¹⁴⁶ Ibid., 73.

¹⁴⁷ Ibid., 75.

condition of the books Kozlov read rather than their contents, but his choice of books becomes a point in his favor—*what* Soviet citizens read matters, not just how they interact with books. At the end of the trial, Kozlov acknowledges his guilt and promises not to mistreat books any longer. Like in the *Trials of the Illiterate*, the court finds the defendant guilty. However, due to his social circumstances, his short time in the Revolutionary Communist Youth League (RKSM), and “his sincere repentance,” the sentence is reduced from expulsion from the Komsomol and paying for damages to a public reprimand and joining the library club (*kruzhok*).¹⁴⁸

Boris Andreev’s 1924 *Trial of the Reader* foregrounds the content of books by calling characters as witnesses. Two fictional defendants, Nikolai Arkhipov and Aleksandra Petrova, are on trial for “negligent treatment of the people’s property, books, and, at the same time, consciously reading harmful—counter-revolutionary and pornographic—books.”¹⁴⁹ Arkhipov and Petrova are not unique in their misbehavior—the indictment explains that the Cultural Commission and the Club Board noticed many cases of people mishandling books or reading harmful books, and so decided to bring charges against those who were most culpable. As discussed above, in many mock trials the fictional defendants were meant to be proxies for audience members who have committed similar transgressions; in this trial, the defendants are singled out from a group of citizens who similarly mishandled books or read inappropriate works.

Unlike the *Political Trial of the Book-Destroyer*, Andreev’s *Trial of the Reader* is interested in the content and quality of the books the defendants did, or did not, read. The first witness, the librarian Ivanova, briefly testifies that Arkhipov stole a book and Petrova returned a

¹⁴⁸ Ibid., 76.

¹⁴⁹ Boris Andreev, *Sud nad chitatelem* (Leningrad: Izdatel’stvo knizhnogo sektora GUBONO, 1924), 8.

book in terrible shape, but then shifts her focus to their attitudes toward books. She claims that Petrova said it was fine that she dirtied the book and tore out pages because “the book is boring and no one will read it.”¹⁵⁰ According to the librarian, Petrova, like many other workers and Komsomol members, is not interested in proletarian literature, but instead only wants to read “old trash.”¹⁵¹ When the president of the court asks who can corroborate Ivanova’s observations, she suggests that the books themselves can be witnesses. The president of the court proceeds to call a proletarian writer and seven literary characters as witnesses: Rakhmanov¹⁵² from Chernyshevsky’s *What is To Be Done?*; Andrei Kozhukhov from Stepan Kravchinsky’s *Underground Russia*; an imperial general and hero of patriotic novels; Marion from Verbitskaia’s novel *The Keys of Happiness*; the Marquise Maintenon from Dumas’s historical fiction novels; Nat Pinkerton; and Jimmy Higgins from Upton Sinclair’s novel of the same name.

Each character is asked to provide basic personal information (age, origin, occupation, party affiliation), which leads to a brief discussion about the character’s beliefs and contents of their book. The witnesses’ testimonies seem largely unrelated to the trial, until the final question: do you know the accused? The witnesses are grouped together based on literary quality: Rakhmanov, Kozhukhov, and Jimmy Higgins are representatives of “good” books that Soviet citizens should read; the General, Marion, the Marquise, and Nat Pinkerton represent “bad” books that should not be read. Characters from the “good” books barely know the defendants: Rakhmanov and Kozhukhov have never seen the accused before; the proletarian writer says they are his comrades, but he has rarely seen them; and the two defendants explain that *Jimmy*

¹⁵⁰ Andreev, *Sud nad chitatelem*, 9.

¹⁵¹ *Ibid.*, 10.

¹⁵² Rakhmanov was the original name for the character Rakhmetov in the manuscript version of the novel. A character in Tolstoy’s *Living Corpse* also refers to him as Rakhmanov.

Higgins was recommended to them but they never actually read it. Characters from “bad” books, however, are well acquainted with the accused. The General knows them “excellently” (*prekrasno*); Marion explains that she did not carry on an acquaintance with them and was not created for them but nevertheless knows them; the Marquise comments haughtily, “I noticed them in the crowd of my fans;” and Nat Pinkerton bluntly declares that the accused are “old acquaintances.”¹⁵³ The witnesses do not testify as to how the defendants treated the books, like in the *Political Trial of the Book-Destroyer*. Instead, they testify as to how well they know the defendants and thus, by extension, provide information about the quality of the defendants’ reading habits.

In case audience members are unclear about the relative quality of the characters, the expert witness provides commentary about each character and its source text. Elizabeth Wood notes that expert witnesses were most common in sanitation trials (mock trials focused on issues of public health and hygiene), which included detailed scientific and medical information.¹⁵⁴ Andreev’s witness instead acts as a literary expert, providing historical and literary context for each character, as well as rendering literary judgments. He terms Rakhmanov and Kozhukhov “*intelligenty*—lone members of the old heroic generation of Russian democracy.”¹⁵⁵ He describes the “bad” authors and books very differently: Verbitskaia is part of a “wave of bourgeois banality (*poshlost*’), which overwhelmed and contaminated our literature,” Dumas’ works are “faux-artistic, non-literary translated novels,” and Pinkerton’s “openly tabloid”

¹⁵³ Andreev, *Sud nad chitatelem*, 16, 19, 21.

¹⁵⁴ Wood, *Performing Justice*, 109.

¹⁵⁵ Andreev, *Sud nad chitatelem*, 26.

detective adventures are “dangerous due to their popularity.”¹⁵⁶ Interestingly, the expert claims that both these positive and negative characters have something in common: “individualism, the cult of personality.”¹⁵⁷ In contrast, the last two literary witnesses, Sinclair’s Jimmy Higgins and the proletarian writer, offer something different: they are “representatives of a new, opposing culture, inextricably linked with a materialistic worldview. The fundamental feature of this culture [...] is the collectivist mentality, the idea that the individual is first and foremost part of a collective, that he or she lives in and for it [the collective].”¹⁵⁸ Although there is a clear hierarchy of literary witnesses that becomes apparent through their testimony, according to the expert, only the last two witnesses embody communist ideals of prioritizing the collective over the individual.

In their closing statements, the lawyers foreground the question of the collective versus the individual by emphasizing the creation of a Soviet reading public and debating whether the individual defendants should be held responsible for their mistreatment of books. Like the Trials of the Illiterate I discuss above, trials of readers can be understood as part of the Soviet program to eradicate illiteracy and create a new reeducated, politically conscious public. Although the prosecution claims that the case “is so simple and understandable, that the goal of the public prosecutor is simply to establish the fact of Arkhipov’s pilfering of a book and Petrova’s careless treatment of books,” he focuses on the importance of creating a reading public.¹⁵⁹ “The large numbers of workers’ club members who read is especially near and dear to us—it is our new

¹⁵⁶ Ibid., 26-27.

¹⁵⁷ Ibid., 27.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid., 36.

cultural strength,” he declares.¹⁶⁰ Nevertheless, young people persist in reading dangerous, bourgeois books that were removed from the libraries. Although club and library leaders bear some responsibility for this phenomenon, the prosecutor asserts that the defendants are primarily responsible for their actions. He tries to preempt the typical agitation trial defense, that poor circumstances drove the accused to commit the crime and thus mitigate their responsibility, by declaring “the usual allusions to darkness, youth, family circumstances cannot hold weight: it is the seventh year since the October Revolution.”¹⁶¹ The prosecutor lauds the development of a reading public that values books and knows what to read. He believes that the accused should be held individually responsible for their failure to become proper members of this reading public, thus singling them out from the collective.

The defense attorney, in contrast, emphasizes how other people failed to educate his clients. “I agree that Arkhipov and Petrova are guilty,” he states—an auspicious start for any defense—but he questions whether the Cultural Commission and the club manager (*zavklubom*, or *zaveduiushchii klubom*) taught them how to handle books properly.¹⁶² He disregards the prosecution’s claim, that the defendants’ bad circumstances are not a viable defense, by asserting, “Arkhipov and Petrova bear the mark of the environment, the legacy of the past, and this dark, ignorant past, in connection with their proletarian background, gives the court an indisputable reason to treat them with indulgence.”¹⁶³ Rather than holding the defendants responsible for their failure to become good Soviet readers and punishing them accordingly, the

¹⁶⁰ Ibid., 37.

¹⁶¹ Ibid., 39.

¹⁶² Ibid., 41.

¹⁶³ Ibid., 42.

defense attorney argues for leniency, which could help the defendants become better members of Soviet society: “the public court with its graciously fair sentence will give Arkhipov and Petrova the opportunity to be not in the last ranks, but perhaps in the vanguard of the organized working youth, fighting for a new life, for proletarian culture.”¹⁶⁴ Both lawyers stress the importance of building a strong proletarian culture, but the prosecutor wants to hold the defendants responsible for failing to be good members of society thus far, whereas the defense attorney argues that leniency will allow his clients to become valuable members moving forward. Both sides advocate building a strong reading public, but they differ in how to hold individuals responsible for harming the collective.

Unlike the *Political Trial of the Book-Destroyer*, which concludes with a pre-written verdict and sentence, the *Trial of the Reader* gives a guilty verdict but leaves the sentence open-ended. The court finds that Arkhipov is guilty of not returning a book to the library and that Petrova returned books in an unreadable condition. In lieu of a sentence, the script ends with a parenthetical note: “(here is announced the amount of punishment determined by the meeting of the Court and the grounds according to which the Court found it possible to consider the verdict conditional or to apply a higher degree of punishment).”¹⁶⁵ This completely open-ended sentence is unusual—although many mock trial authors wanted the audience to participate in the trial’s creation by acting as people’s assessors, they nevertheless pre-determined the trial’s outcome by specifying the verdict and sentence. By leaving the sentence open, Andreev empowers the participants, including the audience members chosen as people’s assessors, to interpret and judge the case. The mock trial’s focus on the power of the collective over the individual and on

¹⁶⁴ Ibid., 43.

¹⁶⁵ Ibid., 44.

creating an educated reading public is realized in its conclusion: the trial's collective audience and participants, not the author, are empowered to decide the case.

Both the *Political Trial of the Book-Destroyer* and the *Trial of the Reader* address how Soviet citizens should handle books. They also touch on questions of content: what makes a book valuable or worth reading? Although the "crime" in both mock trials concerns the physical treatment of books, proper handling of books is implicitly tied to proper selection of books. But how should Soviet readers treat "bad" books? In the *Political Trial of the Book-Destroyer*, after the "good" books that Kozlov mistreated testify, the Bible asks to speak. The witness lists all the ways Kozlov mistreated it: "He called me, a sacred book, idiotic, he used me to make his seat higher. He systematically tore out sheets from me and used them to make cockerels and chickens and boats for his little sister."¹⁶⁶ The Bible receives no sympathy: two people in the audience taunt it, and the president of the court chastises it for addressing him as "sir" (*gospodin*) rather than "citizen" (*grazhdanin*), before ejecting it from the courtroom.¹⁶⁷ Yet after the Bible's unceremonious dismissal, the president of the court offers a word of caution about how the Bible should be treated: "even [the Bible] and books like it should be treated with care. For they are necessary to us so as, in studying them, to discover their stupidities and deception."¹⁶⁸ The mock trial asserts the value of properly handling and potentially even reading books with anti-Soviet content, like the Bible, in order to learn something from them.

¹⁶⁶ Aleksandrov, "Politsud nad knigoubiitsei," 74.

¹⁶⁷ Actors were sometimes planted in the audience to respond to the events of a mock trial, to help encourage the audience members to participate, or even to play witnesses who were supposedly too afraid to testify. See Cassiday, *Enemy on Trial*, 68-69.

¹⁶⁸ Aleksandrov, "Politsud nad knigoubiitsei," 74-75.

6. Literary vs. Legal Judgment

In the 1924 *Political Trial of the Bible* I discuss at the beginning of this chapter, carefully reading the Bible is a pre-requisite for judging it. When the final witness attempts to defend the Bible as a sacred text, the prosecutor discredits her by pointing out that she is illiterate and has never read the Bible or had it read to her. “How do you believe what is written there if you haven’t read it?” the prosecutor asks. “They told me [to believe], so I believe,” the girl replies.¹⁶⁹ The witness’s line of defense is antithetical to the trial: the president of the court and the prosecutor build a case against the Bible by closely reading the text in order to locate inaccuracies and incongruities. Literary analysis and legal analysis are aligned in this mock trial, as textual evidence becomes evidence for (mock) crimes. But a question emerges from this overlap between the legal and the literary on display in this and other mock trials of texts: is legal judgment the same as literary judgment?

Trial verdicts are normative—they establish guilt or innocence, right or wrong. Literary judgments are not necessarily normative—to use Phelan’s framework, readers make interconnected interpretative, ethical, and aesthetic judgments of narratives. When a book is put on trial, the line between legal and literary judgment becomes blurred. Participants marshal literary evidence to make interpretive and ethical judgments that result in (mock) legal judgments, rather than aesthetic judgments. Phelan argues that aesthetic judgments differ from interpretive and ethical judgments because they are “both first-order and second-order activities. They are first-order because we make judgments of quality that exist alongside our interpretive and ethical judgments, and they are second-order because they follow from and depend on our

¹⁶⁹ “Politsud nad Bibliiei,” 127.

interpretive and ethical judgments.”¹⁷⁰ Second-order aesthetic judgments of a narrative happen after-the-fact, once we have made interpretive, ethical, and aesthetic judgments as part of the reading process. Similarly, legal judgments occur at the end of a trial, after both sides have put forth evidence and made their arguments, and the audience or jurors have made interpretive, ethical, and aesthetic judgments of the evidence, arguments, and defendants. In putting a literary work on trial, mock trial participants substitute mock legal judgment for second-order aesthetic judgment. They render a verdict rather than a final aesthetic judgment.

Like the *Political Trial of the Bible*, the 1925 *Trial of Pornography in Literature* puts a literary work, Aleksei Volzhsky’s *Friends on the Volga* (*Druz’ia po Volge*, 1925), on trial. Yet unlike the other trials I discuss in this chapter, the trial itself is not a work of fiction, but instead a transcript of a real “trial” of Volzhsky’s work conducted by his literary peers on November 17, 1925. On October 25, 1925, *Pravda* published a negative review of Volzhsky’s work in which the reviewer accused Volzhsky of using obscene and pornographic language. Volzhsky disputed the accusation and asked the Local Trade Union Committee of Writers to resolve the case in a literary trial. The Committee called a trial to discuss the place of pornography in literature in general.¹⁷¹ The trial poses questions that are both moral and literary in nature: what is pornography? Do pornographic and obscene language cause moral harm? Should writers be limited in the language they can use, and if so, how? Does the author’s intent affect whether we interpret a work as obscene or not? And implicitly, this public literary trial poses additional questions: is a courtroom the right place to decide literary issues? What is the relationship between legal and literary judgment?

¹⁷⁰ Phelan, *Experiencing Fiction*, 134.

¹⁷¹ *Sud nad pornografiei v literature* (Moscow: Vserossiiskii soiuz krest’ianskikh pisatelei, 1926), 7.

The question of how to define pornography plagues much of the trial. Volzhsky does not dispute the notion that pornography does not belong in literature, but he disagrees with the reviewer's assessment of his work as pornographic: "I think that vulgarities (*poshlosti*) and pornography should not be in literature; they are intolerable. And I think there is no vulgarity or pornography in my work."¹⁷² Volzhsky explains that he uses the language in question to describe tsarist army barracks and an old type of officer in order "to make a strong impression on the reader."¹⁷³ The public prosecutor points out that context changes what is considered pornographic: "That same pornography that we are talking about, the pornography of Comrade Volzhsky, to the present day in remote villages is considered an integral part of speech."¹⁷⁴ The writer Aleksei Svirsky defends the author by arguing that words are simply tools, and the same words—"bed, pillow, blood"—can be used to create pornography, or can be innocuous.¹⁷⁵ Other speakers claim that there are two forms of pornography: explicitly offensive pornography and hidden pornography. The trial's lack of a clear definition for pornography enables the prosecution and defense to speak at cross-purposes. Rather than debating whether Volzhsky's work meets clearly established criteria for pornography, the two sides focus on their own interests in the case: the prosecution emphasizes the immorality of using certain words, whereas the defense explores the literary issues posed by the trial.

The prosecutor and other allied speakers argue that there is a moral problem with using offensive language in a work of literature. The prosecutor gives a number of examples of literary

¹⁷² Ibid., 13.

¹⁷³ Ibid.

¹⁷⁴ Ibid., 17.

¹⁷⁵ Ibid., 21.

works that are more pornographic than Volzhsky's, including excerpts from Boris Pil'niak, Nikolai Nikitin, and Lidiia Seifullina, and argues that "Volzhsky is less guilty than the great writers who influenced him."¹⁷⁶ Nevertheless, Volzhsky's comparatively lesser guilt does not excuse him—the prosecutor advocates encouraging him not to write vulgarity in the future, and for the court to condemn "those writer-pornographers who influenced Volzhsky."¹⁷⁷ Subsequent speakers support the prosecutor's stance that Volzhsky should be condemned for using obscene language: Mezhericher, the director of the Moscow Bureau section of print workers, argues that "foul language (*matershchina*) corrupts writers" and that it is never acceptable to use such language, even to demonstrate a character's nature, as Volzhsky uses it.¹⁷⁸

Speakers who defend Volzhsky, in contrast, emphasize the literary significance of the author's linguistic choices, rather than their moral valence. Artem Veselyi argues that Volzhsky's use of obscenities is justified because it is accurate: "Comrades, when [filthy language] arises from artistic truth, then it is appropriate and correct."¹⁷⁹ He goes further than simply defending Volzhsky to declare that the attacks on the writer's use of language come from "a desire to emasculate the Russian language."¹⁸⁰ Like the prosecution, Veselyi turns the literary dispute into a moral question, but the moral issue he is interested in is the power and autonomy of the Russian language. "Long live the Russian language," he concludes.¹⁸¹ Although less

¹⁷⁶ Ibid., 20.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid., 26.

¹⁷⁹ Ibid., 31.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

melodramatic in her defense, Anna Lunacharskaia similarly defends the literary significance of Volzhsky's language, arguing that the only question is whether offensive words have artistic value. "Comrade Volzhsky was a real artist, and the impression that he wanted to make on the reader is made in full measure," she declares.¹⁸² The most full-throated defense of Vozhsky comes from Svirsky, who uses paintings of nude women as an analogy to argue that the difference between art and pornography lies in the artist's intent: "Pornography must, first of all, have reasons. What, in fact, does the author want to say[?]"¹⁸³ Svirsky believes that Volzhsky did not intend to offend readers with his language, but instead strove to reflect reality. "If there are artistic reasons, if the author intended not to cause you any bad feelings, but to depict the image in its entirety, using all possible colors for this, then he should be praised for this."¹⁸⁴ The defense witnesses argue that Volzhsky's offensive language is integral to his work of art, and thus cannot be pornographic.

Yet how do we determine authorial intent? Khvoshchenko, the prosecutor from the Union of Peasant Writers, argues that readers cannot know what the author meant by using certain words. Whereas Svirsky claims that the author is not guilty of pornography if he does not intend to offend the reader, Khvoshchenko asks, "where is the border, where is the line, where is the evidence, that the reader will not come away with such an impression[?]"¹⁸⁵ Whereas Svirsky emphasizes the author's thought-process when determining what is pornography and what is art, Khvoshchenko is concerned about the reader's experience. Although we may agree with

¹⁸² Ibid., 41.

¹⁸³ Ibid., 21.

¹⁸⁴ Ibid., 22-23.

¹⁸⁵ Ibid., 33.

Svirsky's stance—that Volzhsky's use of a few offensive words in the context of a character's speech should not be condemned—Khvoshchenko's focus on the reader aligns more closely with the tradition of literary mock trials. Mock trials are performed by and for readers. In participatory mock trials, readers have the power to rewrite the literary text and create new meaning based on their understanding and experience of the text. Determining authorial intent may be key to the real *Trial of Pornography in Literature*, but readers' interpretations of a text, not the author's intended meaning, shaped the fictional literary mock trials of the 1920s and 1930s.

Khvoshchenko's focus on the reader's experience of the text versus Svirsky's focus on the author's intent map onto the two opposing strains of literary hermeneutics that Szondi identifies: allegorical interpretation, which prioritizes the reader's experience of the text, and grammatical interpretation, which aims to uncover the text's original meaning. Szondi contends that these two approaches to interpretation stand in opposition to one another, and that the history of hermeneutics can be understood as an ongoing struggle between them.¹⁸⁶ This conflict between grammatical and allegorical interpretation is literalized in the *Trial of Pornography in Literature*, where only one interpretive approach can win.

Volzhsky is ultimately exonerated—the court concludes that Volzhsky's work, when considered in its entirety, refutes the reviewer's accusation of pornography and obscenity. Nevertheless, the verdict states that it is “superfluous, from an artistic point of view, and harmful, from the point of view of educating the worker-peasant reader, to use obscene words in Soviet literature,” and thus the court warns Volzhsky not to use such words in his future work.¹⁸⁷ Although Volzhsky is found not guilty, the prosecution's emphasis on the morality of language

¹⁸⁶ See Szondi, *Introduction to Literary Hermeneutics*, 8.

¹⁸⁷ *Ibid.*, 46.

wins out over the defense's arguments for the artistic value of language. The following year, Isaac Babel's *Red Cavalry* was put on trial for negative and (purportedly) inaccurate portrayals of the First Cavalry Army and its leaders, as well as for pornography.¹⁸⁸ Babel spoke in his own defense at the trial and was ultimately acquitted by the crowd, who "judged his work to be a real service to the revolution."¹⁸⁹ Both the *Trial of Pornography in Literature* and the trial of Babel's *Red Cavalry* are ostensibly trials of literary texts, yet the verdicts concern their authors.¹⁹⁰ The trials transition seamlessly from analyzing the textual to judging the extra-textual: from reading a work to condemning or acquitting its author. This shift from making literary judgments about a text to making legal judgments about its author can be dangerous—in the following decade many writers, including Babel himself, would be put on trial, this time with life or death stakes.

7. Émigré Politics and Reading Trials

In 1930, five years after the trial of Volzhsky's literary work became a politically tinged trial of its author, a Russian émigré magazine published a series of fictional, highly political trials. On November 8, 1930, the popular magazine *Illustrated Russia (Illiustrirovannaia Rossiia)* announced a new contest for its readers. The "Contest of Judicial Verdicts" (*konkurs sudebnykh prigovorov*) invited readers to read fictional trial transcripts and judge the defendants, thereby acting as a collective, remote jury. "Reader, if you were a juror, what would your verdict

¹⁸⁸ Rogachevskii, "Literary Trials:" 492.

¹⁸⁹ Mally, *Revolutionary Acts*, 63.

¹⁹⁰ In his discussion of the transcript for the *Trial of Pornography in Literature*, Andrei Rogachevskii notes: "Volzhskii's declaration, that there is a certain distance between himself and the negative characters of his novella, does not help him in any way." Instead, the author is held responsible for the characters' words. See Rogachevskii, "Literary Trials:" 491.

be?” the contest advertisement queried.¹⁹¹ Ten fictional trial transcripts, five based on crimes committed in Soviet Russia and five on crimes committed in the emigration, appeared in the next ten issues. The transcripts included key moments of a real trial: the indictment, the examination of witnesses and the defendant, the prosecutor and defense’s closing statements, and the accused’s final statement. The only missing component was the verdict, which the readers were asked to supply: “Having read the trial carefully, you, the reader, must choose, in full accord with the dictates of your conscience, one of the following verdicts: 1) Death penalty. 2) Lifetime penal servitude. 3) A period of penal servitude. 4) Acquittal.”¹⁹² Readers were asked to submit their verdicts within two weeks of the issue’s release, and the verdict with the most votes would stand. In order to win the contest, readers had to choose the “right verdict,” i.e., the most popular verdict, and also correctly guess either the number of right answers or the difference between the number of right and wrong answers.¹⁹³ Prizes were given to the top thirty participants who had chosen the correct verdicts and who guessed the closest number of right answers (or difference) over the course of the contest. The top three participants received lottery tickets for high-paying funds; the remaining twenty-seven received items such as perfume, pens, and books. Four weeks after each trial, the names of the top thirty respondents who selected the correct verdict were published in the magazine with their answers.

The *Illustrated Russia* trial contest recalls 1920s Soviet agitation trials—they were

¹⁹¹ “Nash konkurs.” *Illiustrirovannaia Rossiia*, November 8, 1930, 1.

¹⁹² Ibid.

¹⁹³ “Vnimaniiu uchastnikov konkursa,” *Illiustrirovannaia Rossiia* November 15, 1930, 7. The rules were changed in the December 6 issue to make the contest more difficult. Once the number of participants was published with the results of the first contest, it apparently became easy to guess the number of “right” answers for the subsequent contests, since the number of right answers and the number of participants was almost identical. Of course, if everyone really got the “right” verdict, then it would be easy to guess the difference between the right and wrong answers too: zero. However, the later contest results suggest a greater diversity of responses.

fictional trials that dealt with social and political issues of the day. However, the absence of a pre-written verdict distinguishes *Illustrated Russia's* fictional trials from many Soviet agitation trials discussed above. As we have seen, although agitation trial authors often took pains to emphasize the performers' autonomy in improvising lines and the audience's prerogative to actively participate in deciding the verdict, these lofty goals of participatory theater were undermined by the inclusion of pre-written verdicts in their published trial scripts. In contrast, the *Illustrated Russia* trials conclude with a description of the imagined jurors departing for the deliberation room, a textual invitation for real readers to judge the defendant and decide the verdict. This commitment to readers' freedom to judge the proceedings for themselves was key to the émigré political ethos that shines through in the trial scripts. Although the verdicts were almost a foregone conclusion, as the editors themselves acknowledged when they changed the rules because guessing the number of right answers would be too easy, the trials themselves valorize the jury trial as an apolitical and critical institution for administering justice. While many readers may have reached the same verdicts, the trials and the contest apparatus as a whole endorse the idea that several verdicts are possible—that there can be a range of opinion on how to judge the defendants.

Another fundamental difference between *Illustrated Russia's* trial contest and Soviet agitation trials is the mode of reception: these trial scripts were intended to be read, not performed. Readers judged the defendant and reached a verdict alone, in private, rather than in a public performance space with other audience members. As a result, the process of judgment that readers of these trials undertook more closely resembles what readers do when they judge literary characters. Like readers of literary works, readers of these trials would have made interpretive, ethical, and aesthetic judgments as they progressed through the transcript. The

verdicts that they reached revealed not only their interpretation of the legal “facts,” but also their ethical judgments of both the defendant and the social and political circumstances on display in each trial. These fictional trial transcripts and their democratic verdicts offer a window into the ethical and political concerns of Russian émigrés in 1930-31. They also pose questions about the relationship between reading and judgment, questions that will be central to understanding what was at stake when literary characters were put on trial both in Soviet Russia and émigré communities in the 1920s and 30s.

8. Trials as Alternative History

The first and last trials in the *Illustrated Russia* contest take place in a fantasy future, after the Bolshevik regime has fallen and its representatives are on trial for their actions. As bookends to the contest, these trials set the political tone for the series. Although within individual trials, the presidents of the court and prosecutors often argue against making broad political judgments, rather than narrow legal ones, the contest as a whole is framed by the political division that defines émigré life in the early 1930s: the political divide between those who left and those who remained in Soviet Russia. The first and last trials offer a kind of catharsis for emigrants by inviting them to judge the Bolsheviks, while also posing a serious moral question: should individuals be held responsible for carrying out the atrocities of a regime? Who should be held responsible for collective crimes, and how? These questions, which receive very different answers in each trial, would become a major moral dilemma in real trials of individuals who committed other twentieth-century atrocities. In her book *Eichmann in Jerusalem*, Hannah Arendt explores the aesthetic and ethical problems of putting Eichmann on trial for the crimes of the Nazis. According to Minou Arjomand, Arendt’s “strongest objection to

the trial is that it presented the story of the Holocaust as a tragedy bound to an inexorable historical narrative that was redeemed only by the foundation of Israel.” This narrative is deeply problematic, in part because it undermines the premise of putting an individual on trial: “if it [the Holocaust] was fate, how could Eichmann be held accountable?”¹⁹⁴ *Illustrated Russia*’s fictional trials of perpetrators of Bolshevik crimes thus anticipate real trials of perpetrators of twentieth-century violence in their uncertainty about whether and how to hold individuals accountable for collective atrocity, even as they echo agitation trials (and, more darkly, the show trials that were beginning in Soviet Russia), with their presentation of trials as entertainment.

“The Case of the Red Army Commander Fedorkov” begins with a description of a fully packed hall, in which relief at the imagined fall of the Soviet regime is written on the audience’s faces: “The general look of the crowd is grey. Gaunt faces still bear traces of the tumultuous years they lived through, and their eyes have not lost their expression of fear and anxiety. But at the same time, there is an imprint of great relief and immeasurable joy on everyone and everything...”¹⁹⁵ The defendant, a thirty-year-old man, comically struggles with how to properly address the president of the court, trying out “Comrade President” (*tovarishch predsdatel*’) and “Citizen President” (*grazhdanin predsdatel*’) before settling on “Mr. President” (*gospodin predsdatel*’).¹⁹⁶ Fedorkov’s difficulty finding the right words for polite address—an interaction that plays out in reverse in several Soviet agitation trials—is emblematic of his difficulty adjusting to the new language and standards of justice that the trial inaugurates. As the president of the court explains, Fedorkov is on trial because he “stood out from the ranks of Red

¹⁹⁴ Minou Arjomand, *Staged: Show Trials, Political Theater, and the Aesthetics of Judgment* (New York: Columbia University Press, 2018), 24.

¹⁹⁵ “Delo kraskoma Fedorkova,” *Illustrirovannaia Rossiia*, November 15, 1930, 1.

¹⁹⁶ *Ibid.*

commanders with [his] devotion to the Soviet regime and especially [his] zealous participation in the suppression of peasant uprisings.”¹⁹⁷ Fedorkov’s enthusiastic service to the Soviet regime would have made him a heroic defender of Communism, but is now the primary crime for which he is on trial. Not only have modes of address changed beyond Fedorkov’s comprehension, but normative values and the law have been reversed as well. In order to successfully argue his case and be acquitted, Fedorkov must provide a self-narrative that fits into a new ethical and legal landscape.

Fedorkov’s case comes down to whether he volunteered to commit violent acts or was forced to do so by other army officials. The question at the center of the trial, in other words, is not whether or not Fedorkov committed certain acts, but why he did so—whether he acted freely or because he was following orders. Early in the trial, he asserts that he joined the Red Army due to mobilization efforts, not by choice—a fact that might have been damning under the Soviet regime, but which now helps his case. But Fedorkov did not merely enlist in the army—he was a commander. When questioned about his role as head of a detachment that seized bread and executed peasants on June 25, 1926, Fedorkov admits that he volunteered to lead the detachment but claims that he did not really have a choice, since all the commanders were expected to volunteer. When the defense asks what happened to those who did not volunteer, Fedorkov says that never happened—they always volunteered.

Whether or not Fedorkov freely volunteered to lead the detachment in the village of Spassky, everyone in the trial agrees that he commanded a group of soldiers who seized bread and beat and killed peasants. The first witness, the peasant Ivan Tverdokhlebov, cannot be sure whether Fedorkov personally beat and killed people, but he points out that Fedorkov was in

¹⁹⁷ Ibid.

charge, and thus presumably is responsible: “he was their chief commander—that we know for certain.”¹⁹⁸ A second witness, Evdokiia Grebeniukova, complicates the picture of Fedorkov with an emotional story about how he saved her husband after she asked him for help. The witness says she will never forget Fedorkov because without him, her child would have been an orphan. In a move that could only happen in a fictional trial that prioritizes readability and entertainment value over an exhaustive examination of the evidence, the two sides agree to skip the seventeen other witnesses in favor of closing statements.

The prosecution and defense’s closing statements share a foundational assumption about soldiers’ culpability: that men who follow orders should not be held criminally responsible for their actions. This is not an obvious or morally uncomplicated position. If individual soldiers cannot be held responsible for following orders, then how are we to hold the perpetrators of atrocities to account? Furthermore, to deny that individuals who follow orders can be held responsible is to deny them any agency or ability to judge.¹⁹⁹ By contending that soldiers who follow orders cannot be held responsible for their actions, both sides in the fictional trial grant immunity to people who mindlessly commit crimes and deny them both the basic right and responsibility to judge. These arguments echo the pre-Revolutionary Russian jury trials, with their tendency to acquit defendants, as well as Soviet mock trial defenses that blame defendants’ circumstances for their crimes. However, the two sides differ on whether Fedorkov was simply following orders, or if his actions went beyond that. The prosecutor argues that he is culpable “because Fedorkov was more than an obedient and inert part of the Red Army’s military

¹⁹⁸ Ibid.

¹⁹⁹ Arjomand explains Arendt’s moral argument for an individual’s right to judge: “Everyone, Arendt insists, has the right to judge: the moment when you demur (‘Who am I to judge?’) you—like Eichmann—have abnegated your responsibility to think and judge for yourself.” See Arjomand, *Staged*, 34.

mechanism.”²⁰⁰ The prosecutor grants Fedorkov full agency in order to argue that he should be held responsible for what he has done. In contrast, the defense emphasizes how Fedorkov was raised to follow rules, that he believed everything bad the Soviet government told him about the peasants, and that refusing to obey orders would have meant death. He argues that Fedorkov deserves mercy because he was not an instigator but merely a follower who did what he was told. In other words, the defense denies his client the agency that the prosecutor attributes to him. The best defense for Fedorkov apparently is not to make him sympathetic by focusing on the good deeds he performed, such as saving the peasant woman’s husband, but to deny him agency by arguing that he was incapable of thinking for himself and judging the rightness of his actions. If Fedorkov was incapable of judging his own actions, the implication is that readers cannot judge him for those actions.

This line of defense succeeds—823 readers voted to acquit Fedorkov, out of 1,053 valid votes.²⁰¹ Other than his one potentially redemptive act of saving the peasant woman’s husband, Fedorkov demonstrates the same mindless allegiance to following orders and fulfilling a pre-defined role that Eichmann would later demonstrate. Arendt’s *Eichmann in Jerusalem* is a reflection “on the disastrous consequences of following a script and uncritically identifying with the role one is asked to play,” and Arendt, like the jury, condemns Eichmann for his “inability to think critically about his own role or to question the orders he was given.”²⁰² Three decades earlier, Russian émigré readers concluded that a (fictional) Red Army commander who followed orders could not be held responsible for his actions; that, in other words, he had no agency, and

²⁰⁰ “Delo kraskoma Fedorkova,” *Illustrirovannaia Rossiia*, 6.

²⁰¹ “Rezultaty Konkursa Sudebnykh Prigorov po protsessu No. 1: Delo kraskoma Fedorkova,” *Illustrirovannaia Rossiia*, December 13, 1930.

²⁰² Arjomand, *Staged*, 49.

thus no moral culpability.

The 1930-31 *Illustrated Russia* trial contest concludes with a similar case that nevertheless produces a very different outcome. “The Case of the Chairman of the Moscow GPU Pel’zhinsky” also takes place in an imagined future after the fall of the Soviet regime. The former head of the Moscow State Political Directorate, an early instantiation of the secret police, is accused of presiding over torture, executions, and exile, and is thus responsible for the deaths of tens of thousands of Russians.²⁰³ Like Fedorkov, Pel’zhinsky claims that he was simply following orders when he took the position as chairman of the GPU, and that to disobey would have meant arrest, expulsion from the party, or even death. Yet when the defense attorney tries to clarify that his client took the position under threat of death, Pel’zhinsky demurs: “I didn’t say that. A long career in the party preceded my assignment, and they previously consulted with me.”²⁰⁴ Whereas Fedorkov successfully argued that he was merely following orders and had no choice in his actions, Pel’zhinsky reveals himself to be a true believer in the Bolshevik cause. When the president of the court asks him what motives he had for taking the post (other than, presumably, the implicit threat of violence against him), Pel’zhinsky says his motives were the interests “of world revolution.”²⁰⁵ He is cavalier about the violence committed by the regime in the service of world revolution, offering only the saying: “Wood is cut — chips fly.”²⁰⁶

Of the 763 prosecution witnesses (there are no witnesses for the defense), the court determines that the testimony of one is sufficient to illustrate the defendant’s personal

²⁰³ The GPU was active from 1922-23, after which it was replaced by the OGPU, the Joint State Political Directorate. This trial does not seem to distinguish between periods of secret police activity.

²⁰⁴ “Delo predsedatelia moskovskogo GPU Pel’zhinskogo,” *Illustrirovannaia Rossiia*, January 17, 1931, 2.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

responsibility for the GPU's crimes. The script describes how the witness Klavdiia Voitinskaia appears in the courtroom in a wheelchair and is unable to identify the defendant because she is blind. She reluctantly tells the story of her husband's arrest by the GPU in 1929. When he refused to sign a false confession and denounce other innocent people, she was arrested as well. Pel'zhinsky kept her in terrible conditions and brought her husband in every few days to see how she was deteriorating, in order to force him to confess. Her husband finally submitted when she started to go blind, but although he was supposed to be saved, he was shot along with the men he denounced.

Voitinskaia's story is intended to stand in for hundreds of other similar witness testimonies; her individual story transcends the bounds of the personal to represent the horrors inflicted upon countless others. The president of the court explains that the importance of her role as a representative witness supersedes her discomfort at testifying: "Your role is thus critical and escapes the bounds of personal feelings and desires."²⁰⁷ It is only through Voitinskaia's heart-wrenching narrative that the full responsibility and guilt of Pel'zhinsky and other leaders can be comprehended and judged. The "jury," i.e., the magazine readership, is asked to judge the defendant by judging the witness's story about him. Perhaps not surprisingly, given Pel'zhinsky's horrific acts that Voitinskaia narrates, the jury finds him guilty. He is sentenced to death by a margin of 738 votes, the only defendant in the trial contest to receive the death penalty.²⁰⁸

Why did the *Illustrated Russia* readers acquit Fedorkov but condemn Pel'zhinsky to death? Both men were responsible for violence and murders, and both could argue that at least

²⁰⁷ Ibid., 4.

²⁰⁸ "Rezultaty Konkursa Sudebnykh Prigovorov po protsessu No. 10: Delo predsed. GPU Pel'zhinskogo," *Illustrirovannaia Rossiia*, February 14, 1931, 16.

some of their actions were compulsory because they were following orders. The primary difference lies in their beliefs.²⁰⁹ Whereas Fedorkov says he truly did not understand that what he was doing was wrong, that he believed everything he was told about the kulaks and thus acted as he did, Pel'zhinsky does not have the excuse of thoughtlessness. Instead, the defense attorney tries to offer an insanity defense for his true-believer client who, the president of the court clarifies, can only be acquitted if he is sent to an insane asylum. Evil committed due to a sincerely held belief, the results of the trials suggest, is either an offense worthy of the death penalty or a mark of insanity, whereas evil committed due to a lack of thought is excusable. Nevertheless, the question of citizens' responsibility to make moral judgments becomes an issue in the last trial. What is the role of a trial in a civil society?

The script for the trial of Pel'zhinsky includes far more interruptions from the audience than the other trials in the series, and the interactions between the (fictional) audience and the president of the court form an important narrative within the trial, as the president of the court strives to define how the public should behave in a courtroom and why that behavior matters. The script begins with a description of how the courtroom is overcrowded, with people pushing their way in and shouting: "Death to him! Stake the killer! A stone around his neck, throw him in the water!"²¹⁰ The fictional crowd condemns Pel'zhinsky to death before the trial begins. This rhetoric is dangerous, and contradicts the idea of a trial as an inquiry into the truth and a means for administering justice. By condemning the defendant before the trial begins, the audience in the text threatens to turn the (fictional) legal proceedings into a show trial.

²⁰⁹ Another, less palatable, difference between the two defendants is their ethnicity: a brief note in the final trial makes it clear that Pel'zhinskii is a foreigner: "He had a hardly noticeable foreign accent, but a completely correct turn of phrase." He appears to be modeled on Feliks Dzerzhinskii, the head of the secret police until 1926. "Delo predsdatelia moskovskogo GPU Pel'zhinskogo," *Illustrirovannaia Rossiia*, 1.

²¹⁰ Ibid.

Ironically, Pel'zhinsky is on trial in part for orchestrating show trials. He is accused of killing people without a real trial and of staging false trials that offer a thin pretense for state-sanctioned murder. In order to try Pel'zhinsky legitimately, the president of the court therefore has to distinguish his courtroom from Pel'zhinsky's sham court, and to distinguish justifiable state violence from illegal atrocities. As a result, the crowd's behavior in the courtroom becomes critical to the trial's legitimacy. Before the trial begins, the president warns the crowd that he will remove them from the courtroom if necessary, "but before resorting to this tool, I call on everyone to prove your respect for the court and order. We are now in a lawful state, and individual's personal passions must take a backseat to the law. Prove that you are worthy of the rights you have won back, and allow the court to work in an atmosphere of complete independence and peace."²¹¹

This association between the crowd at Pel'zhinsky's trial and Soviet show trials should be concerning for *Illustrated Russia's* émigré readers, just as it is for the president of the court within the text. Show trials were trials in name only—the defendants were found guilty and condemned before the trials began.²¹² How could an (imagined) post-Soviet public legitimately judge the Soviet regime's crimes if they themselves acted like the regime by condemning people to death without a trial?²¹³ The president of the court is highly aware of the contradiction

²¹¹ Ibid.

²¹² Although the most famous show trials would take place in the late 1930s, the Shakhty Affair in 1928 was the first Stalin-era show trial. *Illustrated Russia* covered Soviet show trials with alarm. An article about the 1930 Industrial Party Trial appeared in the middle of one of the contest trial scripts. The author's contempt and disgust at the trial is clear from the first line: "The 'trial of the industrial party' is currently underway in Moscow—a monstrous judicial comedy staged by the Bolsheviks with the goal of provocation." "Chudovishchnaia provokatsiia: Instsenirovka protsessa 'Promyshlennoi partii,'" *Illustrirovannaia Rossiia*, December 6, 1930, 5.

²¹³ This problem would recur in the real Eichmann trial decades later, where, "In order to judge Eichmann according to the immensity of his crimes the court had to diverge from strict legality, but such divergences threatened to blur the distinction between Israeli law and the troubling legacy of Nazi law." See Leora Bilsky, *Transformative Justice: Israeli Identity on Trial* (Ann Arbor: University of Michigan Press, 2004), 117.

inherent in a lawless mob attempting to bring an unlawful regime to justice. It is up to the fictional audience within the text, and the real readers outside it by extension, to prove themselves worthy members of a lawful society, in which issues are resolved not by a mob but by a court of law. The audience must prove themselves capable of thinking through the morality and ethics of the defendant's actions and judging them accordingly. They must, in other words, prove themselves better than Fedorkov, who unthinkingly followed orders, and instead think critically and earn the right to judge others.

Although the outcome of the final trial may seem like a foregone conclusion from the crowd's first cries to kill Pel'zhinsky, the fact that Pel'zhinsky is granted a trial, and that the president of the court insists upon following proper procedure throughout the trial, demonstrates for readers of *Illustrated Russia* that trials matter, that the mode of judging is important, and that citizens earn the right to judge one another only once they have heard all the evidence and weighed it. Listening and thinking are prerequisites for judging, and while Fedorkov may have been acquitted for his thoughtlessness, the final trial of the *Illustrated Russia* series implies that good citizens have a responsibility to think critically before casting judgment. "The Case of the Chairman of the Moscow GPU Pel'zhinsky" results in a far harsher sentence than the other trials in the contest, but in order to arrive at that sentence, readers are asked to think through what it means to judge others.

9. Conclusion

Like Soviet agitation trials, the *Illustrated Russia* trial contest presented fictional trials as a form of interactive entertainment. Nevertheless, there are numerous differences between the émigré trial contest and Soviet mock trials. Although the trial contest relied upon a collective

readership to decide the cases, participants read the scripts and judged the defendants alone, rather than as part of an audience. The contest verdicts represented the sum of individual judgments, rather than a collective decision. In Soviet mock trials, even when the entire audience was not invited to vote on the verdict, the experience of watching the trial and judging in the company of others would have made the experience a communal one, different from reading and judging alone.²¹⁴

Perhaps the most significant difference between Soviet agitation trials and the *Illustrated Russia* trials is that in the latter, the verdicts were left completely open-ended for the audience to decide. Although Soviet agitation trial writers claimed that their scripts were mere blueprints and that the audience (or its representatives, in the form of two elected people's assessors) had the right to decide the verdict, the scripts almost always included pre-written verdicts. In contrast, the *Illustrated Russia* contest asked individuals to decide the cases and issue verdicts independently. Even the contest's terminology reflects this freedom of judgment: the "right verdict" was defined as the verdict that receives the most votes from readers, i.e., the most popular verdict. Only readers could decide which verdict was "right." Unlike the defense attorneys in many Soviet agitation trials, the *Illustrated Russia* defense attorneys offered real arguments on behalf of their clients, even those clients who would likely be abhorrent to an émigré audience, such as Pel'zhinsky. Although when reading the trials now, it can seem easy to guess which verdict would have been most popular, readers at the time did not always choose the "right" verdict. The top four winners of the overall contest guessed six of the ten verdicts

²¹⁴ Arjomand emphasizes the importance of the collective, communal experience of judging in a theater, which he contrasts with the act of judgment in legal trials: "When a trial is staged within a theater, the justice that can be pursued is justice that relies on the copresence of people in a space, not on the state's use of violence. This is a different form of justice entirely and one that, I argue, implies a continual process of judging in the company of others rather than a single act of legal judgment." See Arjomand, *Staged*, 21.

correctly, or just over half.²¹⁵ The wide range of verdicts issued in the contest points to the complexity of the ethical and moral issues raised by the trials. There is rarely one obvious “right” answer—instead, readers had to evaluate the evidence and render the judgment they believed was best.

“The Contest of Court Judgments” was the most popular contest that *Illustrated Russia* had run to date. In the January 10, 1931 issue, the second to last in the contest, the front page of the magazine declared: “The number of participants in the contest of court judgments increases every day. No other contest organized by *Illustrated Russia* has attracted such wide attention of the emigration.”²¹⁶ Participants were not limited to Paris, where the magazine was published—the list of winners includes readers from other parts of France, as well as Poland, Romania, the Baltics, and even Tunisia.²¹⁷ Perhaps one reason why this contest garnered such interest among Russian émigrés is that show trials were becoming more common in the Soviet Union by the early 1930s. The 1930 Trial of the Industrial Party was covered in *Illustrated Russia* in the same issue as the fourth trial in the contest. An article about the trial and photos were even inserted in the middle of the script for “The Case of Gavril Chubarev,” a potentially confusing editorial choice.²¹⁸ Perhaps the contest trials functioned as antidotes to Soviet show trials. Although these trials also dealt with political issues, their verdicts were not pre-determined but decided by a democratic process. Half of the defendants were acquitted, four were sentenced to a period of hard labor, and only one received the death penalty, which was the usual (pre-determined)

²¹⁵ “Rezultaty Konkursa Sudebnykh Prigovorov,” *Illustrirovannaia Rossiia*, February 21, 1931, 18.

²¹⁶ *Illustrirovannaia Rossiia*, January 10, 1931, 1.

²¹⁷ “Rezultaty Konkursa Sudebnykh Prigovorov,” *Illustrirovannaia Rossiia*, February 21, 1931, 18.

²¹⁸ “The Case of Gavril Chubarev” runs from page four to eight. The article about the show trial appears on page five. See *Illustrirovannaia Rossiia*, December 6, 1930, 4-8.

sentence in show trials. The *Illustrated Russia* trials provided a forum for Russian émigrés to engage with difficult ethical, moral, and political questions, while affirming a commitment to a judicial process that was not pre-determined, but democratic and open-ended.

The very different approaches to trials and judgment that we have seen in Soviet and émigré mock trials provide a foundation for examining trials of literary characters that were staged both in Russia and abroad. These literary trials followed the structure of the Soviet agitation trials discussed in this chapter, but their verdicts were open-ended, like the émigré *Illustrated Russia* trials. Through active audience participation, the trials became sites of collective reading and judgment. However, Soviet and émigré trial creators did not adapt literary works in a vacuum, but instead were responding to and engaging with their cultural and political situations, and so the literary trials functioned as mirrors of their participants. If the Soviet and émigré trials we have examined up to this point provide context for how each group approached the act of judgment and made sense of their political and cultural identities through the form of a trial, trials of Dostoevsky and Tolstoy's characters can offer a window into how Soviet and émigré readers appropriated, interpreted, and judged their shared literary canon. By examining Soviet and émigré trials of the same literary characters, we can better understand how both social and political contexts and the literary works shape readers' judgments. Trials of literary characters conclude with a single verdict—a (mock) legal judgment of a character—but they also offer a model for thinking about how readers more broadly make interpretive, ethical, and aesthetic judgments of characters and works.

CHAPTER TWO

Dostoevsky: Interpreting, and Reinterpreting, the Evidence

1. Introduction

The trial in Dostoevsky's *Crime and Punishment* encompasses only two and a half pages of the novel's 400-plus pages, yet it inspired at least five public mock trials in the 1920s. Raskolnikov's trial begins the famously maligned epilogue, which many readers, including Mikhail Bakhtin, have criticized for violating the aesthetics of the novel that precedes it. Small wonder, then, that the novelistic trial has garnered little critical attention. Raskolnikov's trial is the opposite of Dmitry's trial in *The Brothers Karamazov*, to which Dostoevsky devotes the entire final part of the novel. The brief trial does not give readers new information about the character or his crime, nor does it prompt him to repent. Instead, the trial offers a dry summary of events that the reader already knows. Throughout the novelistic trial, the narrator refers to Raskolnikov as "the criminal" (*prestupnik*), a moniker that both distances the reader from the protagonist and prejudices him. After summarizing Raskolnikov's account of the murders, the narrator declares, "in short, it turned out to be a clear case" (*PSS* 6: 410; 535).²¹⁹ Whereas in *The Brothers Karamazov*, Dostoevsky uses the trial to explore how contradictory narratives can be spun from the same set of "facts," the *Crime and Punishment* trial streamlines evidence that previously perplexed investigators and shapes it into a coherent narrative. Raskolnikov clarifies "the mystery of the *pledge*" and solves "the riddle of Lizaveta's murder," language that suggests his account of the murders is the key to a puzzle or game (*PSS* 6: 410; 535; emphasis in the

²¹⁹ Russian quotations are from F. M. Dostoevskii, *Polnoe sobranie sochinenii v tridsati tomakh*, vol. 6 (Leningrad: Izdatel'stvo "Nauka," 1973). English translations are from Fyodor Dostoevsky, *Crime and Punishment*, trans. Richard Pevear and Larissa Volokhonsky (New York: Vintage Classics, 1993). References will be given in parenthetical form with the Russian first.

original).

When Raskolnikov is asked why he robbed and killed the women, “he answered quite clearly, with the crudest exactitude, that the cause of it all lay in his bad situation, his poverty and helplessness, his wish to fortify the first steps of his life’s career with the help of the three thousand roubles, at least, that he counted on finding at the murdered woman’s” (*PSS* 6: 411; 536). When questioned “what precisely had prompted him to come and confess his guilt, he answered directly that it was sincere repentance. There was something almost crude about it all...” (*PSS* 6: 411; 536). Of course, what is crude about Raskolnikov’s answers is that they are not true, or at least, not the full truth. Poverty may have been one of Raskolnikov’s motives, but it was not the main one. And it is hard to believe that Raskolnikov truly repents by the end of the novel proper—as Gary Saul Morson succinctly puts it, “Raskolnikov gives himself up out of sheer exhaustion, not out of remorse.”²²⁰ The novelistic trial of Raskolnikov offers a clear narrative of how and why Raskolnikov committed murder and robbery, yet it feels unsatisfactory to readers who have spent time in the character’s head. The narrative constructed at the trial does not fully reflect the complexity of the character or his motives, nor does it offer him redemption. The novelistic trial of Raskolnikov is a clinical, distant summary of events that feels largely irrelevant to the novel as a whole.

Nevertheless, in the 1920s, readers in Petrograd, Moscow, Vitebsk, and Berlin performed public mock trials of Raskolnikov. In Petrograd and Moscow, the same mock trial was performed multiple times, and each time the audience was invited to vote on the verdict. In Vitebsk, a group of intellectuals performed a trial of Raskolnikov in May 1922. (Bakhtin played

²²⁰ Gary Saul Morson, *Narrative and Freedom: The Shadows of Time* (New Haven, CT: Yale University Press, 1994), 192.

the defense attorney in many of the Vitebsk mock trials, including a trial based on Tolstoy's *Resurrection* that I discuss in Chapter Three, and so he may have defended Raskolnikov as well.)²²¹ Émigré lawyers organized the Berlin trial as a fundraiser for Russian lawyers' associations abroad. Why did both Soviet and émigré readers put Raskolnikov on trial in the 1920s, transforming the brief and largely unsatisfactory novelistic trial into interactive performances? The Soviet and émigré trial creators had little source material to draw on and dramatize. Instead of recapitulating Dostoevsky's novelistic trial, these mock trials enter into dialogue with the novel, functioning as extensions of and responses to it. Mock trials based on *Crime and Punishment* seek to answer fundamental questions of Dostoevsky's novel: why did Raskolnikov commit the murders, and can he be redeemed?

In this chapter, I examine archival materials from Soviet and émigré mock trials of Raskolnikov in order to explore how each group of trial participants reinterpreted Dostoevsky's novel through their trial transpositions. I am most interested in how trial participants defended Raskolnikov—how does each trial attempt to justify his actions, and thus offer him redemption? What does redemption in a courtroom look like for Raskolnikov, and how did Soviet and émigré readers offer Dostoevsky's protagonist different forms of redemption? The differences between Soviet and émigré defenses of Raskolnikov bring me to the second part of the chapter, in which I return to Dostoevsky's novel to think about how, and whether, redemption works in the novel. The two very different defenses of Raskolnikov that are on display in the Soviet and émigré mock trials offer a window into the narrative ambiguity and openness that characterize the ethics of Dostoevsky's novel. I argue that the Soviet and émigré trials both function as mirrors of their participants' political and social contexts, exposing how the same textual evidence can be

²²¹ Shatskikh, *Vitebsk: zhizn' iskusstva*, 224.

interpreted in opposite ways. At the same time, mock trial audiences' varying judgments of Raskolnikov enter into dialogue with the ambiguous nature of evidence in the novel and demonstrate the unfinalizability of Dostoevsky's narrative world.

2. Reviews of the 1921 *Trial of Raskolnikov*

In November 1921, a *Trial of Raskolnikov* was performed in Petrograd to mixed reviews. One reviewer noted that like pre-war staged trials, this trial was a “resounding success:” “The former Malyi theater was packed, a week later the evening was repeated before a full crowd, and the motley audience was generally satisfied: the performance was to their taste.”²²² Yet the reviewer was extremely disdainful of the performance and its audience—he commented that it was not surprising that the mock trial would attract a large audience at a time when “serious theaters and lectures are half empty, and artistic standards are reduced to the extreme.”²²³ He complained about the “inevitable discrepancy” between “theater and life” in the production, as evidenced by implausible costumes and speeches that mixed passages from the novel with extra-textual commentary on Dostoevsky as a psychologist and references to the 100-year anniversary of his birth. The reviewer concluded that the trial was a “poor gift in memory of Dostoevsky” and snidely commented that the only possible justification for the performance was that “many viewers learned of Dostoevsky's existence for the first time that evening.”²²⁴ According to the reviewer, “the enterprise of literary trials” is mere entertainment for uncultured masses and

²²² Galubin, “Sud nad Raskol'nikovym,” *Letopis' doma literatorov* no. 3 (1921): 7.

²²³ Ibid.

²²⁴ Ibid.

“from the view of art does not stand up to criticism.”²²⁵ Another reviewer, writing for *Krasnaia Gazeta*, similarly found the literary trial unworthy of serious criticism. He declared the performance “hackwork” (*khaltura*) and noted that although the theater was initially crowded, the performance “was tedious and the audience started to leave.”²²⁶ The *Trial of Raskolnikov* attracted a large crowd and may have appealed to some members of the audience, but reviewers found the enterprise distasteful.

On what basis did reviewers evaluate the literary trial? The reviewer in *Krasnaia Gazeta* complained that although Dostoevsky’s novel contains many dramatic scenes, the literary trial consisted only of conversations about Raskolnikov’s guilt, which he found uninteresting. The reviewer for *Letopis’ doma literatorov* similarly bemoaned the trial’s lack of fidelity to the original: “In the same bizarre conglomeration of theater and life, like all trials of this type, almost nothing remained from Dostoevsky except his name.”²²⁷ The reviewer acknowledged that it is difficult to adapt Dostoevsky’s work to the stage, for “to replicate him [Dostoevsky] even as a copy, one must possess his talent.”²²⁸ Both reviewers expected the literary trial to reproduce the original as closely as possible, and they were disappointed when the trial did not succeed on those terms. However, the reviewers’ insistence on adherence to the original disregards how the trial form differs from a novel. Of course the trial consisted of “conversations” rather than action—that is how a trial works—and of course it focused on resolving a single question of guilt or innocence—that is what a trial does.

²²⁵ Ibid.

²²⁶ E. K., “Sud pod suflera (Novyi sposob khaltury),” *Krasnaia Gazeta*, 7 November 1921, 4.

²²⁷ Galubin, “Sud nad Raskol’nikovym,” 7.

²²⁸ Ibid.

Alexander Burry argues that a reverence for the canon, and thus “a tendency to respond by creating maximally ‘faithful’ transpositions, is especially characteristic of Russian culture.”²²⁹ Yet as I discuss in the Introduction, fidelity criticism of adaptations or transpositions can be both problematic and limiting—the term itself is moralistic, and the scope of the criticism is narrow. Furthermore, transpositions that are too close to the original can frustrate audiences. Burry proposes how transpositions can respond to contradictory demands: “departing sufficiently to extend literary narratives in a critical, thought-provoking direction, via new medial, cultural, and political contexts; and at the same time remaining sufficiently rooted in both the text and its intertexts for the transposition’s departures to address the central concerns of the source work.”²³⁰ The reviewers contended that the *Trial of Raskolnikov* failed as a work of art because it did not reproduce Dostoevsky’s original, but they ignored the trial’s potential to reinterpret the original. As Burry explains, a transposition can “alter the literary work in such a way as to reveal something new in it: that is, to critique it.”²³¹ By considering trial versions of *Crime and Punishment* as critical interpretations, rather than expecting them to reproduce the novel, we can put the trial transpositions in dialogue with the novel in order to question what they reveal about issues of redemption and interpretation in the original.

3. Boichevsky's *Trial of Raskolnikov* and Soviet Law

V. I. Boichevsky’s script for an early Soviet *Trial of Raskolnikov* contains no pre-written

²²⁹ Burry, *Multi-Mediated Dostoevsky*, 19.

²³⁰ *Ibid.*, 25.

²³¹ *Ibid.*

verdict, like the émigré *Illustrated Russia* trials discussed in the previous chapter.²³² Instead, the audience was presumably asked to judge Raskolnikov, deciding whether or not to hold him responsible for his crimes. In the novel, Raskolnikov's eventual redemption comes in the form of his Christian resurrection in the epilogue. A Soviet mock trial version could not include a Christian narrative, and so it had to offer a different possible path to redemption. The question for the audience becomes, can Raskolnikov be redeemed without Christianity? And if so, what would a secular redemption for Raskolnikov look like?

Boichevsky's *Trial of Raskolnikov* closely follows the structure and style of a real trial. The president of the court begins by citing the specific law that Raskolnikov violated: statute 142 of the Criminal Code, which mandated eight years of imprisonment for certain kinds of "premeditated homicide."²³³ The Soviet Criminal Code was introduced in 1922, which means that Raskolnikov's 1865 crimes were being tried in a completely new legal landscape according to new legal standards. The statute for intentional homicide specifies certain motivations or conditions for the murder, without which the crime would fall under the less stringent statute 143 (which required a minimum sentence of three years, rather than eight). The president of the court claims that Raskolnikov's murders of the pawnbroker Alena Ivanovna and her sister Lizaveta are covered by statute 142 because he "is accused of murder with the goal of robbery."²³⁴ This

²³² RGALI holds typed and handwritten manuscripts for Boichevsky's *Trial of Raskolnikov*. See V. I. Boichevskii, Instsenirovka Baichevskogo [sic] V. I. "Sud nad Raskol'nikovym" po romanu Dostoevskogo F. M. "Prestuplenie i nakazanie," fond 2016 opis' 1 edinitsa khraneniia 153, Rossiiskii gosudarstvennyi arkhiv literatury i iskusstva (RGALI), Moscow, Russia. The manuscripts are not dated, but it seems likely that they date to the early or mid-1920s. Boichevsky published other works in the 1920s, including a 1926 collection of agitation trials, for which he wrote a script, *Sud nad teatral'noi khalturoi*. See V. Boichevskii, V. Malkis, and M. Shishkevich, *Sbornik Agit-Sudy* (Moscow: "Novaia Moskva," 1926).

²³³ "Ugolovnyi kodeks R.S.F.S.R." (1922), https://pravo.by/upload/pdf/krim-pravo/UK_RSFSR_1922_goda.pdf.

²³⁴ V. I. Boichevskii, "Sud nad Raskol'nikovym," 3. Page numbers are in reference to the typed manuscript held at RGALI.

description of Raskolnikov's crime is, at best, an interpretation—although Raskolnikov confesses at the end of the novel proper to murdering and robbing the two women, he does not say that he murdered them for the purpose of robbing them. Indeed, there is much uncertainty in the novel and, as we will see, the trial, about why Raskolnikov took the pawnbroker's money but did not use it. Whether Raskolnikov was motivated to commit murder out of financial necessity is a real question, and one that the president of the court elides in order to indict Raskolnikov under statute 142. The fact that the script includes a statute number at all is unusual for 1920s mock trials—as we saw in the previous chapter, agitation trial scripts sometimes left the statute number blank. According to Elizabeth Wood, “Despite the hope of some of the earlier developers of the agitation trial form that it would contribute to what they called ‘legal consciousness’, the opposite in fact occurred. The agitation trial in all its many forms remained primarily a morality play.”²³⁵ By citing a specific statute, Boichevsky's script makes the new Soviet legal system integral to his transposition of Dostoevsky's novel.

Both the novel and the trial straddle different legal systems, and thus subject Raskolnikov to new, and shifting, legal standards. *Crime and Punishment* was written in 1865, a year after the legal reforms introduced the jury trial and changed the standard of evidence in criminal cases. However, the 1864 law was not implemented in Saint Petersburg until April 17, 1866, almost a year after the novel's action in the summer of 1865.²³⁶ As a result, the novel depicts an in-between legal landscape: the new figure of investigating magistrate had been introduced, who “would be more objective and gather all the evidence in the case, not just evidence of guilt,” but

²³⁵ Wood, *Performing Justice*, 219.

²³⁶ William Burnham, “The Legal Context and Contributions of Dostoevsky's *Crime and Punishment*,” *Michigan Law Review* 100, no. 6 (May 2002): 1244.

the rules of evidence had not yet been reformed.²³⁷ According to the old evidence rules, “complete proof was possible by means of a judicial confession by the criminal defendant, which the law described as ‘the best evidence in the world.’”²³⁸ This overemphasis on confession to the exclusion of other forms of evidence helps to explain why, in both the novel and Boichevsky’s trial script, characters claim that there was little to no evidence of Raskolnikov’s guilt before he confessed. Like the novel it is based on, Boichevsky’s trial version of *Crime and Punishment* intermingles different legal systems: Raskolnikov committed crimes in imperial Russia, but he is indicted under new Soviet law and tried in a Soviet-style courtroom. Although this mixing of time periods and legal systems in the mock trial version make the transposition technically “unfaithful” to the original, it reflects the confused legal situation of the novel itself, extending the fluidity of the novel’s legal landscape to the Soviet period.

Boichevsky’s *Trial of Raskolnikov* begins after Raskolnikov confesses to murdering and robbing Alena Ivanovna and her sister Lizaveta, just like the novelistic trial. After the president of the court reads the indictment, he asks Raskolnikov whether he admits that he is guilty. Raskolnikov reiterates his confession from the novel: “I killed the old woman and her sister Elizaveta. I confessed to this to the investigative authorities, and of course I do not intend to renounce my confession here in court.”²³⁹ However, the literary trial is not interested in determining whether or not Raskolnikov killed and robbed the two women, but why he did it.

²³⁷ Ibid., 1243.

²³⁸ Ibid., 1233-34. In his discussion of the figure of the examining magistrate in *Crime and Punishment*, Richard Weisberg notes that the magistrate’s “techniques were directed at the realistic goal of eliciting a confession from the person finally believed to be culpable.” See Richard Weisberg, *The Failure of the Word: The Protagonist as Lawyer in Modern Fiction* (New Haven: Yale University Press, 1984), 46.

²³⁹ V. I. Boichevskii, “Sud nad Raskol’nikovym,” 4. Confession of guilt did not necessarily end jury proceedings in the post-reform imperial Russian legal system. See Murav, *Russia’s Legal Fictions*, 56.

The prosecutor explains that determining Raskolnikov's motives is a key question for the trial: "I believe that the case we have to investigate is extremely difficult not due to the factual side [...], but due to those psychological, ideological motives besides the goal of simple robbery that, apparently, pushed the accused onto the path of crime."²⁴⁰ Uncovering Raskolnikov's motives is key to Dostoevsky's novel as well. The reader knows from the first part of the novel that Raskolnikov is guilty of murder, but uncertainty about why he did it, and whether he will repent his crimes and find redemption, remains. In the Soviet mock trial, there is a legal reason to care about Raskolnikov's motives: as discussed above, statute 142 only applied to murders committed for specified reasons; other murders warranted a lesser sentence. This emphasis on determining the defendant's motives also recalls the aims of pre-revolutionary Russian jury trials, which would begin operating soon after *Crime and Punishment* was published. As discussed in the Introduction, imperial Russian juries after the 1864 legal reforms were free to acquit even if they determined that a defendant committed the crime.²⁴¹

The *Trial of Raskolnikov* thus borrows from the novelistic trial, in which Raskolnikov admits to the murders; the institution of the Russian jury trial, in which the jury could find the accused committed the crime without issuing a guilty verdict; and the tradition of 1920s Soviet mock trials, in which the defendant's guilt was practically a given, and the trials focused instead on the motives and circumstances that drove the defendant to commit the crime. Rather than replicating the novelistic trial, which is briefly narrated in the space of a few pages, the literary trial script draws on the novel as well as other source material to transform Raskolnikov's trial into a dramatic performance. Whereas readers can finish the novel without making a final

²⁴⁰ Boichevskii, "Sud nad Raskol'nikovym," 5.

²⁴¹ See Murav, *Russia's Legal Fictions*, 56.

judgment about Raskolnikov's guilt or responsibility, the literary trial audience must conclude the performance with a verdict that hinges on whether they think Raskolnikov should be held responsible for his crimes.

4. Witness Testimony: Generosity and Remorse

After Raskolnikov restates his guilt, the court calls three witnesses: Dmitry Razumikhin, Sonia Marmeladova, and Porfiry Petrovich. Of the three, only Razumikhin is mentioned as a witness in the novelistic trial. Transposing the novel into a trial requires including major characters, even at the expense of accuracy—as the head of the pretrial investigation, Porfiry Petrovich would not normally testify.²⁴² The literary trial version also must convey the novel's major narratives and plots in a limited timeframe with a much smaller cast of characters. Razumikhin and Sonia's testimonies combine the words of various characters from the novel in order to mount two arguments in defense of Raskolnikov: his generosity and his remorse.

Razumikhin's literary trial testimony largely follows the outline given in the novel to focus on Raskolnikov's generosity. He tells the story of how Raskolnikov "helped one of his poor and consumptive university comrades and practically supported him for half a year."²⁴³ Razumikhin's words are taken directly from *Crime and Punishment*, although in the novel these are the third-person narrator's words, not Razumikhin's. The trial script obviously cannot include narration, and so it is transformed into dialogue. Razumikhin also tells the story of how Raskolnikov rescued two children from a fire, which Raskolnikov's landlady recounts in the

²⁴² In Boichevsky's script, the defense and prosecution debate whether Porfiry should be allowed to testify. See Boichevskii, "Sud nad Raskol'nikovym," 4-5.

²⁴³ *Ibid.*, 6.

novelistic trial. It is not surprising that one literary trial witness would need to present the testimony of multiple novelistic witnesses—if the scripted trial called as many witnesses as the novel, the performance would take a very long time. Razumikhin’s testimony in the mock trial brings together all the evidence for Raskolnikov’s unexpected generosity.

Razumikhin’s scripted testimony extends beyond the novel when he emphasizes Raskolnikov’s charitable motives for the murders. The prosecutor attempts to prove that Raskolnikov murdered for material gain by asking a leading question: “Don’t you think that Raskolnikov committed the crime in order to rob the old woman he killed, improve his material position, and spare his sister and mother from the necessity of self-sacrifice?”²⁴⁴ This explanation for the murder aligns with the mock trial’s indictment, but it is undermined by the fact that Raskolnikov did not use the money he stole. In the novelistic trial, the members of the court are surprised that Raskolnikov neither used the money nor even knew the exact amount he stole, and some conclude that “the crime itself could not have occurred otherwise than in some sort of temporary insanity” (*PSS* 6: 411; 536). In Boichevsky’s script, Razumikhin also disputes the prosecutor’s characterization of Raskolnikov’s motives, but for different reasons: “Not for himself alone did he commit this crime. There was a different idea. His own poverty and that of those around him; the fact that loved ones, promising young people, have to perish as victims of social conditions—that is what embittered him and planted in his soul the crazy idea of the crime.”²⁴⁵

Razumikhin’s explanation for Raskolnikov’s crimes recalls the conversation between a student and an officer that Raskolnikov overhears early in the novel, after visiting Alena

²⁴⁴ *Ibid.*, 10.

²⁴⁵ *Ibid.*

Ivanovna for the first time. The student argues that killing and robbing the pawnbroker would benefit society: “Hundreds, maybe thousands of lives put right; dozens of families saved from destitution, from decay, from ruin, from depravity, from the venereal hospitals—all on her money” (*PSS* 6: 54; 65). The student’s line of argument undoubtedly influences Raskolnikov, but it is far from the only explanation for his crimes. At various points in the novel, Raskolnikov articulates a self-interested rationale: he wants to prove that he is a great man who can cross moral boundaries, like the law-givers he writes about in his article “On Crime.” By focusing on Raskolnikov’s desire to help others, Razumikhin offers a defense of Raskolnikov that echoes other Soviet mock trials. Razumikhin emphasizes how Raskolnikov wanted to help victims of their “social circumstances,” a phrase that recalls Soviet agitation trials’ frequent focus on defendants’ circumstances. In his characterization of Raskolnikov’s motivation for murder, Razumikhin simultaneously reflects the original text and emphasizes a Soviet interpretation of his crimes that focuses on the collective good.

In the mock trial, Sonia defends Raskolnikov by focusing on his remorse for killing Lizaveta, the pawnbroker’s sister. The prosecutor asks how to reconcile Sonia’s characterization of Raskolnikov as someone who defends the weak with his murder of Lizaveta, “one of the most unhappy, oppressed people?”²⁴⁶ Sonia offers a feeble explanation: Raskolnikov “thought that the old woman would be alone. But then Elizaveta returned unexpectedly ... He killed her, too.”²⁴⁷ This explanation is almost identical to what Raskolnikov tells Sonia in the novel when he is trying to get her to guess who killed Lizaveta: “He wanted to kill the old woman... when she was alone... and he went there.... And then Lizaveta came in... Then he... killed her, too” (*PSS* 6:

²⁴⁶ Boichevskii, “Sud nad Raskol’nikovym,” 16.

²⁴⁷ *Ibid.*, 17.

315; 410). It makes logical sense that Sonia could reiterate Raskolnikov's explanation for why he killed Lizaveta during the trial—after all, this scene occurs before the trial in the novel's timeline.

However, the trial version of Sonia appropriates other phrases that she could not have heard. When the defense attorney asks her what Raskolnikov said about Lizaveta's murder, she quotes: "Poor Elizaveta! Why did she turn up here? Poor one [...], with meek eyes. She gave everything away... her eyes were meek and gentle."²⁴⁸ This quotation is almost identical to what Raskolnikov says to himself midway through novel: "Poor Lizaveta! Why did she have to turn up there! [...] Lizaveta! Sonya! Poor, meek ones, with meek eyes [...] They give everything... their eyes are meek and gentle..." he exclaims (*PSS* 6: 212; 275). Raskolnikov's words are critical for establishing his remorse, which is presumably exculpatory—the defense attorney declares after Sonia's answer that he has "no more questions."²⁴⁹ Interestingly, Sonia's reiteration of Raskolnikov's speech omits key lines. In the novel, after lamenting Lizaveta's death, Raskolnikov comments, "Strange, though; why is it that I almost never think of her, as if I hadn't killed her?..." (*PSS* 6: 212; 275). Although his monologue begins with the epithet "Poor Lizaveta," it concludes "Sonya, Sonya! Gentle Sonya!...", again shifting focus away from his victim (*PSS* 6: 212; 275). Although Sonia's testimony in the mock trial draws on Raskolnikov's words in order to establish his remorse, the script leaves out indications of how little Raskolnikov thinks about Lizaveta, and how he does not truly hold himself responsible for her murder.

By centering Razumikhin's and Sonia's testimonies on Raskolnikov's positive traits,

²⁴⁸ Ibid., 18.

²⁴⁹ Ibid.

Boichevsky's script offers arguments for why the jury should acquit him. Yet while Sonia's testimony closely follows the original text, it omits the novel's Christian redemption narrative. When the defense attorney asks Sonia what she told Raskolnikov after he confessed to the murders, her answer is exactly the same as in the novel: "Stand up. Go now, this minute, stand in the crossroads, bow down, and first kiss the earth you've defiled, then bow to the whole world, on all four sides, and say aloud to everyone: 'I have killed!'"²⁵⁰ However, the trial script leaves out the last line of Sonia's response: "Then God will send you life again" (*PSS* 6: 322; 420). Sonia's admonition to Raskolnikov is an emotional turning point—her words return to him at the end of the novel before he kisses the earth in Haymarket Square and confesses. In the novel, Sonia plants the seeds for Raskolnikov's spiritual regeneration, which will occur in the epilogue. In the trial version, however, Sonia's abbreviated speech includes no promise of Christian resurrection, omitting a religious narrative that does not fit a Soviet retelling of the novel.

5. Porfiry's Testimony

One of the best arguments for Raskolnikov's acquittal appears early in Boichevsky's script, in the supposedly neutral indictment: "The investigating authorities did not have any evidence connecting the former student Raskolnikov, the real culprit, to this crime. But he himself came to the representatives of the investigative authority and confessed that he killed Alena Ivanovna Sidorova and her sister with the goal of robbery."²⁵¹ The indictment ignores any

²⁵⁰ Ibid., 17-18. The translation is from Pevear and Volokhonsky (420: *PSS* 6: 322). The only difference between the novelistic and trial versions is the punctuation: in the novel, Sonia exclaims "Stand up!" (*Vstan*!).

²⁵¹ Ibid., 3. The pawnbroker is not given a last name in the novel, so the name Sidorova appears to be Boichevsky's innovation. Sidorov is a common Russian name—the phrase "Ivanov, Petrov, Sidorov" is used to refer to the masses (similar to Tom, Dick, and Harry in English). Boichevsky's choice to name the pawnbroker Sidorova may be another way to bolster Raskolnikov's defense by diminishing his victim.

evidence that Raskolnikov killed the two women and instead focuses only on his confession. By including the word “himself” (*sam*), the indictment emphasizes Raskolnikov’s choice to confess to the murders, suggesting that he felt remorse for his crimes and confessed in order to make amends. Readers of the novel, however, know that Raskolnikov’s repentance and remorse are debatable up until late in the epilogue, when he undergoes a conversion in Siberia and begins a new life. In his last meetings with Dunia and Sonia right before he goes to the police station, Raskolnikov still denies his guilt and expresses doubt about whether he will confess. “Crime? What crime?” Raskolnikov asks Dunia in a heartbreaking about-face after he has told her he will go confess (*PSS* 6: 400; 518). Later, as he leaves Sonia to go to the police station, “a corrosive and rebellious doubt was seething in his soul” (*PSS* 6: 404; 523). The implication in the mock trial indictment, that Raskolnikov confesses because he feels remorse for his crime, obscures Raskolnikov’s ongoing doubts about whether he should confess and whether murdering two women with an ax was really a crime at all.

Whereas Boichevsky’s indictment presents Raskolnikov’s confession as spontaneous and surprising, readers of the novel know that Porfiry helped to orchestrate Raskolnikov’s confession. During their last meeting, when Porfiry finally accuses Raskolnikov of killing the women, he plants the seeds for Raskolnikov’s confession: “I’ve come to you with an open and direct offer—that you yourself come and confess your guilt. That will be infinitely more advantageous for you, and more advantageous for me as well—since it will be taken off my back” (*PSS* 6: 350; 458). In Porfiry’s calculation, Raskolnikov’s confession is good for both of them—in response to Raskolnikov’s doubt about his proposal, Porfiry explains, “Do you know what a reduction of sentence you’d get for that [confessing]?” (*PSS* 6: 350; 458). Porfiry offers to make Raskolnikov’s confession seem surprising, just as it is described in the mock trial

indictment: “I’ll set it up and arrange things ‘there’ so that your confession will come out as quite unexpected” (*PSS* 6: 350; 459). We learn from the novelistic trial that “Porfiry had fully kept his word,” and thus Raskolnikov’s seemingly spontaneous confession “contributed in the end to mitigating the accused man’s sentence” (*PSS* 6: 411; 537). By jumping from a lack of evidence against Raskolnikov to his sudden confession, the mock trial indictment glosses over much of the novel in a rhetorical move that echoes Porfiry’s offer to help Raskolnikov. Whether Boichevsky meant to follow Dostoevsky’s original so closely by integrating Porfiry’s strategy into his script or whether the parallel is accidental, the result is the same: the indictment itself plants the seeds for a more favorable verdict and sentence for Raskolnikov.

Porfiry appears in the mock trial as the third witness, who is called to testify because he “knew the accused before his confession of committing the crime.”²⁵² Interestingly, he is not admonished to tell the truth, as Razumikhin and Sonia are before testifying, perhaps because as a judicial representative he would know the requirements for his testimony, or perhaps to keep the mock trial moving along. His initial testimony is quite brief: he describes Raskolnikov’s crime as “completely exceptional” (*sovershenno iskliuchitel’nym*) and explains, “the criminal was guided by a big, delusional idea, for the fulfillment of which he committed murder.”²⁵³ Porfiry continues to emphasize the same point when the prosecutor questions him: when explaining why he suspected Raskolnikov, he describes reading Raskolnikov’s article defending the right of

²⁵² *Ibid.*, 18. Early in the trial, the defense attorney protests against calling Porfiry as a witness because he met with Raskolnikov as a judicial investigator and thus they already know what information he has. The president of the court disagrees and sides with the prosecution, who argues that Porfiry’s testimony is important for understanding Raskolnikov’s psychology because he suspected Raskolnikov in the absence of any real evidence. This exchange brings Porfiry’s suspicions of Raskolnikov into the mock trial, which is what Porfiry promised to keep out of the trial in the novel. See the exchange on pages 4-5.

²⁵³ *Ibid.*, 19.

exceptional people to commit crimes and thinking, “well, it won’t work with this person!”²⁵⁴

Nevertheless, Porfiry acknowledges that he had “no facts: a hundred rabbits will never make a horse, a hundred suspicions will never make evidence.”²⁵⁵ Porfiry acknowledges the gap between what he suspects and what he can prove: between his analysis of Raskolnikov’s psychology and any facts that will incriminate him. Both evidence and psychology, as Porfiry and Raskolnikov discuss throughout the novel, are “double-ended,” or can be interpreted in more than one way. Porfiry’s suspicions of Raskolnikov are not based on facts and empirical evidence, but instead on his analysis of Raskolnikov’s behavior. Porfiry cites Raskolnikov’s article, his return to the site of the murders, the *meshchanin*’s accusation against him, and Porfiry’s own first meeting with Raskolnikov as what convinced him that Raskolnikov was the murderer. Psychology may be double-ended, but it is how Porfiry solves the case and what prompts Raskolnikov to confess. The absence of incriminating facts is beside the point.

The defense attorney shifts the line of questioning to more positive ground for Raskolnikov: he asks Porfiry whether he “knows the facts that characterize the accused not only from the side of his theory, but from the side of his sensitivity to the suffering of others?”²⁵⁶ The defense attorney believes there are other facts that are relevant to the case: Raskolnikov’s acts of generosity toward strangers that appear to contradict his cold-blooded murders. Porfiry does not dispute the defense attorney’s positive characterization of Raskolnikov: “If you like, I consider Raskolnikov a noble person with the rudiments of generosity.”²⁵⁷ However, for Porfiry,

²⁵⁴ Ibid.

²⁵⁵ Ibid., 19-20.

²⁵⁶ Ibid., 21.

²⁵⁷ Ibid.

Raskolnikov's generosity does not define him. Instead, "his fundamental feature is that he lives by the idea he created, no matter how fantastical and fruitless it is. He is able to become a martyr for his idea."²⁵⁸

In Porfiry's analysis, Raskolnikov is not innately evil, nor was he motivated to kill due to his poverty or his desire to help others, as the defense attorney suggests and as both Razumikhin and Sonia emphasize in their testimonies. Instead, Raskolnikov's idea, that certain superior people have the right to transgress moral laws and commit crimes, drove him to commit murder. It was only when his theory broke down that he decided to confess. Porfiry contributes no additional facts to the empirical case against Raskolnikov for, as noted in the indictment, he has no concrete evidence connecting Raskolnikov to the crimes. Instead, he offers his analysis of Raskolnikov's psychology to explain why he suspected Raskolnikov before his confession, and why he believes Raskolnikov eventually confessed. Boichevsky's mock trial version of Porfiry does not keep his suspicions about Raskolnikov out of the trial, as the novelistic Porfiry does, and so perhaps this version of Porfiry hurts Raskolnikov's case more than he helps it. Nevertheless, in the mock trial Porfiry explores the distance between facts and psychology, a key theme in the novel, as well as the importance of understanding a criminal's psychology in order to understand his motives. If facts were sufficient to understand Raskolnikov's crime, there would be no novel—readers know that he committed murder within the first hundred pages. The mock trial Porfiry's analysis of Raskolnikov's motives mirrors the interpretive work that Dostoevsky's readers perform as they attempt to understand why the protagonist committed the murders, and whether he can be redeemed. Porfiry's testimony reflects the idea that literary trials are interpretations of the original works, rather than faithful adaptations. They do not attempt to

²⁵⁸ Ibid.

recreate the form and content of the original, but instead invite participants and audience members to interrogate and interpret the text through a different medium.

6. Soviet Lawyers in Dostoevsky's Trial

If Razumikhin and Sonia's testimonies closely mirror Dostoevsky's novel but leave out its religious undertones, and Porfiry's testimony echoes the interpretive work that readers of the novel perform, the lawyers' examinations depart from Dostoevsky's original to follow patterns of Soviet agitation trials. Early in his questioning of Sonia, the prosecutor attempts to discredit her as a witness by asking about her social position: "Tell me, witness: you said that the accused interceded on your behalf, as he interceded in general for all those who have been wronged. What conditions of your life put you in a wronged position?"²⁵⁹ The stage directions instruct the actress to appear "extremely embarrassed" (*kraine smushchena*) when Sonia responds: "He knew that I was... dishonorable. My father was kicked out of the service. His wife Katerina Ivanovna suffered from consumption... the children were young, poorly clothed, and hungry... So I had to feed my family by selling myself..."²⁶⁰ Sonia's admission, that she prostitutes herself to support her family, is a necessary detail to include in her testimony—without it, audience members who are not familiar with Dostoevsky's novel might not understand this aspect of Sonia's background. However, the indications of her discomfort—the stage direction about her embarrassment and the many ellipses punctuating her speech—suggest that Sonia does not want to disclose her occupation. Instead, the prosecutor seems to use her past in order to discredit and

²⁵⁹ Ibid., 14-15.

²⁶⁰ Ibid., 15.

shame her, a common tactic in both real trials and Soviet mock trials.²⁶¹ The trial form's structural limitations for quickly introducing characters and conveying plot points may necessitate Sonia's admission, but it also fits into a larger pattern of shaming women for their sexual histories in the courtroom, both fictional and real.

The defense attorney's strategy follows the redemption narratives of many Soviet mock trials. When questioning Porfiry Petrovich, the defense attorney focuses on the "conditions" that influenced Raskolnikov's state of mind before the murders: "Doesn't it seem to you that Raskolnikov's theoretical nature, which you noted, is explained by many conditions of his life[?]"²⁶² Later in the script, after the prosecution finishes questioning Raskolnikov about his motives for committing murder, the defense shifts the focus to his living conditions: "Tell me, what was your material position before you committed the crime?"²⁶³ Deflecting responsibility for one's actions by blaming one's circumstances was anathema to Dostoevsky—he satirizes this line of defense in the trial in *The Brothers Karamazov*. However, the defense attorney's question aligns with other Soviet mock trial defenses. In many trial scripts, defense attorneys argue for reduced sentences due to the defendants' poor "circumstances." For example, in the 1926 *Trial of Ivan Lobachkov Accused of Drunkenness and Hooliganism* by B. S. Sigal, a prolific agitation trial writer, the defense uses his closing statement to present the conditions that drove the accused to drunkenness: "Let us see under what circumstances the life of this criminal formed

²⁶¹ In a particularly interesting, and depressingly familiar, mock trial script, a female character whom the defendant infected with a venereal disease and possibly raped is asked by both lawyers about her past sexual experiences (she has none). The verdict finds that she cannot be a victim of rape because she willingly went to a bar with her assailant. See B. S. Sigal, *Sud nad grazhdaninom Fedorom Sharovym po obvineniiu v zarazhenii tripperom* (Leningrad, 1925).

²⁶² Boichevskii, "Sud nad Raskol'nikovym," 22.

²⁶³ *Ibid.*, 28.

[...], and let us understand what led him to this path that ended in the dock.”²⁶⁴ In Sigal’s trial script, the defense’s argument prevails—although Ivan is found guilty, like most agitation trial defendants, his sentence is reduced to one year due to mitigating circumstances: including the bad influence of “the surrounding environment.”²⁶⁵ By emphasizing Raskolnikov’s poor circumstances at the time of the murders, the defense attorney in Boichevsky’s script similarly provides a plausible path to redemption, or at least to a reduced sentence.

7. Raskolnikov's Chain of Motivations

After the three witnesses testify, the president of the court asks Raskolnikov to explain his motives because “the court is unclear on what motives made you commit the crime.”²⁶⁶ Raskolnikov could follow Razumikhin and Sonia’s leads and focus on his generosity and remorse, or he could continue the defense attorney’s argument, that his responsibility for murder is mitigated by his material circumstances. Instead, the trial Raskolnikov mirrors the novelistic original by providing contradictory explanations for his actions. He uses an image of a chain to explain the interconnected motives for his crime: “Here, as in a chain: you can take out one link, but as long as you don’t dismantle the others, you won’t understand what the chain is made of.”²⁶⁷ Without disassembling the entire chain, his motives remain inexplicable. Raskolnikov’s theory, that Napoleon would have killed the pawnbroker without hesitation, and his desire to prove himself similarly capable of transgressing moral laws, is one link in the chain. His family’s

²⁶⁴ Sigal, *Sud nad Ivanom Lobachkovym*, 38.

²⁶⁵ Boichevskii, “Sud nad Raskol’nikovym,” 40.

²⁶⁶ *Ibid.*, 23.

²⁶⁷ *Ibid.*

poverty and sacrifices for him are another, but still insufficient for explaining his motives: “Here is another link, but not everything fits together in the chain.”²⁶⁸ By acknowledging the inconsistencies and contradictions in his rationales for committing the crimes, the trial version of Raskolnikov makes explicit his web of motives that confounds readers of Dostoevsky’s novel. The trial Raskolnikov could offer a straightforward motive and try to mitigate his responsibility for the crimes, as the defense attorney seems to want him to do, but instead his testimony mirrors the complexity and contradictions of the novel.

In response to the prosecutor’s question about whether he killed for personal or societal reasons, the trial Raskolnikov gives the same speech that he gives to Sonia in the novel: “I wanted to kill without casuistry, to kill for myself, for myself alone.”²⁶⁹ Raskolnikov rejects the notion that he killed to help his mother or to benefit mankind. Instead, he killed in order “to find out, am I a louse or a person? Can I transgress or not?”²⁷⁰ Raskolnikov’s contradictory testimony, his refusal to fall neatly in line with the case the defense is making, befits him as a self-conscious hero from Dostoevsky’s polyphonic novel. Mikhail Bakhtin identifies “the rigorous unfinalizability and dialogic openness of Dostoevsky’s artistic world” as essential to its distinctiveness and power.²⁷¹ Dostoevsky’s characters resist attempts by other people, including their author, to define or limit them: “Dostoevsky’s hero always seeks to destroy that framework of other people’s words about him that might finalize and deaden him.”²⁷² The trial version of

²⁶⁸ Ibid., 26.

²⁶⁹ Ibid., 27 and *PSS* 6: 321-22; 419.

²⁷⁰ Ibid. Raskolnikov says almost the same thing in the novel (*PSS* 6: 322; 419).

²⁷¹ Mikhail Bakhtin, *Problems of Dostoevsky’s Poetics*, ed. and trans. Caryl Emerson (Minneapolis: University of Minnesota Press, 1984), 272.

²⁷² Ibid., 59.

Raskolnikov mirrors the novelistic hero by resisting the finalizing thrust of the trial form, in which other characters attempt to define and limit his identity and motivations.

Yet while Raskolnikov's testimony fits his origin as an unfinalizable character, his final statement supports the Soviet redemption narrative that drives much of the mock trial. After the lawyers' closing arguments, which are not included in the script, Raskolnikov asks for leniency from the court, based in part on the social conditions under which he committed his crime: "But when you will pronounce your verdict, think: am I capable of rebirth and do I need criminal punishment for that rebirth? I committed my crime under the whip of the great deception of the social structure in which I lived."²⁷³ Despite his previous declaration that he killed for himself alone, Raskolnikov now echoes the defense attorney's argument (and a standard Soviet mock trial defense): his circumstances mitigate his responsibility for the murders. The trial version of Raskolnikov explicitly connects his plea for mercy to new Soviet values: "I want to tell you, representatives of the new proletarian society: I think that now I would not go on my previous path of isolation and detachment from people. Other paths stand before me, and the fog of the past disperses like a nightmare."²⁷⁴ Raskolnikov's final speech makes no pretense of adhering to Dostoevsky's original, nor does it follow the pattern of his earlier testimony, in which he explores his complex motivations for the murder. Instead, Raskolnikov argues that his desire to help the weak, as evidenced in his dream of the beaten horse, would make him a good member of the new Soviet society: "Now I want to become one of the many builders of the new building of life [...] Your verdict will decide whether I can go down this new path for me, or if you want to

²⁷³ Boichevskii, "Sud nad Raskol'nikovym," 32.

²⁷⁴ *Ibid.*, 33.

close it to me.”²⁷⁵ Raskolnikov’s plea to join Soviet society echoes certain agitation trials, such as Andreev’s *Trial of the Reader* discussed in Chapter One, in which the defense attorneys argue that the defendants can become good members of society moving forward if they are given a light sentence. However, it does so at the price of his agency and complexity. Raskolnikov’s final speech ignores his complicated motives and instead emphasizes the circumstances under which he committed murder in order to pave the way for a Soviet-style redemption.

But is this neat redemption arc so different from the ending to Dostoevsky’s novel? Although Raskolnikov does not feel remorse for his crimes in the novel proper, in the epilogue in Siberia he suddenly repents and begins a new life, undergoing a kind of resurrection. This path to redemption has rung hollow to many readers. Susan McReynolds critiques Raskolnikov’s redemption on moral grounds. She traces “the sacrificial exchange the narrative performs, the exchange of two women’s lives for Raskolnikov’s redemption,” to argue that “any feeling of satisfaction with the epilogue rests on affirmative collusion with two murders as an acceptable price to pay for one moral resurrection.”²⁷⁶ Bakhtin critiques the epilogue and Raskolnikov’s resurrection on aesthetic grounds, dismissing the epilogue as “conventionally monologic.”²⁷⁷ Whereas in the novel proper, ideas “become thoroughly dialogized and enter the great dialogue of the novel on completely equal terms with other idea-images,” in the epilogue “a certain partiality on the part of Dostoevsky the journalist for specific ideas and images” comes through—here, the idea of resurrection trumps all other ideas.²⁷⁸ According to Bakhtin, the

²⁷⁵ Ibid., 34.

²⁷⁶ Susan McReynolds, *Redemption and the Merchant God: Dostoevsky’s Economy of Salvation and Antisemitism* (Evanston, IL: Northwestern University Press, 2008), 132.

²⁷⁷ Bakhtin, *Problems of Dostoevsky’s Poetics*, 92.

²⁷⁸ Ibid.

monologic epilogue of *Crime and Punishment* finalizes the novel—Bakhtin considers it a prime example of how, in the face of “a unique conflict between the internal open-endedness of the characters and dialogue, and the external (in most cases compositional and thematic) completedness of every individual novel,” Dostoevsky violates the principles of unfinalizability and polyphony to conclude his novels.²⁷⁹ Just as Raskolnikov’s final speech in the trial argues for his integration into the new Soviet society by reducing his agency and complexity, so the novel’s epilogue reduces the many voices and ideas of the novel to a single, overarching idea: that of Christian redemption.

Dostoevsky’s readers can choose to disregard the epilogue and avoid making definitive judgments on Raskolnikov, whereas a mock trial must conclude with a verdict. Unlike most of the Soviet agitation trials I discuss in the previous chapter, Boichevsky’s trial script does not contain a pre-written verdict. Instead, the audience was presumably asked to issue a verdict on Raskolnikov’s guilt, effectively deciding whether he can be redeemed. The trial script not only looks backward to his crimes, but forward to whether he can become a good Soviet citizen. Although Raskolnikov’s final testimony simplifies some of the character’s complexity that is on display in other parts of the trial and in the novel, it also crystallizes the ethical question at the center of the novel—can a murderer be redeemed?—by making an explicit argument for Raskolnikov’s potential to be resurrected into a new life. In the novel, this new life comes in the form of Christian redemption in the epilogue; in Boichevsky’s trial, the audience has to decide whether Raskolnikov can become a member of proletarian society. The trial foregrounds the novel’s ethical question and recasts it as a political question: can Raskolnikov become a good Soviet citizen?

²⁷⁹ Ibid., 39.

8. *Crime and Punishment* in Berlin

In fall 1925, four years after a mock trial of Raskolnikov was performed in Petrograd and Moscow, Boris L. Gershun decided to stage a *Trial of Raskolnikov* in Berlin. The literary trial was intended to commemorate the anniversary of the 1864 legal reforms, putting it in a very different context than Boichevsky's Soviet mock trial. The trial was also a fundraising endeavor for the Berlin Lawyers' Association. Gershun asked Nikolai P. Karabchevsky, a Russian émigré lawyer living in Rome, to come to Berlin to play Raskolnikov's defense attorney. Karabchevsky fell ill and died shortly before the trial, but he and Gershun corresponded about the script, and Karabchevsky wrote a speech in defense of Raskolnikov.²⁸⁰ Karabchevsky's speech was not read at the trial, but Gershun incorporated his notes into the script. Like Boichevsky's Soviet *Trial of Raskolnikov*, the Berlin mock trial centers on the question of whether Raskolnikov can be redeemed. Karabchevsky's defense of Raskolnikov provides a path to redemption that is fundamentally opposed to Boichevsky's Soviet version, a path centered on Raskolnikov's childhood as a Christian believer.

In a letter dated October 28th, Karabchevsky praises the draft of the mock trial script that

²⁸⁰ The story of Karabchevsky's participation in the trial is deeply moving, and provides a window into just how much these literary trials and the novels they were based on mattered to their participants. Karabchevsky spent his last days crafting his defense of Raskolnikov. His speech is dated November 14, 1925, after he knew that he was too sick to travel to Berlin for the trial. His wife, Olga Karabchevskaia, took over the correspondence with Gershun on November 9th to inform him that Karabchevsky could not attend. Karabchevsky added a note to his wife's letter suggesting how his absence should be handled during the trial, even writing specific lines of dialogue for the participants to say to address the situation. His wife's letter from November 19th, very soon before he died, mentions that he planned to write something more about Raskolnikov the next day. In her letter on November 26th informing Gershun that her husband had died, she expresses sadness that the speech was not read at the trial, and explains how hard her husband worked on it: "It's a pity that his speech that I sent you wasn't read—he wrote it with such great difficulty, wanted to write it himself, would write a page and lie down to rest." See Olga Karabchevskaia's letter to Boris L'vovich, November 26, 1925, in *Ob"edinenie Russkikh Advokatov vo Frantsii* Records, 1919-1973, BAR Ms Coll/Ob. Rus. Adv., Box 1, Bakhmeteff Archive of Russian and East European Culture, Columbia University, New York, NY.

Gershun sent him, but offers a few suggestions for information that he, as the defense lawyer, would want to gather through questioning witnesses. The letter from Raskolnikov's mother that he receives early in the novel is "very important" for Karabchevsky. He quotes the portion that he wants to use as evidence: "Do you pray to God, Rodya, as you used to, and do you believe in the goodness of our Creator and Redeemer? Remember in your childhood, how you prattled prayers sitting on my knee."²⁸¹ This passage is taken almost word-for-word from *Crime and Punishment*, but Karabchevsky omits a sentence in the middle: "I fear in my heart that you have been visited by the fashionable new unbelief. If so, I pray for you" (*PSS* 6: 34; 39). By omitting this line, Karabchevsky removes the suggestion, borne out by the novel, that Raskolnikov has lost his faith. Unlike Boichevsky's script, which eliminates the novel's Christian narrative, Karabchevsky emphasizes Raskolnikov's childhood faith. He also suggests including Raskolnikov's emotional reaction to his mother's letter: "Raskolnikov's face as he was reading the letter was wet with tears."²⁸² In the novel, the narrator describes Raskolnikov's reaction in almost the same way, although Karabchevsky leaves out details that could contradict Raskolnikov's emotional response to his mother's letter: "Almost all the while he was reading, from the very beginning of the letter, Raskolnikov's face was wet with tears; but when he finished, it was pale, twisted convulsively, and a heavy, bilious, spiteful smile wandered over his lips" (*PSS* 6: 35; 39). As a defense attorney, Karabchevsky skillfully and selectively employs textual evidence to forward his characterization of Raskolnikov as a believer, paving the way for a Christian redemption.

²⁸¹ N. P. Karabchevskii letter to B. L. Gershun, October 28, 1925, in Ob"edinenie Russkikh Advokatov vo Frantsii Records, 1919-1973, BAR Ms Coll/Ob. Rus. Adv., Box 1, Bakhmeteff Archive of Russian and East European Culture, Columbia University, New York, NY. Karabchevsky quotes from the novel: see *PSS* 6: 34; 39.

²⁸² Ibid.

In his speech, Karabchevsky declares that his task is to “place before the face of the uncrowned, but always sovereign public conscience, the real Raskolnikov... and not the one that supposedly ‘overstepped!’”²⁸³ Karabchevsky distinguishes the “real” Raskolnikov from the one who committed murder. In his interpretation, the “real” Raskolnikov is the child who prayed at his mother’s knees. He emphasizes the happiness and religiosity of Raskolnikov’s childhood family life and references his mother’s letter to bemoan, “Oh if only this letter had arrived [...] earlier!”²⁸⁴ Karabchevsky also quotes Raskolnikov’s doubts about committing the murder after his trial-run visit to the pawnbroker to argue that the murder was not premeditated. Although Karabchevsky was unable to give his speech at the trial, the new defense attorney must have successfully argued that the murder was not premeditated: the jury “found that Raskolnikov killed the old woman without premeditation, and to the question ‘is Raskolnikov guilty of murder?’ they answered ‘no, not guilty.’”²⁸⁵

By arguing that there is a “real” Raskolnikov who exists primarily before his appearance in the novel, Karabchevsky takes seriously the nineteenth-century realist notion that literary characters are stand-ins for real human beings, and thus we have real ethical responsibilities toward them.²⁸⁶ The impulse to identify with characters and treat them like human beings is often

²⁸³ N. P. Karabchevskii, “V zashchitu Rodiona Raskol’nikova,” 1, in *Ob’edinenie Russkikh Advokatov vo Frantsii* Records, 1919-1973, BAR Ms Coll/Ob. Rus. Adv., Box 1, Bakhmeteff Archive of Russian and East European Culture, Columbia University, New York, NY.

²⁸⁴ *Ibid.*, 3. Ellipses indicate three illegible words.

²⁸⁵ “Sud nad Raskol’nikovym,” *Rul’*, November 25, 1925, 4.

²⁸⁶ Greta Matzner-Gore discusses the ethical question of treating characters like real people in her dissertation. See Greta Matzner-Gore, “From the Corners of the Russian Novel: Minor Characters in Gogol, Goncharov, Tolstoy, and Dostoevsky” (Doctoral Dissertation, Columbia, 2014), 15-16.

considered a naïve sort of reading.²⁸⁷ Carol Apollonio finds readers' desire to see characters as real people understandable, but problematic: in judging characters as people, "we reduce ourselves to the level of the characters and participate in the delusive cycle of accusation and slander. That is the first step," which she terms a "primitive level of reading."²⁸⁸ Yet other theorists have recognized the ethical value of considering literary characters as stand-ins for real people. In his Preface to *The Company We Keep: An Ethics of Fiction*, Wayne C. Booth describes his book's first aim: "to restore the full intellectual legitimacy of our commonsense inclination to talk about stories in ethical terms, treating the characters in them and their makers as more like people than labyrinths, enigmas, or textual puzzles to be deciphered."²⁸⁹ Booth's assertion of the validity of thinking about characters as similar to real people gives intellectual credence to Karabchevsky's defense of Raskolnikov and the practice of literary trials more broadly, in which participants treat characters as though they are real people in order to judge their fictional crimes.

Karabchevsky's argument for Raskolnikov's acquittal hinges on a reading of the character as a Christian whose true self is not reflected by the murders, a reading that is fundamentally opposed to Boichevsky's version of Raskolnikov as a good future Soviet citizen. Both Karabchevsky's speech and Boichevsky's script selectively focus on aspects of Raskolnikov's character and thus reduce his complexity: he is either a Christian believer or a

²⁸⁷ In his famous essay "Good Readers and Good Writers," Nabokov claims that identifying with a character is "the worst thing a reader can do." See Vladimir Nabokov, "Good Readers and Good Writers," in *Lectures on Literature* (San Diego: Harcourt, Inc., 1980), 4.

²⁸⁸ Carol Apollonio, *Dostoevsky's Secrets: Reading Against the Grain* (Evanston, IL: Northwestern University Press, 2009), 167.

²⁸⁹ Wayne C. Booth, *The Company We Keep: An Ethics of Fiction* (Berkeley: University of California Press, 1988), x.

repentant Soviet citizen. Nevertheless, both literary trials also treat Raskolnikov as a person whose existence extends beyond the pages of Dostoevsky's novel—in Karabchevsky's case, back to his childhood before the novel begins, and in Boichevsky's case, to a future life as a member of the new proletarian society. Although the two literary trials differ wildly in how they argue for Raskolnikov's acquittal, they both begin with the same premise: the audience is judging a person, not a mere literary fabrication, and so the judgment constitutes an ethical act. The literary trials may have been bad art, as the reviewers of the 1921 *Trial of Raskolnikov* argued, but by enacting the trials at all, their performers and audience had to grapple with normative questions of right and wrong, and guilt and responsibility. The act of reading and interpreting Dostoevsky's novel takes on real, ethical significance in these mock trials. Raskolnikov's redemption lies in the audience's hands, and in at least two performances of very different *Trials of Raskolnikov*, a 1921 Petrograd mock trial and the 1925 Berlin trial, the audience allowed him to find redemption in the courtroom.

9. Double-Ended Evidence in the Trials and Novel

The Soviet and émigré mock trial defenses of Raskolnikov offer opposing visions for how Raskolnikov can be redeemed. In Boichevsky's trial script, Raskolnikov can be redeemed because he can become a good Soviet citizen. In Karabchevsky's speech for the Berlin trial, Raskolnikov's path to redemption begins with his childhood faith in God, a Christian path to redemption that is much closer to Raskolnikov's redemption in Dostoevsky's novel. These readings of the character—one that recasts him as a proto-Bolshevik; the other, as a true Christian—both draw on the same text, yet use it to forward opposing interpretations. In order to defend Raskolnikov, the two mock trials had to selectively employ Dostoevsky's novel, focusing

on evidence that supports their arguments and erasing contradictory material. The mock trials offer politically motivated readings of *Crime and Punishment* that are designed to integrate Dostoevsky's character into the participants' own social and moral universes. In their interpretations, these mock trials reflect their creators' own values just as much as they offer insight into Dostoevsky's novel.

Nevertheless, in their selective use of textual evidence, the trials of Raskolnikov enter into dialogue with questions of evidence and interpretive ambiguity in the novel. In the cat-and-mouse game that Porfiry plays with Raskolnikov, the investigator and criminal frequently discuss the double-sided nature of evidence. After their first meeting, when Porfiry questions Raskolnikov about his article "On Crime" and his idea that extraordinary people have the right to commit crimes, Razumikhin is shocked that Porfiry seems to suspect Raskolnikov of the murders. Raskolnikov reassures his friend (and himself) that Porfiry has nothing on him: "They have no facts, however, not a one—it's all a mirage, all double-ended (*o dvukh kontsakh*), just a fleeting idea—so they're using insolence to try to throw me off" (*PSS* 6: 206; 268). Raskolnikov suggests that the investigators' evidence can be interpreted in multiple ways, and thus does not paint a singular picture of his guilt.

Porfiry picks up on the idea of double-sided evidence during their long second meeting, in a discussion about why he treats different suspects differently:

Now, you were just pleased to mention evidence; well, suppose there is evidence, sir, but evidence, my dear, is mostly double-ended, and I am an investigator and therefore, I confess, a weak man: I would like to present my investigation with, so to speak, mathematical clarity; I would like to get hold of a piece of evidence that's something like two times two is four! Something like direct and indisputable proof! (*PSS* 6: 261; 338)

Porfiry's proclaimed desire for clarity contradicts his convoluted, and inaccurate, speech.

Raskolnikov has not mentioned evidence, nor has he laughed, which Porfiry accuses him of

doing right before this passage. Porfiry fluently rewrites the reality of his conversation with Raskolnikov even as he expresses a desire for indisputable evidence to resolve an investigation. But in the absence of such evidence, Porfiry has to contend with evidence that is “double-ended,” i.e., evidence that can be interpreted in multiple ways. Porfiry explains that without indisputable evidence, if he were to arrest a suspect too early, “I might well deprive myself of the means for his further incrimination. Why? Because I would be giving him, so to speak, a definite position; I would be, so to speak, defining him and reassuring him psychologically, so that he would be able to hide from me in his shell” (*PSS* 6: 261; 339). Porfiry believes that his power over a suspect stems from ambiguity, from the suspect’s uncertainty about what Porfiry has on him and thus the suspect’s inability to respond or plan. As a result, while Porfiry claims to want clear, straightforward evidence, he knows how to work ambiguous evidence to his advantage by preventing suspects from knowing what he will do. This technique is incredibly effective against Raskolnikov, whom Porfiry psychologically torments with ambiguity. Later in their conversation, when Raskolnikov asks whether he is a suspect in the murders and Porfiry responds by laughingly asking why he wants to know, Raskolnikov lashes out:

“I repeat,” Raskolnikov cried furiously, “that I can no longer endure...”

“What, sir? The uncertainty?” Porfiry interrupted.

“Don’t taunt me! I won’t have it! ... I tell you, I won’t have it! ... I cannot and I will not have it! ... Do you hear! Do you hear!” he cried, banging his fist on the table again. (*PSS* 6: 268; 348).

Double-ended evidence and the uncertainty it spawns become the investigator’s tools.

Yet Raskolnikov continues to believe the lack of clear evidence connecting him to the murders will work to his advantage after Nikolai’s false confession, which Raskolnikov describes as “an actual fact” (*PSS* 6: 273; 354). Of course, Nikolai’s confession is not a fact, but a fabrication—Raskolnikov knows that he murdered the two women, not Nikolai. Nevertheless,

by confessing to Porfiry, Nikolai gives a positive account of what happened that, although untrue, is more concrete than the ambiguity that swirls around Raskolnikov. When Raskolnikov later encounters the tradesman who previously accused him of murder but has now come to apologize, Raskolnikov revels in the realization that “everything’s double-ended, now everything’s double-ended” (*PSS* 6: 276; 358). The tradesman, the secret weapon Porfiry intended to use against him during their meeting and the cause of Raskolnikov’s terror from the day before, has apologized and bowed to him. A piece of dangerous evidence is now working in Raskolnikov’s favor. When Raskolnikov later confesses to Sonia, he declares that he will not face punishment for his crimes because “all their evidence is double-ended; I mean, I can turn their accusations in my own favor, understand? And I will, because now I know how it’s done...” (*PSS* 6: 323; 421). Raskolnikov believes that any piece of evidence, other than his confession that Porfiry is trying to provoke, can be twisted in his favor.

10. Svidrigailov and the Power of Narrative Ambiguity

Raskolnikov’s belief in the doubled, ambiguous nature of evidence connects him to Svidrigailov, a character who exists in a cloud of ambiguity. Svidrigailov does not figure in either the Soviet or émigré trials of Raskolnikov, likely because he commits suicide before the novelistic trial. Nevertheless, omitting Svidrigailov from trial adaptations of *Crime and Punishment* seems like a significant choice that would alter how audiences understand Raskolnikov’s character, since Svidrigailov is often read as Raskolnikov’s dark double.²⁹⁰ Svidrigailov haunts the edges of the novel, his history and character known only through rumor

²⁹⁰ See, for example, Hyung Goo Lee, “The Identity and Significance of ‘Achilles’ in Dostoevskij’s ‘Prestuplenie i nakazanie,’” *Russian Literature* 62, No. 3 (Oct. 2007): 327.

and tinged with uncertainty. Before Svidrigailov first appears in Part Four, Raskolnikov hears about his sister's former employer from his mother, who believes that he killed his wife: "Imagine, that terrible man seems to have been the cause of her death. They say [*Govoriat*] he gave her a terrible beating!" (*PSS* 6: 175; 228). Nothing is certain about Pulcheria Alexandrovna's accusation against Svidrigailov—he "seems" to have caused his wife's death, and rather than specifying who accused him of killing his wife, Pulcheria offers the impersonal and vague third-person plural "they say" (*govoriat*). When Raskolnikov questions Dunia as to whether Svidrigailov's behavior fits with what she knows about the couple, she says "no, quite the opposite. He was always very patient with her, even polite," although she will not go so far as to vindicate him, declaring him "a terrible man" (*PSS* 6: 175; 228).

After Raskolnikov finally meets Svidrigailov, the family hears more about him from Luzhin, Dunia's fiancé and Svidrigailov's late wife's relative. Luzhin shares a number of other unsavory rumors about Svidrigailov, including his possible abuse of a young girl who later committed suicide and his possible involvement in the suicide of a serf who was terribly mistreated. Luzhin cannot back up any of these accusations with definitive proof or evidence—he acknowledges that the case of the child "was all obscure," and that "everything confined itself to rumor" (*PSS* 6: 228; 298-99). As for the case of the servant Filipp, Dunia suggests that "he most likely hanged himself because of Mr. Svidrigailov's mockery, and not from any beatings," and says that Svidrigailov "treated the servants well while I was there, and they even liked him" (*PSS* 6: 228-229; 299).

No definitive version of Svidrigailov's past ever emerges in the novel, so readers are left to determine the truth for themselves based on whose accounts they believe and how Svidrigailov behaves on the page. On the one hand, Luzhin proves to be a terrible villain who is

biased against Svidrigailov due to his family connections, which might lead us to discount the rumors he shares; on the other hand, Dunia acknowledges that Svidrigailov played a role in at least one death. Within the novel, Svidrigailov demonstrates a disturbing taste for young girls and attempts to rape Dunia. He also generously gives money to Sonia and Katerina Ivanovna's orphaned children. Carol Apollonio argues that critics and readers focus on rumors and Svidrigailov's sinful thoughts and dreams, rather than his actions, to paint him as Raskolnikov's worse double. As she points out, "It is Raskolnikov who commits a violent murder before our eyes. Why, then, do critics insist on identifying *Svidrigailov* as the villain?"²⁹¹ Svidrigailov exists in ambiguity, with all the stories and evidence about his character left open-ended. Whereas Raskolnikov definitely committed murder but hopes to get away with it by hiding in double-ended evidence, nothing about Svidrigailov's past is certain, yet readers often interpret the contradictory information about his character as negative, and definitive.

Svidrigailov's ambiguous position, in contrast to Raskolnikov's clear status as a murderer, sheds light on the significance of ambiguity and uncertain evidence in *Crime and Punishment*. The kind of narrative ambiguity associated with the rumors about Svidrigailov is characteristic of what Gary Saul Morson calls sideshadowing: "In contrast to foreshadowing, which projects onto the present a shadow from the future, sideshadowing projects—from the 'side'—the shadow of an alternative present. It allows us to see what might have been and therefore changes our view of what is."²⁹² As Morson explains, "sideshadowing restores *the possibility of possibility*," multiplying narratives rather than narrowing down to a single plot and

²⁹¹ Apollonio, *Dostoevsky's Secrets*, 75. Emphasis in the original.

²⁹² Morson, *Narrative and Freedom*, 11.

story.²⁹³ This multiplication of stories contrasts with the single story that Porfiry, as an investigator, wants to establish with evidence. It also contrasts with the narrow redemption narratives developed in the mock trial defenses. Sideshadowing as both a narrative technique and an ethical worldview—one that testifies to the openness of time and human beings’ freedom to act in many possible ways—thus contrasts with the kinds of narratives pushed by legal figures within Dostoevsky’s novel and developed in mock trial transpositions. Svidrigailov’s absence from the mock trials seems to fit not only the timeline of the novel but also the contrasting narrative structures of Dostoevsky’s original and mock trials. The morally and narratively ambiguous Svidrigailov embodies interpretive open-endedness, which seems to contrast with the narrow, instrumentalized narratives developed in trial transpositions.

11. A Hat is a Pancake

It is thanks to Dostoevsky’s narrative technique that Svidrigailov’s past cannot be definitively nailed down: too many contradictory stories about him prevent the other characters and readers from agreeing on a single interpretation of the character. In contrast, Raskolnikov’s view of the world is quite different from the many possibilities that Dostoevsky allows to coexist in the narrative. As Morson argues, Raskolnikov and Dostoevsky’s other ideological heroes operate in what he calls vortex time, which is the inverse of sideshadowing: “If in sideshadowing apparently simple events ramify into multiple futures, in vortex time an apparent diversity of causes all converge on a single catastrophe:” in Raskolnikov’s case, the murders.²⁹⁴ External circumstances and his ideas about the right of certain men to commit crimes appear to compel

²⁹³ Ibid., 119.

²⁹⁴ Ibid., 163.

Raskolnikov to commit the murders—the narrator describes Raskolnikov’s path to the murders “as if someone had taken him by the hand and pulled him along irresistibly, blindly, with unnatural force, without objections” (*PSS* 6: 58; 70). Raskolnikov feels he cannot escape killing Alena Ivanovna, in contrast to the larger narrative that explores and revels in the multiplicity of human nature and human freedom.

Raskolnikov’s deterministic view of his crimes clashes with the open field of possibility in *Crime and Punishment* in a small, but telling, detail: the hat that Raskolnikov wears to his trial-run of the murder. In the first scene of the novel, as Raskolnikov is walking to the pawnbroker’s apartment, a drunken passerby shouts, “Hey, you, German hatter!” commenting on Raskolnikov’s hideous hat—“a tall, cylindrical Zimmerman hat, but all worn out, quite faded, all holes and stains, brimless, and dented so that it stuck out at an ugly angle” (*PSS* 6: 7; 5). Raskolnikov fears that the hat will draw attention to him and become evidence in the crime he plans to commit: “Some stupid thing like that, some trivial detail, can ruin the whole scheme! Yes, the hat is too conspicuous... Ludicrous, and therefore conspicuous...” (*PSS* 6: 7; 5). Raskolnikov’s concern about incriminating details is reasonable, but his musings about the hat reveal his narrow view of how evidence and narratives work. He believes that his hat stands out because it does not fit his outfit—he thinks his “rags certainly call for a cap,” or that there is one correct kind of headgear to go with his clothing (*PSS* 6: 7; 5). Even his clothing is deterministic—his clothes require a certain kind of hat. Raskolnikov wishes for any kind of cap, “even if it’s some old pancake” (*PSS* 6: 7; 5). He wants a less conspicuous hat that will not become a piece of evidence to be used against him, a detail that can help to construct a narrative of his guilt: “Details, details above all! It’s these details that ruin everything always...” (*PSS* 6: 7; 5).

At the very end of the novel, right before Raskolnikov confesses his guilt, the Zimmerman hat reappears. However, it does not signal Raskolnikov's guilt, as he feared it would at the beginning of the novel, but instead forms part of a wide-reaching and convoluted discussion that implicitly pushes back against Raskolnikov's limited view of how details construct narrative. When Raskolnikov arrives at the police station after kissing the earth in Haymarket Square, as Sonia instructed him to do, he is dismayed to find Ilia Petrovich the only one there. "A-a-a! You can't hear it by ear, you can't see it by sight, but the Russian spirit... how does the tale go... I forget!" the police lieutenant cries in greeting (*PSS* 6; 406; 527).²⁹⁵ Ilia Petrovich, or Gunpowder as he is called for his short temper, greets Raskolnikov by quoting from a fairytale. Ilia Petrovich's fairytale allusion sets the stage for the strange encounter, in which he gives a rambling, bewildering speech about literature, nihilism, and eventually mentions that Svidrigailov has committed suicide. Yet the words Ilia Petrovich omits from his quotation seem to speak directly to Raskolnikov's appearance in the police station: in the fairytale, the queen of the silver kingdom says, in reference to the hero Ivan Tsarevich, "today the Russian spirit is being fulfilled before my eyes."²⁹⁶ Ilia Petrovich recasts Raskolnikov, the murderer who has come to confess his crimes, as a fairytale hero and the embodiment of the Russian spirit. The police lieutenant, an absurd figure in his brief appearances in the novel, seems to set the stage for Raskolnikov's redemption and resurrection in the epilogue with this

²⁹⁵ My translation. Pevear and Volokhonsky change the reference in their translation: "Aha-a-a! Fee, fi, fo, fum, I smell the blood of a Russian man... or how does the tale go... I forget!"

²⁹⁶ Aleksandr Afanas'ev, "Tri tsarstva — mednoe, serebrianoie i zolotoe," *Russkie narodnye skazki*, accessed March 17, 2021 ([https://ru.wikisource.org/wiki/Народные_русские_сказки_\(Афанасьев\)/Три_царства_—_медное,_серебряное_и_золотое](https://ru.wikisource.org/wiki/Народные_русские_сказки_(Афанасьев)/Три_царства_—_медное,_серебряное_и_золотое)). The princess of the Silver Kingdom echoes the queen's line later in the story. Baba Yaga similarly refers to Ivan Tsarevich as the Russian spirit in "The Sea King and Vasilisa the Wise." See Aleksandr Afanas'ev, "Morskoi tsar' i Vasilisa Premudraia, *Russkie narodnye skazki*, accessed March 17, 2021 ([https://ru.wikisource.org/wiki/Народные_русские_сказки_\(Афанасьев\)/Морской_царь_и_Василиса_Премудрая](https://ru.wikisource.org/wiki/Народные_русские_сказки_(Афанасьев)/Морской_царь_и_Василиса_Премудрая)).

one aborted quotation.

Although Raskolnikov interprets Ilia Petrovich's presence as "fate itself," a reminder of his deterministic view of human existence, Ilia Petrovich's far-reaching and strange speech offers a counterpoint to Raskolnikov's limited view of narrative potential that is emblemized by his reference to the Zimmerman hat. After briefly and vaguely apologizing to Raskolnikov for his past behavior, Ilia Petrovich rambles into a discussion about literature and hats: "My wife and I, we both respect literature—my wife even to the point of passion! ... Literature and artistry! One need only be a gentleman, and the rest can all be acquired by talent, knowledge, reason, genius! A hat—now what, for instance, is a hat? A hat is a pancake, I can buy one at Zimmerman's; but that which is kept under the hat, and is covered by the hat, that I cannot buy, sir!..." (*PSS* 6: 407; 527). In this series of apparent non-sequiturs, Ilia Petrovich combines the two types of hats that Raskolnikov was concerned about in the opening pages of the novel. He equates a Zimmerman hat, the tall, conspicuous hat that Raskolnikov was wearing on his way to the murder trial-run, with a pancake, or what Raskolnikov calls a cap, the kind of hat he wishes he had. The police lieutenant's pancake metaphor recalls Raskolnikov's language about the cap, one of several points in the novel where characters borrow one another's words that they could not possibly have heard.²⁹⁷

The differences between Ilia Petrovich's commentary on hats at the end of the novel and Raskolnikov's panicked musings at the beginning are striking, and revealing. Whereas Raskolnikov frets about his choice of hat because he believes it is one of those "details that ruin everything always," Ilia Petrovich sees the hat as besides the point: what matters is "that which is

²⁹⁷ Another example of this phenomenon is the phrase "air, air, air," which Svidrigailov initially utters. Raskolnikov ruminates on the phrase and repeats it to Razumikhin, and then is shocked when Porfiry says the same words. See *PSS* 6: 336, 339, 351; 440, 444, 460.

kept under the hat” (PSS 6: 7; 5; PSS 6: 407; 527). Raskolnikov fears his hat will become a piece of incriminating evidence that links him to the murders. The hat, although seemingly unrelated to the crimes he intends to commit, could become a decisive detail for investigators attempting to construct the narrative of whodunit. For Ilia Petrovich, however, what matters is not the hat but the head it covers, and the mind it contains. Details and evidence are beside the point; what matters is human thought and psychology. To make a large point out of a small one: whereas for Raskolnikov, evidence is something to be controlled in order to construct a certain narrative, Ilia Petrovich’s prioritizing of the head over the hat suggests that what matters more than evidence are human psychology and complexity. The narratives that can be constructed from physical evidence neither damn Raskolnikov nor can save him; what will save him is human freedom and potential to change. What will save him, in other words, is what lies beneath the hat.

The ambiguous nature of evidence is a central concern of *Crime and Punishment*, and this concern takes on new life in Soviet and émigré mock trial adaptations of the novel. As we have seen, both Porfiry and Raskolnikov recognize that the same evidence can be used to construct opposing narratives. As a result, Raskolnikov fears that certain details or evidence could incriminate him in the murders, even as he revels in the realization that Porfiry will not be able to trap him definitively. While the double-ended nature of evidence seems to open up many possibilities, if we think about Raskolnikov’s view of evidence in connection to the open nature of time and human potential at work in Dostoevsky’s novel, the two possible interpretations of a piece of evidence appear limiting. Any piece of evidence can be used for or against him; the possibilities that evidence opens up are binary. In contrast, the many stories that swirl around Svidrigailov are examples of Dostoevsky’s technique of sideshadowing, whereby the possibilities of the present are multiplied, rather than limited to a single narrative or

interpretation. Morson connects sideshadowing with human freedom and potential, and contrasts it with Raskolnikov's own deterministic view of human fate.

In light of sideshadowing and the many possibilities it creates, Raskolnikov's binary view of evidence is a way of limiting narrative possibility. It thus appears to fit with the prosecution and defense's arguments in a mock trial, which offer interpretations of textual evidence to fit one of two narratives: guilty or not guilty. The narrow interpretations of Raskolnikov's character and motives on display in the Soviet and émigré mock trial transpositions read as an outgrowth of Raskolnikov's own binary approach to evidence within the novel. Yet when we consider the literary trials together, the range of possible interpretations increases. Raskolnikov can be a good future Soviet citizen, and he can be a Christian believer, and he can be a generous friend, and he can express genuine remorse. Mock trial arguments reveal the limitations of instrumentalizing evidence to forward a single interpretation of a character, even as the project of putting a character on trial and leaving his or her fate open to an audience's judgment allows for expansive narrative possibility.

12. Conclusion

Literary trial transpositions call into question the stability of meaning in Dostoevsky's novels. As we saw with the Soviet and émigré versions of *Crime and Punishment*, the same textual evidence can be selectively interpreted to produce very different readings. Raskolnikov can be a proto-Soviet citizen, who commits murder under the influence of his poor social circumstances but who is worthy of redemption due to his generous acts and remorse. Alternatively, Raskolnikov can be a Christian believer who is redeemed by rediscovering his childhood religiosity. The instability of meaning apparent in different literary trial scripts extends

beyond the page when the trials invite audience participation. In participatory trials, audience members have the power to interpret the evidence they are presented and decide the verdict. This freedom to interpret was on full display in the 1921 *Trial of Raskolnikov*, when two audiences in Petrograd reached opposite verdicts: the first voted to acquit, the second, a week later, to convict.²⁹⁸ Nothing about the performance would have fundamentally changed—the setting, script, and cast would have remained the same. How can we make sense of two audiences reading two different verdicts? What does this case reveal about the kinds of interpretive possibilities literary trial transpositions enable?

In his book *Limits to Interpretation: The Meanings of Anna Karenina*, Vladimir Alexandrov contrasts the trend in literary scholarship to propose new, singular interpretations of a work with his goal “to account for the plurality of contradictory or simply divergent interpretations that the novel can sustain simultaneously by showing how and where different possible meanings can be generated in it.”²⁹⁹ Rather than striving to fit every aspect of a large, ambiguous, and perhaps contradictory novel into a single, monologic interpretation, Alexandrov “seek[s] a maximally full range of meanings, both distinct and blurry, and without regard to the interpretive consequences that any one meaning may cause the others.”³⁰⁰ Alexandrov dismisses the notion of progress in criticism, whereby newer interpretations are inherently more valuable than older ones, in favor of a maximalist approach that explores as many interpretations as a work can support. This is not to say that Alexandrov believes a work can support infinite interpretations and thus it has no stable inherent meaning—on the contrary, mapping a work’s

²⁹⁸ Rogachevskii, “Literary Trials,”: 494-95. See also Galubin, “Sud nad Raskol’nikovym,” 7.

²⁹⁹ Vladimir E. Alexandrov, *Limits to Interpretation: The Meanings of Anna Karenina* (Madison: The University of Wisconsin Press, 2004), 9.

³⁰⁰ *Ibid.*, 18.

possible meanings “implies that there are limits to interpretation and that there are meanings that fall outside the realm of plausibility.”³⁰¹ Alexandrov takes what we could call a polyphonic approach to interpretation, seeking out the various threads of meaning in a work without insisting that they cohere into a single, monologic message.

Alexandrov’s polyphonic interpretative approach can offer a model for how to think about the two different verdicts audiences reached for the same *Trial of Raskolnikov*. The two audiences could not have disagreed about the fundamental “facts” of the case. The facts are known. What is unknown is how the audience will react to Raskolnikov: whether they will find his remorse convincing and whether they will value his possible redemption more than the crimes he has committed. The verdict becomes a distillation of how each audience judges the character. Although guilty and not guilty verdicts are logically incompatible, both interpretations of Raskolnikov’s worthiness for redemption can coexist within the novel and its mock trial transpositions. Readers are free to interpret the range of narrative possibilities and make diverse judgments.

The two different verdicts in the 1921 *Trial of Raskolnikov* showcase what readers do when they put literary characters on trial. They interpret open-ended textual evidence in order to offer possible readings of a character and judge whether he or she can be redeemed. While each individual literary trial asks its audience to make a final judgment of the character to render a verdict, those judgments are not definitive. The trial can be restaged, the verdict re-decided, and the opposite result achieved. When considered together, the literary trials of Raskolnikov literalize and extend the fundamental unfinalizability that Bakhtin locates in Dostoevsky’s artistic universe, whereby his characters are free to act and readers are free to make their own

³⁰¹ Ibid, 9.

interpretive and ethical judgments.

CHAPTER THREE

Who Can Judge? Tolstoy and the Ethics of Judgment

1. Introduction

Resurrection, Tolstoy's last major post-conversion novel, is a "trial of the trial" (*sud nad sudom*), in which the disastrous jury trial near the beginning drives the hero's quest for justice and his eventual realization that all acts of human judgment are invalid.³⁰² While a novel that invalidates the act of judgment and explores the failure of jury trials to administer justice might seem like a poor candidate for transposition into a mock trial, at least four trials based on Tolstoy's *Resurrection* were performed between 1919 and 1931 in Russia and abroad.³⁰³ Why did these geographically and culturally disparate groups of readers decide to stage trials based on Tolstoy's anti-trial novel? Were the trial creators and participants bad readers of the novel, who failed to understand *Resurrection*'s depiction of the legal system's failures and its larger critique of judgment? Or could the creators and participants in trials based on *Resurrection* have responded to something in the novel that undermines the work's overarching message about the evils of judgment?

Trial transpositions of Tolstoy's novel expose two fundamental contradictions: a contradiction between the goal of a mock trial, which aims to judge characters, and Tolstoy's novel, which pushes back against all acts of judgment; and a contradiction within *Resurrection*,

³⁰² Mikhail M. Bakhtin, "Preface to Vol. 13: *Resurrection*," in *Rethinking Bakhtin: Extensions and Challenges*, ed. Gary Saul Morson and Caryl Emerson (Evanston, IL: Northwestern University Press, 1989), 246.

³⁰³ *Resurrection* includes a lengthy trial, which could make it a good candidate for a mock trial. However, a narrated trial is clearly not a prerequisite for transposition into a mock trial (*The Kreutzer Sonata* does not contain a narrated trial, for instance, and the trial in *Crime and Punishment* is very brief), and might in fact impede it, for it gives the trial participants little freedom to create their own version. Perhaps this is part of why Dostoevsky's *The Brothers Karamazov*, which concludes with one of the longest and most famous trials in Russian literature, does not appear to have been turned into a mock trial in the 1920s or 1930s in Russia or abroad.

whereby Tolstoy makes judgments when he didactically opposes the act of judgment. These two contradictions are in dialogue with one another in four Soviet and émigré *Resurrection* trials that were staged in the decade and a half after the 1917 Revolution. By situating the mock trials in the context of Tolstoy's novel, I argue that rather than merely failing to understand Tolstoy's message about the evils of judgment, these readers and trial participants were responding to the novel's implicit message about the importance of dialogue and listening to the words of others. These trial transpositions offer selective interpretations of the novel that help to reveal the work's concerns about the ethics of language and communication. I consider the ethical judgments that both the literary trials and the novel ask audiences to make to argue that mock trial versions of *Resurrection* offer a model for readerly engagement with Tolstoy's final novel that can be translated to other, less performative modes of reading and interpretation.

2. *Resurrection* and Soviet Agitation Trials

Although *Resurrection*'s anti-judgment stance seems to undermine its transposition into a trial, the novelistic trial actually bears marked similarities to early Soviet mock trials that I discuss in Chapter One. In theory, these trials were intended to “teach ‘revolutionary consciousness’ and Soviet legal consciousness.”³⁰⁴ In practice, however, as Elizabeth Wood explains, “these trials functioned in many ways as early twentieth-century morality plays,” in which “the protagonists move from ignorance and sin [...] to confession and redemption in the new postrevolutionary world.”³⁰⁵ Julie Cassidy argues that trials became more valuable as propaganda when the defendants shifted from obvious enemies of the state to “internal enemies,

³⁰⁴ Wood, *Performing Justice*, 6.

³⁰⁵ *Ibid.*

who respected the Soviet court and were not simply willing but eager to abide by its decisions.” This shift allowed for the “dramatic unmasking of the secret enemies of Bolshevism.”³⁰⁶

Audiences participated in 1920s mock trials by judging the defendants. Typically, two audience members were selected as people’s assessors (*narodnye zasedateli*) to decide the sentence, and occasionally the entire audience voted on the verdict.³⁰⁷ The audience was supposed to act like a jury while simultaneously identifying with the defendant, who was not a villainous enemy of the state but a citizen just like them. According to instruction manuals for staging mock trials, the spectators “should recognize themselves in the defendant. They should see that the trial is being conducted precisely against them.”³⁰⁸ Through identifying with the accused, audience members were meant to undergo the same transformation as the fictional defendants, from ignorance of their crimes to repentance and a desire to become better Soviet citizens.

This pattern, whereby those who are supposed to cast judgment end up identifying with the accused and undergoing their own process of redemption, resembles the basic plot of Tolstoy’s novel. Dmitry Nekhliudov enters the courtroom on the day of Katiusha Maslova’s trial as a juror prepared to judge her and the two other defendants accused of murdering the merchant Smelkov. Instead, he recognizes Katiusha as his aunts’ former servant, whom he seduced and abandoned ten years earlier, and he realizes that his actions resulted in her presence in the courtroom. Tolstoy uses legal language to describe Nekhliudov’s position. His aunts’ view, that Maslova’s pregnancy and subsequent plight were her own fault, “seemed to acquit him” (*PSS* 32:

³⁰⁶ Cassidy, *The Enemy on Trial*, 51-52.

³⁰⁷ *Ibid.*, 68.

³⁰⁸ *Ibid.*, 73, quoting B. Vetrov and L. Petrov, *Agitsud i zhivaia gazeta v derevne* (Moscow-Leningrad: Gos. Iz., 1926), 11.

65; 72).³⁰⁹ However, during the trial, Nekhliudov is terrified that his role in Maslova's fall will be discovered. Upon re-entering the court with the other jury members, "Nekhlyudov was seized with fear, as if he were going not to judge but to be judged" (*PSS* 32: 66; 73). Nekhliudov's sense that he is the truly guilty party extends the narrative of Soviet mock trials. Rather than simply identifying with the defendants and undergoing the same process of repentance and rehabilitation as they do, Tolstoy's hero recognizes himself as the truly guilty one and is terrified of being unmasked.³¹⁰

In addition to anticipating the Soviet mock trial structure of inculcating the jurors along with the accused, Tolstoy's novel also mirrors Soviet mock trials by emphasizing the circumstances that lead to a crime. In many mock trial scripts, the sentence is reduced due to extenuating circumstances that supposedly pushed the accused to commit the crime, such as a poor family environment or the defendant's lack of political consciousness.³¹¹ In *Resurrection*, the defense tries to invoke Maslova's circumstances as a reason for her crime, but "this excursion into the domain of psychology was so unsuccessful that it made everybody feel uncomfortable" (*PSS* 32: 74; 82). Despite the ineloquent lawyer's failure to convince the court that Maslova's circumstances contributed to her plight, circumstances are key to understanding the role of guilt and responsibility in the novel. The novel's central crime, the judicial mistake that sends the

³⁰⁹ Russian quotations are from Lev Nikolaevich Tolstói, *Polnoe sobranie sochinenii v 90 tomakh*, vol. 32 (Moscow: Gosudarstvennoe izdatel'stvo "Khudozhestvennaia literatura," 1936). English translations are from Leo Tolstoy, *Resurrection*, trans. Louise Maude (Oxford: Oxford University Press, 2009). References will be given in parenthetical form with the Russian first.

³¹⁰ Some Soviet mock trials found other characters, rather than the defendant, truly guilty. See, for example, *Sud nad negramotnymi* (Tashkent: Izdanie Turkglavpolitprosveta, 1923), in which the defense witnesses, including religious leaders and a landowner, testify that it is a waste of time to teach peasants to read. They are sentenced to ten years imprisonment, whereas the defendants are only required to start attending school. I discuss this trial in Chapter One.

³¹¹ See, for example, Sigal, *Sud nad Ivanom Lobachkovym*, 40.

innocent Maslova to hard labor in Siberia, is caused not by any one bad actor but by a whole set of interconnected circumstances. The narrator lists many tiny, individual reasons why the jury erred in judgment, concluding that it happened “chiefly because, being tired, and wishing to get away as soon as possible, all were ready to agree to the decision which would soonest bring matters to an end” (*PSS* 32: 83; 91). Later, when Nekhliudov sits on the jury for a case involving a young man who was laid off and committed theft while drunk, he muses on how circumstances are responsible for the man’s crime: “It is clear that he is not an exceptional evil-doer but a very ordinary lad—every one sees it—and that he has become what he is simply because he got into circumstances that create such characters” (*PSS* 32: 122; 133). Although blaming circumstances does not work as an argument in Maslova’s defense, like it would in Soviet mock trials, Tolstoy’s novel as a whole explores how circumstances and systems can trap individuals and cause them to commit evil acts.

Resurrection anticipates Soviet mock trials through its exploration of the jury/audience’s shared guilt and its emphasis on the circumstances that lead to a crime. Yet despite these structural similarities, there is a significant difference between the two: Soviet mock trials depicted the trial as a valid system for administering justice, whereas Tolstoy’s novel casts judgment on the institution of the trial. How did the Soviet and émigré readers who turned *Resurrection* into mock trials reconcile the novel’s anti-trial position with the form of their transpositions? As we will see, one way that readers elided this contradiction was by changing the nature of the trial—from a legally compromised trial of Maslova to a moral judgment on Nekhliudov.

3. Nekhliudov on Trial in Russia

Literary trials based on *Resurrection* were performed in Novosibirsk in 1919 or 1920, in Petrograd in February 1922, and Vitebsk in May 1922.³¹² The Novosibirsk trial was likely performed in a girls' high school (*gimnazia*) and thus would have been primarily educational. The other two trials were performed by adults as entertainment for wider audiences—the Petrograd trial was staged at the *Bol'shoi opernyi teatr*, and the Vitebsk trial at the *Gubernskii pokazatel'nyi teatr* (*Gubpokazteatr*). Despite the literary trials' disparate locations, performers, and audiences, they fundamentally rewrote Tolstoy's novel in a similar way by putting Nekhliudov on trial. In Tolstoy's novel, Nekhliudov acts as a juror for the trial of Katiusha Maslova, but becomes morally implicated in the trial when he realizes that his own actions directly led to Maslova's pregnancy, dismissal from her post, turn to prostitution, and ultimately put her in the position where she could be put on trial for murder. In the three early Soviet mock trials, Nekhliudov is legally implicated for his moral failings. He is the sole defendant in the Novosibirsk trial; in the Petrograd and Vitebsk trials, he is tried alongside Maslova. In all three literary trials, the creators rewrote Tolstoy's novel by explicitly judging Nekhliudov, turning the juror of Tolstoy's novel into an object of judgment.

The script for the Novosibirsk trial emphasizes Nekhliudov's hypocrisy, a character failing that is not criminal but which nevertheless is central to the trial. The trial is intended to answer two questions about Nekhliudov's guilt: 1) is he guilty of engaging in sexual relations

³¹² The State Archive of Novosibirsk Oblast has a script for a "Trial of Nekhliudov," which they date to 1919 or 1920. See Stsenarii literaturnogo suda nad Nekhliudovym iz romana L. N. Tolstogo "Voskresenie," 1919-1920, fond D-38 opis' 1 delo 148, Gosudarstvennyi arkhiv Novosibirskoi oblasti, Novosibirsk, Russia. A. P. Andreeva mentions the Petrograd trial in her recollections of Koni. See A. P. Andreeva, "Pamiati Anatoliia Fedorovicha Koni," in A. F. Koni, *Izbrannoe* (Moscow: Sovetskaia Rossiia, 1989), accessed March 17, 2021, http://lib.ru/MEMUARY/.../KONI_A_F/andreeva.txt, Aleksandra Shatskikh gives the date for the Vitebsk trial in *Vitebsk: zhizn' iskusstva*, 224.

with Maslova and 2) is he guilty of disseminating Henry George's theory about the evils of property ownership while continuing to cultivate his own land?³¹³ The jury is instructed to judge both Nekhliudov's personal and public behavior: "So you, members of the jury and judges of society, must consider two sides of Prince Nekhliudov's life: his personal behavior in his private life with regard to Katiusha Maslova and his public behavior as a landowner."³¹⁴ Based on the questions posed, the jury is not only supposed to judge the rightness of his behavior, but whether it is internally consistent or contradictory—in short, whether Nekhliudov is a hypocrite. This emphasis on hypocrisy is somewhat ironic, since the literary trial itself becomes a hypocritical exercise when it concludes with Nekhliudov's ideas about the impermissibility of human judgment. At the end of the trial, "Nekhliudov blamed himself—he pronounced judgment upon himself."³¹⁵ The script includes Nekhliudov's epiphany and the novel's concluding message: "People are not judges."³¹⁶ If people are not supposed to judge, then what is the literary trial audience's role? Should they judge Nekhliudov or not?

The script for the Novosibirsk trial is closer to an outline, a handwritten sketch for a trial that could not have been performed as written, so we do not know how the jurors reconciled their role with the novel's, and the mock trial's, stance against human judgment. Nevertheless, the small portions of the script that exist offer a glimpse into what can happen to Tolstoy's novel when readers put Nekhliudov, rather than Maslova, on trial. The trial is less concerned with legal questions than with ethical and moral ones about what it means to behave honorably and

³¹³ Stsenarii literaturnogo suda nad Nekhliudovym iz romana L. N. Tolstogo "Voskresenie," 1919-1920.

³¹⁴ Ibid.

³¹⁵ Ibid.

³¹⁶ Ibid.

honestly. Perhaps by centering the trial on Nekhliudov's behavior and his attempts at self-improvement, the literary trial does not fully defy the novel's anti-judgment stance. The audience may be invited to judge Nekhliudov, but their judgment is based on moral laws rather than legal codes. The jurors' task is to mirror Nekhliudov's own self-judgment, in which he engages throughout the novel as he strives for redemption. When Nekhliudov condemns himself at the mock trial's conclusion, the Novosibirsk literary trial achieves something that would be impossible in Tolstoy's anti-trial novel: resurrection in the courtroom.³¹⁷

Little information has survived about the two 1922 trials based on *Resurrection*, but they likely included some of the same participants, and so the two scripts may have been similar.³¹⁸ In both trials, Maslova was put on trial alongside Nekhliudov. (Maslova's codefendants in the novel, Bochkova and Kartinkin, were also defendants in the Petrograd trial.) Given the defendants, it seems likely that these two trials occupied a middle ground between the novelistic trial and the Novosibirsk trial of Nekhliudov. These trials presumably re-litigated the murder at the center of the novelistic trial while also judging Nekhliudov for his callous treatment of Maslova. What would putting Nekhliudov on trial alongside Maslova (and possibly the other original trial defendants) do to Tolstoy's novel? A joint trial offers a way of combining the novel's explicit judgment narrative with its implicit one: the long, internal process of Nekhliudov's self-judgment, condemnation, and redemption. It also creates a dialogue between the two types of judgment at work in the novel: legal judgment by others, which fails to achieve justice, and self-judgment, which is critical for redemption and resurrection.

³¹⁷ Nekhliudov's self-judgment recalls the emphasis on confession in *Crime and Punishment* that I discuss in the previous chapter, as well as the defendants' acknowledgment of their guilt in many Soviet agitation trials. Awareness of one's crimes and confession is a central to many mock trials.

³¹⁸ Struve and Pushkin are listed as participants in both trials. See Andreeva, "Pamiati," http://lib.ru/MEMUARY/.../KONI_A_F/andreeva.txt and Shatskikh, *Vitebsk: zhizn' iskusstva*, 224.

The two 1922 trials based on *Resurrection* offer a way to think about literary trials as both adaptations and literary criticism. A. P. Andreeva writes about the Petrograd mock trial in her recollections of Anatoly Koni, the famous nineteenth-century Russian jurist. Koni was intimately connected to the pre-history of *Resurrection*: in 1887, he visited Tolstoy at Iasnaia Poliana and told him a story from his practice that became the seed for Tolstoy's novel.³¹⁹ After the October Revolution, Koni gave lectures at the Cooperative Institute and the Institute for the Living Word, where his students reenacted trials from his practice as pedagogical exercises. Yet Koni was against staging trials as theater, rather than as education. According to Andreeva, Koni was invited to play the president of the court in the Petrograd mock trial based on *Resurrection*. Koni declined, turning down a large honorarium, and apparently chose not to ask his students who attended about their impressions of the literary trial.³²⁰

Despite Koni's apparent disdain for the mock trial adaptation of *Resurrection*, the production stemmed from a chain of transposition that began with Koni's story about a real trial. As Alexander Burry writes about transpositions of Dostoevsky's novels, "Artists who rework Dostoevsky's novels into other media [...] participate in a pre-existing transpositional project begun by the writer."³²¹ The same can be said of transpositions of *Resurrection*, which is a novelistic transposition of Koni's real story about a gentry man who served on the jury for the trial of a girl whom he had seduced, impregnated, and set on a life path that led to a brothel and her presence in court. Like all trials, that original trial would also have functioned as a transposition of the witnesses' and defendant's memories and stories into a legal narrative for

³¹⁹ Hugh McLean relates the story in *In Quest of Tolstoy* (Boston: Academic Studies Press, 2008), 71-72.

³²⁰ Andreeva, "Pamiati," http://lib.ru/MEMUARY/.../KONI_A_F/andreeva.txt.

³²¹ Burry, *Multi-Mediated Dostoevsky*, 11.

jurors to interpret and judge. Rather than seeing the Petrograd mock trial version of Tolstoy's novel as an aberration, unworthy of attention from serious legal minds like Koni, we can understand the mock trial as part of the literary evolution of a narrative that originated in a real courtroom and took on new life as a fictional work. Just as Tolstoy transposed Koni's story into novel form, bringing it to a new audience and imbuing it with new meaning, so the mock trial creators transposed Tolstoy's novel and returned it to a courtroom, where the defendants included not only the "fallen" woman but also the man who contributed to her fall. Koni may not have approved of "theatrical performances of the administration of justice," but if we understand the mock trial as a literary transposition, rather than a facsimile of the legal system, it continues the transposition of the real court story that Koni told Tolstoy.³²²

Three months after the Petrograd mock trial, Mikhail Bakhtin defended Katiusha Maslova and Nekhliudov in a trial version of *Resurrection* in Vitebsk, one of several literary trials in which Bakhtin played the defense attorney in the early 1920s.³²³ Seven years later, Bakhtin wrote a preface to *Resurrection* for Tolstoy's *Collected Literary Works* in which he identified a fundamental contradiction in the novel. According to Bakhtin, "Tolstoy's basic underlying thesis" is "the absolute impermissibility of any person passing judgment on any other," and "the entire procedure of the court" is depicted as "senseless and false."³²⁴ Yet Maslova's trial, the critical scene of the novel, "is a *judgment on the court* [*sud nad sudom*], a judgment both persuasive and proper, a judgment of the nobleman Nekhlyudov, of the bureaucrat-judges, of the petty-bourgeois jurors, of the class structure and the false forms of

³²² Andreeva, "Pamiati," http://lib.ru/MEMUARY/.../KONI_A_F/andreeva.txt.

³²³ Clark and Holquist, *Mikhail Bakhtin*, 50. See also Mirkina, "Bakhtin, kakim ia ego znala (Molodoi Bakhtin)," 93 and Shatskikh, *Vitebsk: zhizn' iskusstva*, 224.

³²⁴ Bakhtin, "Preface to Vol. 13: *Resurrection*," 245-46.

‘justice’ generated by it!’³²⁵ As Bakhtin summarizes, “Tolstoy’s works in general are profoundly saturated with the passion of social judgment, but his abstract ideology acknowledges only moral judgment over oneself, and social nonresistance. This is one of the deepest contradictions in Tolstoy, one which he was not able to overcome.”³²⁶ The contradiction within *Resurrection* is doubled in a mock trial adaptation, which requires participants to judge characters from the anti-trial novel. How could Bakhtin and other mock trial creators justify adapting Tolstoy’s anti-trial novel for the trial form?

We can understand Bakhtin’s participation in the mock trial as a precursor to his preface to *Resurrection*: a performative and participatory form of literary criticism. Burry explains how transpositions of Dostoevsky function as criticism: “In thus shifting Dostoevsky’s narratives into new cultural, social, and political contexts, such writers act as critics by altering the premises of their source texts, adding new emphases, and in some cases reversing or implicitly arguing against Dostoevsky’s anti-Semitism, Russian messianism, and other controversial ideologies.”³²⁷ Similarly, by putting Nekhliudov on trial alongside Maslova, Bakhtin and other literary trial creators put the novel’s two kinds of judgment in dialogue with one another: the legal judgment that Tolstoy considers invalid and Nekhliudov’s arc of self-judgment and redemption, which is critical to the novel. The literary trials may not have explicitly exposed the novel’s contradictory stance on judgment, as Bakhtin later would in his preface, but instead may have found a way around the contradiction by aligning Nekhliudov’s self-judgment with legal judgment. Literary trials of both Maslova and Nekhliudov can alter the premise of Tolstoy’s novel, transforming the

³²⁵ Ibid., 246.

³²⁶ Ibid.

³²⁷ Burry, *Multi-Mediated Dostoevsky*, 16.

trial from an invalid form of judgment to a forum in which justice can be served. When Bakhtin played the defense attorney, the judicial error of Tolstoy's novel was righted: Maslova and Nekhliudov were acquitted.

4. Maslova on Trial in Paris

On March 29, 1931, almost a decade after Bakhtin defended Tolstoy's characters in Vitebsk, the Association of Russian Lawyers in France (*Ob"edinenie russkikh advokatov vo Frantsii*) staged another mock trial version of *Resurrection* in Paris. While mock trials of Raskolnikov and Pozdnyshv had already been staged in Berlin in the 1920s, this appears to have been one of the first public literary trials staged in the Paris émigré community.³²⁸ Perhaps because this type of entertainment was relatively new to the city, the mock trial inspired a great deal of public debate within the émigré community. In a letter sent to members of the Russian Lawyers' Association in February 1931, the chairman of the board N. Teslenko explained that the mock trial (*spektakl'-protsess*) would replace the annual lawyer's ball and become a major source of income for the association. However, the production's goal was not solely to raise money: "But there is more to it than that. This trial should have not only material meaning, but it should also be worthy of our societal and professional significance and position."³²⁹

Nevertheless, the debate around the proposed mock trial proved heated. Critics questioned whether it was appropriate for professional lawyers to take part in a literary game, an interesting

³²⁸ There were two mock trials of characters from Tolstoy's *Living Corpse* conducted in Paris in December 1930 and January 1931. However, these seem to have been less public performances than educational activities for young lawyers. See *Russkoe zarubezh'e: Khronika nauchnoi, kul'turnoi i obshchestvennoi zhizni. 1920-1940. Frantsiia, vol. 2: 1930-1934*, ed. L. A. Mnukhina (Moscow: EKSMO, 1995).

³²⁹ N. Teslenko, Letter, Feb. 1931, in *Ob"edinenie Russkikh Advokatov vo Frantsii Records, 1919-1973*, BAR Ms Coll/Ob. Rus. Adv., Box 9, Bakhmeteff Archive of Russian and East European Culture, Columbia University, New York, NY.

inversion of the ending of Dostoevsky's *The Brothers Karamazov*, which suggests that lawyers have no business concocting narratives. More importantly, they questioned the choice of source material: did *Resurrection* profane the Russian trial, and if so, was it possible to stage a version that did not mimic Tolstoy's harsh critique, but instead cast a different judgment on the institution of the trial?

N. Chebyshev, a former Russian representative of the court (*sudebnyi deiatel'*) and later a writer for *Vozrozhdenie*, penned several diatribes against the *Trial of Katiusha Maslova*. On February 26, soon after the literary trial was announced, Chebyshev published an article in which he tallied the writers, lawyers, and judicial representatives who were expected to participate in the trial and urged them not to do so. Chebyshev considered participating in the mock trial beneath the dignity of legal professionals. In general, he was disdainful of mock trials as a way to publicly debate questions from literature or other sources. As he condescendingly editorialized, "Adults are often big children and love to play."³³⁰ Chebyshev further argued against the source material by observing that the trial in Tolstoy's novel not only depicts the Russian jury trial negatively, but inaccurately: "The trial of Katiusha Maslova in Tolstoy's novel *Resurrection* is tendentious, even malicious, in the everyday sense not a fully accurate description of court proceedings... Tolstoy's trial of Katiusha Maslova is a gross judicial mistake."³³¹ Chebyshev found the enterprise of staging a mock trial based on *Resurrection* as a lawyers' association fundraiser distasteful, plaintively inquiring: "Is it really not possible to think

³³⁰ N. Chebyshev, "Spektakl' ili protsess: Ob"iavlennie ob odnoi zatee," *Vozrozhdenie* 6, no. 2095, February 26, 1931.

³³¹ Ibid.

of another way to replenish the lawyers' association mutual aid fund?"³³²

Other writers echoed Chebyshev's criticisms of the mock trial. In a letter to the editor of *Vozrozhdenie*, A. N. Krupensky wrote on behalf of the board of the Russian Monarchist Party in Paris to argue that a mock trial of Maslova would profane the Russian trial because Tolstoy's novel profanes it, thus taking issue with both the planned literary trial and its source material. Krupensky was also outraged that real lawyers would participate in the performance: "One cannot help but be surprised that several prominent former members of the Russian court, which is rightly considered the greatest pride of every Russian, are planning to participate in this spectacle."³³³ Another letter to the editor published on the same day noted that several people had mistaken the Union of Russian Lawyers Abroad (*Soiuz Russkikh Advokatov zagranitse*) for the organization behind the mock trial, categorically stating: "The Union of Russian Lawyers abroad has nothing to do with this case."³³⁴ The Union's president apparently agreed with Krupensky, that staging a literary trial would be beneath the dignity of professional lawyers, for he did not wish to be confused with the mock trial's organizers.³³⁵ Although the Association of Russian Lawyers in France hoped that the mock trial would both raise money and be a worthy pursuit for legal professionals, Chebyshev and others criticized the mock trial as beneath the

³³² Ibid.

³³³ A. N. Krupenskii, "'Sud nad Katushei Maslovoi: Pis'ma v redaktsiiu, 1,'" *Vozrozhdenie*, in Ob"edinenie Russkikh Advokatov vo Frantsii Records, 1919-1973, BAR Ms Coll/Ob. Rus. Adv., Box 9, Bakhmeteff Archive of Russian and East European Culture, Columbia University, New York, NY.

³³⁴ Predsedatel' Soiuz, "'Sud nad Katushei Maslovoi: Pis'ma v redaktsiiu, 1,'" *Vozrozhdenie*, in Ob"edinenie Russkikh Advokatov vo Frantsii Records, 1919-1973, BAR Ms Coll/Ob. Rus. Adv., Box 9, Bakhmeteff Archive of Russian and East European Culture, Columbia University, New York, NY.

³³⁵ Amusingly, Chebyshev also had to combat a case of confused identity in relation to the trial: on March 25, 1931, he wrote a short letter to the editor of *Vozrozhdenie* to clarify that it was not him who would be participating in the literary trial but someone who shared his last name: A. A. Chebyshev. See N. Chebyshev, "Pis'mo v redaktsiiu," *Vozrozhdenie* 6. no. 2122, March 25, 1931.

dignity of lawyers and a poor way to raise money. They claimed that Tolstoy's novel, which "openly mocks the trial," was a bad choice for adaptation by a group of émigré lawyers who valued and wished to uphold the tradition of the Russian jury trial.³³⁶

In response to the criticisms of the Association's planned mock trial, Igor Demidov, an assistant editor and member of the editorial board for the newspaper *Poslednie novosti*, penned an article defending the production. He questioned who was really on trial: "A trial—of whom? Of Katiusha Maslova or... of the 'Association of Russian Lawyers in France[?]'"³³⁷ Just as Tolstoy's novel uses the trial of Maslova to put Russian society on trial, Demidov suggested that émigré critics were using the proposed mock trial of Maslova to put the Association of Russian Lawyers in France on trial. Demidov focused his defense on the Association's good work: he described how they raised money to support members living in difficult circumstances, organized events, offered classes for young lawyers, and ran a legal library. Demidov argued that despite claims that the production would demean the Russian jury trial, the public "knows what a successful evening of *The Trial of Katiusha Maslova* means, and that it will not be a profanation of the trial, but a good, friendly affair."³³⁸ Demidov did not address the criticisms that *Resurrection* was a poor choice for a trial adaptation, focusing instead on the Association's good work and the benefit that would come of the event.

In a letter thanking Demidov for his "excellent article," the president of the Association added one further dimension to the debate about the *Trial of Katiusha Maslova*: émigré politics.

³³⁶ Predsedatel' Soiuz, "'Sud nad Katiushei Maslovoi:' Pis'ma v redaktsiiu, 1," *Vozrozhdenie*.

³³⁷ I. Demidov, "Sud nad Katiushei Maslovoi," *Poslednie novosti*, in *Ob"edinenie Russkikh Advokатов vo Frantsii* Records, 1919-1973, BAR Ms Coll/Ob. Rus. Adv., Box 9, Bakhmeteff Archive of Russian and East European Culture, Columbia University, New York, NY.

³³⁸ *Ibid.*

He claimed that his nonpartisan organization was under attack from a small group of lawyers who “pretend to represent the Russian legal profession abroad, but in fact are a small outspoken political organization, masquerading under a professional flag.”³³⁹ According to the president, the uproar over the *Trial of Katiusha Maslova* was not really about respecting the institution of the Russian trial, or Tolstoy, or the planned mock trial performance, but instead about “disgusting and pathetic politicking.”³⁴⁰ In the president's interpretation of the controversy, the criticisms of the mock trial were political rather than professional or literary; the notion that the mock trial would profane the Russian trial was merely a pretense for an attack on the Association of Russian Lawyers.

Reviews of *The Trial of Katiusha Maslova* were largely positive, even as one reviewer acknowledged the acrimonious debate around its staging: “Yes, I heard: these trial dramatizations, these literary disputes, these psychological masquerades are a great vulgarity [*poshlost*].”³⁴¹ The reviewer pointed out a major weakness in Krupensky's claim that the mock trial would profane the Russian trial: as noted above, Krupensky argued that Tolstoy's novel itself profanes the trial. “To be with L. N. Tolstoy against A. N. Krupensky is altogether not so terrible...” the reviewer wryly reasoned.³⁴² He offered a measured assessment of the event: “There were moments that were good, moments that were weak and moments that were neutral.

³³⁹ Letter to Igor' Platonovich Demidov, March 27, 1931, in Ob"edinenie Russkikh Advokatov vo Frantsii Records, 1919-1973, BAR Ms Coll/Ob. Rus. Adv., Box 9, Bakhmeteff Archive of Russian and East European Culture, Columbia University, New York, NY.

³⁴⁰ Ibid.

³⁴¹ C. L., “Sud nad Katiushei Maslovoi,” in Ob"edinenie Russkikh Advokatov vo Frantsii Records, 1919-1973, BAR Ms Coll/Ob. Rus. Adv., Box 9, Bakhmeteff Archive of Russian and East European Culture, Columbia University, New York, NY.

³⁴² Ibid.

As always happens in everything.”³⁴³ Another reviewer assessed the production more positively, declaring it a “great success.”³⁴⁴ He acknowledged that the mock trial, which “was organized with the goal of glorifying the Russian trial,” diverged from Tolstoy’s text—after all, it is hard to imagine how an adaptation of *Resurrection* could glorify the Russian legal institution.³⁴⁵ Nevertheless, the reviewer explained why Tolstoy’s novel was chosen: the evening included a speech “about the Russian trial, which was a trial of conscience,” and thus “in order to show what the Russian trial was really like, they turned to that writer who was a writer of conscience.”³⁴⁶ Because organizers believed Tolstoy was a writer of conscience, they could apparently overlook *Resurrection*’s overtly anti-trial stance and use it as the basis for a mock trial intended to celebrate the Russian jury trial.

The debate over the *Trial of Katiusha Maslova* did not end with the performance: Chebyshev penned a final “Afterword” to the affair in which he obliquely responded to one of the reviewers. He reiterated many points from his original article, focusing on how staging a mock trial was beneath the dignity of legal professionals, and explaining how this kind of playacting was damaging to the Russian legal institution, particularly now that it was being preserved by a small group of émigrés abroad.³⁴⁷ Yet even Chebyshev found something positive to say about the mock trial (which, granted, it appears he did not attend): “The choice of ‘the trial

³⁴³ Ibid.

³⁴⁴ L. L., “Sud nad Katiushei Maslovoi,” *Vozrozhdenie*, March 31, 1931.

³⁴⁵ Ibid.

³⁴⁶ Ibid.

³⁴⁷ N. Chebyshev, “Posleslovie. Eshche zamechanie o ‘Spektakle-protsesse,’” 2, in *Ob’edinenie Russkikh Advokatov vo Frantsii Records, 1919-1973*, BAR Ms Coll/Ob. Rus. Adv., Box 9, Bakhmeteff Archive of Russian and East European Culture, Columbia University, New York, NY.

of Katiusha Maslova' made me afraid that during the staging there would be a bias in the 'Tolstoy direction,' which was as a rule hostile to the court. They say that this did not happen. All the better."³⁴⁸ Despite its source in Tolstoy's anti-trial novel, the Association's *Trial of Katiusha Maslova* apparently did not vilify the legal system, but perhaps even achieved its organizers' aims of glorifying the Russian jury trial. Chebyshev and other critics could take issue with legal professionals participating in the trial, but they acknowledged that the trial did not profane the institution, as they had feared. Somehow, the mock trial had avoided the dangers that critics saw as inherent to Tolstoy's novel.

The Paris mock trial's proponents, critics, and reviewers all shared a laudatory view of the Russian jury trial and legal system. They differed on whether a mock trial was an appropriate forum for celebrating the institution of the trial, and whether Tolstoy's novel could be successfully appropriated for that celebration. This debate thus reveals a narrow view of the imperial Russian legal system—as an unambiguous good—and a reductive view of Tolstoy's *Resurrection*—as either a profanation of the legal system or a tool for venerating it. Both readings of the novel limit its interpretive possibilities by reducing them to a binary opposition. Interestingly, Tolstoy critiques the same kinds of narrow interpretations in *Resurrection*. By turning to the novel, we can better understand what the critics of the 1931 *Trial of Katiusha Maslova* ignored: how Tolstoy's novel not only critiques the Russian trial, but also explores the limitations of interpretation, like those on display in the debate about the Paris mock trial. Although the creators of the Paris and other mock trial versions of *Resurrection* largely ignored the novel's anti-trial message, they may have been responding to another thread at work in the novel: the importance of dialogue and the multiplicity of interpretive possibilities.

³⁴⁸ Ibid, 3.

5. *Resurrection* and the Mistrust of Language

Although émigré lawyers in Paris managed to stage a mock trial of *Resurrection* that endorsed the institution of the Russian trial, Tolstoy's novel fiercely critiques the legal system, particularly the rigidity of legal language. Words in *Resurrection* are simultaneously meaningless and all-powerful. During the trial, members of the court wield words not to impart meaning, but to overwhelm their listeners or for the pleasure of hearing themselves speak. The assistant prosecutor insists upon interrupting proceedings to have the report on the corpse read aloud. The president of the court, who is rushing to an extramarital rendezvous, is dismayed but can do nothing: "though he knew that the reading of the paper could have no other effect than that of producing weariness and putting off the dinner-hour, and that the assistant prosecutor only wanted it read because he knew he had the right to demand it, had no option but to express his consent" (*PSS* 32: 68; 75). Yet the president of the court later indulges in his own meaningless overproduction of words. After the lawyers and defendants speak, he repeats much of the same content in his own speech: "It seemed as if everything had been said; but no, the president could not as yet forgo his right of speaking. So pleasant was it to hear the impressive tones of his own voice, that he found it necessary to say a few more words about the importance of the rights given to the jury" (*PSS* 32: 76-77; 84).

Despite the president's logorrhea, he fails to say the few key words that could change everything: he does not inform the jury that they could find Maslova guilty of poisoning without intent to murder. The president's failure to properly instruct the jury leads to the jury's omission of critical words in their verdict. As the president later explains to Nekhliudov, after Maslova is sentenced to labor in Siberia, these missing words have immense power: "Had you [the jury] but

added the words, ‘without intent to cause death’, she would have been acquitted” (*PSS 32: 87; 95*). As part of the mass of speech that fails to get at the truth in the trial, these five words seem meaningless, yet their absence condemns a woman to a sentence she does not deserve. After Maslova’s trial, when Nekhliudov encounters other prisoners who have been unfairly sentenced, he questions whether the high-minded words uttered by officials bear any relation to the truth: “Was it possible that all these words about justice, law, religion, and God, and so on, were mere words, veiling the coarsest cupidity and cruelty?” (*PSS 32: 300; 327*). The novel, a world built out of words, presents serious doubts about the value of words and their relationship to truth and justice.

Yet the novel’s mistrust of words as vehicles for truth has serious repercussions for the treatment of Maslova. Early in the novel, Nekhliudov recalls how, as a young man visiting his aunts’ estate, he pressured Maslova to submit to his advances by ignoring her verbal protests. When he first suggests coming to her room at night, she responds in shock: “‘What are you thinking of? On no account. No, no!’ she said, but only with her lips; the tremulous confusion of her whole being said something very different” (*PSS 32: 60; 66*). Nekhliudov values his interpretation of her body language over her own words. That night in her room, he again ignores her protests: “These were her words, but all her being was saying, ‘I am thine.’ And it was this only that Nekhlyudov understood” (*PSS 32: 62; 69*). By deciding that Maslova’s body language conveys the truth where her words do not, Nekhliudov prioritizes his interpretation of her body over her own self-expression.

After the trial, when Nekhliudov (unilaterally) decides he will marry Maslova, he continues to devalue and mistrust her words. When the door-keeper at the hospital informs him that Maslova lost her position at the hospital due to a tryst, Nekhliudov immediately believes this

stranger rather than Maslova: “He thought that all her words about not wishing to accept his sacrifice, all her reproaches and tears, were only the devices of a depraved woman” (*PSS* 32: 305; 332). This reaction is unwarranted, and Nekhliudov ultimately decides to forgive her (even though she is not guilty and does not need his forgiveness). Nevertheless, his initial reaction continues his pattern of refusing to accept Maslova’s words as indicative of reality.

6. Nekhliudov and Maslova's Last Meeting

During Maslova’s last appearance in the novel, when Nekhliudov visits her in prison, Nekhliudov interprets her words and feelings in a way that finalizes her, providing a single reading of her motivations and feelings. When Maslova explains that she will follow the political prisoner Simonson after her sentence is mitigated, Nekhliudov decides that there can only be two possible reasons for her choice: “Either she has fallen in love with Simonson and does not in the least require the sacrifice I imagined I was making, or she still loves me and refuses me for my own sake, and is burning her ships by uniting her fate with Simonson” (*PSS* 32: 432; 471). Nekhliudov reduces Maslova’s many possible motivations for following Simonson to two, interpreting her decision as a binary opposition. Yet even the binary language he employs is more complicated than it appears. The expression “to burn one’s ships” (*szhech’ svoi korabli*)—to commit to an irreversible course of action—often appears in military contexts. In the first scene of *War and Peace*, Prince Vasily explains in French that Napoleon has burned his ships (“Buonaparte a brûlé ses vaisseaux”), and that the Russians will do the same.³⁴⁹ However, the expression first appears in Plutarch’s “Bravery of Women” to describe the actions not of military

³⁴⁹ Lev Nikolaevich Tolstói, *Polnoe sobranie sochinenii v 90 tomakh*, vol. 9 (Moscow: Gosudarstvennoe izdatel’stvo “Khudozhestvennaia literatura,” 1937), 5.

men, but of their wives. Plutarch explains that after the Trojans escaped to Italy, “it suddenly occurred to the women to reflect that for a happy and successful people any sort of a settled habitation on land is better than all wandering and voyaging, and that the Trojans must create a fatherland, since they were not able to recover that which they had lost. Thereupon, becoming of one mind, they burned the ships.”³⁵⁰ The Trojan women burned their ships to prevent their journey from continuing so they could establish a home. Their act was not one of destruction, but of creation: a way to start a new life. Perhaps Maslova does burn her ships by choosing Simonson, not because she wishes she could be with Nekhliudov instead, but because she wants to begin a new life. However, Nekhliudov interprets her decision only in relation to himself. He limits the many possible meanings of Maslova’s actions to two: either she truly loves Simonson, or she loves Nekhliudov and is turning down his marriage proposal in order to set him free.

Maslova’s last line in the novel supposedly clarifies which binary possibility is correct:

“Forgive me”, she said, so low that he could hardly hear her. Their eyes met, and Nekhlyudov knew by the strange look of her squinting eyes and the pathetic smile with which she said not “Goodbye”, but “Forgive me”, that of the two reasons that might have led to her resolution the second was the real one. She loved him, and thought that by uniting herself to him she would be spoiling his life. (*PSS* 32: 433; 473)

Nekhliudov’s interpretation of Maslova’s “forgive me” (*prostite*) may be accurate, but her word could convey other meanings. Her last word is the same as Pozdnyshev’s last word in *The Kreutzer Sonata*, another late Tolstoyan work about a murderer. Pozdnyshev and Maslova differ wildly in their intentions—he meant to kill his wife, whereas she unintentionally poisoned the merchant. Nevertheless, by saying *prostite* instead of *proshchaite* [farewell], both characters elevate their departures from the literary works to requests for forgiveness. Maslova’s *prostite*

³⁵⁰ Plutarch, “Bravery of Women,” in *Moralia* vol. 3, trans. Frank Cole Babbitt (Cambridge: Harvard University Press, 1931), 477.

represents the final stage in her development: she wants to be forgiven for what she has done. She may also love Nekhliudov, but that seems irrelevant to her desire for forgiveness and redemption. Maslova's last line puts her in dialogue with another Tolstoyan character and work, even as Nekhliudov attempts to limit the meaning of her word by interpreting it solely in relation to himself.

Maslova's last word also connects to a larger dialogue of forgiveness in the novel that transcends Nekhliudov's concerns about whether or not she still loves him. After recognizing Maslova during the trial and realizing his guilt, Nekhliudov decides to ask for her forgiveness: "Yes, I will see her, and ask her to forgive me... Yes, I will beg her pardon, as children do..." (*PSS* 32: 103; 112). In their first meeting, Nekhliudov indeed asks for forgiveness like a child who has memorized an assignment: "'I came in order to ask for your forgiveness,' he cried in a loud voice, without intonation, as though it were a lesson he had memorized" (*PSS* 32: 147).³⁵¹ Early in the novel, Nekhliudov treats Maslova's forgiveness as something to be granted in response to his dutiful request, as the object of an exchange. But Maslova does not oblige him—in their first meeting, she does not respond to his request for forgiveness, and in their second meeting she dismisses his request: "'I said I had come to ask you to forgive me...,' he began. 'What's the use of that? Forgive, forgive, where's the good of... You'd better...'" she replies (*PSS* 32: 165; 179). Nekhliudov does not ask her forgiveness again, and by late in Part II of the novel, "Maslova still thought and continued to persuade herself that she had not forgiven him, and hated him, as she told him at their second interview, but in reality she loved him again, loved him so that she involuntarily did all he wished her to do..." (*PSS* 32: 309; 336). Yet even near the novel's end, when she loves Nekhliudov, she does not offer him her forgiveness. When, in

³⁵¹ My translation. This exchange is not in Maude's English translation.

their final meeting, she asks for *his* forgiveness, then, Maslova's *prostite* is not only a play on the unsaid *proshchaito* (farewell), but also recalls *proshchayu*—I forgive. At the beginning of the novel, Nekhliudov desperately wants Maslova's forgiveness. In their last meeting, she reminds him of the forgiveness he sought and transforms it: by asking his forgiveness instead, she connects them and makes them equals.

7. Interpretation vs. Transcendent Understanding

Throughout the novel, Nekhliudov interprets Maslova's speech and actions and, in doing so, attempts to finalize her and limit the meaning of her words. Interpretation appears ethically fraught in *Resurrection*, for it can be used to control and constrain others. Yet readers can question whether the act of interpretation itself is problematic, or whether the problem is how Nekhliudov chooses to interpret Maslova's words and actions.

The novel's last scene offers an alternative to parsing and interpreting others' words and actions: transcendent understanding. After returning from the prison, Nekhliudov opens the copy of the New Testament that an Englishman had given him and begins to read the Gospels. At first he struggles to understand what he is reading, "and he remembered how more than once in his life he had taken to reading the Gospels, and how want of clearness in these passages had repulsed him" (*PSS* 32: 440; 479). However, as he continues to read, Nekhliudov suddenly feels that he not only understands the Gospels, but that he has found the answer to the injustice that he has seen around him: "The answer he had been unable to find was the same that Christ gave to Peter. It was to forgive always, everyone, to forgive an infinite number of times, because there are none who are not themselves guilty, and therefore none who can punish or reform" (*PSS* 32: 442; 481). The answer is not to divide people through judgment, but to connect through

forgiveness.³⁵² Once Nekhliudov recognizes the answer he has been seeking in the Gospels, he can read without struggling to interpret, for the words suddenly seem clear: “he understood for the first time the full meaning of the words read often before but passed by unnoticed. He drank in all these necessary, important, and joyful revelations as a sponge soaks up water. And all he read seemed quite familiar, and seemed to bring to consciousness and confirm what he had long known but had never fully realized and never quite believed. Now he realized and believed it” (*PSS* 32: 444; 482). Nekhliudov believes the language of the Gospels does not require interpretation, but instead clearly conveys a fundamental truth: forgive.

The answer that Nekhliudov discovers in the Gospels echoes Maslova’s last word in the novel: *prostitute*, forgive me. Because Nekhliudov was only interested in discovering whether or not Maslova loved him, he failed to understand the broader significance of her last word. Nevertheless, it stays with him and helps to spark his final revelation. What Nekhliudov discovers in the Gospels is not a divine revelation, disconnected from the novel that came before it, but a personal revelation that is the culmination of his physical and moral journey. The biblical text enters into dialogue with all the other words in the novel, becoming part of a larger conversation about judgment and forgiveness. Bakhtin terms the biblical quotations in the final chapter of *Resurrection* “authoritative discourse,” which “always remains, in the novel, a dead quotation, something that falls out of the artistic context.”³⁵³ However, by virtue of their placement within the novel, we as readers can question the Gospel passages’ privileged status.

³⁵² As Rebecca Stanton explains, “in the world of each novel, selfless love—the opposite of self-righteous judgment—is what overcomes the spurious division of humanity into the righteous and the culpable.” See Rebecca Stanton, “Feminine Resurrections: Gendering Redemption in the Last Novels of Tolstoy and Dostoevsky,” in *Mapping the Feminine: Russian Women and Cultural Difference*, ed. Hilde Hoogenboom, Catharine Theimer Nepomnyashchy, and Irina Reyfman (Bloomington, IN: Slavica, 2008), 73.

³⁵³ M. M. Bakhtin, “Discourse in the Novel,” *The Dialogic Imagination*, 344.

Although Nekhliudov believes the texts to contain indisputable truth, which requires no interpretation, readers can understand the Gospel quotations as one more language within the novel's heteroglossia. We can connect these passages to other, non-authoritative discourse in the novel, including Maslova's words that Nekhliudov disregards. In other words, when we interpret the Gospels within the context of the novel as a whole, we can draw connections between the message Nekhliudov gleans from his reading and the novel-long discourse on forgiveness. Nekhliudov may believe that biblical language directly transmits meaning without requiring interpretation and is thus superior to fallible, human language. However, readers can interpret the Gospel passages in the context of the novel, creating a dialogue between a former prostitute's request for forgiveness and the words of Christ.

Because they invite audience members to judge the characters, literary trials of Nekhliudov and Maslova necessarily disregard the novel's message about the impermissibility of judging others, even as they may dramatize Nekhliudov's act of self-judgment. They also must disregard Nekhliudov's prioritization of transcendent, authoritative language over the act of interpretation, for these trials are themselves interpretations of Tolstoy's text. The three trials that were staged in Russia in the early 1920s transformed Tolstoy's novel by putting Nekhliudov on trial alongside or in place of Maslova. The Paris trial adapted Tolstoy's anti-trial novel as part of a commemoration of the Russian jury trial, a goal that is completely at odds with the novel's message. Yet by reading against authorial intent, the mock trial transpositions offer a model for how a trial can forward justice. The creators of all four trials reinterpreted Tolstoy's novel in new contexts, giving their audiences the chance to make ethical judgments about the characters and to right the judicial system's wrongs. Their reinterpretations of Tolstoy's text were not mere misreadings, but instead enter into dialogue with the novel's range of possible meanings.

Nekhliudov's failure to hear Maslova's final words represents a failure to enter into dialogue with her; his binary view of what her decision to marry Simonson means and his reading of her last word represents an attempt to finalize her and offer a single interpretation of her motivations. But Nekhliudov's interpretation is not the only possible one—readers are given Maslova's last word and have the power to decide whether they agree with Nekhliudov's reading. In a literary trial of Maslova, participants have even more power to give voice to Maslova by enacting her. Literary trial audiences are able to interpret Maslova's words for themselves and judge her accordingly. To put Katiusha Maslova on trial and defend her, trial participants had to imagine her as a full person whose words carry meaning and are open to interpretation. Perhaps literary trial participants failed to adhere to Tolstoy's message about the evil of judging others when they chose to put his characters on trial. Yet perhaps they learned a lesson that Nekhliudov does not: not to prejudge others' words, to listen, to be open to a multiplicity of interpretations, and to enter into real dialogue.

8. Conclusion

In 2014, a collection of literary trial scripts based on trials of characters from classic literature that the law professor Tatiana Gruzinskaia staged with her students was published in Russia. According to the book's foreword, a strong foundation in the humanities is critical for future lawyers, and so literary trials can be important teaching tools: "The form of literary trials is also a great way to influence the range of students' moral imaginations, to enrich their spiritual world."³⁵⁴ Although the book includes a trial of Katiusha Maslova from Tolstoy's *Resurrection*,

³⁵⁴ T. A. Gruzinskaia, *Tekhnika publichnogo vystupleniia: Literaturnye sudy, Uchebnoe posobie* (Rostov-on-Don: Izdatel'sko-poligraficheskii kompleks RGEU (RINKh), 2014), 7.

this published trial script differs greatly from Soviet and émigré trials of Maslova discussed above. Whereas the 1920s and 1930s trials reimagined the trial in Tolstoy's novel by putting Nekhliudov on trial or by attempting to exonerate the jury trial as an institution, Gruzinskaia's script offers no reinterpretation of the original novel. Instead, the book reprints the trial from Tolstoy's novel almost word-for-word, simply reformatting the dialogue and descriptions as a script and cutting much of the trial, including the testimony of the other two defendants. Most significantly, Gruzinskaia's script does not invite the audience to participate in the trial as jurors, but instead reproduces the novel's judicial error. Immediately after the president of the court and prosecutor finish questioning Maslova, the president announces the verdict: Maslova is sentenced to four years hard labor. Not only does the trial script not allow the audience to choose a different verdict, it does not even portray the confusing instructions and deliberations that resulted in the jury issuing a harsher verdict than they intended. The trial script replicates Tolstoy's novelistic trial but fails to depict how the miscarriage of justice occurred. The trial is theoretically designed to enrich students' education by pushing them to grapple with ethical and moral questions, but students are not invited to participate in the act of judgment and have no opportunity to correct the novelistic legal system's failings.

Gruzinskaia's script for a trial of Maslova accepts Tolstoy's text as authoritative, the same way that Nekhliudov reads the Gospels at the end of *Resurrection*. It offers no reinterpretation other than selective editing, and it does not invite participation from the audience. Because it merely reproduces the trial from *Resurrection*, Gruzinskaia's script does not engage with the novel's ethical questions. It may be a more accurate retelling of Tolstoy than the literary trials discussed above, but that accuracy comes at both an ethical and aesthetic cost. This script adds nothing new to Tolstoy's original, except perhaps introducing the story of Maslova's trial to a

new audience: contemporary law students.

Reading Gruzinskaia's script in light of the 1920s and 1930s trial versions of *Resurrection* helps to clarify what it is that readers can do when they put characters on trial. As we have seen, Tolstoy's novel puts the act of judgment itself on trial and finds it wanting. The problem is not only that individual jurors on a particular day in a particular case made a bad decision and thus unfairly sent an innocent woman to Siberia. Instead, Tolstoy paints a picture of a legal system that is inherently corrupt, which cannot hope to administer justice because its premise, that human beings can judge their peers, is flawed. As we have seen, readers who choose to stage literary trial versions of *Resurrection* have to ignore Tolstoy's anti-judgment message because by putting his characters on trial, they are replicating the act of judgment that he found so problematic. Furthermore, readers who reimagine Tolstoy's novel in literary trial form not only judge Tolstoy's characters, but also make judgments about his narrative as a whole.

Literary trials such as the trials based on *Resurrection* reimagine novels by making the audience's ethical judgments the central, critical act of the narrative. Bakhtin, the Association for Russian Lawyers in France, and others who creatively transposed Tolstoy's novel as a trial chose not to accept the novel's stance against judgment. Instead, they treated the novel as a participatory dialogue and invited audience members to make their own interpretive and ethical judgments about the characters. Tolstoy's novel risks encroaching upon readers' freedom to make the kinds of judgments that are central to the reading experience, for the novel itself discredits all acts of judgment. This is why Bakhtin denounced the novel's ending as monologic—it forwards the author's message, at the expense of readers' freedom. By staging the novel as a participatory trial, Bakhtin and others reimaged the novel as open to readers' engagement and shaped by

readers' judgments.

If we consider the 1920s and 1930s trial adaptations and Gruzinskaia's 2014 script in light of Phelan's theory of narrative judgment, the earlier trials appear far more ethically and aesthetically successful because they gave readers the freedom to make judgments. Although Gruzinskaia's script faithfully adapts Tolstoy's novel, its adherence to the original comes at a cost. It merely reproduces the original, rather than reinterpreting it. The success of the early trials of *Resurrection*, and all literary trials, stems not from their adherence to the original but from their willingness to foster a dialogue between the original work, the readers who create the trial, and the audience who experiences it. The success of literary trials, in other words, depends on the kind of openness to dialogue and possible interpretations that Nekhliudov fails to display in his conversations with Maslova, but which readers can discover by attending to her words carefully. As readers of Tolstoy's novel, we have the power to make our own interpretive and ethical judgments of the characters, and literary trial versions of the novel allow audiences to enact those judgments.

CHAPTER FOUR

Nabokov as Pozdnyshov: Ethical Versus Aesthetic Judgment

1. Introduction

Early in Part One of Nabokov's *Lolita*, right before Humbert Humbert sees Dolores for the first time, Charlotte Haze shows him the room that he will soon rent. Humbert is dismayed by the room but comments on its art: "I inspected it through the mist of my utter rejection of it; but I did discern above 'my' bed Rene Prinet's 'Kreutzer Sonata'" (*Lolita* 38).³⁵⁵ In a footnote, Alfred Appel provides what is supposed to be helpful information about the painting and its referent: "'The Kreutzer Sonata' was dedicated by Beethoven to Rodolphe Kreutzer in 1805 (Nabokov intended no allusion to Tolstoy's story of that name)" (*Lolita* 355, fn. 38/1). However, Prinet's painting is itself a reference to Tolstoy's novella, so Appel's claim, that Nabokov did not intend to allude to Tolstoy's novella, seems absurd. Why would Appel and Nabokov claim that the painting, which Humbert notices at such a key moment in the novel, is not an allusion to Tolstoy's *The Kreutzer Sonata*? One possibility is that this claim, like many of the footnotes in *The Annotated Lolita*, becomes part of the novel's literary game—a way to further confuse and engage readers and critics who eagerly hunt for allusions and explanations in the dense text. The footnote could be designed to head off any comparisons between *Lolita* and *The Kreutzer Sonata*, a work that Nabokov claimed to "detest."³⁵⁶ Alternatively, rather than being deterred by Nabokov's statement, we could take the footnote seriously and question what it means for an allusion to a painting based on Tolstoy's *The Kreutzer Sonata* not to be an

³⁵⁵ Vladimir Nabokov, *The Annotated Lolita*, ed. Alfred Appel, Jr. (New York: Vintage Books, 1991). Subsequent references will be given in parenthetical form.

³⁵⁶ Vladimir Nabokov, *Strong Opinions* (New York: Vintage International, 1990), 147.

allusion to the novella. Is there a gap between the painting and the novella, and if so, what is the significance of that gap?

Prinet's 1901 painting "shows, in Nabokov's words, an 'ill-groomed girl pianist rising like a wave from her stool after completing the duo, and being kissed by a hirsute violinist'" (*Lolita* 355-56, fn. 38/1). The painting depicts a scene that never happens in Tolstoy's novella. Although Pozdnyshev, the work's principal narrator, believes that his wife is having an affair with the violinist Trukhachevsky, there is no evidence that they ever engaged in romantic or sexual relations. Before attempting to sneak up on his wife and the violinist, Pozdnyshev works himself up by *imagining* his wife's infidelity: "Five children, and she's kissing a musician because he's got red lips! No, she isn't human, she's a bitch, a repulsive bitch! [...] To throw herself into his arms so brazenly!" (*PSS* 27: 70; 109).³⁵⁷ Prinet's painting appears to accept Pozdnyshev's suspicions about his wife as accurate, despite a lack of any real evidence. Although the painting is popularly assumed to represent the events of *The Kreutzer Sonata* (the image is frequently associated with Tolstoy's work), it only represents Pozdnyshev's paranoid imaginings, not the "reality" of Tolstoy's novella. Perhaps when Nabokov claims that his allusion to Prinet's painting is not an allusion to Tolstoy's work, then, he is subtly calling attention to the disconnect between the painting and the novella that it does not accurately represent.

The particular way in which Prinet's painting misinterprets Tolstoy's novella provides a window into understanding how many readers have misinterpreted Nabokov's novel. As

³⁵⁷ Russian quotations are from Lev Nikolaevich Tolstoy, *Polnoe sobranie sochinenii v 90 tomakh*, vol. 27 (Moscow: Gosudarstvennoe izdatel'stvo "Khudozhestvennaia literatura," 1936). English translations are from Leo Tolstoy, *The Kreutzer Sonata and Other Stories*, trans. David McDuff (London: Penguin Books, 1983). Subsequent references will be given in parenthetical form with the Russian first.

numerous recent critics have discussed, many early readers of *Lolita* were taken in by Humbert's self-justifying narrative, accepting that "Humbert's story—'she seduced me'—is truer than Dolores's story—'you raped me.'"³⁵⁸ That kind of selective interpretation, or misinterpretation, of Nabokov's novel aligns with how Prinnet's painting misinterprets *The Kreutzer Sonata*. Both readings accept the male narrators' versions of events as fact, rather than critically examine what makes their accounts unreliable. Prinnet's painting thus does not accurately reflect Tolstoy's novella. Instead, its presence in *Lolita* can be read as an allusion to the interpretive pitfalls posed by unreliable narrators and the dangers inherent to prioritizing one perspective above all others. Prinnet's painting, better than any direct reference to *The Kreutzer Sonata*, illustrates the interpretive challenges and risks that both Tolstoy's novella and Nabokov's novel pose to their readers.

Although Appel's footnote may have discouraged readers from exploring similarities between Nabokov's novel and Tolstoy's novella, there are a number of striking parallels between the works and their reception histories. Both works are structured as retrospective first-person confessions by male narrators who committed murder. Both deal with crimes of a sexual nature—Pozdnyshev murders his wife because he believes she is having an affair, and Humbert murders Quilty because he believes Quilty kidnapped and raped Dolores (crimes of which Humbert himself is guilty). Both narrators offer bizarre ideas about sexual relations in attempts to justify their crimes. Pozdnyshev argues that the evil and depravity inherent to sexual relations pushed him to commit murder; Humbert proposes pseudoscientific theories about nymphets to argue that his pedophilia and rape are not crimes. There are interesting extra-textual similarities

³⁵⁸ James O'Rourke, *Sex, Lies, and Autobiography: The Ethics of Confession* (Charlottesville: University of Virginia Press, 2006), 168.

as well. Both works not only had trouble securing publication due to their controversial subject matters, they also achieved notoriety before their widespread publications. After publication, both authors penned afterwords offering their own interpretations of their works. Both afterwords are now typically included in publications of the texts, offering a final, authorial frame for the work that precedes it. The many parallels between the two works, their receptions, and their authors' attempts to control their interpretations invite comparison, despite Appel's and Nabokov's claims to the contrary.

Nabokov's complex relationship with Tolstoy's novella long precedes *Lolita*: in 1926 in Berlin, Nabokov played Pozdnyshev in a mock trial version of *The Kreutzer Sonata*. A review in *Rul'* describes Nabokov's performance as the evening's highlight: "The participation of V. Sirin [Nabokov's pen name] lent a great and unexpected interest to the event, as he masterfully composed and read 'the statement of the defendant' Pozdnyshev."³⁵⁹ Yet Nabokov's version of Pozdnyshev diverged significantly from Tolstoy's character. According to the *Rul'* reviewer, Nabokov transformed Pozdnyshev into a "living, suffering man" who realizes after the murder that "his hatred toward his wife was nothing other than true love."³⁶⁰ As a result of Nabokov's unexpected take on Tolstoy's character, the trial audience was forced "to reckon with the coexistence of two Pozdnyshevs."³⁶¹

Several scholars have noted that the Pozdnyshev Nabokov creates in his speech is a precursor to Humbert Humbert, and that Nabokov's Pozdnyshev's true love defense foreshadows Humbert's defense of his murder and rape three decades later. Brian Boyd describes the mock

³⁵⁹ R. T., "Sud nad 'Kreiterovoi sonatoi,'" *Rul'*, July 18, 1926. Unless otherwise noted, all translations are my own.

³⁶⁰ *Ibid.*

³⁶¹ *Ibid.*

trial as “useful training in the sort of self-justification a Humbert Humbert would advance,” and Siggy Frank comments: “It is tempting to trace the development of Nabokov’s enactment of a murderer addressing a jury to justify his crime all the way to Humbert Humbert’s literary trial.”³⁶² In her recent article, Tatyana Gershkovich compares Tolstoy’s original to Nabokov’s mock trial speech to argue that both works shape how readers read them. Gershkovich focuses on the reading and interpretive strategies that both Tolstoy’s novella and Nabokov’s speech foster, but does not extend her argument forward to consider *Lolita*.³⁶³ What I aim to do is different: to use Nabokov’s speech to connect Tolstoy’s 1890 novella and Nabokov’s 1955 novel in order to consider the relationship between readers’ ethical and aesthetic judgments, and how the narrators aim to control or circumscribe those judgments.

In this chapter, I use Nabokov’s mock trial performance as Pozdnyshev as a link between *The Kreutzer Sonata* and *Lolita* in order to consider the relationship between readers’ ethical and aesthetic judgments. In the first part of the chapter, I compare Tolstoy’s Pozdnyshev and Nabokov’s portrayal of Pozdnyshev in the Berlin mock trial in order to explore how the same textual evidence can be marshaled and repurposed for very different interpretive ends. Although Pozdnyshev is convicted in the mock trial, the audience judges Nabokov’s performance positively on aesthetic terms, exposing a gap between the audience’s ethical and aesthetic judgments. In the second half of the chapter, I turn to *The Kreutzer Sonata* and *Lolita*, two works in which the protagonists attempt to control their audiences’ responses by prioritizing aesthetics over ethics. I argue that Nabokov’s reinterpretation of Pozdnyshev in his speech offers a model

³⁶² Brian Boyd, *Vladimir Nabokov: The Russian Years* (Princeton: Princeton University Press, 1990), 261. Siggy Frank, *Nabokov’s Theatrical Imagination* (Cambridge: Cambridge University Press, 2012), 29, fn. 42.

³⁶³ See Tatyana Gershkovich, “Suspicion on Trial: Tolstoy’s *The Kreutzer Sonata* and Nabokov’s ‘Pozdnyshev’s Address,” *PMLA* 134, no. 3 (May 2019): 459-474.

for reading both *The Kreutzer Sonata* and *Lolita* against their protagonists, in a way that unites our ethical and aesthetic judgments.

2. Nabokov as Pozdnyshev

Nabokov played Pozdnyshev in a mock trial in July 1926, just over a year after he married his wife Vera and over a month after she was sent to sanatoria for her health. While his wife was gone, Nabokov wrote her daily letters in which he recorded his activities and thoughts, including about his participation in the mock trial. On June 29, he described his oddly Nabokovian inauguration into the mock trial enterprise: “On the way back [from Grunewald], crossing that segment of the roadway on the corner of Luther and Kleist, where there’s an orgy of repairs going on, I met the effeminate Prof. Gogel, who said to me: ‘and you will play Pozdnyshev. Yes-yes-yes...’³⁶⁴ Nabokov assumed that the professor mistook him for someone else, but upon arriving at home, discovered a letter asking him to play Pozdnyshev in the Journalists’ Union’s upcoming mock trial. A few days later, after he agreed to play the role, he responded to a question from Vera: “I do not know exactly yet when I’ll become Pozdnyshev. In any case, not before you get back.”³⁶⁵ This timeline proved to be incorrect—the trial took place before Vera’s return, much to her husband’s dismay—but Nabokov’s comment about becoming Pozdnyshev is revealing.³⁶⁶ Although he reread Tolstoy’s novella in preparation for his role (“a rather vulgar little pamphlet—although once it seemed very ‘powerful’ to me,” he wrote to

³⁶⁴ Vladimir Nabokov, *Letters to Vera*, ed. and trans. Olga Voronina and Brian Boyd (New York: Alfred A. Knopf, 2015), 105.

³⁶⁵ *Ibid.*, 115.

³⁶⁶ On July 11, two days before the trial, Nabokov writes to Vera about his speech: “my sweet, this will take place on Tuesday—I cannot tell you—and I should not tell you—how much I’d like you to be at that ‘trial’...” (Nabokov, *Letters to Vera*, 137).

Vera), Nabokov reimagined Tolstoy's character and made him his own. On July 10, he began writing his speech, parenthetically noting to Vera, "I don't know how it'll turn out."³⁶⁷ The next day, Nabokov finished the speech, declaring: "The Pozdnyshev speech is my idea throughout."³⁶⁸ When he read it the next day at the committee meeting, he received a laudatory response, which he claimed not to want to tell Vera about, before describing it in detail: "praise and more praise... I am beginning to get sick of it: it even went as far as them saying I was 'subtler' than Tolstoy. Terrible nonsense, really."³⁶⁹

Nabokov's protestations against the positive response read as sly boasting to his absent wife. Nevertheless, inherent to both the praise he received and his own descriptions of his speech is an acknowledgment that what he wrote was not merely a reproduction of Tolstoy's character, but something new. Although Nabokov's speech closely adheres to the language and details of Tolstoy's novella, it reinterprets key moments in order to create a Pozdnyshev who does not rail against the evils of marriage but instead appears to truly love his wife and regret killing her.

Nabokov's speech follows Pozdnyshev's confession beat-by-beat, using almost the same language as the original. In describing the night when Pozdnyshev becomes entranced by his future wife's appearance and decides to marry her, Nabokov includes the same details as Tolstoy and similar wording. The main difference is that Nabokov's version is more concise:

One evening after we'd been out boating and were going home together in the moonlight, I sat beside her and admired her curls and her shapely figure, hugged by the tight silk of the stockinet dress she was wearing. I suddenly decided that she was the one. That evening it seemed to me that she understood everything, all I was thinking and feeling, and that all my thoughts and feelings were of the most exalted kind. All it really was was

³⁶⁷ Ibid, 135.

³⁶⁸ Ibid., 137.

³⁶⁹ Ibid., 140.

that silk stockinet happened to suit her particularly well, as did curls, and that after a day spent close to her I wanted to get even closer. (*PSS* 27: 21; 43)

I remember that night when we went out boating and I admired her shapely figure, hugged by the tight silk of the stockinet dress she was wearing. That evening it seemed to me that my feelings were of the most exalted kind, but in fact it was just that the silk stockinet happened to suit her particularly well, just that her curls waved beautifully.³⁷⁰

While Nabokov's Pozdnyshv describes the evening in almost the same language as Tolstoy's Pozdnyshv, his analysis of its meaning diverges sharply. In Tolstoy's version, Pozdnyshv transitions from describing his infatuation with his future wife to decrying how men are often taken in by women's appearance: "It's really quite remarkable how complete the illusion is that beauty is the same as goodness. A pretty woman may say the most stupid things, yet you listen, and you don't notice the stupidities, it all sounds so intelligent" (*PSS* 27: 21; 43). In Nabokov's speech, Pozdnyshv suddenly changes tack and disavows his previous comments: "I cannot go on like this. I lied just now."³⁷¹ Nabokov's Pozdnyshv parrots the language of Tolstoy's Pozdnyshv, yet the character apparently no longer believes in his previous ideas: that he did not really love his wife, and that women hoodwink men with their appearance. In describing this pivotal night with his future wife, Nabokov's Pozdnyshv proposes a different interpretation: that he truly loved the woman he murdered: "Couldn't I have really fallen in love with her that night — an un-free, unvoiced love, but still a true love?"³⁷²

Nabokov's Pozdnyshv continues to argue that he is a better person than evidence suggests when he discusses his diary. In Tolstoy's version, Pozdnyshv shows his future bride

³⁷⁰ Vladimir Nabokov, "Rech' Pozdnyusheva" [sic], holograph draft of mock trial, July 1927, Berg Coll MSS Nabokov, Vladimir Nabokov Papers, 1918-1987, Henry W. and Albert A. Berg Collection of English and American Literature, New York Public Library, New York, NY. My translation of this passage draws on McDuff's translation of *The Kreutzer Sonata* passage above to indicate where Nabokov borrowed directly from Tolstoy.

³⁷¹ Ibid.

³⁷² Ibid.

the diary “so she could get some idea of the sort of life I’d been leading previously and in particular some knowledge of my last affair” (*PSS* 27: 22; 44). His fiancée is horrified, and Pozdnyshv remarks, “I could see she was thinking of leaving me. If only she had!” (*PSS* 27: 22; 44). Pozdnyshv shocks his bride by exposing her to the impurity of his previous life, just as in *Anna Karenina*, Levin distresses Kitty by showing her his diary (and in real life, Tolstoy showed his own diary to Sophia Behrs before their marriage).

Nabokov’s Pozdnyshv does not deny the scandalous nature of the diary’s contents, but he denies that the diary represents the full truth: “In this diary there was truth—but besides truth—still something of that vile candidness that, in a strange way, distorts the truth.”³⁷³ He claims that the affair was “simpler, more natural, more humane” than described in the diary. Nabokov’s Pozdnyshv regrets that he burned the diary because it would have been “excellent material evidence that I killed my wife.”³⁷⁴ At first glance, Nabokov’s Pozdnyshv seems to further incriminate himself with this statement—he describes missing evidence that would cement his guilt. Yet at the same time, he argues that he is a better person than the evidence would suggest, for the diary’s cruel words masked his true feelings. By claiming that words that are literally true can obscure a deeper, emotional truth, Nabokov’s Pozdnyshv offers a potential justification for his acquittal: he should be acquitted not because he did not commit the crime, but because the crime misrepresents his true self.

After the wedding, both Pozdnyshvs describe how they began to hate everything about their wife, even the way she drank tea:

I used to boil inwardly with the most dreadful hatred for her! Sometimes I’d watch the

³⁷³ Ibid.

³⁷⁴ Ibid.

way she poured her tea, the way she swung her leg or brought her spoon to her mouth; I'd listen to the little slurping noises she made as she sucked the liquid in, and I used to hate her for that as for the most heinous act. (*PSS* 27: 44; 74)

My god, it sometimes seemed to me that I was boiling inwardly with hatred... Sometimes I'd watch the way she poured tea, the way she swung her legs or brought her spoon to her mouth, sucked the liquid in—and it seemed to me, the fool, that I hated her, hated her.³⁷⁵

Yet Nabokov's Pozdnyshev now recognizes that his hatred was misplaced: “but my God, what I wouldn't have given to see, right now, how she brings the cup to her lips.”³⁷⁶ Nabokov does not create an entirely new Pozdnyshev—his version shares many of the feelings and experiences of Tolstoy's character. The difference lies in the two characters' perspectives. Although Tolstoy's character ostensibly has the benefit of hindsight when recounting his disastrous marriage—his encounter on the train takes place years after he committed murder and was put on trial—his attitude toward his wife does not seem to have substantially changed. Even if he no longer hates his dead wife, he still believes it was natural that he hated her, and generalizes his feelings and criminal behavior to all married men: “I insist on the fact that all husbands who live as I lived much either live in debauchery, get divorced, or kill themselves or their wives, as I did” (*PSS* 27: 50). Tolstoy's Pozdnyshev declares his crime the natural result of impure marital relations: he therefore abdicates personal responsibility for murdering his wife.

Nabokov's Pozdnyshev, in contrast, appears to speak after Tolstoy's, and he now disavows much of what he expressed on the train: “No, not that... I am again trying to justify myself, as then I justified myself with the help of all those theories of marriage, when one night in the train car I talked with my accidental fellow-traveler.”³⁷⁷ Despite what Tolstoy's character

³⁷⁵ Ibid.

³⁷⁶ Ibid.

³⁷⁷ Ibid.

says on the train, Nabokov's Pozdnyshev explains that he felt differently about his wife than about previous women he had been with. He renounces some of the most controversial ideas from Tolstoy's novella: he no longer believes in the "world domination by women," and even blames this misguided theory for his unsuccessful wedding night.³⁷⁸ He mentions the doctors who treated his wife only once, without commenting on the dangers of sexual relations after childbirth or the evils of contraception. Nabokov shifts the focus of Pozdnyshev's confession, toning down the most inflammatory statements from Tolstoy's original. Rather than emphasizing the societal ills that pushed him to murder his wife, Nabokov's character appears to take responsibility for the murder: "I understand that marriage in general wasn't sinful, but precisely my marriage was sinful, because I sinned against love."³⁷⁹ Whereas Tolstoy's Pozdnyshev claims that his feelings and actions were natural and even inevitable due to his marital circumstances, Nabokov's Pozdnyshev sees his actions as specific, personal failures.

By taking responsibility for his actions and crime, Nabokov's Pozdnyshev ought to incriminate himself, but instead he becomes far more sympathetic than Tolstoy's moralizing character. In *Lolita*, Humbert employs a similar strategy of taking responsibility for certain despicable acts in order to win over readers, rather than repel them. In the famous scene when Humbert "solipsizes" Lolita on the davenport, he describes his fear of being interrupted in the act of rubbing against Dolly: "the anxiety forced me to work, for the first minute or so, more hastily than was consensual with deliberately modulated enjoyment" (*Lolita* 59). This statement is absurd—nothing in this scene is consensual, not merely the first minute. Yet by admitting that *some* of his actions were nonconsensual, Humbert makes it seem as though the rest of what he

³⁷⁸ Ibid.

³⁷⁹ Ibid.

did to Dolores was consensual, and thus makes his behavior appear more acceptable to readers.

Tolstoy's Pozdnyshev's logical arguments against sexual relations within marriage and his justifications of his crime make him appear cold and overly theoretical. According to Brian Boyd, Nabokov differs from Tolstoy in his approach to argument: "he [Nabokov] was highly impatient with analysis as a means of arriving anywhere [...] And given the odd conclusions Tolstoy could argue himself into by patient logic—that sex is immoral even within marriage, for instance, in the afterpiece to 'The Kreutzer Sonata'—Nabokov has a point."³⁸⁰ Nabokov's Pozdnyshev does not construct logical arguments for why he should not be held responsible for his wife's murder. Instead, he seduces the jury with emotional appeals about his apparently newfound self-awareness that makes him regret murdering his wife.

3. Rhetorical Strategies: Pozdnyshev(s) and Humbert

Attempting to win over a jury with emotion rather than logic is not a novel technique, even in the nineteenth century when Tolstoy's *The Kreutzer Sonata* is set. As I discuss in the Introduction, the post-reform Russian legal system was notable for its high number of acquittals. In cases of murder due to jealousy, like Pozdnyshev's case in *The Kreutzer Sonata*, Harriet Murav explains, "the jury defines murder out of jealousy very nearly as an act of self-sacrifice. The focus of the jury's attention is on the internal drama of the murderer's emotions, and not on the fate of the victim."³⁸¹ More than half a century after the judicial reforms, Nabokov's Pozdnyshev directly addresses the jurors/audience to inspire their sympathy, a strategy that Humbert will masterfully employ in *Lolita*. Each time Nabokov's Pozdnyshev addresses the

³⁸⁰ Brian Boyd, *Stalking Nabokov: Selected Essays* (New York: Columbia University Press, 2011), 231-32.

³⁸¹ Murav, *Russia's Legal Fictions*, 76.

“gentlemen” (*gospoda*), he expresses his deep remorse for killing his wife. Immediately after his first address to the gentlemen, Nabokov’s Pozdnyshv sighs: “And now every night, every night with her wonderful smile, with a lazy graceful movement she passes through my dream.”³⁸²

“Gentlemen, I am a tired and unhappy man,” he begins a second address, before claiming that his only consolation is that “this evil lived only in my own soul.”³⁸³ As noted above, Nabokov’s Pozdnyshv’s self-incriminations make him seem more sympathetic—he becomes a suffering man filled with remorse, not a cold, heartless murderer.

In *Lolita*, Humbert attempts to win over his audience with direct addresses to his future jurors and his imagined reader. John Ray, Jr., the fictional author of the Foreword, informs readers that Humbert wrote his manuscript while in “legal captivity” waiting for his trial to begin (*Lolita* 3). Humbert explains that he initially planned to “use these notes in toto at my trial, to save not my head, of course, but my soul,” and so he frequently addresses the “ladies and gentlemen of the jury” (*Lolita* 308, 9). Lisa Ryoko Wakamiya traces Humbert’s gendered references to the jury, demonstrating how Humbert “attempts to subdue” his female jurors’ imagined outrage at his treatment of Dolores, while making his imagined male jurors complicit in his crimes: “my moaning mouth, gentlemen of the jury, almost reached her bare neck, while I crushed out against her left buttock the last throb of the longest ecstasy man or monster had ever known” (*Lolita* 61).³⁸⁴ Nomi Tamir-Ghez argues that Humbert pits his imagined jurors against his imagined reader: whereas he attacks the jury and denies their right to judge him (“frigid

³⁸² Nabokov, “Rech’ Pozdnyusheva” [sic], July 1927.

³⁸³ Ibid.

³⁸⁴ Lisa Ryoko Wakamiya, “Humbert’s ‘Gendered’ Appeals to the Jury Not of His Peers,” in *Approaches to Teaching Nabokov’s Lolita*, ed. Zoran Kuzmanovich and Galya Diment (New York: Modern Language Association, 2008), 142-43.

gentlewomen!”), “the reader’ is addressed mostly as a friend and equal, and he is called upon to participate in the events and empathize with the speaker.”³⁸⁵ When Humbert decides partway through writing not to use his manuscript during the trial, his imagined (male) reader supersedes a literal jury, and Humbert endeavors to win him over. Although Humbert’s efforts to turn his reader into an accomplice feels far more sinister than Nabokov’s Pozdnyshev’s laments in the trial, both confessions utilize strategies to make their audience empathize with the speaker, thus subtly “seducing” or “entrapping” them.³⁸⁶ Nabokov’s speech as Pozdnyshev anticipates the rhetorical strategies of his famous criminal-narrator by three decades, even as he draws on the details and words of Tolstoy’s original text.

4. Conclusion of the Mock Trial

After the mock trial, Nabokov wrote to his wife: “Since I gave them a Pozdnyshev completely different from Tolstoy’s it all turned out rather amusingly. Then the audience voted—and now I am writing from jail.”³⁸⁷ The audience convicted Nabokov’s Pozdnyshev by a vote of 86 to 29.³⁸⁸ This result diverged wildly from Pozdnyshev’s trial in Tolstoy’s novella, in which the jury “decided I was a wronged husband who’d killed his wife in order to defend his outraged honour (that’s the way they put it in their language). So I was acquitted” (*PSS* 27: 49; 81). Humbert in *Lolita* is never put on trial, for he dies shortly before his trial is set to begin.

³⁸⁵ Nomi Tamir-Ghez, “The Art of Persuasion in *Lolita*,” in *Vladimir Nabokov’s Lolita: A Casebook*, ed. Ellen Pifer (Oxford: Oxford University Press, 2003), 31-32.

³⁸⁶ See Leland de la Durantaye, *Style is Matter: The Moral Art of Vladimir Nabokov* (Ithaca: Cornell University Press, 2007), 8.

³⁸⁷ Nabokov, *Letters to Vera*, 142.

³⁸⁸ R. T., “Sud nad “Kreitzerovoi sonatoi,”” *Rul’*.

Nabokov's Pozdnyshev is thus the only murderer of the three who is convicted and held (mock) legally responsible for his crimes.

Yet the audience's ethical and mock legal judgment of Pozdnyshev is not the only kind of judgment at work in the trial—the audience and reviewers also judged Nabokov's "masterful" reinterpretation of Tolstoy on aesthetic grounds.³⁸⁹ The *Rul'* reviewer's description of the evening suggests that the guilty verdict stemmed from how successfully the prosecutors argued against Tolstoy's Pozdnyshev, rather than any deficiencies of Nabokov's speech or performance. In Tolstoy's *The Kreutzer Sonata* and Nabokov's *Lolita*, legal judgment is flawed or rendered irrelevant, but both works nevertheless function as extended defenses directed at their real or imagined audiences. Unsatisfied with the verdict at his criminal trial, Pozdnyshev rides the train telling his story to the frame narrator, thus implicitly asking him (and the readers outside the text) to re-try and judge him. On the first page of *Lolita*, Humbert addresses the "ladies and gentlemen of the jury" to present "exhibit number one:" "what the seraphs, the misinformed, simple, noble-winged seraphs, envied" (*Lolita* 9). Although Humbert claims to change his mind about using the manuscript in his defense at the trial, the narrative itself is an extended defense addressed alternately to skeptical jurors and imagined, sympathetic readers, as a tactic to win over the real readers who will judge Humbert.³⁹⁰

The verdict in the Berlin trial of Pozdnyshev exposes the gulf between the audience's ethical and (mock) legal judgment of Tolstoy's character and their aesthetic judgment of Nabokov's performance. Similarly, both *The Kreutzer Sonata* and *Lolita* challenge the

³⁸⁹ Ibid.

³⁹⁰ In the last chapter, Humbert writes, "I thought I would use these notes in toto at my trial, to save not my head, of course, but my soul. In mid-composition, however, I realized that I could not parade living Lolita" (*Lolita* 308).

relationship between ethical and aesthetic judgment. Both works are structured around self-justifying confessions of horrific crimes—murder, kidnapping, and rape. In *Lolita*, Humbert plays games with his readers by aestheticizing crime, encouraging readers to make aesthetic judgments about his narration and his supposed position as an artist rather than ethical judgments about the content of what he says or his actions. This prioritizing of the aesthetic over the ethical is most pronounced in the murder scene, which can be read as a reflection and reinterpretation of the murder in *The Kreutzer Sonata*. In the next portion of the chapter, I compare the two murder scenes in order to explore how Pozdnyshev and Humbert attempt to shift readers' attention from legal and ethical concerns to aesthetic ones in order to elide judgment and condemnation.

5. Murder as Mock Trial

Both *The Kreutzer Sonata* and *Lolita* conclude with climactic murder scenes. Since Pozdnyshev is put on trial for murdering his wife, the mock trial that Nabokov participates in centers around the murder. Although Humbert is guilty of numerous other crimes, including kidnapping and rape, he is arrested and set to stand trial for killing Quilty. Yet the two murder scenes are themselves kinds of trials. Pozdnyshev and Humbert both commit murder as retribution for wrongs they believe their victims have committed. They judge their victims and enact their own versions of justice, even as they commit the crimes for which they will be judged. Susan Elisabeth Sweeney reads Humbert's murder of Quilty as a rehearsal of his own self-judgment: "he tries, sentences, and executes Quilty for the very crimes he committed. This episode of vigilante justice foreshadows another attempt at self-judgment, after his arrest, when he constructs his confession as a mock trial that anticipates, and supplants, the actual criminal

proceedings.”³⁹¹ Sweeney focuses her argument about the illegitimacy of Humbert’s judgment on the final chapter of *Lolita*, in which Humbert acknowledges that he has reread his manuscript and then attempts to render aesthetic judgment on his work and legal or ethical judgment on his crimes, thus supplanting the work of both the reader and the jury. While *Lolita*’s final chapter functions as a kind of (illegitimate) self-orchestrated mock trial of Humbert, the murder of Quilty, which bears a striking resemblance to Pozdnyshev’s murder of his wife in *The Kreutzer Sonata*, can also be read as a mock trial. By reading these two murder scenes together, we can untangle the relationship between ethical and aesthetic judgment at the heart of these works about crimes.

Pozdnyshev and Humbert both commit murder because they believe they have been wronged—Pozdnyshev by his wife who supposedly committed adultery, and Humbert by Quilty who supposedly kidnapped and raped Dolores. As a result, they take on the roles of judges and executioners. To bolster their positions as legitimate arbiters and executors of justice, Pozdnyshev and Humbert claim to be fully mentally present during the murders. After describing how he stabbed his wife, Pozdnyshev explains to the frame narrator: “When people tell you they don’t remember what they did when they are in a mad fit of rage, don’t believe a word of it—it’s all lies, nonsense. I remember everything afterwards, and I’ve never ceased to remember it for one second. The more steam my rage got up, the more brilliantly the light of consciousness flared within me, making it impossible for me not to be aware of everything I was doing” (*PSS* 27: 74; 113). Pozdnyshev’s claim undermines the crime of passion defense that was used successfully at his trial—rather than having his mind clouded by jealous rage, he insists that he

³⁹¹ Susan Elizabeth Sweeney, “‘Had I Come Before Myself’: Illegitimate Judgments of *Lolita* and *Despair*,” *Cycnos* 24, no. 1 (2007): 33.

was fully aware of what he was doing. Although this assertion would work against Pozdnyshev in a trial, it allows him to position himself as a fully cognizant actor who kills his wife because “this was just what I’d wanted, and what I’d been obliged to do” (*PSS 27*: 74; 114). Pozdnyshev believes it is his duty to kill his wife. This is not a murder, but a just act performed by a rational legal actor. Humbert similarly insists on taking full responsibility for his murder of Quilty, informing the reader: “I want to stress the fact that I was responsible for every shed drop of his bubbleblood” (*Lolita* 304). By claiming responsibility for their murders, Pozdnyshev and Humbert would be doing themselves a disservice as normal criminal defendants. However, they are not positioning themselves as defendants, but as judges who rationally and rightly sentence their victims to death.

Yet even before making his claim to full mental presence and responsibility for his actions, Humbert undercuts it. After he shoots Quilty for the last time, he notes, “I may have lost contact with reality for a second or two—oh, nothing of the I-just-blacked-out sort that your common criminal enacts” (*Lolita* 304). He is not alone in this regard—despite both Pozdnyshev and Humbert’s claims to be rational, conscious judges of their victims, a plethora of other details reveal their unstable mental states. Pozdnyshev decides to return home after receiving a letter from his wife, in which she mentions that the violinist Trukhachevsky had visited during his absence. Pozdnyshev does not sleep that night, begins the journey home at eight a.m., and does not reach home until one a.m. Rather than sleeping on the train, he explains, “I lost all control over my imagination” and vividly pictures his wife’s infidelity, to the point where “I was consumed with rage, indignation and a kind of strange, drunken enjoyment of my own hurt pride as I contemplated these pictures” (*PSS 27*: 66; 103). Sleep deprived and angry, Pozdnyshev forgets his luggage at the train station. The narrating Pozdnyshev struggles to describe his state

of mind as he arrived home to commit murder: “All I can remember is that I knew some terrible and very important event was about to take place in my life. Whether that important event did in fact take place because I was thinking like this, or whether it took place because I had a foreboding that it would, I don’t know. It may even be that after what happened, everything that went before has taken on a gloomy tinge in my memory” (*PSS 27*: 69; 107). Far from merely fulfilling his duty by killing his wife, the narrating Pozdnyshev acknowledges that his mental state could have caused the tragedy, or that he could be remembering it differently in retrospect.

Humbert’s mental state during the murder of Quilty is similarly suspect. After meeting with Dolly two days before his murder of Quilty, Humbert drives through the night to Ramsdale, stopping when he gets tired not to sleep but to drink (*Lolita* 281). The night before confronting Quilty, Humbert stays at Insomnia Lodge, a name that does not inspire confidence in his well-restedness. When he arrives at Pavor Manor, Humbert acknowledges that he is drunk—“I could not help realizing, as my feet touched the springy and insecure ground, that I had overdone the alcoholic stimulation business” (*Lolita* 293). Both Pozdnyshev and Humbert arrive at the sites of their crimes not as collected, impartial judges, but as sleep-deprived, inebriated, and angry men who will commit murder in cold blood.

If Pozdnyshev and Humbert’s mental states compromise their claims to be good judges, their victims’ lack of understanding of their supposed crimes completely invalidates these murder scenes as legitimate trials. When Pozdnyshev surprises his wife and Trukhachevsky by entering the drawing room with a dagger, the two (understandably) look terrified. Trukhachevsky attempts to mollify Pozdnyshev in “a tone of voice that was nonchalant to the point of being absurd” (*PSS 27*: 72; 111). What seems absurd to Pozdnyshev, however, can be read as a rational response from two people who are dealing with a possibly deranged man wielding a knife. After

Trukhachevsky escapes, Pozdnyshev's wife tries to reason with him before she stabs her: "Think of what you're doing! What is this? What's wrong with you? There's nothing, nothing, nothing... I swear it!" (*PSS 27: 73; 112*). Pozdnyshev interprets his wife's words to reach "quite the opposite conclusion, namely that everything *had* taken place between them" (*PSS 27: 73; 112*). Perhaps Pozdnyshev's wife is lying—the reader has no way to determine whether or not she was unfaithful—but it is equally possible that her words are true. Rather than denying that she committed adultery, her supposed crime, Pozdnyshev's wife repeats the word "nothing" (*nichego*), emphasizing not just her innocence but the total lack of a crime or a case against her.

In *Lolita*, Quilty is even more bewildered by Humbert's appearance in his home with a gun. He does not notice Humbert at first, and when finally he sees him, he mistakes him for other people—he calls Humbert Jack Brewster, a representative from the telephone company; a "foreign literary agent;" or an "Australian, or a German refugee" (*Lolita 295-97*). When Humbert finally accuses Quilty of kidnapping Dolores, Quilty protests vehemently: "I did not!" he cried. "You're all wet. I saved her from a beastly pervert. Show me your badge instead of shooting at my foot, you ape, you. Where is that badge? I'm not responsible for the rapes of others'" (*Lolita 298*). Quilty declares that he is not guilty of the crimes of which Humbert accuses him—kidnapping and rape are, after all, Humbert's own crimes. By demanding to see Humbert's badge, Quilty both denies his own guilt and questions Humbert's authority to charge him with a crime. Humbert is not a legal agent who has a right to question Quilty. He is a drunk, confused man who has illegally entered Quilty's house and is now shooting at him.

6. The Ethics and Aesthetics of Murder

Despite Humbert's lack of legal authority to threaten Quilty, he proceeds as though he is

conducting a trial when he asks Quilty to read his own sentence. Quilty's sentence becomes a kind of literary trial of Humbert. Humbert cheekily notes that "the term 'poetical justice' is one that may be most happily used in this respect," since the sentence is written in poetic form (and is a parody of T. S. Eliot's "Ash Wednesday").³⁹² "Poetical justice" is indeed an apt term for the poem that sentences Quilty to death. Yet Humbert's judgment is not the final word on Quilty—Quilty himself both reads the sentence aloud and comments on it, thus offering an aesthetic judgment of Humbert's words even as Humbert pronounces a (mock) legal judgment of Quilty. Quilty punctuates his reading with his assessments of Humbert's text, ranging from praise ("That's good, you know. That's damned good") to confusion ("Didn't get that") to mild criticism ("A little repetitious, what?") (*Lolita* 299-300). Quilty's final judgment of the poem is positive—"Well, sir, this is certainly a fine poem. Your best as far as I am concerned," he declares—even as Humbert's poem condemns Quilty: "because of all you did / because of all I did not / you have to die" (*Lolita* 300). Quilty's aesthetic judgment of the poem reads as ironic, for how could he positively judge a poem that condemns him to death? Furthermore, the reader can also judge the poem, which is decidedly mediocre. Yet the significance of this poetic sentence exceeds its literary merit. In this moment, legal, ethical, and aesthetic judgment are fully intertwined, for Humbert's judgment of Quilty is presented as a work of art that can be judged aesthetically. Ethics and aesthetics converge in Humbert's illegitimate trial of Quilty, with Humbert's words at issue just as much as Quilty's (supposed) actions.

Rather than focusing his poetic sentence on how Quilty supposedly harmed Dolores, Humbert is mostly concerned with how Quilty wronged him, beginning with the refrain "Because you took advantage of a sinner" (*Lolita* 299). Although the poem includes a wrenching

³⁹² Appel discusses the Eliot parody in FN 299/1 (*Lolita* 448).

metaphoric description of what Quilty allegedly did to Dolores—“while you / took a dull doll to pieces / and threw its head away”—it mainly focuses on what Quilty took away from Humbert: not only Dolores but also Humbert’s chance for redemption: “Because you cheated me of my redemption” (*Lolita* 300). Humbert blames Quilty for his own failure to redeem himself for his crimes. Humbert’s trial of Quilty becomes a trial of himself, in which he externalizes his own guilt and attributes it to Quilty. Yet Humbert’s chance at redemption is not over—some readers view the murder of Quilty as a redemptive act.³⁹³ This reading seems absurd on its face—how can murder ever be redemptive? Because Humbert constructs the murder as a trial, in which he acknowledges, judges, and condemns his own crimes by judging his double, the murder seems to reveal Humbert’s real remorse and offer a path to redemption. Nevertheless, the fact that Humbert is more concerned with how Quilty has wronged him than with how Quilty supposedly wronged Dolores should make us question Humbert’s sincerity. By writing Quilty’s sentence as a poem, Humbert opens himself up to aesthetic and ethical judgment, and he is found wanting in both.

The Kreutzer Sonata’s murder scene also foregrounds aesthetic concerns even as Pozdnyshv enacts what he believes to be valid, extra-legal justice. Pozdnyshv is hyper-conscious of how he looks throughout the scene and bases his actions on how they will appear. He lets Trukhachevsky go not because he thinks it is the right thing to do, but because “I reflected that it would be ridiculous to run after one’s wife’s lover in one’s stockinged feet; I

³⁹³ As Boyd notes, “Humbert sees his desire for revenge as a positive, proof of his essential romanticism and dedication to *Lolita*, proof of his moral superiority to Quilty. He manages to convince many readers of this.” See Boyd, *Stalking Nabokov*, 318. One of Boyd’s most convincing arguments against revisionist readings of *Lolita* is that the murder of Quilty, which in a revisionist reading would have been invented by Humbert, does not fit with “Humbert’s supposedly self-propelled leap to a higher moral plane” (Boyd, *Stalking Nabokov*, 316). It is difficult to interpret Humbert’s murder of Quilty as redemptive unless we believe that Quilty does not exist, which is plausible on the revisionist timeline but, as Boyd points out, not something most revisionists want to follow through on.

didn't want to look ridiculous, I wanted to look terrifying. In spite of the terrible fury that gripped me, I was constantly aware of the impression I was making on others, and this consideration even guided my actions to a certain extent" (*PSS 27: 73; 112*). Pozdnyshev is performing for an audience of his potential victims. He is not caught up in a thoughtless, impassioned rage; instead, he attempts to control how he looks and the impression he makes. Pozdnyshev is aware that he will be judged even as he judges his wife, but whereas he believes he is making ethical and quasi-legal judgments about her infidelity and rightly condemning her to death, he believes that he will be judged aesthetically. He does not consider his future audience of jurors, fellow train-travelers, and extra-textual readers who will make legal and ethical judgments about him. Both Pozdnyshev and Humbert, then, treat their murders as kinds of trials, in which they believe they have the right to play the roles of judge and executioner. At the same time, they expose themselves to both aesthetic and ethical judgments by their real and imagined audiences.

7. Victim-Blaming, or Murder as Works of Art

Although both Pozdnyshev and Humbert claim they are conducting their murders as rational, quasi-legal trials, both simultaneously believe (or claim to believe) that their victims are really in control of the murders. This is a crude, and common, form of victim blaming and projection. As Pozdnyshev riles himself up before the murder by imagining his wife kissing Trukhachevsky, he tries to claim that he is the real victim: "I wanted to get up, but I couldn't. My heart was beating so violently that I couldn't stay standing upright. That was it, I was going to die of a stroke. She was going to kill me. That was exactly what she wanted" (*PSS 27: 71; 109*). Pozdnyshev's wife has done nothing to him—she is not even in the room. Nevertheless, he

ascribes his own violent desires to her, claiming that *she* is the one who wants to kill *him*.

Throughout their encounter, Pozdnyshev blames his violent actions on his wife's reactions to him, or on how he interprets those reactions. When he bursts in on his wife and Trukhachevsky with a dagger, Pozdnyshev is dissatisfied with his wife's facial expression: "If all she had done was look terrified, it's quite possible that what took place might never have happened; but in that facial expression of hers—at least that's how it seemed to me in that first split-second—there was also a kind of annoyance, she looked as though she were put out at having her love-life interrupted, her happiness with him" (*PSS 27: 72; 110*). Pozdnyshev interprets his wife's facial expression in a way that he dislikes, and then claims that this expression makes it her fault that he murdered her. Just as earlier Pozdnyshev claimed that his absent wife was trying to kill *him*, here his wife does not have to actually do anything for Pozdnyshev to blame her for his own vile behavior. All that matters is how he imagines and interprets her intentions. When Pozdnyshev does finally stab his wife, he claims to do so because she attempts to defend herself: "Yet I might still have held myself in check and not done what I did, if only she hadn't said anything" (*PSS 27: 73; 112*). Pozdnyshev's arguments that his wife is to blame for his violence are absurd, but they are also familiar arguments of abusers. He insists that he would not have committed murder but for his victim's actions. Yet all that his wife does is respond to the fact that her husband is carrying a dagger by attempting to talk him out of killing her. By claiming that his wife's minimal responses are grounds for murder, Pozdnyshev reveals his real desire: for his wife to express only the emotions he wants her to have.

Humbert similarly claims that Quilty is responsible for his own murder because he believes that Quilty the playwright has written the drama that they are enacting. Although Quilty at first does not understand who Humbert is or why he is shooting at him, Humbert nevertheless

insists that it is Quilty who controls the scene. Quilty seems to accept this role—when Humbert struggles to retrieve his gun from under a chest, Quilty offers to intervene: “‘My dear sir,’ he said, ‘stop trifling with life and death. I am a playwright. [...] I know all the ropes. Let me handle this. There should be a poker somewhere, why don’t I fetch it, and then we’ll fish out your property’” (*Lolita* 298). As a playwright, Quilty presumably does not know much about real guns, but he does know how dramatic scenes should work, and he has faith that when a prop is lost, there will be a mechanism for retrieving it. Humbert takes Quilty at his word, believes that he controls scene, and proceeds to shoot the defenseless man numerous times, each time insisting that Quilty’s reactions to being shot are performative. As Humbert shoots Quilty while climbing the stairs, “his face would twitch in an absurd clownish manner, as if he were exaggerating the pain” (*Lolita* 303). “Ah, that hurts, sir, enough! Ah, that hurts atrociously, my dear fellow. I pray you, desist. Ah—very painful, very painful, indeed... God! Hah! This is abominable, you should really not—” Quilty says, and yet Humbert denies his victim’s pain, claiming instead that “far from killing him I was injecting spurts of energy into the poor fellow” (*Lolita* 303). Humbert is murdering Quilty in cold blood, yet he believes he is performing his part in a play that Quilty has written. When Quilty is finally dead, Humbert declares, “This, I said to myself, was the end of the ingenious play staged for me by Quilty” (*Lolita* 305).

By claiming that Quilty the playwright authors his own murder scene, Humbert absolves himself of responsibility. He turns the scene into a duel between two writers, one who narrates the version we read and the other who supposedly engineers the events themselves. By claiming the murder is actually Quilty’s work of art, Humbert transforms his unarmed victim into a valid opponent on the battlefield of aesthetics. Humbert’s deft aestheticization and reinterpretation of the violent murder succeeds with some readers—the scene is often referred to as a fight or a duel,

rather than a murder. Humbert is able to dismiss Quilty's humanity by claiming that he is merely his double, and thus not a human being in his own right. However, as Boyd points out, "in Nabokov's world, murder matters because other people exist."³⁹⁴ As readers, our task is to see beyond Humbert's aestheticization of the murder and his associated dehumanization of Quilty in order to judge his actions on ethical grounds. Although both Pozdnyshv and Humbert expect only aesthetic judgment of themselves and the murder scenes, even as they judge, sentence, and execute their victims for their supposed crimes, the very disconnect between ethical and aesthetic judgment that the two unreliable narrators advocate should prompt readers to judge them critically. Humbert and Pozdnyshv may want to put their victims on trial, but it is they who are on trial before their readers, and we have the power to find them guilty.

8. Afterwords and Authorial Control

Tolstoy and Nabokov both penned afterwords to their works that provide their own readings of the texts. These afterwords are now almost always published alongside the works and thus serve as final frames that guide readers' responses to, and interpretations of, what they have just read. In her article "'Had I Come Before Myself': Illegitimate Judgments of *Lolita* and *Despair*," Sweeney reads Nabokov's afterword "On a Book Entitled *Lolita*" alongside the last chapter of *Lolita*, in which Humbert attempts to judge himself for his crimes,³⁹⁵ as two disingenuous and illegitimate attempts at self-judgment. Nabokov's afterword reads as just as performative and metaliterary as Humbert's confession—it begins with the acknowledgment that

³⁹⁴ Boyd, *Stalking Nabokov*, 319.

³⁹⁵ "Had I come before myself, I would have given Humbert at least thirty-five years for rape, and dismissed the rest of the charges" (*Lolita* 308).

“any comments coming straight from me may strike one—may strike me, in fact—as an impersonation of Vladimir Nabokov talking about his own book” (*Lolita* 311). Although Tolstoy’s “Postface to *The Kreutzer Sonata*” appears more straightforward, it also attempts to act as a definitive kind of reading and judgment on his work, increasing its authority by echoing the style and structure of Genesis.

Yet despite the two afterwords’ similar goals, their content is wildly different. Nabokov defends his novel against charges of pornography, which had thus far prevented its publication in the United States, and declares that his novel should be read aesthetically, rather than morally: “I am neither a reader nor a writer of didactic fiction, and, despite John Ray’s assertion, *Lolita* has no moral in tow. For me a work of fiction exists only insofar as it affords me what I shall bluntly call aesthetic bliss, that is a sense of being somehow, somewhere, connected with other states of being where art (curiosity, tenderness, kindness, ecstasy) is the norm” (*Lolita* 314-315). Nabokov emphasizes his novel’s aesthetics over its morals or ethics, encouraging readers to approach his story of a child’s kidnapping and repeated rape by a middle-aged man through an aesthetic lens. Many of *Lolita*’s critics have followed Nabokov’s lead—as Peter Rabinowitz notes, “from the beginning, *Lolita*’s supporters tended to defend the novel from the charges of pornography by insisting on its quality as ‘high art.’”³⁹⁶

In contrast, Tolstoy emphasizes *The Kreutzer Sonata*’s moral and ethical arguments over its aesthetics. Rather than allowing his work to speak for itself, leaving readers free to interpret Pozdnyshv’s theories on the evils of marriage and his confession of murder, Tolstoy explains, “I have received, and continue to receive, a large number of letters from people I do not know,

³⁹⁶ Peter J. Rabinowitz, “Lolita: Solipsized or Sodomized?; or, Against Abstraction — in General,” in *A Companion to Rhetoric and Rhetorical Criticism*, ed. Walter Jost and Wendy Olmsted (Malden, MA: Blackwell Publishing, 2004), 327.

asking me to explain in clear, simple terms what I think of the subject of the story I wrote entitled *The Kreutzer Sonata*. This I shall endeavor to do; that is, I shall attempt briefly to express, within the limits of the possible, the substance of what I was trying to say in that story, and the conclusions which in my view may be drawn from it” (PSS 27: 79; 267). Tolstoy proceeds to argue against sexual relations and society’s elevation of carnal love and to advocate the ideal of chastity. Although the didactic essay’s style is very different from that of his frame tale novella, Tolstoy nevertheless claims that the essay is a distillation of the ideas in *The Kreutzer Sonata*: “This is the substance of what I was trying to say, and of what I thought I had indeed said, in my story” (PSS 27: 83; 271). Whereas Nabokov’s afterword focuses on the aesthetics of *Lolita*, Tolstoy’s afterword reiterates the ethical and moral arguments against marriage and sexual relations in *The Kreutzer Sonata* and presents them as the main point of the story. Both authors attempt to control how their works are read, but whereas Nabokov judges his own work on purely aesthetic grounds, Tolstoy judges his on ethical grounds.

9. Conclusion

Despite Nabokov’s and Tolstoy’s attempts to control how readers interpret and judge their works, readers have the power to make their own judgments. As Sweeney argues with regard to *Lolita*, “despite all the possible misreadings that he tries to anticipate and subvert ahead of time,” Nabokov “must acknowledge his readers’ subsequent, independent, scarcely imaginable assessments of his fiction at yet another level.”³⁹⁷ In the Berlin mock trial, Nabokov offered an interpretation of Pozdnyshev that would have been unimaginable to Tolstoy, and that certainly does not fit with Tolstoy’s reading of his novella as a moral argument against sexual

³⁹⁷ Sweeney, “‘Had I Come Before Myself,’” 44.

relations. In the case of *Lolita*, recent scholars have focused on the ethics of *Lolita*, in spite of Nabokov's focus on aesthetics in his afterword. Revisionist readings have called the "reality" of the novel's final three days into question, with scholars such as James O'Rourke and Deborah Martinsen arguing that the novel intentionally includes two possible endings.³⁹⁸ Readers of both works have interpreted them very differently from their authors, pushing back against the afterwords' assertions of authorial control.

Yet despite the narrow, proscriptive readings of their own works offered by their afterwords, both Tolstoy and Nabokov conclude their fictional works with more complex meditations on the relationship between ethical and aesthetic judgment as they indirectly pose a key question to readers: can the protagonists be redeemed? Legal judgment is rendered useless or circumvented in both works—the legal system cannot or does not adequately judge these characters for their crimes. As a result, the two characters tell their stories in order to find redemption. Their (real or imagined) audiences and the readers outside the text are invited to judge the characters ethically and aesthetically: for their crimes and for how they tell their stories. There is no question that the two characters are guilty—Pozdnyshev of murder, Humbert of kidnapping, rape, and murder—but the question remains whether their audiences can forgive them and whether they can find redemption.

Some of the most redemptive moments in the two works and Nabokov's speech as Pozdnyshev occur when the self-absorbed, self-justifying characters finally recognize the harm they have done to their female victims. When the two Pozdnyshevs view the corpse of the

³⁹⁸ O'Rourke resolves the distance between traditional and revisionist readings of *Lolita* by arguing that two endings coexist in the text: "one in which the novel's final chapters represent the central character's fantasy and another in which he exists at the same level of story as every other character." See O'Rourke, *Sex, Lies, and Autobiography*, 175. Martinsen argues that the intentionally ambiguous ending puts *Lolita* in the tradition of the Petersburg text. See Deborah Martinsen, "Lolita as Petersburg Text," *Nabokov Studies* 13 (2014): 195-123.

woman they have murdered, the solipsistic confessions shift focus to another person:

It was only when I saw her dead face that I realized what I'd done. I realized that I'd killed her, that it was all my doing that from a warm, moving, living creature she'd been transformed into a cold, immobile waxen one, and that there was no way of setting this to rights, not ever, not anywhere, not by any means. (*PSS 27: 77; 118*)

Looking at her dead face, I realized what I'd done. I realized that I'd kill her, that it was all my doing that she had been warm, moving, living and now she lay cold, immobile, waxen, and that there was no way of setting this to rights, not ever, not anywhere, not by any means.³⁹⁹

The speakers finally recognize the irrevocable destruction they inflicted upon their wife and feel remorse for what they have done. When viewing their victims' bodies, the two Pozdnyshevs see the woman they have harmed as a separate individual with her own humanity. She is no longer a mere love object, or an object of hatred, but a subject, who was robbed of selfhood by Pozdnyshev himself.

Humbert's full awareness and acknowledgment of what he has done comes at novel's end in his memory of an earlier event.⁴⁰⁰ When listening to children playing, Humbert realizes, "I knew that the hopelessly poignant thing was not Lolita's absence from my side, but the absence of her voice from that concord" (*Lolita* 308). This moment is often described as the moral apotheosis of *Lolita*, when Humbert recognizes at last that he has not only physically mistreated Dolores but also suppressed her voice and perspective. As Boyd points out, the moment that Humbert describes occurs three years before he writes about it, when he is still intent on

³⁹⁹ Nabokov, "Rech' Pozdnyusheva" [sic], July 1927. My translation of this passage draws on McDuff's translation of *The Kreutzer Sonata* passage to indicate where Nabokov quoted directly from Tolstoy. Gershkovich notes that these are the only lines that Nabokov quotes verbatim from Tolstoy, which enhances their truth-value: "Their intertextuality endows these words with a stability denied to Pozdnyshev's shifting explanations, bolstering their claim to truth." Gershkovich, "Suspicion on Trial:" 471.

⁴⁰⁰ Humbert's acknowledgment of the harm he has inflicted echoes Nekhliudov's self-judgment in *Resurrection* and mock trial transpositions that I discuss in Chapter Three.

murdering Quilty.⁴⁰¹ Humbert may have achieved a moral revelation about Dolores's autonomy and humanity, but he still seeks violent revenge. However, I do not think that Humbert's choice to include this moment years after the fact, at the end of his confession, undermines his moral development—rather, it reveals it. By concluding his confession with a recognition of Dolores's absent voice, Humbert comments on both his treatment of Dolores in “real life” and his treatment of her in his confession, his work of art. Humbert's moral apotheosis thus serves as a judgment of his actions and of what is missing from his narrative: Dolores' voice. Any aesthetic judgment of Humbert's confession is also an ethical judgment of his actions and how he tells his story.

The Kreutzer Sonata similarly brings together ethics and aesthetics in its final scene, when the inner and frame stories combine. Time unites the two stories, something that Tolstoy draws our attention to. The murder scene concludes “at eight a.m. to be precise,” when Pozdnyshev is taken to the police station (*PSS* 27: 77; 117). The frame story also concludes at eight a.m.: the frame narrator explains: “when we reached the station where I had to get off—this was eight a.m.—I went over to him in order to say goodbye” (*PSS* 78; 118). The temporal overlap between the two stories echoes their identical final words. Pozdnyshev asks his wife to “forgive” him (*prosti menia*), a request that she denies (*PSS* 27: 77; 117). He then concludes his story with the word “*prostite*,” (forgive me), a word that he repeats in response to the frame narrator's “*proshchaite*” (goodbye): ““Yes, *prostite*, forgive me...’ he said, repeating the word with which he had brought his story to an end” (*PSS* 27: 78; 118).⁴⁰² The alignment of inner and frame stories helps to underscore the significance of Pozdnyshev's request for forgiveness: he

⁴⁰¹ Boyd, *Stalking Nabokov*, 318.

⁴⁰² As discussed in the previous chapter, Pozdnyshev's unexpected final word is the same as Katiusha Maslova's final word in *Resurrection*.

asks for forgiveness from his wife, the frame narrator, and, by extension, his audience of readers outside the text. The aesthetic unification of the inner and outer frame stories mirrors their ethical unification. Despite Pozdnyshev's self-justifying stance throughout much of his confession, by the end of his story he fully recognizes what he has done and feels remorse. The act of storytelling has redemptive power in both *Lolita* and *The Kreutzer Sonata*. By merging ethics and aesthetics at the conclusion of their works, Tolstoy and Nabokov demand our ethical and aesthetic judgment of the narrators, their storytelling, and the authorial works, judgments that are inextricably intertwined.

CONCLUSION

Mock trials of literary characters both reflect their participants and offer insight into the original texts. Many of the Soviet and émigré trials I discuss function as mirrors of their participants' political and cultural views, and Nabokov's speech as Pozdnyshev speaks to his later novel *Lolita* as much as it does to Tolstoy's *The Kreutzer Sonata*. At the same time, these literary trials foreground the ethical questions at the center of the original works. By turning novels into trials, mock trial participants had to pose, and attempt to resolve, those questions. Trials are normative enterprises: they seek to answer questions about guilt, responsibility, and right and wrong. These questions also stand at the center of Dostoevsky and Tolstoy's works. Literary trials of their characters push participants to grapple with the ethical issues that make their work powerful and continuously relevant. Mock trial prosecutions and defense may offer selective readings of the original works, but they also engage the questions that animate these works: Can people be redeemed? Do we have the right to judge others? What is our ethical responsibility as readers?

All the works I discuss implicitly or explicitly ask us to consider our own guilt and responsibility. When we read Raskolnikov's narrow escape from the pawnbroker's apartment and his cat-and-mouse game with Porfiry, do we root for him, and should we? Just as Nekhliudov recognizes his own guilt when serving on a jury to try Maslova, do we recognize our own complicity in unjust legal systems? Do we accept Pozdnyshev and Humbert Humbert's self-flagellating, yet ultimately victim-blaming narratives, or do we hold them accountable for both their crimes and their narrative failures of empathy? What is our role in these fictional crimes, and our responsibility as readers of these works? Literary trials demand their participants' and audiences' active engagement by asking them to make these kinds of interpretive and ethical

judgments of literary characters and themselves. Yet literary trials also go one step further than the novels: they ask participants to make a final judgment by issuing a verdict. As I discuss in Chapter Two, mock trials can be restaged and new verdicts can be reached, as happened with the 1921 *Trial of Raskolnikov*. Nevertheless, each performance must conclude with a verdict.

Whereas readers of a novel can close the book without making a definitive judgment of the character, the work, or his or her own culpability in the narrative, mock trial audiences have to render a verdict. The audience's judgment moves from the periphery of a literary text to become its central act. Literary trials ask readers to take an ethical position on the narrative: to make a judgment that does not finalize the literary text, which can be reread and retried infinite times, but which does define them. How do you interpret and judge? What does that reveal about you?

One literary trial conspicuously missing from this dissertation is the trial in Dostoevsky's *The Brothers Karamazov*. One of the most famous trials in Russian literature, the trial of Dmitry Karamazov occupies almost a hundred pages of Dostoevsky's final novel, spanning the entire last book. Yet in spite of the voluminous source material, I have not found evidence of any literary trials based on *The Brothers Karamazov* performed either in Russia or abroad in the 1920s and 1930s. One possible reason why intellectuals, lawyers, and other trial creators did not adapt it as a mock trial is that the novelistic trial is already over-narrated. Dostoevsky provides the witnesses' testimony and detailed, dramatic speeches from both lawyers. Given the wealth of material, there may not have been much room for mock trial organizers to transpose the novel into the trial form and create something new. Nevertheless, Dostoevsky's novelistic trial functions as a trial of reading and interpretation, which asks readers to consider the ethics of how we read. By concluding my discussion of judgment and literary trials with a reading of Dostoevsky's novelistic trial in *The Brothers Karamazov*, I hope to demonstrate how Dostoevsky

puts reading itself on trial, and the trial's ethical implications for readers of the novel.

Dostoevsky devotes more than half of the lengthy trial scene to the two lawyers' speeches. The prosecutor Ippolit Kirillovich lays out the facts of the case, Mitia's history and psychology, and concludes with an impassioned speech to the jurors about their role as "the defenders of our truth, the defenders of our holy Russia, of her foundations, of her family, of all that is holy in her!" (PSS 15: 150; 722).⁴⁰³ The prosecutor's case rests upon a straightforward interpretation of the facts, which together paint a damning portrait of Mitia. The prosecutor's interpretation of the evidence is wrong, as readers of the novel know—Mitia is innocent—but the prosecutor's narrative appears reasonable.

The defense attorney Fetiukovich, however, masterfully breaks down the prosecutor's case by inserting doubt. He goes through each piece of evidence and demonstrates how it can be interpreted differently from how the prosecutor interprets it, and thus how it does not add up to a clear case against Mitia. Fetiukovich attributes the holes he can poke in the prosecutor's case to the double-ended nature of psychology: "I myself, gentlemen of the jury, have resorted to psychology now, in order to demonstrate that one can draw whatever conclusions one likes from it. It all depends on whose hands it is in" (PSS 15: 156; 728). Fetiukovich argues that all interpretation is subjective and relative—that evidence can be interpreted to create any narrative that one likes. Fetiukovich's dismantling of Ippolit Kirillovich's case echoes the discussions about the double-sided nature of evidence in *Crime and Punishment*, where the same details can be used to construct opposing narratives. This approach is problematic—Gary Rosenshield

⁴⁰³ Russian quotations are from F. M. Dostoevskii, *Polnoe sobranie sochinenii v tridtsati tomakh*, vol. 15 (Leningrad: Izdatel'stvo "Nauka," 1976). English translations are from Fyodor Dostoevsky, *The Brothers Karamazov*, trans. Richard Pevear and Larissa Volokhonsky (New York: Farrar, Straus and Giroux, 1990). References will be given in parenthetical form with the Russian first.

contends that this argument opens the door for Dostoevsky's novelistic project to be similarly deconstructed—but Fetiukovich is also right. Dmitry did not kill his father, and the prosecution's damning narrative is constructed on an incorrect interpretation of evidence.

Yet Fetiukovich damns his argument by attempting to play both sides of the case. After masterfully inserting doubt into the prosecutor's narrative and expressing his concern that despite a lack of clear evidence Dmitry "will perish merely from the totality of these facts," Fetiukovich changes tack: "I do not renounce one iota of what I have just said, but suppose I did, suppose for a moment that I, too, agreed with the prosecution that my unfortunate client stained his hands with his father's blood" (*PSS* 15: 167; 741). The defense attorney suddenly changes his position to argue that *even if* Mitia killed his father, he should still be acquitted because Fedor Pavlovich was not a real father to him. The argument is absurd—Rosenshield notes that Dostoevsky reduces the lawyer by giving him "a patently ridiculous argument about sons who have the right to kill less than perfect fathers."⁴⁰⁴ Fetiukovich's attempt to play both sides likely dooms his case. Although everyone in the audience seems certain that Dmitry will be acquitted, the jury finds him guilty on every count.⁴⁰⁵ Fetiukovich's smooth rhetorical maneuver fails, as does the truth: an innocent man is convicted of murder.

In his final charge to the jury, Fetiukovich establishes the stakes of their decision: "In your hands is the fate of my client, in your hands is also the fate of our Russian truth. You will save it, you will champion it, you will prove that there are some to preserve it, that it is in good

⁴⁰⁴ Rosenshield, *Western Law, Russian Justice*, 246.

⁴⁰⁵ Fetiukovich's absurd argument that Dmitry should be acquitted for killing his father because his father was not a real parent to him has a famous literary predecessor: Apollo offers a similar argument for why Orestes should not be held responsible for killing his mother in Aeschylus' dramatic trilogy the *Oresteia*. In Aeschylus' play the argument succeeds, and even becomes the basis for an entire system of justice: Orestes' acquittal leads to the establishment of the Athenian law courts. Fetiukovich's argument was thus arguably not guaranteed to fail.

hands!” (PSS 15: 173; 748). The truth may be in good hands with the jury, but if so, they must rescue it from the defense attorney’s games. By trying to have it both ways—by arguing for Mitia’s acquittal whether or not he committed the crime—Fetiukovich shows a complete disregard for the idea of objective truth. The case becomes a semantic and interpretive game for him that can be argued from both sides. Fetiukovich’s disregard for the truth is part of Dostoevsky’s critique of the law in *The Brothers Karamazov*. As Amy Ronner explains in her book *Dostoevsky and the Law*, “Dostoevsky jabs at a legal system that exiles itself from concerns with ascertaining truth.”⁴⁰⁶ Similarly, Rosenshield reads Fetiukovich as a kind of postmodern critic who does not create his own narrative of the case so much as destabilize the notion that a narrative that can explain what happened, showing “that an almost limitless number of narratives can be ‘created’ to account for the same ‘facts’ of the case.”⁴⁰⁷ Fetiukovich is a master of a certain kind of reading, “a brilliant deconstructionist who casts doubt on every prosecution witness and who subverts the reliability of narrative reconstructions.”⁴⁰⁸ However, his approach fails to reveal the truth of what happened, and so the trial results in a “judicial error,” whereby an innocent man is convicted. It is hard to blame the jury for their mistake. By rejecting the defense attorney’s absurd, counterfactual argument, the jury implicitly rejects the way in which he plays with evidence to construct multiple possible versions of the truth. Their verdict may be wrong, but it also affirms that it matters that a man is dead. The verdict acknowledges that a crime was committed, despite Fetiukovich’s attempt to argue it out of existence.

The trial in *The Brothers Karamazov* fails to realize justice for several interconnected

⁴⁰⁶ Amy D. Ronner, *Dostoevsky and the Law* (Durham, NC: Carolina Academic Press, 2015), 50.

⁴⁰⁷ Rosenshield, *Western Law, Russian Justice*, 243.

⁴⁰⁸ *Ibid.*, 246.

reasons. Rosenshield argues that the trial bears the mark of Dostoevsky's heavy-handed authorial control, which insists that the jury trial cannot be a site of communal rehabilitation or forward justice.⁴⁰⁹ The trial is also built on a premise of individual responsibility for crime that contradicts the novel's vision of universal brotherhood and Zosima's notion of collective responsibility: that all are guilty before all and all are responsible for all. As we have seen, Fetiukovich's attempt to argue both sides does not help his case, since the jury sides with the prosecutor. Yet despite the trial's failure to reveal the truth, it arguably succeeds on other grounds: as a trial of a certain kind of reading. By finding Mitia guilty, the jury rejects Fetiukovich's verbal gymnastics and his side-switching arguments that invalidate any notion of objective truth. The jury's decision is wrong, but it is also a decision that upholds narrative and truth as things of value. The trial at the end of *The Brothers Karamazov* becomes a trial of reading, and the jury's verdict rejects reading that is untethered from any commitment to the truth.

Although *The Brothers Karamazov* was not popular for mock trial adaptations in the decades after the 1917 Revolution, we can think of Dostoevsky's novelistic trial as a kind of literary trial for us, its readers. What kind of readers are we? What kind of readers do we want to be? As a deft deconstructionist reader of Dostoevsky's narrative, Fetiukovich offers a possible model for novel readers, yet his disregard for truth causes him to lose the case and leads to an

⁴⁰⁹ Rosenshield traces how Dostoevsky became increasingly skeptical and critical of the 1864 legal reforms, which introduced the jury trial to Russia. Although he initially had positive things to say about the jury trial, and, according to his wife Anna Grigor'evna, "would often be both enraptured and touched by the just and intelligent sentences' of the Russian juries," in the 1870s Dostoevsky wrote several articles criticizing the legal reforms in his *Diary of a Writer*. According to Rosenshield, Dostoevsky saw the trial as a foreign and corrupting Western import: "Western law was standing in the way of Russian justice, not of course of a Russian justice already in place but one that could arise more organically from the needs and ideals of the Russian people." See Rosenshield, *Western Law, Russian Justice*, 25, 32.

innocent man's conviction. Fetiukovich's argument fails because his interpretations are disconnected from any commitment to truth or ethics: because interpretation becomes a game for him, rather than a matter of life and death. He attempts to argue away the significance of the fact that a man is dead, and his semantic games lead to an innocent man's conviction. His reading of Dostoevsky's narrative fails to uncover the truth or forward justice because it is not interested in either truth or justice. Fetiukovich's reading fails on ethical, rather than interpretive, grounds.

Because literary trial audiences have to reach a single verdict, they have to commit to an interpretation in a way that Fetiukovich tries to avoid. They have to engage with the details of narratives and make an ethical judgment about a character's guilt or innocence. Their judgments are often based on interpretations of the original works that would not pass muster with scholarly audiences. The literary trials I discuss throughout this dissertation include selective readings of the original works that interpret the texts through the lens of the trial participants' social, cultural, and political views. This kind of reading is sometimes described as bad reading. In his essay "Good Readers and Good Writers," Vladimir Nabokov lays out his criteria for a good reader and warns against the pitfalls of bad reading. He describes a quiz he gave students in which they had to choose the four definitions that make a good reader from a list of ten possibilities. The correct answers are easily identifiable for anyone familiar with Nabokov's strong opinions on reading and writing:

7. The reader should have imagination.
8. The reader should have memory.
9. The reader should have a dictionary.
10. The reader should have some artistic sense.⁴¹⁰

Nabokov's audience of students, however, largely chose the "wrong" definitions: as he explains,

⁴¹⁰ Nabokov, "Good Readers and Good Writers," 3.

“the students leaned heavily on emotional identification, action, and the social-economic or historical angle.”⁴¹¹ Nabokov’s students’ definition of good reading reflects the kind of reading on display in literary trials.

Recent studies have focused on “bad readers,” like Nabokov’s students, to consider the value of this (common) mode of reading. In her book *Paraliterary: The Making of Bad Readers in Postwar America*, Merve Emre defines bad readers as “individuals socialized into the practices of readerly identification, emotion, action, and interaction that Nabokov decried.”⁴¹² In her analysis of how bad readers “learn to do things with literary texts,” Emre makes a case for the importance and power of bad reading, arguing that bad readers in postwar America “began to imagine that reading literature might, quite literally, change the world.”⁴¹³ Similarly, in his book *Fever Reading: Affect and Reading Badly in the Early American Public Sphere*, Michael Millner makes a case for a particular kind of bad reading: reading that collapses the distance between the reader and the text. He defines bad reading as “reading that causes you to lose a sense of self or free will, reading that is addictive, reading that makes you chronically distracted or, alternatively, reading that completely absorbs you, to name a few different possibilities.”⁴¹⁴ Millner argues that far from being a dangerous way to engage with texts, “such bad forms of reading are critical, reflective, and essential to modern democracy and the public sphere.”⁴¹⁵

⁴¹¹ Ibid., 3.

⁴¹² Merve Emre, *Paraliterary: The Making of Bad Readers in Postwar America* (Chicago: University of Chicago Press, 2017), 3.

⁴¹³ Ibid., 7, 4.

⁴¹⁴ Michael Millner, *Fever Reading: Affect and Reading Badly in the Early American Public Sphere* (Durham, NH: University of New Hampshire Press, 2012), xiii.

⁴¹⁵ Ibid.

Through Emre and Millner's attention to the political and social uses of bad reading, we can identify the value of the kinds of selective readings or misreadings on display in literary trials. By returning to Dostoevsky and Tolstoy's works and reimagining them in new contexts, Soviet and émigré mock trial participants made the texts newly relevant by asking them to speak to their present concerns. They engaged with the works' major questions and offered answers that reflected their own views and ethical positions. Mock trial participants and their audiences have to interpret the narratives and resolve questions of guilt and responsibility in order to conclude the performances. Their judgments are not definitive—as we saw with the 1921 *Trial of Raskolnikov*, two performances of the same trial can result in different verdicts. They are also not uncontested—in the 1926 *Trial of Pozdnyshev*, there was disagreement about how to judge Nabokov's performance of Tolstoy's character. Nevertheless, by engaging these questions and offering possible answers to them, literary trials make the act of reading and interpreting texts an ethical act. Literary trials ask their participants and audiences to judge characters and texts on ethical grounds, turning those judgments into the critical acts of the narrative. Far from mere literary games, mock trials of Russian literary characters offer a model for how we can strive to read: as ethical actors who have a responsibility to read carefully and make judgments that speak both to the text and to the world beyond it.

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