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# DOSTOEVSKY AND THE CHRISTIAN TRADITION

EDITED BY

GEORGE PATTISON

AND

DIANE OENNING THOMPSON

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# *Contents*

# *Notes on contributors*

DAVID S. CUNNINGHAM is Professor of Theology and Ethics at Seabury-Western Theological Seminary, Evanston, Illinois. He is the author of *These Three are One: The Practice of Trinitarian Theology* (1998), and the co-editor of *Ecumenical Theology in Worship, Doctrine, and Life* (1999). He recently held the Alan Richardson Fellowship at the University of Durham, where he began work on a project on the doctrine of revelation.

CARYL EMERSON is A. Watson Armour III University Professor of Slavic Languages and Literatures at Princeton University, with a co-appointment in Comparative Literature. Well known as a translator and critic of the Russian literary critic and philosopher Mikhail Bakhtin, she has also published widely on nineteenth-century Russian literature (Pushkin, Dostoevsky, Tolstoy, Chekhov), on the history of literary criticism, and on Russian opera and vocal music. Most recently she is the author of *The First Hundred Years of Mikhail Bakhtin* (1997) and a brief biography of Modest Mussorgsky (1999) in the Cambridge series 'Musical Lives'.

IVAN A. ESAULOV is Professor at the Department of Theoretical and Historical Poetics, Russian State University for the Humanities (RGGU), Moscow. He is the author of numerous articles and four monographs, of which the most recent are *Kategoriia sobornosti v russkoi literature* (*The Category of Sobornost' in Russian Literature*) (1995), and *Spektr adekvatnosti v istolkovanii literaturnogo proizvedeniia* (*The Spectrum of Adequacy in the Interpretation of the Literary Work*) (1997). He is also an editor of the periodical *Postsimvolizm kak iavleniie kul'tury* (1995– ). His main area of specialisation is in the poetics of Old Russian and Russian literature, and the philosophy of religion.

ANTONY JOHAE is Associate Professor in the Department of English

CHAPTER 6

# *The categories of Law and Grace in Dostoevsky's poetics*

*Ivan A. Esaulov*

The opposition between law (*pravo*) and Grace (*Blagodat'*) in Dostoevsky's poetics can be traced back to the Old Russian Orthodox opposition between Law (*Zakon*) and Grace first enunciated by Metropolitan Hilarion more than nine centuries ago.[1] In Western theology the opposition between justification by works of the law and justification by faith (Luther) or grace (Calvin) was one of the decisive issues in the Reformation disputes between Roman Catholicism and early Protestantism. As Luther and Calvin in particular insisted, this opposition is firmly rooted in the epistles of Paul, and the letters to the Romans and to the Galatians were particularly important sources of proof texts for their polemics. However, this same opposition appears in the Orthodox tradition in quite a distinctive form, and it was this tradition which nourished Dostoevsky's art and thought.

The history of original Russian literature begins with the famous, eleventh-century *Sermon on Law and Grace*, a seminal work of Russian homiletics and spirituality, by Hilarion (Ilarion), an outstanding preacher who became the first Russian Metropolitan of Kiev in 1051.[2] Medievalists differ on the exact date when the *Sermon* was preached, but, more important for us, are its sources and position in the annual Orthodox cycle, and on this point scholars are virtually at one: it was 'based on a New Testament text' and was given only on Easter.[3]

From his first lines, Hilarion speaks 'of the Law of Moses given to him by God, and of the Grace and Truth which has appeared in Jesus Christ, and of how the Law has departed'.[4] Hilarion then sets out a series of metaphorical antitheses between the Law and Grace based on contrasted opposites, laying particular stress on the universality and permanence of Christianity and the two natures of Christ. Hilarion identifies the Law with the Old Testament, in





particular with the Pentateuch, whose prophecy, from the Christian point of view, has already been completely fulfilled, and therefore must be replaced, and has already been replaced, and transferred into a different, Christian system of ethical coordinates. The abrogation of the Law does not at all mean that it is useless or unnecessary. On the contrary, the Law was necessary 'for the preparation of Truth and Grace', in so far as 'the Law was the precursor and the servant of Grace and Truth'.[5] Thus, the Law appeared as a necessary historical stepping stone for ancient humanity on its path towards Grace: thanks to the Law, 'human nature turned from bowing down to polytheistic idols to faith in the one God'.[6] But precisely this stepping stone must be overcome in full measure, having fulfilled its predestined role. For if not, it becomes a hindrance, a ballast dragging one down to what is 'earthly' and turning one away from the 'heavenly'.

Hilarion distinguishes two possible ways of a person's orientation in the world: *self-assertion* in earthly life and *spiritual salvation* for the achievement of which it is necessary to free oneself from the 'slavery' of earthly cares. Grace is understood as a result of the Salvific influence of the Holy Spirit on man. It is traditionally juxtaposed to the law as a supra-legal category and therefore as one proleptically 'rescinding' all legal relations. In the tradition of Eastern Christianity, the 'mechanical' observance of the law without Grace is understood as servile submission to necessity; as commandments which come not from God, but have been 'invented' by man (for example, 'Roman law' and the general idea of 'legal space'); as the formal frames of an abstract 'norm', incapable of providing for the variety of life's concrete conflicts; as a 'dead letter', killing life and hindering spiritual salvation; as something opposed to the Kingdom of God. For this reason, liberation from all the 'shackles' of the law is usually understood as a kind of ideal orientation point (based on Grace) for Russia, despite never having become an historical fact. One can say that the supra-legal relationships of Grace are more characteristic of the ideal space of 'Holy Rus'' than historical Russia.

In his detailed analysis of this text, V. N. Toporov finds 'in this literary monument the first formulation of the "Russian idea"', its chief features being the notion of 'spiritual succession' and of 'holiness as the highest moral ideal of behaviour, of one's life position, more exactly, of a special type of holiness understood as sacrifice, as the hope for another world, for values which are *not of*

*this world*'.[7] The main purpose of the *Sermon* was, most likely, 'to glorify the conversion of Rus'' and to affirm Russia's equality with all Christian peoples.[8]

There is yet another notable circumstance for Russian culture. For many generations of Russians the main means of assimilating the Bible came from hearing the liturgy and not domestic reading. Therefore, it is especially important that the central value-laden opposition of Law and Grace is intended for the Orthodox Easter liturgy, and that the first Gospel reading on Easter eve begins with the first verse of St John's Gospel ('In the Beginning was the Word') and concludes with the seventeenth verse in which the Law of Moses and the Grace of Christ are opposed: 'For the law was given by Moses, but grace and truth came through Jesus Christ' (John 1:17). Thus, for the world's Orthodox believers, the first Easter liturgy gave rise to a kind of semantic unity of the gospel text they were hearing, whose limits were bound by the Johannine Word and the supersession of Law by Grace. And precisely this final stress on the Easter triumph of Christ is an indubitable fact of the consciousness of every Orthodox believer. The semantic unity of this liturgical segment from John's gospel gives a special horizon of expectation to Orthodox Christians on the whole church year in that the moveable calendrical cycle begins with Easter day.

For Orthodox theology and Orthodox consciousness, the opposition between Law and Grace has by no means been relegated to the Church's historical past. Almost a millennium later, the Orthodox theologian, N. Afanasiev, applies the same demarcation when he describes Grace as the antipode of 'legal space':

> By its very nature, Grace excludes the law (*pravo*) just as Grace, having overcome it by fulfilment, excluded the Old Testament law (*zakon*) <. . .> The end of the Old Testament law (*zakon*) is at the same time the end for the secular law (*pravo*) <. . .> Christianity proclaimed the surmounting of law in human relationships in a new life in Grace <. . .> This was not a new Law based on new legal principles, since what Christ said in the Sermon on the Mount does not and cannot be fitted into a concept of law <. . .> The acknowledgment of law (*pravo*) is a rejection of Grace by which the members of the Church live in Christ <. . .> [it] is a *return to the law* (*zakon*), and if there is justification by law, then Christ died in vain.[9] [my emphasis, I. E.]

Of course, one may not agree with a certain 'harshness' in this opposition, since for the contemporary, secularised legal consciousness, the exact fulfilment of legal obligations is a most important, if not the main, value of the world order; it has in fact become the axiology of 'civil society'. Afanasiev, however, is only explicating an utterly essential opposition for Russian Orthodoxy which had a powerful influence on Russian literature and culture as a whole, and in particular on Dostoevsky's poetics.



The twentieth-century Russian philosopher B. P. Vysheslavtsev interprets the Law in a very broad sense: 'as the fundamental holy precepts (*sviatynia*) of the whole antique world, as the basic principle of pre-Christian and non-Christian ethics'.[10] In his opinion 'the opposition between Law and Grace, Law and love, Law and the Kingdom of God' is 'a fundamental principle of Christianity' which 'runs through the entire Gospels'.[11] According to Vysheslavtsev, who bases his thought on St Paul and Orthodox axiology, the antinomy of Law and Grace is the antinomy of 'two great systems of values' which are 'incompatible', in that they temporally exclude each other, 'the one supersedes the other <. . .> the Law is transient and Christ is the end of the Law'.[12] For 'the Law shows what is a sin, and forbids sin, but it is powerless to fight against sin <. . .> the Law cannot love the sinner, but Christ can'.[13]

In Dostoevsky's novels, the heroes' orientation towards 'legal space', as a rule, inevitably presupposes a retreat from moral criteria. The narrator in *The Brothers Karamazov* remarks: 'The majority of the men were positively wishing for the criminal's punishment, except for the lawyers who cared not about the moral aspect of the case, but only, so to speak, its contemporary legal aspect' (15,91). Also, Dmitry Karamazov says about his father: 'legally he doesn't owe me anything <. . .> But morally he surely owes me something' (14,111). Therefore, the ideas of law and Grace are not simply *different* by their nature, but are in a certain sense antinomical.

It is far from chance that, according to a popular Russian conception, which also finds its reflection in the poetics of *The Brothers Karamazov, ablakat'* (a colloquial pronunciation of *advokat* ('lawyer')) is a 'hired conscience' (14,220). Nor is it by chance that chapter XIII, Book 12, in which the defence lawyer sums up his case, has the title 'An Adulterer of Thought' (*Preliubodei mysli*) (12,XIII). Although for the actualisation of strictly *legal* relations, the lawyer, of course, is one of the most important and irreplaceable figures in society.

Legitimacy and legality, according to Dostoevsky, are by no means

the discovery of Catholic civilisation, a notion that is sometimes ascribed to him. On the contrary, for Dostoevsky, the predominance in human relationships of juridical (legal) criteria to the detriment of relations based on Grace as understood in the Gospels, is an unfruitful and dangerous return of humanity to the pre-Christian state of the world.

The essence of the Grand Inquisitor's reproaches to Christ consists precisely in the fact that the Saviour effected a transition from 'the firm foundations for the appeasing of human conscience' to the freedom of the New Testament, a substitution of 'the hard ancient law' (the Old Testament) by the New Testament (14,232). In other words, there occurred a rejection of the Old Testament *hierarchical* division of humanity into those who are worthy of freedom and those who are not. The Grand Inquisitor openly demonstrates his 'correction' of Christ's great deed and a return to a pre-Gospel situation when he states: 'people rejoiced that they were again led like a herd' (14,234). One finds the same cruel division of humanity into two unequal parts in Raskolnikov's theory (the 'extraordinary people' and all the rest), and in Shigailov's project (the elite *we* and *they*, everyone else). The common totalitarian 'anthill' formed as a result of these divisions has one essential difference from its pre-Christian analogues: to reject God already *after* Christ's arrival in the world means, in the words of the Grand Inquisitor, to be with the devil: 'We haven't been with Thee [Christ] for a long time, but with *him* [the devil]' (14,234).

It is interesting that both liberalism and, paradoxically, revolutionary radicalism, fully subscribe to the idea of 'legal consciousness'. This particular feature of *The Brothers Karamazov* is revealed even in the most seemingly 'neutral' fragments of the text. Thus, the minor character, Miusov, a vain, Europeanised Russian liberal, who 'personally knew Proudhon and Bakunin and especially loved to remember and talk <. . .> about the three days of the February Revolution in Paris in forty eight [1848]', 'considered it even his civic and enlightened duty to initiate a lawsuit with the "clericals" [with the monastery]' (14,10–11). In *Crime and Punishment* we find another example. Pyotr Petrovich Luzhin, the bullying exploiter and pompous scoundrel who basely plants a 100-rouble note on Sonya in order to incriminate her before Raskolnikov, 'wants to open a public law office in Petersburg. For a long time he has been busy conducting various actions and lawsuits and the other day just won an important



case' (6,32). At the same time this character 'decided immediately on his arrival in Petersburg to find out what was going on <. . .> and if necessary, to anticipate developments and ingratiate himself with "our young generation"', since he heard, 'that there existed, especially in Petersburg, some progressists, nihilists, denouncers, and so forth and so forth', 'powerful, all-knowing circles, who despised and denounced everyone' (6,279,278). Finally, we should not forget that the rebel himself, Raskolnikov, is a law student who has written an article in which he attempts to found a legal (although immoral) 'right (*pravo*) to allow one's conscience to overstep <. . .> certain obstacles', that is, the *right* of 'extraordinary' people to commit crimes (6,199).[14] In his verbal duel with the detective, Porfiry Petrovich, the hero remarks: 'I speak in my article about their [the exceptional people's] *right* (*pravo*) *to crime*. (You will recall, we actually began with the *legal question*)' (6,200) [my emphasis, I. E.]. However, Raskolnikov's mother explicates another side of her son's law studies in her letter to him:

> Dunya <. . .> for several days already has simply been in a kind of fever and has already worked out a whole project by which you can later on be the colleague and even the partner of Pyotr Petrovich in his legal business, all the more since you yourself are studying on the law faculty. (6,32–33)

We see that legalism, according to Dostoevsky, does not contradict revolutionary radicalism. However both contradict the idea of Grace insofar as they are based on external, that is, on formal legal principles and criteria.

The apocryphal text, *The Mother of God's Descent into Hell*,[15] to which Ivan alludes in his conversation with Alyosha just before reciting his Grand Inquisitor 'poem', occupies, from the point of view of our problem, a key place in *The Brothers Karamazov*. It is hardly by chance that Ivan Karamazov *twice* refers to Dante in his 'preface' to 'The Grand Inquisitor':

> You see, my action takes place in the sixteenth century, and then <. . .> it was quite common practice in poetic works to bring heavenly powers down to earth. I do not speak about Dante. <. . .> In our monasteries they also translated, copied and even composed such poems, yes, even as far back as the period of Tatar rule. There is, for example, one little monastery poem (of course, from the Greek): *The Mother of God's Descent into Hell*, with scenes of a boldness not inferior to Dante. (14,224–25)

This passage has three features worthy of note. First is the broad historical, philosophical perspective sketched by Ivan: although the

action of 'The Grand Inquisitor' 'takes place in the sixteenth century', his first literary reference is to Dante, who lived in the thirteenth and fourteenth centuries. Second, the denominational origin of the 'little monastery poem' is specially emphasised ('of course, from the Greek'). Third, the Orthodox text is directly compared by Ivan to the *Divine Comedy*, whereby he insists on a kind of equivalence between Dante's great creation and the anonymous translation from the Greek: 'with scenes of a boldness not inferior to Dante'.

In the mytho-poetics of Dante's cosmos, every sinner *hierarchically* receives what he 'deserved' in life. Although Dante's work is an extremely original artistic creation, it is, at the same time, a kind of poetic encyclopedia of the medieval Catholic worldview, not a dogmatic view, but a poetic reflection of Catholic eschatology.[16] But in Dostoevsky, contrary to Dante, the circles of Hell, with their hierarchy of the tiers of sinners, disappear. The Mother of God 'begs for mercy for everyone in hell <. . .> without distinction', and 'orders all the saints <. . .> to pray for mercy for everyone without discrimination' (14,225). Mercy 'for everyone without discrimination', which is based on an essentially non-legal idea, is a supremely important characteristic of the Russian Orthodox mentality, and it also permeates Dostoevsky's poetics.

One may also recall the 'fable' of the 'little onion' which Grushenka tells Alyosha at a time of spiritual crisis in their lives. It is about a 'wicked woman' who, having died and left no good deeds behind her, was seized by devils and thrown down to the burning lake of hell. God tells her Guardian Angel that if he can think of one good deed the woman did, she may be saved. The Angel remembers that she once gave an onion to a beggar woman, whereupon God tells the Angel to take the onion and if he can pull her out with it, she can enter paradise. The Angel throws her the onion and starts to pull her out of hell with it. When other sinners see this, they grab onto her so as to be pulled out too. But the woman kicks them away whereupon the onion snaps, and the woman remains in hell 'to this day' (14,319). The woman in Grushenka's fable is sinful through and through and is deservedly punished by the 'devils' because, so to speak, of the 'sum total of facts' of her sinful life. She is punished not because she was 'wicked', but because she left 'not a single good deed behind her'. The 'devils' embody, in an exaggerated form, the idea of justice: the punishment is adequate to the crime, that is, the



devils enter into a complete correspondence with a formally understood conception of justice: 'the devils seized her and threw her into the burning lake'. One could interpret the *dramatis personae* of this fable allegorically, in a juridical context: the woman is the accused, her iniquitous life is her crime, the devils are the executors of the sentence, the Guardian Angel is the defence lawyer, and God is the chairman of the court. However, such a 'juridical' interpretation is flagrantly inadequate to the very meaning of Grushenka's story. The woman's guilt is clear from the beginning and is not subject to doubt or dispute. However, God embodies *Grace*, and not *law*, and therefore, in spite of the obvious legal incommensurability of one single 'onion' (one good deed) and a mass of wicked deeds, the woman can be *saved* by Divine Grace, regardless of the fact that by her life she fully deserved the 'burning lake'. What is striking, but at the same time very characteristic of the Orthodox mentality, is that in the final analysis it is not a long series of personal transgressions which is the woman's undoing, but her pretension to chosenness, her egoism and her setting herself against other sinners, her hope only for personal and not communal salvation ('they're pulling me out, not you, it's my onion and not yours'). And so, as soon as she utters this, 'the onion snaps', not because the other sinners 'grab onto her', but because the sinner herself pushes them away. Nevertheless, even after this wicked act of the woman, her 'Angel' feels pity: 'he wept and turned aside' (14,319).

In Dostoevsky's poetic cosmos, the image of this 'little onion' strikingly and paradoxically places on an *equal* footing – as potentially open to salvation by grace and not by a legal court – both the 'wicked woman' without even one good deed and the most exalted characters. Thus, Grushenka says about herself: 'I myself am this wicked woman <. . .> only here's what, Rakita, although I am wicked, still, I gave an onion <. . .> *All* I ever gave was just one little onion in my whole life' (14,318–319). Alyosha, in his turn, says to Grushenka: '"What have I done for you? <. . .> I gave you an onion, one tiny little onion, that's all, that's all!" And saying this, he himself began to weep' (14,323). However, even this tiny little onion of grace, given to an Other, can, in Dostoevsky's world, save this Other. Thus Alyosha, who almost 'against my God rebelled', says to Grushenka, who gave him an onion: 'You restored my soul just now' (14,317,318). And Grushenka announces about Alyosha's 'onion': 'he turned my heart . . . He was the first one to take pity on me, the only one, that's

what!' (14,323). Shortly thereafter, Alyosha hears in his dream vision his dead elder Zosima, now dwelling in Paradise, saying to him: 'Why are you surprised at me? I gave an onion, that's why I am here too. And many are here only because they gave an onion, only one little onion' (14,327).

This 'fable' told by Grushenka is vitally connected with the apochrypha *The Mother of God's Descent into Hell*; each demonstrates that in Dostoevsky's world the possibility of salvation even from Hell is allowed. This possibility follows from the absence, significant for the Orthodox tradition, of an intermediary dimension between Hell and Paradise, i.e. the absence of Purgatory.[17] 'If you pull her [the sinner] out of the lake, then let her go to paradise' (14,319). Of course, the possibility Dostoevsky allows of an *instantaneous* transition from the 'lake' of hell directly to paradise also has an Orthodox subtext of meaning.

Let us observe here that Yuri Lotman, whilst convincingly juxtaposing a binary model of Russian culture with a West European ternary system, omitted only one, but in my view the most important, point which gives rise to this profound typological difference between two images of the world, namely, the significant absence of the idea of Purgatory in Orthodox culture.[18] Although Lotman and B. A. Uspensky's joint article makes a distinction between the Catholic conception of three sacral realms beyond the grave and the Orthodox idea of two, this distinction is characterised as merely one of many particular examples of Russian 'binarism', as just one 'particular case'.[19] This 'particular case' disappears (as being not fundamental) in the book later written by Lotman. However, it is precisely in this distinction that one can detect the most important archetypal source of subsequent general cultural differentiation. The absence of Purgatory, consequently, sharply brings together the opposite sacral spheres of Heaven and Hell. Thus, in Dostoevsky we find the possibility allowed for every character of an *instantaneous* transition from the realm of *sin* to the realm of *holiness* and back. For example, Grushenka, wishing at first to 'swallow up' Alyosha, in the end 'saves' him; Katerina Ivanovna, on the contrary, although initially wanting to 'save' Dmitry in court, 'ruins' him. Dostoevsky's famous and frequent use of the word 'suddenly' is another artistic refraction of this specifically Orthodox spiritual tradition,which is, I suggest, the necessary 'forcing-bed' for the understanding of these particular features of Dostoevsky's poetics.



We recall the 'rebellion' (*bunt*) of Alyosha, who had doubted Providence after his elder's corpse emitted 'an odour of corruption', which culminates, however, in his being 'open to the mystical vision' of 'Cana of Galilee'.[20] And then, spiritually transformed, his soul is also open to a visitation by Divine Grace:

> It was as if the threads from all those numerous worlds of God came together at once in his soul and it was all trembling 'as it came into contact with other worlds'. He wanted to forgive everyone and for everything, and to ask forgiveness, oh! not for himself, but for everyone, for all and everything, and 'for me others are asking too', – resounded again in his soul. But with each moment he felt clearly and almost tangibly, something as firm and unshakeable as this heavenly vault *descend into his soul* <. . .> 'Someone visited my soul in that hour', – he used to say afterwards with a firm faith in his words. . .' [my emphasis, I. E.]. (14,328)

Thus, in Book 7, the hero first experiences the Karamazovian sensuality on his way to Grushenka's, and then, after keeping vigil by Zosima's coffin, his soul 'trembles' in the mystical experience of a sensation of the Divine unity of the world, when the invisible 'threads' join into one the 'stars', the 'flowers in the flowerbeds', and the 'golden cupolas of the cathedral' (14,328).[21] The hero's 'soul full of ecstasy' becomes the point where, by the author's will, the 'heavenly cupola' (the beginning of Dostoevsky's paragraph) and the 'earth' (the end of the paragraph) merge into one (14,328).

On the other hand, there is an implicit lexical convergence between the most repulsive and the most exalted characters. Smerdyakov (whose surname derives from *smerdet'*, 'to stink') and the elder Zosima converge, even if only in the phenomenon of stinking: Zosima's body unexpectedly stinks (*smerdit*) after his death, just as Smerdyakov's soul does in life. However, the latter's birth from a 'holy fool' (*iurodivaia*), 'whom it seemed everyone even loved', is also significant (14,90). The images of the saintly Zosima and the stinking holy fool correspond within the limits of one system. Fyodor Pavlovich Karamazov, having fathered Smerdyakov, intrudes into this system not as a holy fool, but as a 'buffoon', and thus becomes the cause of its fluctuation.[22]

In Smerdyakov's handing over of the three thousand roubles to Ivan, one can observe not only a situation behind which flickers the Gospel invariant of the return of the silver by Judas, but other connotations which give evidence of the multi-faceted significance of Smerdyakov as well. And in him there is displayed the sharp

rapprochement of two opposite sacral spheres characteristic of Orthodox axiology; and his heart too – right up to his suicide – is a 'battlefield' where the 'devil struggles with God'. One cannot but notice that in the conversation with Ivan, Smerdyakov experiences the presence of the living God: 'Without a doubt, He is here, this third person, right between the two of us. Who is he? Where is he? Who is the third person?' – said Ivan Fydorovich in fright, quickly looking around all the corners of the room' [the 'third' person for Ivan is, of course, the devil, I. E.]. 'The third person – is God, sir' (15,60).

The intentionally macaronic combination of money and the book *Isaac the Syrian* (which Smerdyakov had possibly been reading before his death) is one of the textual manifestations of a fluctuation which may signify the continuation of the struggle for Smerdyakov's soul. Smerdyakov 'took from the table the thick yellow book, the *only* one lying there <. . .> and pressed the money down with it [my emphasis, I. E.]. The title of the book was: *The Homilies of Our Holy Father Isaac the Syrian*. Ivan read the title mechanically' (15,61). Then, once again the name of the saint sounds, not as the title of a book, but as the *name* itself: 'Smerdyakov removed Isaac the Syrian from the bundle of money and laid it[23] aside' (15,67). Let us not forget Ivan's ironic supposition, when, turning to Smerdyakov he says: 'So now you've come to believe in God, since you're returning the money?' (15,67). However, Smerdyakov's rejection of the money testifies not to his newly acquired real faith in God, but to his lack of faith in Ivan's atheistic doctrine. This is yet another one of the manifestations of the system of fluctuations most vividly appearing in this character.

Within the limits of the theme I have raised, the way in which Dostoevsky's favourite heroes understand the subsidiary importance of the cult of earthly deeds ('what are our deeds?', says Zosima) for the salvation of the soul is very important (14,327). In Dostoevsky's artistic world, where both instantaneous salvation and instantaneous ruin are possible, one cannot count on a *register* or long list *of deeds* for the attainment of Grace. One cannot earn Grace, one can only *receive* it.

In Dostoevsky one can discover a non-legal concept of guilt and punishment even for the servants of Themis: 'the Russian court', says the prosecuting attorney in *The Brothers Karamazov*, 'does not exist only for punishment (*kara*), but also for the salvation of the fallen man! Let other nations have the letter and the punishment, we



have the spirit and the meaning, the salvation and the regeneration of the fallen' (15,173). To be sure, this is not a description of a *real* Russian court, but a posited *ideal* situation based on the fact that 'Russian criminals are still believers' (14,60). Thus, *guilt* and *punishment* are virtually taken out of the sphere of 'legal space'. So, in *Crime and Punishment*, Sonya urges Raskolnikov:

> Go right now, this very minute, stand at the crossroad, bow down, first kiss the earth which you have defiled, and then bow down to the whole world [and not legal officials, I. E.], to all four corners and say to everyone, aloud: 'I killed!' Then God [and not a court of law] will send you life again. (6,322)

Sonya insists on the grace potentially conferred by suffering as opposed to juridical retribution for a crime. 'Accept suffering and redeem yourself with it, that's what you have to do' (6,323).

Even the investigator Porfiry Petrovich has a certain distrust of formal juridical limits, of the letter of the law, of strict legal form. Consequently he attempts to turn the interrogation of Raskolnikov into an informal and almost friendly conversation: 'I'm so glad that you've finally come to us . . . I receive you like a guest' (6,257). 'Why you also recently referred to form as regards, you know, this little interrogation, sir <. . .> Yes, why follow form! Form, you know, in many cases is nonsense, sir, sometimes it is more advantageous just to have a friendly talk' (6,260). Thus, even the character who is obliged according to his professional duty to adhere to legal frameworks, declares their secondary importance. However, in this case Porfiry Petrovich's deviation from legal norms is a trap and Raskolnikov senses it. Porfiry's behaviour is not a manifestation of grace, although it does reveal the inadequacy of legal limits alone. As he observes to Raskolnikov:

> after all, the general case sir, the case on which all legal forms and rules are devised and from which they are calculated and noted down in books, does not exist at all, sir, because every case, every, at least, for example, crime, as soon as it happens in reality at once turns into a quite particular case, sir; yes, and sometimes into one which is absolutely unlike anything that has happened before. (6,261)

Here, in his juxtaposition of 'books' and 'reality', the investigator himself opposes the dead paragraph of rules written down in 'little law books' and the living life which cannot be accommodated in these formal criteria of legal norms. It is much easier for Raskolnikov, as a law student, to fight with Porfiry precisely on a strictly legal field: 'Arrest me, search me but be so good as to use the proper

procedure' (6,269). Whereas for Porfiry Petrovich, on the contrary, it is more important to move away from strict procedures into the realm of the suspect's conscience: 'Don't you worry about the proper form, – interrupted Porfiry – <. . .> I invited you here, old man, informally, completely in a friendly fashion' (6,269). Raskolnikov's torment and guilt can not by any means be reduced to the legal sphere: 'Of course an illegal act has been committed; of course, the letter of the law has been broken and blood spilt, well, take my head for the letter of the law – and that's enough!' (6,417).

From the viewpoint of the Orthodox consciousness, the primary guilt of Raskolnikov does not consist in the fact that he committed a murder, i.e. that he committed a legal crime. His true guilt lies in the fact that he has forfeited Grace, that he has fallen out of the communal unity of people and set himself against other people, self-wilfully trying to define the 'value' of his and others' lives. The legal crime is only one of the *consequences* of this guilt. Moreover, this consequence (i.e. the destruction of legal space) may or may not take place. Dmitry Karamazov, from the juridical point of view is not a criminal who has transgressed the bounds of legal norms: that is why Book 12 has the title 'A Judicial Error'. Ivan also does not abandon the boundaries of legal space proper. However, just as in the case of Raskolnikov, Dostoevsky applies another measure to these heroes – the presence or absence of Grace.

Therefore it is not surprising that, in Dostoevsky's world, rational *calculation* – the *calculating* of a possible advantage from acts performed – is sometimes a synonym for *baseness*. For example, concerning the money he received from Katerina Ivanovna, Dmitry Karamazov announces to the surprise of others: 'I set it [half of Katerina's money] aside out of baseness, *that is*, out of calculation' [my emphasis, I. E.] (14,443). Thus, calculation and baseness form a single semantic series.

It is necessary to note the problematical character of blaming the Other. In one of his sermons, Zosima asks: 'Can one be the judge of one's fellow creatures? <. . .> For <. . .> this judge <. . .> is just such a criminal as the one standing before him, and he himself is, perhaps, most guilty of all for the crime of the one standing before him' (14,291). Indeed, Zosima's key teaching is a succinct expression of this idea: 'every person is guilty before everyone and everything' (14,275). This is to say that in Dostoevsky's artistic world, the idea of *communal* (*sobornoi*) guilt and *communal salvation* dominates. The most



important definition of Alyosha Karamazov is: 'he did not want to be a judge of people, he would not want to take judgment on himself and not for anything would he condemn' (14,18).

From the impossibility of *judging* the Other follows another particular feature of Dostoevsky's poetics: the problematical nature of the *finalisation* of the Other. When Lise Khokhlakova responds to Alyosha's prediction that Snegirov will eventually take the money proffered to help him with the remark: 'isn't there contempt towards him <. . .> in the fact that we are dissecting his soul', she is expressing a reluctance to pass a *final* judgment on a person (14,197). Alyosha's reply: 'we ourselves are the same as he <. . .> everyone is the same as he is' expresses an ethical directive which can be understood as the Christian orientation in the world of Others.

Believing that he has killed his father's old servant Grigory, Dmitry Karamazov rushes off to Mokroe to see Grushenka before the law catches up with him. On the way, he asks the simple coachman who is taking him there whether he 'will end up in hell or not' (14,372). The coachman's reply: 'the Son of God <. . .> went down from the cross directly into hell and freed all the sinners who were in torment', and Grushenka's conviction: 'If I were God, I would forgive all people' (14,397) are highly revealing for Dostoevsky's cosmos. Dostoevsky's world is sustained by an orientation towards mercy and Grace, and not towards the law and legal justice in so much as, to cite Zosima's words: 'there is not a sin and cannot be one on all the earth that the Lord would not forgive to the truly penitent <. . .> Could there be such a sin which would exceed God's love?' (14,292). Thus, Ivan Karamazov ironically relates to Alyosha the contents of a pamphlet in 'a French translation about how in Geneva <. . .> they executed a certain evildoer and murderer named Richard, <. . .> who had repented and converted to the Christian faith right before the scaffold' (14,218). The story of Richard is projected onto the Gospel subject of the prodigal son (Luke 15:11–32). However, 'philanthropic and pious Geneva' does not forgive the sins of its repenting prodigal son but, on the contrary, leads Richard, on whom 'had descended grace', onto the legal, juridical plane (14,218). The prodigal son Richard is condemned – in accordance with legal criteria – just because he is prodigal; because he broke the juridical norms of the Law before his repentance: 'but you have shed blood and must die' (14,219). 'And so, – says Ivan ironically, – brother Richard was dragged up to the scaffold, placed

on the guillotine and his head was fraternally chopped off [in fact according to legal norms, I. E.] because even on him grace descended' (14,219). This formal and exact fulfilment of the law, according to Dostoevsky, is, of course, absolutely devoid of grace and negates the very spirit of Christian mercy, of Christian love for man.

In late Dostoevsky, the extension of a person's *external* rights, alienated from the salvation of the soul, is not of primary importance. Therefore Rakitin's advice to Dmitry Karamazov 'you'd <. . .> do better to worry about extending man's civil rights, or at least about not letting the price of beef go up' is not by chance placed by the author in a rather comic context (15,32). This is a marginal vector of the Russian tradition. For Russian spirituality the construction of a 'legal space' alienated from a foundation in Grace is a typical utopia, it is the theoretical and practical negation of the positive significance of the very roots of Russian Orthodox culture and its system of values as 'incorrect' in the name of – to use an expression of M. M. Bakhtin, – an imposed 'theoreticism', that is, *a priori* notions about what constitutes a 'proper', 'just', 'correct' civilisation.[24] I emphasise that it is not a question of using legal criteria for the perfection and development of Russian culture, but of the utopian hope for a complete mutation of the nucleus of Russian civilisation and Russian Orthodox spirituality, for replacing it with ideas and principles devised in a completely different historical context and originating in other models of civilisation. It is not surprising, therefore, that in carrying out a violent 'reformation', alien to the Orthodox values of Russian society, precisely a destructive and not a constructive component frequently prevailed. When the political, ideological and social ideas and principles, introduced from outside, collided with the Russian cultural environment, they were not adapted to its environment but, on the contrary, the Russian cultural model itself was rejected as irrational, as a phenomenon of a low order.

In Dostoevsky's artistic cosmos, there is a different conception of human freedom relating to the realm of right and to the sphere of the spirit. In the elder Zosima's words:

> the world says: 'you have needs, therefore satisfy them, for you have the same rights as the noblest and richest men. Do not be afraid to satisfy them, but even increase them' – this is the current teaching of the world. And in this they see freedom. (14,284)



Thus, according to the logic of a world without Grace, freedom is the satiation of needs, and the achievement of a formal (juridical) equality from the position of a right. However, this is far from being the universal understanding of freedom. It is not by chance that Zosima speaks about 'their freedom' (14,284). For example, in *The Devils* the cautious Karmazinov (the 'great writer' who is a parody of Turgenev) prudently attempts to find out when the revolutionary disturbances in Russia will begin so that he can get out of the country in good time. There is no doubt that freedom of travel relates to the domain of the legal freedoms of man. However, even Pyotr Verkhovensky (the unscrupulous manipulator and instigator of the catastrophic events in the novel) takes this legal right of Karmazinov as a despicable escape from a sinking ship (Russia). After visiting him, Pyotr Stepanovich thinks to himself: 'you'll get out of the ship in time, rat!', and then characterises him as 'just an escaping rat; such a man won't inform on us!' (10,289). In this novel an undisguised 'right to dishonesty' presupposes above all freedom from Christian conscience, freedom from God and His Grace as the chief 'right of man' (10,288). However, in *The Brothers Karamazov*, Zosima already indicates the possible result of replacing freedom in Grace of spirit for a juridical freedom of right: 'They think they are establishing a just order, but, having rejected Christ, they will end by drenching the world in blood' (14,288). Russian history – and not only Russian history – has proven the utter validity of this prognosis of Dostoevsky.

Translated by Diane Oenning Thompson

NOTES

1 Whereas both *pravo* and *zakon* mean 'law' as defined by human institutions (international law, legal acts, codes, statutes), only *zakon* is used to denote a law beyond human control or agency, as in 'God's law' or the 'laws of nature'. Additionally, *pravo*, unlike *zakon*, means 'right', as in the vote, civil rights, and so on. Thus, *pravo* relates exclusively to the secular sphere, whereas *zakon* comprises the secular (legal, scientific) and the religious. Historically, *pravo* has sources in Roman law, whereas *zakon* and *Blagodat'* (Grace) are of biblical origin: the Law dominates in the Old Testament and Grace in the New Testament. (Translator's note.)

2 For an English translation of Hilarion's *Sermon*, see *Medieval Russia's Epics, Chronicles and Tales*, ed. Serge A. Zenkovsky (New York, 1963),

78–81. For an analysis of Hilarion's text, see J. Fennell and A. Stokes, *Early Russian Literature* (London, 1974), 41–60, and Ludolf Müller, *Die Werke des Metropoliten Ilarion* (*Forum Slavicum*, no. 37) (Munich, 1971).

3 See N. N. Rozov, 'Sinodal'nyi spisok sochinenii Ilariona – russkogo pisatelia XI v.', *Slavia*, 32 (Prague, 1963), 147–48; A. N. Uzhankov, 'Kogda i gde bylo prochitano Ilarionom *Slovo o Zakone i Blagodati*', *Germenevtika russkoi literatury*. Sbornik, 7, chast' 1 (Moscow, 1994), 102.

4 Hilarion, *Slovo o Zakone i Blagodati* (Moscow, 1994), 29.

5 Hilarion, *ibid.*, 31, 33.

6 Hilarion, *ibid.*, 31.

7 V. N. Toporov, *Sviatye i sviatost' v russkoi dukhovnoi kul'ture*, vol. 1 (Moscow 1995), 264–66.

8 Fennell, *ibid.*, 59 and Serge Zenkovsky, *ibid.*, 78–79.

9 Nikolai Afanasiev, 'Vlast' liubvi: K probleme prava i blagodati', *Trudy Pravoslavnogo Bogoslovskogo Instituta v Parizhe* 14 (Paris, 1971), 13–15.

10 B. P. Vysheslavtsev, *Etika preobrazhennogo erosa* (Moscow, 1994), 34.

11 Vysheslavtsev, *ibid.*, 17

12 Vysheslavtsev, *ibid.*, 26–28.

13 Vysheslavtsev, *ibid.*, 38–39.

14 I thank Diane Oenning Thompson for drawing my attention to this point.

15 The more literal translation is *The Visitation of the Mother of God among the Torments* (*Khozhdenie Bogoroditsy po mukam*) where 'torments' refers to the sinners' sufferings. (Translator's note.)

16 This is precisely how it has been received by many readers in Russia – not only in Dostoevsky's time, but in the twentieth century as well, when, for example, the Symbolists saw Dante not so much as a poet proper, but as a teacher of life. See Lena Szilard and Peter Barta, 'Dantov kod russkogo simvolizma', *Studia Slavica Hungarica*, 35 (Budapest, 1989), 61–95.

17 On the essential influence of this peculiarity of Orthodox mentality on the poetics of the most important works of Russian literature see: I. A. Esaulov, *Kategoriia sobornosti v russkoi literature* (Petrozavodsk, 1995).

18 Iu. M. Lotman, *Kul'tura i vzryv* (Moscow, 1992), 257–70.

19 B. A. Uspenskii and Iu. M. Lotman, 'Rol' dual'nykh modelei v dinamike russkoi kul'tury do kontsa XVIII veka', *Izbrannye trudy*, 1 (Moscow, 1996), 339.

20 K. Mochul'skii, *Dostoevskii: Zhizn' i tvorchestvo* (Paris, 1980; first printed 1947), 518.

21 For a similar reading of this passage, see Diane Oenning Thompson, *The Brothers Karamazov and the Poetics of Memory* (Cambridge, 1991), 300–03.

22 For a more detailed discussion, see I. A. Esaulov, 'Iurodstvo i shutovstvo v russkoi literature: Nekotorye nabliudeniia', *Literaturnoe obozrenie*, 3 (1998), 108–12.



23 An important nuance is lost in English translation here. Instead of using *ee* (it) to designate the book, Dostoevsky used *ego* which, given the absence of an inanimate referent, has to mean 'him'. Hence, Smerdyakov 'laid him [Isaac] aside'. (Translator's note.)

24 M. Bakhtin, *Estetika slovesnogo tvorchestva* (Moscow, 1979), 79, 319.