

Erica DRENNAN  
Amherst College

## ***The Other Trial in The Brothers Karamazov***

### *Introduction*

*The Brothers Karamazov* ends with one of the most famous criminal trials in world literature, but few readers remember that it begins with a frivolous civil suit. Pyotr Miusov, the cousin of Fyodor Pavlovich's first wife, commences legal proceedings against the neighboring monastery over land rights as soon as he comes into his inheritance. The lawsuit drags on for years, and it gives Miusov a pretext for joining the Karamazov family on their visit to the Elder Zosima at the beginning of the novel. Although Miusov vows to settle the suit that day, he is so upset by Fyodor Pavlovich's antics that he runs out of the monastery, his suit unresolved. Miusov never reappears in the novel and his lawsuit is forgotten. Why does the novel begin with Miusov and his suit, only to drop both early on? What bearing does this first foray into legal issues have on the novel's main trial and its larger concerns? Far from inconsequential, I argue that this lawsuit establishes the novel's concerns about boundaries and their relationship to justice. I draw on Al Katz's boundary theory to connect Miusov's lawsuit to the novel's moral questions.<sup>1</sup> Miusov's legal dispute over the monastery's borders establishes a contrast between legal justice, predicated on (often meaningless) binaries, and an alternative vision of justice based on inclusion and shared responsibility. Miusov's unresolved property dispute may seem far less weighty than the murder trial, but it introduces the legal system's reductionist binary logic of mine or yours, right or wrong, innocent or guilty. At the end of the novel, that same logic will cause the wrong man to be convicted through a "judicial error".

No one remembers the content of Miusov's lawsuit, not even Dostoevsky's chronicler. He introduces the suit in vague terms – "Pyotr Alexandrovich, while still very young, having just come into his inheritance, at once began endless litigation over the rights to some kind of fishing in the river or wood-cutting in the forest – I am not sure which" – and glosses over details: "the lawsuit over the bound-

1 Al KATZ, "Studies in Boundary Theory: Three Essays in Adjudication and Politics", *Buffalo Law Review*, vol. 28, № 2, 1979, pp. 383-436. I discuss his theory in detail below.

aries of their land and some rights for cutting wood in the forest and fishing in the river and so on” (“проч.”) (32; *ПСС* 14; 31).<sup>2</sup> Despite the chronicler’s lack of interest in the case, Miusov’s lawsuit introduces two issues that reverberate throughout the novel: stewardship of natural resources and demarcation of boundaries.

Jane Costlow writes about Dostoevsky’s focus on deforestation in *The Brothers Karamazov* where, in addition to Miusov’s lawsuit over woodcutting rights, “various characters in the novel are engaged in frenetic efforts to generate cash by selling forests.”<sup>3</sup> The novel seems to disapprove of characters who engage in such an unabashed exploitation of natural resources, a position that reflects the uneasy relationship between private ownership and public goods that developed throughout the nineteenth century. In her study on property in Imperial Russia, Ekaterina Pravilova argues that the power balance between private ownership and public interest shifted throughout the century from a belief in the inviolability of private property toward “the unfinished process of building public property in Russia.”<sup>4</sup> Miusov’s suit against the monastery does not deal with public property per se, but by pitting a wealthy private landowner against the monastic community, Dostoevsky creates a conflict between an individual’s right to control land and a community’s need to utilize natural resources. The debate over stewardship of natural resources in nineteenth-century Russia was bound in contradictory views about individual rights versus the public good, views that are echoed in Miusov and Zosima’s approaches to the monastery’s borders.

Although Miusov ostensibly sues over access to resources, he has no interest in using the disputed territory. He does not even know where “the controversial wood-cutting in the forest and the fishing [...] went on” (84; *ПСС* 14; 78). Miusov begins legal proceedings because “to start a lawsuit against the ‘clericals’ was something he even considered his civic and enlightened duty” (11; *ПСС* 14; 10-11). He appears in the novel as a somewhat ridiculous figure, “a lifelong European” and “a liberal of the forties and fifties” (10; *ПСС* 14; 10).<sup>5</sup> His use of the French word “clericals” (клерикалы) underscores his out-

2 English translations are from Fyodor DOSTOEVSKY, *The Brothers Karamazov*, trans. Richard Pevar and Larissa Volokhonsky (New York: Farrar, Straus and Giroux, 1990). References will be given in parenthetical form with the English first.

3 Jane COSTLOW, *Heart-Pine Russia: Walking and Writing the Nineteenth-Century Forest* (Ithaca: Cornell University Press, 2013), p. 111.

4 Ekaterina PRAVILOVA, *A Public Empire: Property and the Quest for the Common Good in Imperial Russia* (Princeton: Princeton University Press, 2014), p. 3.

5 According to Amy Ronner, Miusov “embodies the trends and ‘isms’ that Dostoevsky came to detest in later years and even blamed for the unraveling of the Russian Family”. See Amy RONNER, *Dostoevsky as Suicidologist: Self-Destruction and the Creative Process* (Lanham: Lexington Books, 2020), pp. 211-212.

sider status – the word is not used for Russian Orthodox monks.<sup>6</sup> Miusov does not want to define the border between his estate and the monastery to gain the right to utilize the land, but instead to assert his “enlightened” values against those of the monastery. Miusov invokes the legal system to erect boundaries that have no meaning for him. The legal system enters the novel not as a means to establish truth or administer justice, but rather as a game that can be manipulated to serve an individual’s private purposes.

Miusov’s lawsuit has a historical precedent – a book on the Optina Monastery that Dostoevsky owned includes an account of a 1672 litigation with the townspeople over a new mill that disrupted the monastery’s rights to river access and fishing. The Tsar ruled in the monastery’s favor – the disputed mill was demolished and the monastery’s rights to the river were upheld.<sup>7</sup> Yet in *The Brothers Karamazov*, the suit remains unresolved – Miusov runs out of the monastery, and the novel, before he can settle the case. On a figurative level, perhaps the suit cannot be neatly resolved because it introduces a line of binary, legalistic thinking that will continue throughout the novel, in conflict with Zosima’s alternative, expansive vision of justice.

Miusov’s interest in defining the monastery’s boundaries is juxtaposed with Zosima’s view of the monastery walls as porous. Zosima’s stance seems paradoxical – the monastery exists as a bounded world, surrounded by walls that separate it from the outside. The chronicler highlights the monastery’s physical boundaries in his descriptions: upon arriving, “the visitors left their carriages at the guest house *outside the walls* and *entered the gates* of the monastery on foot”; soon after “they went *out the gate* and through the woods” to visit Zosima at the hermitage, where “the fence and gates are shut” (34-35, 37; *ПСС* 14; 32-34; emphasis added – *E. D.*). The hermitage walls enclose a figurative Garden of Eden – Fyodor Pavlovich declares it a “vale of roses” – a bounded paradise separate from the outside world (37; *ПСС* 14; 35).

Yet Zosima consistently breaks down the barriers that separate the hermitage from the outside world. Although women are not allowed to enter the hermitage gates, the elder finds ways to meet with female believers. Peasant women wait for him by the porch, and gentlewomen wait in “two small rooms [...] built on the porch, but outside the wall [...] and the elder comes to them by an inner passage, when he feels well enough, so it is still outside the wall” (37; *ПСС* 14; 35). “So, after all, a little hole has been made from the hermitage to the ladies”, Fyodor Pavlovich says suggestively, mocking the elder’s efforts to

6 See note in *ПСС* 15; 524.

7 *Историческое описание Козельской Введенской Оптиной пустыни*, изд. третье (Москва: Типография Готье, 1876), с. 21-23. Referenced in *ПСС* 15; 524.

commune with female worshippers (37; *PICC* 14; 35). Despite his lewdness, the eldest Karamazov accurately describes Zosima's approach to the hermitage walls. The walls are not a firm border that divides two opposed groups, but instead become a porous boundary across which members of the monastic community and the outside world can interact.

Zosima's boundary-breaking view of the monastery also prompts him to send Alyosha out into the world. "Know, my dear son", he counsels Alyosha, "that from now on this is not the place for you. Remember that, young man. As soon as God grants me to depart, leave the monastery. Leave it for good" (77; *PICC* 14; 71). Zosima's words initially shock Alyosha – his elder appears to expel him from the sanctuary of the monastery. Yet Zosima does not wish to permanently banish Alyosha, but instead to send Alyosha where he is needed. "I have no doubt of you, that is why I am sending you", Zosima explains (77; *PICC* 14; 71-72). He sends Alyosha across the walls as an emissary, who can connect the monastery to the world.

During his visit to the monastery, Miusov focuses on the divisions between the monastery and the outside world. While Zosima attempts to make the atheist landowner feel at home in this unfamiliar space, figuratively expanding the monastery's boundaries to include him, Miusov continuously threatens to leave. Near the end of the visit, Miusov suddenly resolves to "be nice, amiable, and courteous" and to "relinquish to them finally, once and for all, that very day", the wood-cutting and fishing rights (84; *PICC* 14; 78). He wants to behave well to prove that he is better than Fyodor Pavlovich, and he believes that dropping the lawsuit would contribute to his generous appearance. In fact, there is nothing generous about his intentions – he is willing to drop the suit because "it was all worth very little anyway" (84; *PICC* 14; 78). The legal action over boundaries is merely a game to Miusov, not an attempt to resolve a substantive dispute. His determination to behave well and resolve the suit also proves to be shallow – Fyodor Pavlovich's behavior so infuriates him that after numerous outbursts, "Miusov rushed from the room", never to return (89; *PICC* 14; 83).

### *Boundary Theory and The Brothers Karamazov*

The conflicting views about borders embodied in Miusov's lawsuit and Zosima's porous vision of the hermitage walls map interestingly onto the legal scholar Al Katz's boundary theory. Katz defines two types of boundaries: a vacuum boundary, which "describes a distinction between two opposed phenomena where there is no third term, no compromise, no mediation", and a live

boundary, which “describes a distinction between two opposed phenomena separated by a ‘space’ that partakes of both but is neither: compromise, mediation, ambiguity”.<sup>8</sup> Whereas “a Vacuum Boundary is a line”, a live boundary is defined by mediating space between poles.<sup>9</sup> Despite his focus on U.S. law, Katz posits boundary theory’s wider relevance, claiming that it “seeks to unpack certain fundamental characteristics of the form of human experience”.<sup>10</sup> Katz’s two types of boundaries describe Miusov and Zosima’s approaches to the monastery’s borders: Miusov wants to define a hard, vacuum boundary between his land and the monastery, whereas Zosima creates a mediating space, or live boundary, between the monastic community and the outside world. In Dostoevsky’s novelistic world, vacuum boundaries form the provenance of legal systems, which aim to resolve complicated questions with binary answers. In contrast, live boundaries produce sites of compromise, thus transcending binaries.

Katz traces three famous American legal decisions to show how situations initially understood as vacuum-bounded become reconstituted as live-bounded. He argues that this kind of shift to the middle ground is an attempt to avoid making a choice, and thus becomes its own kind of inevitable choice. Yet live boundaries do not necessarily imply an abdication of responsibility – rather, these kinds of liminal spaces resonate with Mikhail Bakhtin’s theory of Dostoevsky’s dialogism. In *Problems of Dostoevsky’s Poetics*, Bakhtin argues: “the realm of [the idea’s] existence is not individual consciousness but dialogic communion *between* consciousnesses. The idea is a *live event*”.<sup>11</sup> The similar terminology underscores the affinity with Katz’s live boundaries: ideas in Dostoevsky take on meaning through dialogic interaction, rather than through division. In Dostoevsky’s world, live boundaries between ideas, words, and characters are what enables dialogue: what “affirms the independence, internal freedom, unfinalizability, and indeterminacy of the hero”.<sup>12</sup>

If live boundaries, as exemplified by the connections Zosima fosters across the monastery walls, become a positive in Dostoevsky’s novel, vacuum boundaries are problematic not only because they prevent dialogic interaction, but also because of how they are applied. According to Katz, vacuum boundaries define questions that can only be decided with “a metaphysics of truth or knowledge

8 KATZ, p. 384.

9 *Ibid.*

10 *Ibid.*, p. 383.

11 Mikhail BAKHTIN, *Problems of Dostoevsky’s Poetics*, ed. and trans. Caryl Emerson (Minneapolis: University of Minnesota Press, 1984), p. 88 (emphasis in the original).

12 *Ibid.*, p. 63.

of the good”.<sup>13</sup> While liberal democracy may not offer a way to decide these questions, Dostoevsky’s religious worldview might. Yet in *The Brothers Karamazov*, the characters who establish vacuum boundaries are not interested in elucidating absolute truths, but in playing intellectual games. As previously discussed, Miusov does not care about the boundary between his estate and the monastery – he is not planning to use the land. Instead, he sues over boundaries to toy with the monastery. Dostoevsky sees this kind of intellectual game played with vacuum boundaries as a problem inherent to the modern legal system. As Robert Belknap explains, “The long trial in *The Brothers Karamazov* reflects the intensity of his disillusionment with the way the jury system seemed to be shifting from the adversarial pursuit of truth and justice to an amoral contest in rhetorical persuasiveness”.<sup>14</sup> Indeed, as I will discuss, vacuum boundaries define the jury trial at the end of the novel and contribute to the miscarriage of justice.

### *Ivan’s Article and the Eradication of Boundaries*

Miusov’s lawsuit over property lines and Zosima’s breakdown of the monastery walls form the background to Ivan’s article on the ecclesiastical courts, the novel’s first utopian model of justice. When the elder Zosima returns to the cell after his boundary-breaking meeting with the female believers, the hieromonk Iosif summarizes Ivan’s argument: “Apparently, on the question of ecclesiastical courts, he completely rejects the separation of Church and state” (60; *ITCC* 14; 56). Ivan argues that “it is not the Church that should seek a definite place for itself in the state”, but instead “every earthly state must eventually be wholly transformed into the Church and become nothing else but the Church, rejecting whichever of its aims are incompatible with those of the Church” (62; *ITCC* 14; 58).

Ivan’s model seems to eradicate all boundaries: rather than dividing the Church from the state, he proposes that the state “rises up to the Church and becomes the Church over all the earth” (as summarized by Father Paissy) (66; *ITCC* 14; 62). Nevertheless, in Ivan’s expansive vision, the Church maintains a powerful vacuum boundary – the Church would serve justice by excommunicating criminals. Ivan sees banishment from Christ as the most effective form

<sup>13</sup> KATZ, p. 434.

<sup>14</sup> ROBERT BELKNAP, “The Trial of Mitya Karamazov”, in Predrag CICOVACKI and Maria GRANIK (ed.), *Dostoevsky’s Brothers Karamazov: Art, Creativity, and Spirituality* (Heidelberg: Universitätsverlag Winter, 2010), p. 91.

of punishment: whereas modern criminals can assuage their guilt with the comforting thought that they have not defied the Church, in his utopian model the criminal “would then have to go away not only from men, as now, but also from Christ. For by his crime he would have rebelled not only against men but also against Christ’s Church” (63; *ITCC* 14; 59). Ivan abolishes the boundary between Church and State but replaces it with a much more severe division: the boundary between followers of Christ and the excommunicated.

Although the article generates much interest and “many churchmen decidedly counted the author as one of their own”, Zosima reveals the cruelty of Ivan’s proposed vacuum boundary between Church and excommunicated criminal (16; *ITCC* 14; 16). “What would become of the criminal, oh, Lord, if Christian society, too – that is, the Church – rejected him in the same way that civil law rejects him and cuts him off?” – Zosima laments. “Surely there could be no greater despair, at least for a Russian criminal, for Russian criminals still have faith. Though who knows: perhaps a terrible thing would happen then – the loss of faith, perhaps, would occur in the desperate heart of the criminal, and what then?” (64-65; *ITCC* 14; 60). Zosima agrees with Ivan that if the Church took over society, the treatment of criminals would change. However, Zosima imagines that this could result in more inclusive justice: the Church “would be able to bring the excommunicated back, to deter the plotter, to regenerate the fallen” (66; *ITCC* 14; 61). Whereas Ivan’s utopian legal system would deter criminals by erecting a vacuum boundary between lawbreakers and Church, thus cutting them off from the possibility of redemption, Zosima envisions the benevolence of the Church leading to the reformation of criminals.

The irony of Ivan’s article is that he does not believe in the legal system that he proposes because he is an atheist.<sup>15</sup> Like Miusov’s purely theoretical interest in the land over which he sues, Ivan’s proposed legal system is a game to him. He does not understand the cruelty of excommunicating criminals from the Church because he is not a believer. His rigid vacuum boundary would have catastrophic effects for criminal believers who would be separated from their church, yet for Ivan, the boundary is merely an intellectual exercise that would not affect him. Indeed, some readers concluded that “the whole article was just a brazen farce and mockery”, which somehow appealed to both believers and atheists (16; *ITCC* 14; 16).

In contrast to Ivan’s article and his proposed vacuum boundary between Church and criminal, Zosima’s ethos of live boundaries extends standard

15 Ivan’s devil asserts that Ivan wants to believe, and that he is struggling “between belief and disbelief” – another apparent vacuum boundary that becomes porous and live (645; *ITCC* 15; 80).

Church doctrine. In his Talks and Homilies that Alyosha records, Zosima embraces even the suicides: “We are told that it is a sin to pray to God for them, and outwardly the Church rejects them, as it were, but in the secret of my soul I think that one may pray for them as well” (323; *ICC* 14; 293). Just as he crosses the hermitage walls to reach the women, who are officially excluded from the sacred space, Zosima opens his heart to the suicides, whom the Church formally banishes. Zosima disavows vacuum boundaries of all kinds in favor of porous, live boundaries. Ivan’s article appears to promote the ideals of the Church, but Zosima reveals how its binary, legalistic framework stands in opposition to values of inclusion and brotherhood.<sup>16</sup>

After the discussion of Ivan’s article, Miusov introduces Ivan’s famous formulation: “were mankind’s belief in its immortality to be destroyed, [...] nothing would be immoral any longer, everything would be permitted” (69; *ICC* 14; 64-65). This critical formula enters the novel as almost a joke: Miusov, a fairly ridiculous figure, presents it as an anecdote that Ivan told at a recent gathering of local ladies. Robert Louis Jackson suggests that Ivan shared this idea “with the purpose of amusing them, shocking them out of their easygoing and simplistic notions about love for humanity”, and Miusov, too, appears to retell the story for its entertainment value.<sup>17</sup> Yet what begins as a form of amusement takes on lethal weight: Mitya promises to remember that “evildoing should not only be permitted but even should be acknowledged as the most necessary and most intelligent solution for the situation of every godless person” (69; *ICC* 14; 65). Although Mitya does not act on Ivan’s idea, Smerdiakov does – he cites “everything is permitted” when he tells Ivan that he murdered Fyodor Pavlovich (632; *ICC* 15; 68).

Ivan’s formula eradicates all boundaries: if there is no belief in human immortality, then there are no moral laws nor limits to human behavior. Miusov claims that “everything would be permitted, even anthropophagy” (69; *ICC*

16 William Mills Todd draws a similar contrast between Ivan and Zosima’s modes of storytelling. He argues that whereas in Book 5, “Ivan’s narratives work to isolate their subjects (hence their genre designation, ‘little pictures’), in Book 6 “Zosima’s narratives work to link with other stories, to show that nothing is lost”. Ivan erects vacuum boundaries between his subjects, whereas Zosima tells stories to forge connections. See William Mills TODD III, “On the Uses and Abuses of Narrative in *The Brothers Karamazov*”, in Horst-Jürgen GERIGK (Hrsg.), “*Die Brüder Karamasow*”: Dostojewskijs letzter Roman in heutiger Sicht; elf Vorträge des IX. Symposiums der Internationalen Dostojewskij-Gesellschaft. Gaming/Niederösterreich, 30. Juli – 6. August 1995 (Dresden: Dresden University Press, 1997), p. 83.

17 Robert Louis JACKSON, *Dialogues with Dostoevsky: The Overwhelming Questions* (Stanford: Stanford University Press, 1993), p. 295.



14; 65). Cannibalism represents the destruction of all social and moral boundaries through a physical boundary-crossing: the ultimate violation of the human body. Yet this destruction of boundaries is predicated on a vacuum boundary: *if* there is no belief in immortality, *then* everything is permitted. Zosima notes that Ivan does not seem to really believe in the binary he establishes: “you, too, are toying, out of despair, with your magazine articles and drawing-room discussions, without believing in your own dialectics and smirking at them with your heart aching inside you...” (70; *IICC* 14; 65). Ivan’s formula offers a glimpse of a world without moral boundaries, yet it, like his article, is built on binary thinking. This vacuum-bounded approach to morality reaches its horrific, logical conclusion with the murder of Fyodor Pavlovich.

### *Vacuum Boundaries in Mitya’s Trial*

If readers tend to forget about Miusov’s lawsuit that opens the novel, they remember and are often puzzled by the inordinate amount of time spent on the criminal trial that concludes the novel. Dostoevsky devotes the entirety of Book 12 to the trial, which ostensibly will establish Dmitry’s innocence or guilt. And yet, the trial fails to uncover the truth: Mitya is sentenced to twenty years of hard labor for a crime that he did not commit. Why does the novel end with what Gary Rosenshield describes as “the ultimate prosaics” of the “long and lawyerly” jury trial, and what relation does this trial have to the lawsuit that opens the novel?<sup>18</sup>

The jury trial represents the fullest expression of vacuum boundaries in the novel: almost one hundred pages and hours of testimony are devoted to drawing the line between guilt and innocence. While Mitya’s prospects in the trial take numerous turns, the cause of the judicial error remains open to interpretation. Amy Ronner pinpoints Ivan’s excessively truthful testimony as the moment that dooms Mitya;<sup>19</sup> Rosenshield argues that “the real struggle that occurs in the jury trial is not so much about Dmitry’s guilt or innocence but about the authority of the word.”<sup>20</sup> I would add to these interpretations a reading rooted in boundary theory. The trial’s failure to establish Mitya’s innocence stems from the flawed premise that this is a case of vacuum boundaries: that he is either guilty *or* innocent.

18 Gary ROSENSHIELD, *Western Law, Russian Justice: Dostoevsky, the Jury Trial, and the Law* (Madison: The University of Wisconsin Press, 2005), p. 5.

19 Amy RONNER, *Dostoevsky and the Law* (Durham, NC: Carolina Academic Press, 2015), pp. 195-196.

20 ROSENSHIELD, p. 30.

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, Mitya'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!" (722; *ИИСС* 15; 150). The prosecutor's case rests upon a straightforward interpretation of the facts, which together paint a damning portrait of Mitya. As readers of the novel are well aware, the prosecutor's interpretation of the evidence is incorrect, yet his 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 the prosecutor's reading, and thus how it does not add up to a clear case against Mitya. 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" (728; *ИИСС* 15; 156). Fetiukovich argues that all interpretation is subjective and relative – that evidence can be interpreted to create any narrative that one likes. This approach is problematic – Rosenshield contends that this argument opens the door for Dostoevsky's novelistic project to be similarly deconstructed – but Fetiukovich is also right. Mitya did not kill his father, and the prosecution's damning narrative is constructed on an incorrect interpretation of evidence.

Yet Fetiukovich dooms his argument by attempting to play both sides of the case. After inserting doubt into the prosecutor's narrative and expressing his concern that despite a lack of clear evidence Mitya "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" (741; *ИИСС* 15; 167). The vacuum boundary between guilt and innocence becomes meaningless in this moment – the defense attorney suddenly changes his position to argue that *even if* Mitya killed his father, he should still be acquitted because Fyodor 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."<sup>21</sup> Fetiukovich's final argument exposes

21 ROSENSHIELD, p. 246. 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 respon-

how he views the trial's vacuum boundary as a semantic game. The defense attorney does not attempt to draw the line between guilt and innocence in order to uncover an absolute truth, but rather to toy with the idea of truth.

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 hands!" (748; *II*CC 15; 173). 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 Mitya'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 forms part of Dostoevsky's critique of the legal system in *The Brothers Karamazov*. As Ronner explains in her book *Dostoevsky and the Law*, "Dostoevsky jabs at a legal system that exiles itself from concerns with ascertaining truth."<sup>22</sup> Similarly, Rosenshield reads Fetiukovich as a kind of post-modern critic who does not create his own narrative of the case so much as destabilize the notion that any one narrative can explain what happened, showing "that an almost limitless number of narratives can be 'created' to account for the same 'facts' of the case."<sup>23</sup> 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."<sup>24</sup> 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. Although everyone in the audience seems certain that Dmitry will be acquitted, the jury finds him guilty on every count. Fetiukovich's attempt to play games with the case's vacuum boundary fails, as does the truth: an innocent man is convicted of murder.

The trial fails to reveal the truth and serve justice because it is on a false assumption: namely, that the line between guilt and innocence is a vacuum boundary. Zosima posits an alternative vision of culpability: all are guilty before all; all are responsible for all. Zosima's formulation of guilt is closer to a live boundary than a vacuum. Rather than drawing a line between the guilty

sible for killing his mother in Aeschylus's *Oresteia*. In Aeschylus's play the argument succeeds, and even becomes the basis for an entire system of justice: Orestes's acquittal leads to the establishment of the Athenian law courts. Fetiukovich's poor argument was thus arguably not guaranteed to fail.

22 RONNER, *Dostoevsky and the Law*, p. 50.

23 ROSENSHIELD, p. 243.

24 *Ibid.*, p. 246.

and the innocent, he blurs the division by declaring all people are guilty and responsible for one another. Whereas Fetiukovich erects vacuum boundaries only to expose them as meaningless by arguing both sides, Zosima complicates binary divisions and advocates for collective responsibility, an understanding of culpability that comes much closer to describing the complex web of people responsible for Fyodor Pavlovich's murder.

### *The Ethics of Boundaries*

Miusov's lawsuit over property lines and Zosima's porous vision of the monastery walls offer a spatial way to think about the novel's moral questions. This early conflict introduces vacuum and live boundaries as two opposed systems for navigating issues of truth and justice. Vacuum boundaries become associated with insincerity and legalistic thinking, which divides the world into binaries not to reveal irrefutable truths but to play logical games. Live boundaries come closer to the novel's religious ethos of transcending division through universal brotherhood and collective responsibility.

Yet this division between vacuum and live boundaries is its own kind of binary with attendant limitations. While the novel seems to valorize live boundaries through Zosima's ethic of collective responsibility and universal brotherhood, the novel's treatment of certain characters complicates that vision. Smerdiakov, the fourth Karamazov brother, makes the problem of familial boundaries explicit, as characters must decide whether to treat him like a brother or to exclude him from the family. Gary Saul Morson, who emphasizes the importance of boundaries in the novel in order to explore the dangers of the margins, argues that Smerdiakov is an "eternally liminal" character, "whose motives can be explained by the logic of margins. [...] He ruins his brothers because they do not acknowledge him as a brother."<sup>25</sup> In her chapter on Smerdiakov, Olga Meerson argues that Dostoevsky is aware of the problem of Smerdiakov, and that it is the narrator, characters, and reader who fail to treat him as a brother – who erect a rigid vacuum boundary between him and the other Karamazovs.<sup>26</sup>

25 Gary Saul MORSON, "Verbal Pollution in *The Brothers Karamazov*", in Robin FEUER MILLER (ed.), *Critical Essays on Dostoevsky* (Boston: G. K. Hall & Co., 1986), pp. 235, 241.

26 In her chapter "The Fourth Brother", Meerson argues that the narrator's presentation of Smerdiakov "distracts attention from the importance which the author does ascribe to Smerdiakov", whose "story is the main line of the plot". See Olga MEERSON, *Dostoevsky's Taboos* (Dresden: Dresden University Press, 1998), p. 184.

Nevertheless, the novel does not make space for other secondary characters who could be metaphorical brothers. Greta Matzner-Gore traces the marginalization of the character Maksimov to argue that the novel's handling and exclusion of certain "secondary" characters problematizes its ideal of universal brotherhood.<sup>27</sup> Miusov also poses such a problem: he is literally driven from the novel by Fyodor Pavlovich's antics. He introduces a model of legalistic, binary thinking that contradicts the novel's ideals, yet the supposedly inclusive novel has no room for him. It seems there is no novelistic space for characters who argue for vacuum boundaries – by the end of the novel, both Miusov and Fetiukovich have disappeared, and Ivan is silenced by illness. In its valorization of live boundaries, the novel erects a vacuum boundary to exclude characters who do not fit its ethics.

The novel's prioritization of live boundaries over vacuum boundaries also demands interrogation: are live boundaries morally superior to vacuum boundaries? Or do they carry their own limitations and problems? As I discuss above, Katz sees live boundaries as a way to avoid making a decision – a kind of compromise that evades responsibility. Yet in the novel, live boundaries foster connection and dialogue. The novelistic structure gains meaning through juxtaposition and dialogic interaction – Book 6, Alyosha's manuscript of Zosima's life and homilies, was intended to be a response to the "Grand Inquisitor" in Book 5. Yet Dostoevsky does not put his thumb on the scale – Zosima's words do not directly refute the Grand Inquisitor or Ivan's rebellion against God, and the Elder's saint-like position is immediately complicated by his stinking corpse that opens Book 7. It is up to the reader to make connections across the parts of the novel and to create meaning through their consonances and contradictions.

The question of boundaries in Dostoevsky's work and their relationship to justice and ethics is particularly urgent now, in light of Russia's full-scale invasion of Ukraine. In his 1880 Pushkin speech, Dostoevsky asserts Russia's "pan-European and universal" destiny (*IICC* 26; 147). He envisions Russia's role as uniting Europe, and asserts that to be a true Russian is "to become a brother to all people" (*IICC* 26; 147). It is a vision of universal love, an erasure of boundaries between people and nations, that nevertheless depends on an us-versus-them binary: Dostoevsky declares Russia's desire for a "universal, pan-human union with all the races of the great Aryan family" (*IICC* 26; 147). As Joseph Frank explains, "This was the first time he had employed the word 'Aryan,' which reveals the influence of the anti-Semitic literature of the peri-

27 Greta MATZNER-GORE, "Kicking Maksimov out of the Carriage: Minor Characters, Exclusion and *The Brothers Karamazov*", *Slavic and Eastern European Journal* 58, no. 3 (2014): pp. 419-436.

od, and it provoked a great deal of criticism”.<sup>28</sup> This supposedly universal message, which is inflected with the discourse of anti-Semitism, also denies agency to other nations and peoples – what if they don’t want to be embraced in this pan-European brotherhood?

One solution to the problem posed by the Dostoevsky we encounter in the Pushkin speech is to erect our own vacuum boundary: to insist on a total divide between Dostoevsky the artist and Dostoevsky the political and religious thinker. But as scholars have recently pointed out, this division is artificial and flawed.<sup>29</sup> Dostoevsky the journalist’s virulent antisemitism infects even the universally-minded *Brothers Karamazov*. In the chapter “A Little Demon”, when Liza asks Alyosha, “is it true that Yids steal children on Passover and kill them?” Alyosha fails to discredit the anti-Semitic lie by equivocating: “I don’t know” (583; *ITCC* 15; 24).<sup>30</sup> In his book *Dostoevsky and the Jews*, David I. Goldstein reads this moment as both an ethical and aesthetic failure: “How could Dostoyevsky have dared to put these words in the mouth of his Alyosha, Alyosha, the incarnation of charity, the symbol of Russia’s spiritual regeneration? No, an Alyosha could never have spoken those words”.<sup>31</sup> This moment collapses the distinction between Dostoevsky the journalist and Dostoevsky the artist – Goldstein terms it a “double betrayal”.<sup>32</sup> Another solution is to erect a different kind of vacuum boundary and stop reading or teaching Dostoevsky entirely. But the ethic of *The Brothers Karamazov* offers an alternative: to exist in the live-bound-

28 Joseph FRANK, *Dostoevsky: The Mantle of the Prophet, 1871-1881* (Princeton: Princeton University Press, 2002), p. 526.

29 Several recent blog posts have tackled this issue. See Sarah HUDSPITH, “Dostoevsky and the Idea of Russianness: The Case for a Decolonial Critique”, *The Bloggers Karamazov*, 9 October 2023 (<https://bloggerskaramazov.com/2023/10/09/dostoevsky-the-case-for-a-decolonial-critique/>) and Lindsay CEBALLOS, “The One Dostoevsky Problem”, *The Bloggers Karamazov*, 9 August 2023 (<https://bloggerskaramazov.com/2023/08/09/the-one-dostoevsky-problem/>).

30 I have edited the translation to indicate that Liza uses the offensive term, *zhidy* (‘Yids’), rather than the neutral term, *evrei* (‘Jews’).

31 David I. GOLDSTEIN, *Dostoyevsky and the Jews* (Austin: University of Texas Press, 1981), p. 156. Many scholars do not agree with Goldstein’s interpretation of Alyosha’s uncertainty – Maxim D. SHRAYER summarizes several other readings of the blood libel scene and provides his own reading in his essay, “The Jewish Question and *The Brothers Karamazov*”, in Robert Louis JACKSON (ed.), *A New Word on The Brothers Karamazov* (Evanston: Northwestern University Press, 2004), pp. 210-233. According to Shroyer, it is “paradoxical that upon his return from Moscow, where he articulated in the Pushkin speech his innermost aesthetic, ethical, and metaphysical ideals, Dostoevsky writes the blood libel scene” (p. 218). Yet as I discuss above, the Pushkin speech contains seeds of anti-Semitic language.

32 GOLDSTEIN, p. 158.

ed, messy middle – to confront Dostoevsky’s nationalistic, xenophobic, and anti-Semitic ideas while also recognizing the alternative modes of thinking and models of inclusion embedded in his narratives. Miusov’s lawsuit is a tiny episode at the beginning of a very long novel. Nevertheless, reading it in dialogue with the novel’s other explorations of boundaries offers a model for embracing ambiguity and complexity – a model for how we can read Dostoevsky the writer alongside Dostoevsky the journalist.

How do we reconcile Miusov’s disappearance with the novel’s valorization of universal brotherhood? Can there really be no novelistic space for characters who argue for vacuum boundaries? Any solution to this contradiction must come from the reader. If the novel lauds Zosima’s efforts to complicate vacuum boundaries, then part of that work must fall to us as readers. Our job is to not forget Miusov and his lawsuit over boundaries. We have to draw the connections between the novel’s first foray into legal issues and the concluding trial, and create a dialogue between them. The novel’s many parts, plots, and questions need not be divided by vacuum boundaries but live ones, if readers can work to complicate these divisions.

