Justice in *The Brothers Karamazov*: Towards Spiritual Redemption

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"For unto you it is given in the behalf of Christ, not only to believe on him, but also to suffer for his sake; Having the same conflict which ye saw in me, and now hear to be in me."

—Philippians 1:29-30

Is justice best-fulfilled on earth or in the afterlife? What is the role of the courts in facilitating this understanding of justice? I endeavor to consider these two questions through an analysis of Fyodor Dostoevsky's *The Brothers Karamazov*, arguing that he strongly prioritizes the spiritual justice of Alyosha over the material justice of Ivan, whilst acknowledging the importance of justice during one's life, and therefore insists that the role of the courts should be to lead sinners towards redemption through Christ, not to enact its own perverted conception of justice as estranged from God and preoccupied with physical satisfaction.

The first consideration of the role of the courts in facilitating justice comes through Ivan's article on the ecclesiastical courts. In it, he argues against the separation of Church and State on the grounds that it is "impossible in any real sense" and so "the direct and chief aim of the future development of Christian society" should be to have the Church "include the whole State, and not simply to occupy a corner in it."[1] Although a seemingly awkward stance for an atheist, Ivan justifies his position by appealing to the beneficial impact of such a system in the domain of criminal justice. According to Ivan, the criminal under the current Church-State hybrid may distance his guilt in the eyes of the court by appealing to the mercy of Christ: "I steal, but I don't go against the Church. I'm not an enemy of Christ."[2] Yet under a fusion of the Church and State, such a criminal could no longer make such a compromise with his conscience, as he would be forced to accept his guilt in the eyes of the (ecclesiastical) court as identical to his guilt in the eyes of the Lord; justice would thereby be enacted by the courts in the name of Christ. Father Zosima nicely summarizes Ivan's underlying sentiment:

> If it were not for the Church of Christ there would be nothing to restrain the criminal from evildoing, no real chastisement for it afterwards; none, that is, but the mechanical

1. Fyodor Dostoevsky, *The Brothers Karamazov*, trans. Susan McReynolds (W. W. Norton & Company, 2011), 58.
2. Dostoevsky, 60.

> chastisement spoken of just now, which in the majority of cases only embitters the heart; and not the real chastisement, the only effectual one, the only deterrent and softening one, which lies in the recognition of sin by one's own conscience.[3]

There exists, however, a glaring tension between Ivan's argument and Father Zosima's exhortations: Ivan's justice is earthly, whereas Father Zosima's justice may take place only 'at the end of the ages.'[4] Ivan insists on turning the Church into a quasi-State, coercing criminals into submission through (ultimately insincere) appeals to Christ; Father Zosima understands that justice in this sense cannot be instilled and may in fact require eternity in order to be fulfilled. Redirecting our attention to my original two questions posed at the beginning, the reader may conclude that the Church and its principles should play a crucial role in the functioning of the courts in relation to justice; however, there remain competing visions of the nature and timeline of justice as either material & earthly (as advocated by Ivan) or spiritual & heavenly (as advocated by Father Zosima). In delineating between the two, Father Paissy foreshadows the precise consequences of Ivan's justice and the corresponding role of the Church:

> Understand the Church is not to be transformed into the State. That is Rome and its dream. *That is the third temptation of the devil!* On the contrary, the State is transformed into the Church, will ascend and become a Church over the whole world.[5]

Enter the Grand Inquisitor, the culmination of Ivan's rebellion against the unjustifiable suffering of innocent children, and where Father Paissy's admonition is realized. In the poem, Christ returns during the Spanish Inquisition and is summarily arrested and sentenced to death. The Grand Inquisitor is then given full rhetorical force in his scathing rebuke against Christ's complacency in ubiquitously permitting horrible evil and suffering in the name of protecting human freedom, which is dismissed as ridiculously over-valued. The Inquisitor insists that Christ should have yielded to the devil's temptations in the desert, for the sake of humanity, who is now plagued by the consequences of its absolute freedom. Christ's faith in humanity, whilst admirable, is derided as an utter mis-

3. Dostoevsky, *The Brothers Karamazov*, 60.
4. Dostoevsky, 62.
5. Dostoevsky, 62.

judgment, effectively privileging those with the strength to utilize their curse of freedom in positive ways and dooming those who are too weak to eschew competing temptations: "How is the weak soul to blame that it is unable to receive such terrible gifts [freedom of the will]? Canst Thou really have come only to the elect and for the elect?"[6] And so, in a display of unabashed blasphemy, the Grand Inquisitor declares to Christ, "We have corrected Thy work and have founded it upon *miracle*, *mystery*, and *authority*."[7] Thus, the Church under the Inquisition has usurped the role of Christ in enacting justice, taking the legitimate concerns of humanity into its own hands and ensuring its protection from the evils and suffering permitted by Christ. Justice on earth is thereby shouted in Christ's face, as his promissory note is forcefully redeemed here and now, and in the genuine material interests of the people as opposed to the thinly veiled lies of spiritual salvation in the afterlife. Following such an assault, what is Christ's rebuttal?

In lieu of a speech, Christ simply plants a kiss on the Inquisitor's "bloodless aged lips" and is subsequently dismissed. This refusal to participate in the Inquisitor's interrogation reflects a fundamental rejection of his premises. Christ rejects the Inquisitor's emphasis on material satisfaction, the elimination of suffering, as an alternative to genuine spiritual fulfillment. The Inquisitor's conception of goodness rests on a myopic focus on mechanical suffering and enjoyment, pain and pleasure. These temptations may be satiated, but only at the expense of leaving one's self perpetually beholden to such temptations. Christ exhorts Man towards a higher purpose, towards the renunciation of desire altogether. The Grand Inquisitor dismissed this goal as *de facto* elitist, but relied upon an alternative goal which Dostoevsky critiques as misguided and ultimately futile. This pessimism is partially reflected in the obvious irony of a leader of the Inquisition—a movement responsible for the murder and torture of countless people—speaking on behalf of humanity. Is the Grand Inquisitor's vision of the Church truly sincere in its concern for humanity, or is it a smokescreen for ulterior desires such as power? The historical reality of the Inquisition screams the latter. Additionally, Dostoevsky would have regarded the socialist undertones in the Grand Inquisitor's ideals as hopelessly Utopian. Thus, although due consideration is granted to Ivan's call for justice on earth, his vision of the Church as

6. Dostoevsky, *The Brothers Karamazov*, 223.
7. Dostoevsky, 223.

replacing the State and taking on the material concerns of humanity is deemed to be fundamentally flawed. Indeed, the follies of this understanding of justice are illustrated narratively through the spectacle of Dmitri's trial.

In Dmitri's trial, secular justice is exposed to be spiritually empty, masked by bombastic rhetoric and the appropriation of religious moral language such as redemption. It is the culmination of the courts under a system endorsed by Ivan, where Christian ideals of justice are merely affected by the lawyers and Father Zosima's concern for the criminal to recognize his own sin is left unfulfilled, preserving the same old 'mechanical chastisement'. For example, Dmitri's defense attorney, Fetyukovich, warps Christianity into his perverted, rational interpretation in order to justify parricide:

> 'Fathers, provoke not your children to wrath,' the apostle writes, from a heart glowing with love. It's not from the sake of my client that I quote these sacred words, I mention them for all fathers...if we want to be humane—Christian, in fact—we must, and ought to, act only upon convictions justified by reason and experience, which have been passed through the crucible of analysis.[8]

The prosecutor, Kirillovich, responds insincerely as a Christian purist:

> Religion and the Gospel and corrected—that's all mysticism, we are told, and ours is the only true Christianity which has been subjected to the analysis of reason and common sense...But what Christ commands us is something very different: He bids us beware of doing this, because the wicked world does this, but we ought to forgive and to turn the other cheek, and not to measure to our prosecutors as they measure to us. This is what our God has taught us and not that to forbid children to murder their fathers is a prejudice.[9]

Each lawyer distorts Christianity for his own favor. It is mere performance, vanity! What is meant to be the sacred determination of guilt or innocence in the name of justice is reduced to a spectacle, with the frequent chatter of the crowd, blatant popularity contest between the lawyers, and disingenuous

8. Dostoevsky, *The Brothers Karamazov*, 622–623.
9. Dostoevsky, 626–627.

appropriation of religious language. The legal reforms of 1864 are thereby the legacy of the The Grand Inquisitor; they embody the very same corrupted understanding of justice whereby the Higher Law of God is imperfectly enforced by Man against Man via trial instead of by God against Man through redemption. The Grand Inquistor's appeals to humanity are just as empty as those of the lawyers appealing to humanity, mercy, justice and salvation.

Going beyond the fictional narrative, Dostoevsky's disillusionment with the courts following the legal reforms of 1864 is highlighted in his reaction to the Kroneberg case. Writing in his diary about the case, Dostoevsky lamented:

> Take a man who has committed a crime but who knows nothing of the law; he's ready to confess, but a lawyer comes along and proves to him not only that he has done nothing wrong, but that he's a regular saint.[10]

Despite initially hopeful expectations, Dostoevsky quickly came to see the jury trial not as a force for moral regeneration but as the obstruction of Russian justice in the name of Western law.[11] The proponents of the legal reforms were motivated by the introduction of moral education into the judicial system; but Dostoevsky regretfully believed that the effect of these reforms was to encourage the lawyers to exploit legal loopholes and play to the jury's emotions using clever, but empty, rhetoric.

In the Kroneberg case, a father physically abused his seven-year-old daughter and was acquitted. The defendants, like Fetyukovich, held that no crime had been committed by insisting that the nature of the father's actions did not conform specifically to the legal definition of torture at that time. Rightly exasperated with this approach, Dostoevsky bemoans, "what is it to us that the torture and racking of this girl did not comply with the letter of the legal definition of torture?"[12] Spasovich, the father's defense attorney, repeatedly attacked the poor daughter's credibility by deriding her vices and deeming her morally corrupt, so as to justify her beating. Dostoevsky was disgusted by the fact that this style of defense was not only sanctioned but even encouraged by the court as the model for normal judicial proceedings. What was intended to elicit compassion instead promoted

10. Fyodor Dostoevsky, *A Writer's Diary*, vol. 2, trans. Kenneth Lantz (Northwestern University Press, 1994), 359.
11. Gary Rosenshield, *Western law, Russian justice: Dostoevsky, the jury trial, and the law* (The University of Wisconsin Press, 2005), 32.
12. Dostoevsky, *A Writer's Diary*, 229.

theatrics and calculated, but insincere, denunciations: a "direct assault on compassion."[13] What bothered Dostoevsky most was that the father was deemed innocent—the court ruled that no crime had been committed. Had the court instead acknowledged the father's obvious guilt and only then exercised Christian mercy, then genuine moral education might have taken place through a display of compassion but not at the expense of truth.

Dostoevsky's general dissatisfaction with the Russian courts is tempered by a foundational hope in their efficacy, however. This hope is illustrated through his involvement with the Kornilova case, which proved to himself that the courts are not irredeemably corrupted, despite their many flaws. They retain an important role in society insofar as they promote spiritual transformation and lead sinners towards God—as in the cases of both Raskolnikov from *Crime and Punishment* as well as Dostoevsky himself. But, the courts stray from this purpose when they arrogantly assume the role of God and thereby attempt to enforce His justice according to their own flawed understanding and means.

In the Kornilova case, a young mother, Ekaterina Kornilova, had thrown her six-year-old stepdaughter out of a fourth story window, luckily without harming her. Following his experience with the Kroneberg case, Dostoevsky had initially lamented that the mother would likely be acquitted through some perverted justification for the defenestration, claiming that the child somehow deserved it. To his surprise, the mother in fact willingly confessed to her crime immediately afterwards and was sentenced to two-and-a-half years of hard labor in Siberia. Encouraged by her remorse and honesty, Dostoevsky wrote a series of articles in her defense, ultimately playing a crucial role in her retrial and acquittal. Gary Rosenshield, contemporary scholar in Slavic studies, characterizes the impact of Dostoevsky's defense as follows:

> In his first three articles about the case, Dostoevsky, by gradually shifting the focus from Kornilova's crime to her potential for spiritual regeneration, despite his intentions, transforms the Western court into an instrument for realizing, through faith and community, the highest form of Russian religious justice.[14]

13. Rosenshield, *Western law, Russian justice: Dostoevsky, the jury trial, and the law*, 47.
14. Rosenshield, 70.

This, according to Dostoevsky, is the proper role of the courts in relation to justice. It takes into account important psychological and spiritual considerations—in a way that's sincere, not merely rhetorical—and preoccupies itself with facilitating the spiritual transformation of sinners rather than with adhering to abstract legal principles or, like the Grand Inquisitor, taking on the burden of humanity's spiritual health through means which are necessarily material. The proper domain of justice lies with God, but the courts retain a crucial moral imperative in leading sinners towards redemption in Christ during their time on earth; the problem arises when courts attempt to enact redemption by themselves, apart from or even against God—when the courts yield to the third temptation of the devil, one receives not the Utopian fantasies of the Grand Inquisitor but the utter catastrophe of the Kroneberg case.

Revisiting the case of Dmitri, the question of his innocence is complicated in light of Dostoevsky's ambivalent appraisal of the courts in relation to justice, especially following the success of the Kornilova case. No doubt there's a glaring irony in declaring justice in the conviction of an "innocent" man; after all, Dmitri did not kill his father. It is precisely on these grounds that Alyosha endorses Dmitri's planned escape from prison. Nevertheless, this hasty acceptance of Dmitri's innocence is in tension with a fundamental tenet of the Christian worldview, which insists that all people are sinners. As Father Zosima put it,

> There is only one means of salvation, and that is to make yourself responsible for all men's sins...for as soon as you sincerely make yourself responsible for everything and for all men, you will see at once that it is really so, and that you are to blame for everyone and for all things.[15]

How does Dmitri's apparent innocence confront this central Christian maxim? One approach is to distinguish between the false justice of the secular courts and the genuine justice of Christ. Yet it is precisely according to the judgment of Christ that Dmitri is perpetually guilty; it is irrelevant whether the court's verdict was inaccurate in just one respect given Dmitri's guilt in every other respect. Furthermore, Alyosha's plea that Dmitri simply cannot "bear that cross" of imprisonment resembles

15. Dostoevsky, *The Brothers Karamazov*, 276.

the Grand Inquisitor's point about the weakness of humanity and Christ's overestimation of our capabilities in granting us freedom of the will. We, belonging to a common humanity under Christ, are exhorted to fulfill moral obligations which may at times extend past our present capabilities: "Christ-like love for men is a miracle impossible on earth"[16] according to Ivan. Nevertheless, we are called to face suffering in the manner of Christ, as a display of love and an emptying of one's self unto the world. Such responsibilities are not eschewed by desperate appeals to one's innocence in any particular respect. Ultimately, Dmitri must confront his foundational guilt and seek redemption from the only being capable of exercising such mercy. The suffering which he will endure in prison is surely insufficient, let alone excessive, for that of which Dmitri is legitimately guilty, namely "all men's sins." Perhaps laboring in Siberia will facilitate this realization, perhaps not; but escape from his sentence should not be confused with Dmitri's innocence.

Ilya Vinitsky, professor of Russian literature at Princeton University, perfectly clarifies Dostoevsky's understanding of justice and the corresponding role of the courts:

> Dostoyevsky's focus is on the painful resurrection of the fallen man, both as an individual soul and as the embodiment of Russia's folk spirit, not on the improvement of physical conditions.[17]

This acceptance of suffering as potentially virtuous and transformational is quintessentially Orthodox, specifically in the tradition of kenoticism, in which Christ is remembered as he "took upon him the form of a servant, and was made in the likeness of men: And being found in fashion as a man, he humbled himself, and became obedient unto death, even the death of the cross" (Philippians 2:7-8). Thus, the Orthodox kenotic tradition "urges believers to embrace suffering as a genuinely Christian way of life".[18] Notably,

> Accepting suffering has nothing to do with remaining indifferent to human affliction, or with affirming it on the grounds that such experience is beneficial to the sufferer. In

16. Dostoevsky, *The Brothers Karamazov*, 205.

17. Ilya Vinitsky, *Dostoyevsky Misprisioned: "The House of the Dead" and American Prison Literature*, Los Angeles Review of Books, December 2019, https://lareviewofbooks.org/article/dostoyevsky-misprisioned-the-house-of-the-dead-and-american-prison-literature/.

18. Evgenia Cherkasova, *Dostoevsky and Kant: Dialogues on Ethics* (Rodopi, 2009), 86–87.

> accepting their suffering, human beings (however modestly) liken themselves to Christ; in prescribing suffering to others, they liken themselves to Christ's tormentors.[19]

Therefore, Kenoticism emphasizes that suffering may facilitate a virtuous response without thereby justifying itself—just as Christ's suffering was virtuous but not justified; we, humanity, who forced Christ to bear our burden on the cross due to our sinful behavior, may not thereby reflect upon his crucifixion as an 'extenuating good' whereby our salvation was achieved. This is to completely mistake a *response to* suffering for a *justification for* suffering.

The response of Alyosha and the schoolboys to the death of Ilyusha perfectly encapsulates this understanding of justice, whereby virtue lies not in the total elimination of suffering but in its acceptance and in following Christ's example, becoming *incarnate* in a world suffused with suffering and properly addressing it through displays of *love*. Compared to Ivan's detached intellectualization of the suffering of innocent children, Alyosha (complying with Zosima's repeated exhortations) leaves the monastery and confronts the suffering of Ilyusha directly. He leads the schoolboys in a establishing harmony and reconciliation through a hopeful response to unavoidable suffering. This is justice following Ilyusha's death, not a justification for Ilyusha's death!

Importantly, although I've generally associated Ivan with justice on earth and Alyosha with justice in the afterlife, esteemed scholar Robert Louis Jackson perceptively notes that Ilyusha's funeral scene reverses this binary, thereby exposing its inadequacy in characterizing either Ivan's or Alyosha's understanding of justice:

> Ivan takes his case to heaven, while Alyosha brings his case down to earth. Ivan seeks to split Alyosha off from the elder Zosima and his faith; Alyosha finds in the drama and death of Ilyusha a meeting ground for union and communion among the boys and himself.[20]

Through becoming *love incarnate*, Alyosha addresses suffering on earth, thereby reconciling Dostoevsky's affirmation of the importance of justice during one's life—previously viewed as a concession

19. Cherkasova, *Dostoevsky and Kant: Dialogues on Ethics*, 88.
20. Cherkasova, 96.

to Ivan—with his siding with Alyosha in spiritual over material considerations. When Alyosha affirms that "we shall all rise from the dead, and shall live, and see each other again, everyone, and Ilyushechka,"[21] his optimism may potentially be interpreted as a refusal to confront the tragedy of Ilyusha's death. Having properly analyzed the nature of the Orthodox Christian response to suffering, it is now clear that Ilyusha's death, far from being minimized or ignored, is in fact the grounds, whether metaphorical or literal, for taking seriously and addressing (on earth!) his terrible suffering.

Thus, we've established the nature of justice and its relation to earth and the afterlife. It remains to be fully answered what exactly the role of the courts should be in facilitating this understanding of justice. As a parting consideration, I urge the reader to compare the response to Fyodor Pavlovich's death—whose justice was supposedly enforced in Dmitri's trial—to Ilyusha's death—whose justice took place outside of the court, among his loved ones, and with the aim of spiritual regeneration, not 'mechanical chastisement'. Reflect on all the drama associated with Fyodor Pavlovich's death; who took the time to grieve his loss? Who paid homage to his legacy and significance by delivering a speech calling for his remembrance forever after? Or the establishment of an unbreakable harmony among his surviving loved ones? And a hopeful celebration at the thought of ultimately reuniting with him in heaven? Of course, Fyodor Pavlovich was not so innocent in the way that Ilyusha was, but his death was arguably more tragic (parricide versus natural illness) and Ilyusha, though laudable in his unyielding love for his father, was far from perfect, having sinned like anybody else. One can imagine how Ilyusha might have been forgotten similarly to Fyodor Pavlovich had his death been embroiled in the drama of a trial instead of allowing for the genuine, religiously inspired, grieving of his loved ones and time for the appropriate celebration of his life (as took place in the final chapter of the epilogue). Surely the courts, operating ideally, should facilitate the vision of justice reflected in Ilyusha's funeral compared to that of the trial over Fyodor Pavlovich's murder.

21. Dostoevsky, *The Brothers Karamazov*, 646.

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