

Russian Capitalism on Trial: The Case of the Jacks of Hearts

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For almost a month in 1877, the Russian public was engrossed in one of the largest nonpolitical trials in the history of Russian law. An alleged criminal organization dubbed the “Jacks of Hearts Club” (*Klub chervonnykh valetov*) involved 48 defendants in addition to several who had died or managed to escape, as well as more than 300 witnesses. The charges included dozens of episodes of fraud and forgery committed between 1866 and 1875, in addition to one murder and one count of sacrilege. Even more sensational was the fact that the group of defendants belonged to “respectable” society, among them wealthy merchants, landowning nobles, and even a member of the aristocratic Dolgorukov family. In the Russian popular lexicon, a “Jack of Hearts” became enduring shorthand for a personable young swindler of upper-class origins. Over the years, the story grew in the telling, with some of the legends travelling from author to author, such as the story of Pavel Speier, the alleged leader of the club who supposedly tricked a naïve English tourist into “buying”

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the official residence of the Moscow governor general on Tverskaia Street.¹

Needless to say, neither fraud nor other varieties of commercial crime were unique to Russia or to the late nineteenth century. The relevant literature is entirely absent for Russia, but is particularly well developed for Britain, not only because of its early industrialization underpinned by a sophisticated financial system, but also because its upper classes were particularly legalistically minded and actively sought to discipline the marketplace.² I argue that the Jacks of Hearts case represented a similar disciplinary effort in late imperial Russia, even though many historians still claim that Russia was deficient both in its legal and in its capitalist development.³ Russia indeed was distinct because of the rapid pace of its financial transformation in the 1860s and 1870s, during the Great Reforms of Tsar Alexander II (1855–81), and because of the relatively mild treatment of fraud and other economic crime in Russia's penal law.⁴ Yet I maintain that the trial's didactic agenda was a qualified success.

1. The most detailed version of this legend is found in V.A. Giliarovsky, *Moskva i moskvichi* (Moscow: Pravda, 1989); for a fictionalized version, see Roman Antropov, "Klub chervonnykh valetov" in *Shef sysknoi politzii Sankt-Peterburga I.D. Putilin*, vol. 2 (Moscow: EKSMO, 2003), 140–41; another famous Russian swindler credited with this exploit in popular literature is Lieutenant Nikolai Savin. See S.V. Shumikhin, ed. *Sud'ba avantyurista: Zapiski korneta Savina* (Novosibirsk: Svin'in i synovia, 2012), 377–78. Western variations of this story include George Parker (who sold the Brooklyn Bridge and other New York landmarks), and Victor Lustig who sold the Eiffel Tower.

2. Key works on white-collar crime in Victorian Britain include George Robb, *White-Collar Crime in Modern England: Financial Fraud and Business Morality, 1845–1929* (Cambridge: Cambridge University Press, 1992); James Taylor, *Boardroom Scandal: The Criminalization of Company Fraud in Nineteenth-Century Britain* (Oxford: Oxford University Press, 2013); and Ian Klaus, *Forging Capitalism: Rogues, Swindlers, Frauds, and the Rise of Modern Finance* (New Haven: Yale University Press, 2014); on the legalism of the English upper classes, see R.W. Kostal, *A Jurisprudence of Power: Victorian Empire and the Rule of Law* (Oxford: Oxford University Press, 2005).

3. For a detailed historiographical review of the works that are critical of the rule of law in Russia, see Richard Wortman, "Russian Monarchy and the Rule of Law," *Kritika: Explorations in Russian and Eurasian History* 6 (2005): 145–70; see also Thomas Owen, *The Corporation under Russian Law, 1800–1917: A Study in Tsarist Economic Policy* (Cambridge: Cambridge University Press, 1991); an influential critical account of Russia's capitalist development is Alfred Rieber, *Merchants and Entrepreneurs in Imperial Russia* (Chapel Hill: University of North Carolina Press, 1991). Post-reform Russian law as a disciplinary project is discussed in Laura Engelstein, *The Keys to Happiness: Sex and the Search for Modernity in Fin-de-Siecle Russia* (Ithaca: Cornell University Press, 1994); and Jane Burbank, "Discipline and Punish in the Moscow Bar Association," *Russian Review* 54 (1995): 44–64.

4. For an argument about the comparative mildness of the penal law in imperial Russia, see Jonathan Daly, "Criminal Punishment and Europeanization in Late Imperial Russia," *Jahrbücher für Geschichte Osteuropas, Neue Folge* 48 (2000): 341–62.

Admittedly, its attempts to catalogue and explain unacceptable types of marketplace behavior were hampered by the sheer complexity of the case and by the lengthy preliminary investigation. Moreover, the court was able to impose punishments that were only moderately exemplary. However, far more importantly, the trial affirmed the authority of imperial law as a forum for resolving complex social issues with political implications, as well as reasserting elites' moral control over the rules of property ownership and exchange.

This authority was very much in question in late imperial Russia. The Great Reforms emancipated the serfs in 1861 and liberalized many aspects of Russian life from local self-government to publishing and financial structures; however, the most successful and far-reaching of the reforms reorganized the judiciary in 1864, introducing criminal juries, a regulated bar, and public oral trials.⁵ In the continuing absence of most other political liberties in post-reform Russia, the new courts became vital for voicing and debating a wide range of public concerns, from the rise in violent crime to political trials of socialist activists for sedition and terrorism throughout the 1870s. But historians of Russia have not until now noted that some of the most prominent post-reform trials involved not murder or terrorism but nonviolent economic crime.⁶ In the 1870s, the aristocratic and

5. Post-1864 courts are examined in Jörg Baberowski, *Autokratie und Justiz: Zum Verhältnis von Rechtsstaatlichkeit und Rückständigkeit im ausgehenden Zarenreich 1864–1914* (Frankfurt am Main, 1996); Friedhelm Berthold Kaiser, *Die Russische Justizreform von 1864: Zur Geschichte der Russischen Justiz von Katharina II bis 1917* (Leiden: E. J. Brill, 1972); Louise McReynolds, *Murder Most Russian: True Crime and Punishment in Late Imperial Russia* (Ithaca: Cornell University Press, 2012); and Girish N. Bhat, "Trial by Jury in the Reign of Alexander II: A Study in the Legal Culture of Late Imperial Russia, 1864–1881." (PhD diss., University of California at Berkeley, 1995). For post-reform peasant courts, see Jane Burbank, *Russian Peasants Go to Court* (Bloomington: Indiana University Press, 2004).

6. Perhaps the most helpful recent contribution is a collection of essays on bribery and the unofficial exchange of favors (known in the Soviet period as *blat*) in imperial, Soviet, and post-Soviet Russia, which helpfully separates these phenomena from any moralizing context, and establishes them within a complex and dynamic cultural, political, and legal context. Stephen Lovell, Alena Ledeneva, and Andrei Rogachevskii, eds. *Bribery and Blat in Russia: Negotiating Reciprocity from the Middle Ages to the 1990s* (New York: St. Martin's Press, 2000). See also Sheila Fitzpatrick, *Tear Off the Masks! Identity and Imposture in Twentieth-Century Russia* (Princeton: Princeton University Press, 2005). However, the several fine existing studies of imperial era crime and criminal justice only address lower-class, mostly violent criminality, although sometimes through the prism of middle-class perceptions and anxieties. Stephen Frank, *Crime, Cultural Conflict, and Justice in Rural Russia, 1856–1914* (Berkeley: University of California Press, 1999); McReynolds, *Murder Most Russian*; and Joan Neuberger, *Hooliganism: Crime, Culture, and Power in St. Petersburg, 1900–1914* (Berkeley: University of California Press, 1993). Swindlers and tricksters are occasionally mentioned in the literature, but are hardly ever

entrepreneurial Mother Superior Mitrofaniia was convicted of forgery in 1874, the managers of the Moscow Commercial Loan Bank were convicted in 1876 of fraud connected to Russia's first modern bank failure, and in October of 1877, Major General Leonid Nikolaevich Gartung was convicted of embezzlement and shot himself in the courtroom.⁷ The case of the Jacks of Hearts was widely seen to be part of the same series of cases and indeed—in the apt words of court reporter and memoirist Yekaterina Ivanovna Kozlinina—their “apotheosis.”⁸ The prosecutor in his speech to the jurors explicitly mentioned these cases as models to be emulated.⁹ The Jacks of Hearts were tried in the same Moscow District Court and involved many of the same attorneys, other legal personnel,

recognized as a discrete legal and historical problem, and are not treated as substantively different from pickpockets and burglars, with the exception of Harriet Murav's fine study of Avraam Uri Kovner, a Jewish nihilist and sometime bank embezzler, who also spent time in prison alongside the Jacks of Hearts before their trial. Harriet Murav, *Identity Theft: The Jew in Imperial Russia and the Case of Avraam Uri Kovner* (Stanford: Stanford University Press, 2003). Roshanna Sylvester examines the criminal underworld in the southern port city of Odessa through the lens of the middle-class popular press; assuming the existence of a “legitimate world” distinct from a criminal one. Her discussion of “con artists,” therefore, represents them as lower-class criminals who deployed middle-class “conventions of fashion, manners, and speech,” which they did not legitimately possess. See Sylvester, *Tales of Old Odessa: Crime and Civility in a City of Thieves* (DeKalb: Northern Illinois Press, 2005), esp. 55–57; see also Jarrod Tanny, *City of Rogues and Schnorrers: Russia's Jews and the Myth of Old Odessa* (Bloomington: Indiana University Press, 2011).

7. On the Mitrofania trial, see Sandra Dahlke, “Old Russia in the Dock: The Trial against Mother Superior Mitrofaniia before the Moscow district court (1874),” *Cahiers du Monde russe* 53 (2012): 95–120. On the Moscow bank crash of 1876, see N.P. Karabchevskii, *Okolo pravosudiia* (St. Petersburg, 1902), 109–60; Ye.I. Kozlinina, *Za polveka, 1862–1912* (Moscow, 1913), 221–40; P.N. Obninsky, “Pervyi bankovskii krakh,” in *Pomoshch' postradavshim ot neurozhaia* (Moscow, 1899), 21–26; and P.V. Lizunov, “Krakhi chastnykh kommercheskikh bankov v Rossii: ikh prichiny i posledstviia (vtoraia polovina XIX – nachalo XX v.),” in *XII mezhdunarodnaia nauchnaia konferentsiia po problemam razvitiia ekonomiki i obshchestva*, vol. 4, ed. Ye.G. Yasin, (Moscow: Izdatel'skii dom Vysshei shkoly ekonomiki, 2012), 243–50; on the Gartung trial, see A.Ya. Lipskerov, *Stenograficheskii otchet po delu generala Gartunga* (Moscow, 1878).

8. Kozlinina, *Za polveka*, 249. The prosecutor explicitly mentioned them in the beginning of his speech. N.N.Z. *Klub chervonnykh valetov: ugolovnyi protsess* (Moscow: N.N.Z., 1877), 183. This anonymous publication, combining an abbreviated but still very detailed transcript of the month-long trial with personal observations contains the most complete account I was able to identify. Another version of the transcript was issued by the legal publisher A.F. Skorov in a collection of famous post-reform courtroom speeches: *Russkie sudebnye oratory v izvestnykh ugolovnykh protsessakh*, vol. 3 (Moscow, 1898), 114–353. This version is shorter and contains occasional differences in wording that are not material for the purposes of this article. A helpful short sketch of the case is found in Kozlinina, *Za polveka*, 250–76.

9. *Klub*, 183.

and even witnesses. However, the case was incomparably larger and more complex, and, moreover, it probed into the problem areas of Russian capitalism with much greater frankness, and at the same time with greater detail and subtlety.

Although large-scale industrialization in Russia would only begin in the late 1880s, it was preceded by important changes in commercial and financial life that in hardly more than one decade undermined traditional Russian patterns of exchange and traditional paths to wealth through state service, serf agriculture, and government contracts, all now increasingly sidelined by more speculative investments such as banking, the stock market, and railroad concessions.¹⁰ As in Britain, post-reform Russia combined a penny-pinching government with economic liberalization, which shifted the attention of many criminals away from the state treasury toward private banks and stock fraud.¹¹ Moscow and other large cities filled with crowds of brokers, dealers, and fortune-seekers of all varieties, often ready to ignore the strict boundaries of the law.¹² But although specific laws and practices of property ownership were constantly challenged and renegotiated, the underlying regime of private property continued to be the cornerstone of the empire's social order and political stability.¹³ Individuals perceived as testing and subverting the customs of property exchange—swindlers, forgers, and embezzlers—were therefore every bit as threatening as common murderers and highwaymen or socialist propagandists. This article does not claim to be a comprehensive study of economic crime in late imperial Russia or an exhaustive reading of the massive unpublished and poorly preserved record of the investigation and trial of the Jacks of Hearts. Instead, I focus on the practices of property ownership in Russia that came under scrutiny during the trial, and on elites' attempts to identify, categorize, and explain crimes committed by respectable individuals. Unlike the lesser fraud cases of that era, which targeted elderly upper-crust individuals, the Jacks of Hearts case developed a

10. On the stock market in late imperial Russia, see S.Z. Moshenskii, *Rynok tsennykh bumag Rossiiskoi imperii* (Moscow: Ekonomika, 2014).

11. Examples of large-scale embezzlers under Tsar Nicholas I include his friend Count Petr Kleinmichel, who stole the money earmarked for buying new furniture for the Winter Palace. See Ye.V. Tarle, *Krymskaia voina*, vol. 1 (Moscow–Leningrad, 1944), 48–49. Another courtier, A.G. Poltkovsky, stole a million rubles from the war invalid fund. P.A. Zaionchkovsky, *Pravitel'svennyi apparat samoderzhavnoi Rossii v xix v.* (Moscow, 1978), 113.

12. On the culture of debt and property transactions in imperial Russia, see Sergei Antonov, *Bankrupts and Usurers of Imperial Russia: Debt, Property, and the Law in Russia in the Age of Dostoevsky and Tolstoy* (Cambridge: Harvard University Press, 2016).

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

complex narrative pitching the younger Russia against the old, and elite or formerly elite individuals against the middle classes. The article also briefly examines uncanny similarities between this case and the so-called “large” political trials of 1876–78, arguing that the government’s success at proving criminal conspiracy and at managing a long and massive preliminary investigation and the trial itself, as well as getting the jurors to convict defendants who could easily have been viewed sympathetically, were essential for the government’s subsequently renewed boldness in using the courtroom for suppressing political dissent in 1878.

Fraud and the Culture of Property in Russia

The investigation of the Jacks of Hearts began in 1871, when the wife of a young, wealthy, and deliriously alcoholic merchant, Klavdii Yeremeev, complained to the police that his friends used his drunken state to make him sign numerous debt obligations without giving him any money.¹⁴ More swindles involving the same group began to surface, and by 1877, the case became something of an encyclopedia of the shadier aspects of Russia’s urban and commercial culture. The Club’s bread-and-butter was credit fraud, which included straightforward forgery of debt documents, as well as passing genuine bills of exchange (*vekseli*) issued by penniless individuals.¹⁵ The latter often posed as wealthy landowners and entrepreneurs who offered nonexistent landed estates, factories, and merchandise for sale or as security. The second major variety of fraud took advantage of the business practice of the time requiring hired managers and clerks to post money to their employer as security against embezzlement. The amount approximated the employee’s annual salary (a few hundred rubles for a simple clerk and several thousand for an estate manager). The swindle consisted of opening a bogus “office” that would hire employees and for some time imitate business activities. Hired managers could be asked to inspect a far-away property, such as a (nonexistent) goldmine in Siberia. Within a few weeks or even days, the employees would see the “office” doors shut and their employer gone, along with their deposited money. In addition, the case involved numerous other schemes, such as fleecing wealthy drunk individuals like Yeremeev or mailing off empty trunks that allegedly contained expensive furs and pawning shipping receipts for cash.

14. *Klub*, 1–5.

15. *Ibid.*, 118 ff.

For the lawyers and jurors and the public observing the case or involved in it, the most immediate task was to make sense of this dense web of transactions, negotiations, and relationships in order to separate criminal actions from legitimate cleverness, risk-taking, or stupidity. When the trial opened on February 8, 1877, spectators were initially intrigued by the length of the indictment (its printed version was immediately sold out) and by the defendants' respectable appearance and manners, but quickly became distressed and even "depressed" by the fact that they did not act like accused criminals.¹⁶ According to Kozlinina, they joked among themselves and with the younger defense attorneys, demonstrated their skill in forging signatures, and generally were perceived to act as if their schemes and swindles were simply a game. Given the youth of many of the defendants, there appears to have been an element of adolescent imitation in the way they mimicked legitimate businesses and financial transactions. Not surprisingly, commentators of different political persuasions attempted to dampen this spirit of playfulness. The feuilletonist from the leading St. Petersburg paper, *Sankt-Peterburgskie Vedomosti*, noted that most of the schemes were well known, but that similar cases had not previously attracted attention.¹⁷ Liberal jurist Grigorii Dzhanshiev later grouched that the Jacks of Hearts were "petty" and "mediocre."¹⁸ Conservative journalist Mikhail Katkov argued that the public inaccurately assumed them to be "skillful, resourceful and elusive."¹⁹ The lawyer for one of the key defendants, nobleman Ivan Davydovskii, argued that the allegedly "brilliant criminals" were in fact "ordinary" and "weak" men "prowling around Moscow in search of sustenance."²⁰ But accurate claims that the Club's activities were not new, or unfair claims that they were boring only served to highlight the uncomfortable fact that traditional strictures of social status, honor, respectability, and reputation were less effective than ever in enforcing clean marketplace behavior.

The nineteenth century culture of property exchange was underpinned by notions of honor and respectability, which were not invented by Victorians ex nihilo, but rather were developed and refined into a bewildering set of signs and behaviors. These included manners, cultural knowledge, clothing, furnishings, horses, and other possessions, to which all

16. Kozlinina, *Za polveka* 262–63. But there was at least an occasional laughter during the trial. *Klub*, 78.

17. *Sankt-Peterburgskie Vedomosti* (hereafter *SPV*), No. 44 (1877).

18. G. A. Dzhanshiev, *Osnovy sudebnoi reformy (k 25ti-letiu novogo suda)* (Moscow, 1891), 209.

19. *Moskovskie vedomosti* (hereafter *MV*), No. 60 (1877).

20. *Klub*, 245.

marketplace actors paid extremely close attention.²¹ In Russia with its tradition of state service, uniforms and decorations were particularly important. One of the defendants at the trial, music teacher Nikolai Andreev, wore a ballroom badge that he passed off as the Persian Order of the Lion and the Sun.²² Nobleman and fraudulent horse breeder Konstantin Ogon'-Doganovskii obtained credit simply by wearing a military uniform with the white cross of St. George (only awarded for exceptional battlefield bravery).²³ The Jacks of Hearts as a group, perhaps from their experiences of (mostly downward) social mobility, were particularly attuned to these signs, and like other swindlers of the time, were able to deploy and manipulate them to project an image of themselves as wealthy, successful, and well connected. Their partners and sometime victims—individuals said to be Moscow's most experienced brokers, sketchy investors, and money-lenders—apparently exhibited a “blind trust” in these indications of wealth.²⁴

Many of the Jacks of Hearts either came from well-to-do families, or at least teamed up with young men from truly wealthy backgrounds with a genuine genteel upbringing and engrained mannerisms and habits, and old circles of acquaintances. To give just a few examples, the key defendants Dmitry Massari and Alexander Protopopov were former wealthy land-owners, whereas three former officers of the elite and therefore extremely expensive Pavlograd Life-Hussar Regiment—Dmitrii Zasetskii, Nikolai Kalustov, and Nikolai Dmitriev-Mamonov—were caught passing worthless debt paper.²⁵ But the sole actual aristocrat among the Jacks of Hearts was Vsevolod Andreevich Dolgorukov, who came from a wealthy senior branch of that large and ancient clan; he was the source of the popular contemporary misconception that all of his friends were similarly privileged. Paradoxically, Vsevolod was both an avid impostor, claiming to be the nephew of Moscow's Governor General, Prince Vladimir Andreevich Dolgorukov, and among the most genuinely respectable members of the group in the sense that he was not bankrupt or even truly uprooted. Despite his difficult childhood (it turned out that his father was married bigamously and Dolgorukov was not allowed to use his princely title, although Nicholas I permitted the children to keep their noble status), Dolgorukov apparently was accepted by Russia's elite and was even admitted to study at the

21. See David Sunderland's discussion of the markers of respectability in Britain in his *Social Capital, Trust and the Industrial Revolution: 1780–1880* (London and New York: Routledge, 2007).

22. *Klub*, 45.

23. *Ibid.*, 110.

24. *Ibid.*, 214.

25. *Ibid.*, 19–21, 48.

prestigious Naval Cadet Corps that was reserved for hereditary nobles. Dolgorukov was a poor student and failed to graduate, instead turning to third-rate journalism. He wrote for a minor newspaper and engaged in some publishing (specializing in guidebooks), but also was convicted of minor fraud and in 1869—while imprisoned for a debt—married a prostitute in exchange for 5,000 rubles.²⁶ A connection between fraud and forgery, on the one hand, and illegitimacy or some other fissure in the parent–child bond, on the other, was a common motif in Victorian British life and culture, and it was also manifested in real-life Russian swindlers, such as Dolgorukov or those young merchants who often had to start their adult lives burdened by their parents' colossal indebtedness.²⁷

Nineteenth-century Russia was full of bankrupt merchants and destitute nobles who had long since lost their landed estates and factories. Even for individuals who legally belonged to Russia's noble estate, life as a street pauper could never be completely ruled out: according to official government reports on pauperism, several dozen such were picked up by the police every year in Moscow alone.²⁸ Impoverished nobles at the end of their rope could therefore count themselves lucky to be picked up instead by future handlers, either lesser nobles like Pavel Speier (the illegitimate son of a high-born father), Ivan Davydovskii, or merchant and innkeeper Alexander Smirnov, and placed in circumstances that resembled their formerly prosperous lifestyle. The story of Protopopov, the former owner of landed estates in Orel and Tula provinces, was described in the indictment with particular detail because, according to the prosecution, he started out as a reluctant accomplice but eventually became converted to a life of fraud and began to participate voluntarily and even enthusiastically. His was one of the first episodes in the case that the jurors learned about before becoming exhausted by four weeks of testimony. Speier and Davydovskii set him up as if he still owned one of his estates, spreading the rumor that Protopopov owned a distillery in Tula province and that he had received a large inheritance from his uncle of cultivated land and a horse-breeding farm.²⁹

26. M.O. Meltsin, "Avtor odnogo iz pervykh putevoditelei po Novgorodu," in *Novgorodika-2006: materialy nauchnoi konferentsii* (Novgorod: np, 2007), 257–64 (I am grateful to Maksim Olegovich Meltsin for providing me with a copy of his article); and *Klub*, 39–40.

27. Sara Malton, *Forgery in Nineteenth-Century Literature and Culture: Fictions of Finance from Dickens to Wilde* (New York: Palgrave Macmillan, 2009), 6–9; for Russia, see Antonov, *Bankrupts and Usurers*, 169–76.

28. *Gosudarstvennyi arkhiv Rossiiskoi Federatsii*, f. 123, op. 2, d. 606, ll. 3 ob. and 12. There were 55 nobles out of 2704 individuals detained for begging in Moscow in 1850; that is, long before many nobles lost their income as the result of the 1861 serf emancipation.

29. *Klub*, 207.

According to persons who visited Protopopov... or had business with him, and according to the servants, the external circumstances of Protopopov, as well as Speier and Davydovsky who accompanied him, were luxurious: they drove around in closed carriages, spent large sums on parties, received guests, and in general took care to maintain Protopopov's imaginary condition as a wealthy landowner who was seeking loans because of a temporary lack of money and for expenses related to receiving an inheritance, and also buying horses and carriages for high prices.³⁰

Nearly identical schemes were brought about with the help of destitute former landowners Nikolai Dmitriev-Mamonov and Vasily Toporkov. In public, Protopopov, Toporkov, and Dmitriev-Mamonov all affected a stern tone with their "estate managers" who skillfully imitated subservience.³¹ Their swindles were recounted during the trial in great detail, teaching the public not to blindly believe anyone who rode in a nice carriage or wore an expensive coat.

In addition to external appearances, the second essential element in one's respectability and trustworthiness was a person's social and family connections. It is well known that imperial Russia's elites, including all strata of the nobility, government officials, and urban and commercial classes, lived in extensive clan structures, not always idyllically but in such ways that information about, for example, a landowner in a remote province could be relatively easily checked with that individual's neighbors or fellow servitors.³² For these reasons, even those swindlers who appeared to be lone adventurers—a common nineteenth-century cultural image—were in fact deeply embedded into networks of relatives and friends.³³ Sociability was even indispensable to the infamous category of railroad swindlers, often involving attractive young women such as Son'ka the Golden Hand, who drugged and robbed amorously minded rich fellow passengers. At first sight an archetypal lone con artist, Son'ka in fact was

30. *Ibid.*, 6–10. See Sunderland, *Social Capital*, for the significance of each detail of home and office decoration in promoting respectability.

31. *Klub*, 46, 141.

32. On sociability in imperial Russia, see Alexander Martin, *Enlightened Metropolis: Constructing Imperial Moscow, 1762–1855* (Oxford: Oxford University Press, 2013); Katherine Pickering Antonova, *An Ordinary Marriage: The World of a Gentry Family in Provincial Russia* (Oxford: Oxford University Press, 2013); Catherine Evtuhov, *Portrait of a Russian Province: Economy, Society, and Civilization in Nineteenth-Century Nizhnii Novgorod* (Pittsburgh: University of Pittsburgh Press, 2011); David Ransel, *A Russian Merchant's Tale: The Life and Adventures of Ivan Alekseevich Tolchënov, Based on His Diary* (Bloomington: Indiana University Press, 2008); and Mary Cavender, *Nests of the Gentry: Family, Estate, and Local Loyalties in Provincial Russia* (Newark: University of Delaware Press, 2007).

33. Antonov, *Bankrupts and Usurers*, 149–58.

assisted by a succession of husbands and other accomplices.³⁴ Therefore, it was disturbingly obvious to anyone hearing or reading the indictment and testimony about the Jacks of Hearts that they did not operate as part of some kind of disconnected “underworld,” but that they were very much part of Moscow’s social and commercial milieu.

The degree of participation in fraud varied: some relatives and friends did so willingly, and others were innocent dupes, but all served to reassure victims, provide shelter to criminals, and create the impression of long-standing and secure social ties. Thus, a victim who decided to check up on a potential borrower or “seller” of a bogus landed estate often found themselves speaking with the swindler’s friends, real-life relatives, or corrupt notaries and lawyers. For example, nearly every truly complex swindle perpetuated by the Jacks of Hearts involved, in addition to the main perpetrators, a veritable army of assistants and sidekicks who accompanied the swindlers, vouched for their credibility, and distracted the victims. Thus, in 1874, Speier, Protopopov, and their friends forged a bill of exchange for 9,000 rubles using a genuine handwriting sample by a well-known aristocrat, Prince Sergei Mikhailovich Golitsyn, and sold it to a credit broker when one of their minor accomplices let it be known that Protopopov-the-bogus-aristocrat met Prince Golitsyn while hunting and had incurred his favor.³⁵

More complex connections were also affected: for example, Protopopov’s handlers, Speier and Davydovsky, combined his genteel manners and his apparently opulent lifestyle with his bogus social connections, introducing him as a relative of Speier’s wife and referring to Vasily Karlovich Sanfleben, a wealthy Moscow moneylender with aristocratic connections, as being personally familiar with Protopopov’s lands but without showing Sanfleben’s letters or telegrams proving that assertion. Forgers and noblemen Vereshchagin and Golumbievskii at one point hired a woman, Anna Volkovitskaia, for 300 rubles to claim to the police that she sold Golumbievskii the banknote that he actually fabricated. Volkovitskaia was engaged for this task by a go-between, convicted criminal Maria Miklashevskaa, with help from Golumbievskii’s close acquaintance, Alexandra Zmieva.³⁶ In a different episode, nobleman Nikolai Dmitriev-Mamonov was set up as a bogus industrialist from South Russia, with roles strictly divided among his friends: one was the general office manager, another was the chief technician and mechanic for his

34. Indeed, she was a minor defendant in the Jacks of Hearts case—for whom sociability was everything—and eventually was acquitted by the jury.

35. *Klub*, 125–28.

36. *Ibid.*, 71.

nonexistent factories, yet another was a master distiller who, because of his Jewish ethnicity, was tasked with targeting Jewish victims. The owner of the hotel in which Dmitriev-Mamonov's "office" was located, Smirnov, spread rumors about his wealth and continued to reassure victims after Dmitriev-Mamonov suddenly remembered urgent business that prevented him from paying.³⁷

The Jacks of Hearts also utilized the services of a very well-regarded notary public, Aleksei Podkovshchikov. In late imperial Russia, as in other civil-law systems, a notary was very important for, among other things, certifying the bona fide status of a transaction and alerting parties to any discernible irregularity or illegality, such as if one of the parties was legally incapacitated, like the already-mentioned alcoholic merchant Yermeev.³⁸ The prosecution also alleged that the Jacks of Hearts had access to legal advice from lawyer Sergei Slavysenskii, who was conveniently murdered by his girlfriend in 1871 at the very beginning of the investigation.³⁹ At the same time, it must be pointed out that some of the defendants' family members either refused to believe that their loved ones were implicated in illegality or, as in the case of the embezzler and forger Valentin Shchukin, completely disowned them at the first allegation of criminality.⁴⁰ By contrast, Aleksei Mazurin, from a prominent commercial family, managed to secure his relatives' support, which allowed him to pay for the services of Russia's premier defense lawyer, Fedor Plevako, whose very appearance in the courtroom, it seems, induced the prosecutor, Nikolai Valerianovich Muraviev, to drop his charges against Mazurin.

Although Russia's property regime depended heavily on informal social connections, reputation, and respectability, by the late 1870s it was large enough that arm's-length transactions were unavoidable. Therefore, even after joint stock companies and other organized financial and commercial institutions began to appear, brokers and intermediaries were still indispensable for checking information and bringing together potential buyers, sellers, lenders, and borrowers. Information about one's buyers, sellers, or borrowers was difficult to obtain, share, and verify, and virtually all of the Jacks of Hearts' swindles benefited from this difficulty. Brokers and other intermediaries—featuring prominently in the Jacks of Hearts case—were better informed but were also more difficult to

37. *Ibid.*, 145.

38. *Ibid.*, 212. For a later case in which a notary was employed to "forge" documents, see Kozlinina, *Za polveka*, 343–44.

39. *Klub*, 223.

40. *Ibid.*, 99.

control.⁴¹ Prosecutor Muraviev said about one such broker, Armenian merchant Ivan Erganiants: “He sells matches, he sells khalva, he loans money—he does anything you want.”⁴²

But another way to assure fair play was through posting collateral. Ironically, the assumption in Russia was that one’s clerks, accountants, and managers were going to embezzle and cheat, and, as noted, a deposit was required for applicants to such positions. The case of the Jacks of Hearts turned this assumption on its head, because one of the most common swindles was for employers to embezzle such deposits. Time and again, upper-class swindlers targeted lower-middle class victims. For example, formerly wealthy landowner Protopopov cheated a former serf, Batrakov, embezzling his 153-ruble deposit for working on his nonexistent property.⁴³ Vsevolod Dolgorukov cheated two professional distillers, Arenson and Anderson, of their deposit of 200 rubles, after hiring them to work at his nonexistent distillery.⁴⁴ Dolgorukov also charged middle-class employees 3.5% of their annual wages (plus a separate fee for writing up an employment agreement) for recommending them to work at one of the three bogus offices run by his friend, nobleman Ogon’-Doganovskii, each with a manager, accountants, a cash register, stationary, and account books.⁴⁵ The music teacher, and Dolgorukov’s sometime-“estate manager,” Nikolai Andreev, obtained 500 rubles as a deposit from one William Ashworth to manage the fictitious estate of a former landowner, Toporkov. Ashworth was sent to inspect the estate but was unable to locate either it or—upon his return to Moscow—his new employer.⁴⁶

Finally, Russia’s regime of private property depended on a culture of bureaucratic documentation. Some transactions were still effected by word of mouth, primarily small purchases or loans between closely related parties, but written agreements were the norm, especially for large amounts or when real estate was involved. Therefore, even swindlers with impeccable manners and a gang of accomplices invariably had to produce various certificates of reliability (for loans), purchase agreements, or account books. Whenever possible, actual documents were used, ideally signed by an actual wealthy person like the alcoholic merchant Yermeev. The nobleman Protopopov began his criminal career by providing his friends

41. On the role of notaries as information and credit brokers, see Philip Hoffman, Gilles Postel-Vinay, and Jean-Laurent Rosenthal, “Private Credit Markets in Paris, 1690–1840,” *The Journal of Economic History* 52 (1992): 293–306.

42. *Klub*, 219.

43. *Ibid.*, 15–16.

44. *Ibid.*, 37–39.

45. *Ibid.*, 107–10.

46. *Ibid.*, 45.

with a genuine certificate that erroneously showed him as still owning one of his former landed estates. This certificate was used to obtain a legitimate power of attorney for his handler Speier to manage that property, which, as was common, included the right to borrow money on his behalf. This led to more fake documents and purchases on credit.

An important factor making it difficult to identify forgeries was that by the late 1870s, the culture of business documentation in Russia became somewhat relaxed, in particular because debt documents were circulating much more freely than before the Great Reforms.⁴⁷ Even the most destitute noble was able to issue a bill of exchange (*veksel*) that required no witnesses and was treated essentially like cash. Lenders and brokers did not always care whether the debt notes that they purchased and resold were genuine.⁴⁸ A drunk merchant could always be found who would write up as many bills of exchange as required for a small fee.⁴⁹ Finally, even the most worthless document acquired some legitimacy after being transferred several times—as was then becoming increasingly common—even if the transfers were among swindlers: a potential victim would see that other individuals had accepted that document before and presumably purchased it for value, and would be more inclined to buy it for cash.⁵⁰ Protopopov and Speier, for example, dealt with the same victim more than once and created a trail of transactions that convinced other victims that he was a legitimate property owner.⁵¹ In the already-mentioned fraud involving employee security deposits by Dolgorukov and Ogon'-Doganovsky, the former's office was semi-legitimate in that apparently some of its activities were not illegal: Dolgorukov is to this day remembered as a prominent early publisher of city guidebooks.⁵² This structure was complex enough that none of the victims suspected that its true purpose was to embezzle the deposits.

Straightforward forgery was also common. The simplest scheme was to forge the signature on debt documents. The young wastrel merchant, Vasily Pegov, mass-produced forged bills of exchange in the name of his wealthy father.⁵³ The imprisoned former nobleman Arkadii Vereshchagin forged bills of exchange in his prison cell, no doubt with the connivance of prison officials.⁵⁴ Forgery skills could also be used to increase the denomination of

47. Antonov, *Bankrupts and Usurers*, 24–27.

48. *Klub*, 36–37.

49. *Ibid.*, 17.

50. *Ibid.*, 17 ff.

51. *Ibid.*, 5–15.

52. Meltsin, "Avtor."

53. *Klub*, 59.

54. *Ibid.*, 70–71.

the note issued by a private bank.⁵⁵ Other documents could also be forged; for example, Vereshchagin's friend, nobleman Golumbievskii, forged a passport and two recommendations from alleged former employees, which he used to enter the service of a wealthy merchant and steal all of his valuables.⁵⁶ Massari forged a will from a wealthy landowner who was allegedly selling him a vast landed estate.⁵⁷ He was then able to create a complete set of documents—letters, powers-of-attorney, court documents—and he even hired a genuine estate manager, an innocent dupe whom he sent out to obtain additional loans on his behalf that he allegedly needed to complete the purchase.⁵⁸ Moreover, the trick of setting up bogus offices and luxury apartments maintained by destitute former landowners depended on large-scale forgery. For example, in 1873, Dmitriev-Mamonov's "office" in a hotel room featured desks covered with letters, accounts, and other papers, with blueprints and plans on the walls, and with sample stationery, harness, machine belts, and vodka and wine labels, most of which appear to have been faked.⁵⁹ At one point, Vsevolod Dolgorukov pretended to be the owner of a distillery and showed potential lenders and employees an excise book that to professional distillers appeared genuine because it had "signatures of excise officials, the official excise stamp for 1866–1867, and a printed label of the distillery of Prince Dolgorukov."⁶⁰ Dolgorukov communicated with his victims using stationery from his (nonexistent) estate office, referring to him as a prince.⁶¹ At the same time, it must be remembered—although this point was not raised during the trial—that perfectly legitimate merchants routinely manipulated their account books, concealed their accounts from their partners and creditors, and even created sets of forged account books. Nor was this a peculiarly Russian phenomenon, as pointed out in the extensive literature on stock bubbles and stock and accounting fraud in Victorian England.⁶²

Forgeries and, in general, the Jacks of Hearts' imitation of legitimate debt transactions also required in-depth knowledge of Russia's economic and financial practices, and, therefore, the trial compromised or at least questioned the social status of financial and bureaucratic expertise. Hardly any of the Jacks of Hearts were university educated, but most were sufficiently culturally polished to express themselves clearly (judging

55. *Ibid.*, 79–80.

56. *Ibid.*, 76.

57. *Ibid.*, 49.

58. *Ibid.*, 51.

59. *Ibid.*, 144–45.

60. *Ibid.*, 38.

61. *Ibid.*, 40.

62. See Note 2 above.

by the court documents; in the mid-nineteenth century this ability was the privilege of educated upper-level legal officials, as opposed to clerks and pettifoggers). The abovementioned former Hussar officers were considered cultured because they could “chat” in German and French. Observers during the trial noted that all the defendants “without exception attracted attention by the remarkable literary polish [of their testimony]. They acted like lawyers, wrote down questions, confused witnesses, constantly brought this or that circumstance to the jurors’ attention, in short, they acted like jurists.”⁶³ Although none of them actually held a position of responsibility at the time they committed their swindles, most of the Jacks of Hearts were experienced in the world of business, banking, government, or law. Even some of the rather pathetic impoverished nobles who served as front men knew about bureaucratic procedures; for example, Protopopov had served as a court clerk, while Toporkov had spent some time as a clerk at the Saratov office tasked with peasant land partition after the emancipation.⁶⁴ Finally, many of the individuals implicated in the case who avoided being indicted were genuinely important figures in Moscow’s world of commerce. Without engaging in swindles themselves, they supplied the Jacks of Hearts with money, accepted and passed on forged documents, and moved stolen merchandise.

In addition to confusing and deceiving their victims, the Jacks of Hearts used the entangled nature of Russia’s property network to cover up their tracks when their swindles were discovered by claiming to be themselves victims of crime or at least unwitting accomplices, and by confusing the police so thoroughly that even many years of investigation left details uncovered. There are many examples, beginning with Dolgorukov’s “estate manager,” Andreev, who after being caught claimed that he was himself deceived by the impostor prince.⁶⁵ He must have been a particularly naïve “manager,” because he claimed the same about his other accomplice, destitute nobleman Toporkov.⁶⁶ However, this strategy was sensible enough, given that the jury believed Dolgorukov’s other go-between, Nikolai Adamchevskii, and acquitted him.⁶⁷ Similarly, Dmitry Massari claimed that his accomplice, Crimean merchant Ivan Erganiantz, who was selling a nonexistent estate allegedly worth 800,000 rubles, deceived him together with the actual lenders, although the jury did not believe that Massari would have decided to purchase a property worth 800,000

63. *Klub*, 164.

64. *Ibid.*, 47.

65. *Ibid.*, 39.

66. *Ibid.*, 47.

67. *Ibid.*, 43.

rubles without verifying its condition, location, or existence.⁶⁸ Legitimate connections and transactions interlinked with fraudulent ones so intricately that the case record, massive as it is (originally it had sixty volumes), and containing a wealth of information about what “really happened,” is, with respect to many particular episodes, of limited help in determining the “truth.” This is unfortunate, but this lack of clarity also existed for the defendants and victims, to say nothing of the lawyers and prosecutors. For the purposes of my argument, this “fog of war” blurring the distinction between fraud and honest transactions is at the heart of the Jacks of Hearts’ story.

The Law of Deceit

The culture of property that enabled the Jacks of Hearts’ activities was deeply rooted in informal practices and personal relationships, but the “fog of war”—already in effect during the trial—was also in part created by Russia’s legal environment. The crimes of fraud and forgery were difficult to define and even more difficult to prosecute and to prove, resulting in large cultural and legal “gray areas.” That is, many activities were technically criminal but tolerated in practice, whereas the status of other activities was unclear or contested. But the existence of legal gray areas was (and is) inherent in any legal system, and is not evidence of some peculiarly Russian or defective attitude toward the law, as is claimed by some existing literature on post-reform legality.⁶⁹ The peculiar status of what in the twentieth century would be labeled as white-collar crime first became a public issue in England, which was the first European nation to acquire a complex modern financial system with numerous joint stock banks and large-scale circulation of paper money and other financial documents. Although violent crime in Britain declined in the nineteenth century and political “Old Corruption” supposedly “waned” as a result of reforms, fraud and forgery, on the contrary, continued to flourish.⁷⁰ The British criminal “upperworld,” to use George Robb’s coinage, was endemic and rooted in such contemporary attitudes and practices as the Victorian culture of financial speculation, intentionally weakened legal

68. For other similar claims, see *Ibid.*, 7 and 217.

69. This “essentialist” explanation is championed by Baberowski in *Autokratie und Justiz* and is followed by McReynolds in *Murder Most Russian* and by Dahlke in “Old Russia in the Dock.”

70. Philip Harling, *The Waning of “Old Corruption”: the Politics of Economical Reform in Britain, 1779–1846* (Oxford: Oxford University Press, 1996).

regulations, and the pressures of maintaining middle-class respectability.⁷¹ One Russian observer of the Jacks of Hearts trial seemed to have had these British antecedents in mind when he described the case as an “unending row of perfect frauds executed with a purely London polish.”⁷²

Although post-reform public courtrooms in Russia provided a forum in which to debate the complexities of fraud, deceit, trust, and risk-taking, the substantive legal rules (as opposed to the procedural ones) were untouched by the reform statutes of 1864. The most important relevant legal category was that of fraud, or *moshennichestvo*, which had existed since Ivan the Terrible’s Code of 1550, and was considered to be a variety of “*vorovstvo*,” which today means theft, but which in early-modern Russia referred to a severe offense (equivalent to an English felony) against property. In the imperial era, Catherine II’s landmark decree of April 3, 1781, classified fraud (*moshennichestvo*) as one of the three varieties of *vorovstvo* together with ordinary theft (*krazha*) and robbery (*grabezh*).⁷³ *Moshennichestvo* was defined as a nonviolent offense against personal property, and originally included a broad range of activities, such as retail fraud and not paying for one’s purchases, as well as pickpocketing and even openly snatching someone’s personal property such as a hat.⁷⁴ *Moshennichestvo* was punished, depending on the value of the stolen property and whether it was a repeat offense, with the same severity as theft, by penal settlement in Siberia, but not hard labor. Designed to regulate behavior in the marketplace or other crowded places, Russia’s traditional antifraud law was therefore not intended or particularly well suited for suppressing swindlers operating in a diffuse market of credit documents and transactions. However, it was modernized by the Penal Code of 1845, which changed

71. Robb, *White-Collar Crime*; Phil Handler, “Forgery and the End of the ‘Bloody Code’ in Early Nineteenth-Century England,” *The Historical Journal* 48 (2005): 683–702; and John Locker, “‘Quiet Thieves, Quiet Punishment’: Private Responses to the ‘Respectable’ Offender, c. 1850–1930,” *Crime, histoire & societés* 9 (2005): 9–31. The term “white-collar crime” only appeared in the twentieth century, defined by the American sociologist Edwin H. Sutherland as “a crime committed by a person of respectability and high social status in the course of his occupation.” See *White Collar Crime* (New York: Dryden Press, 1949), 7. This definition appears today as too restrictive because it leaves out frauds and forgeries committed by “respectable” individuals who do not have a position of power and responsibility within commercial organizations. It also leaves out swindlers who merely pose as “respectable.” See, for example, William M. Meier, “Aristocrats of Crime: Confidence Men in the Interwar Years,” in *Property Crime in London, 1850-Present* (New York: Palgrave Macmillan, 2011), 85–108. On Victorian era corporate fraud trials, see Sarah Wilson, “Law, Morality and Regulation: Victorian Experiences of Financial Crime,” *British Journal of Criminology* 46 (2006): 1073–90.

72. Klub, 161.

73. *Polnoe sobranie zakonov Rossiiskoi imperii* (hereafter *PSZ*) I, vol. XXI, no. 15147.

74. *Svod zakonov Rossiiskoi imperii* (hereafter *SZ*), vol. 15/1 (1833), art. 702.

the definition of fraud to encompass “any theft (*pokhishchenie*) of another’s possessions, money, or other movable property, effected through any kind of deceit.”⁷⁵ Moreover, it included provisions against white-collar embezzlement. Some of these applied to lower-level clerks who stole or ruined their employees’ property, whereas others were directed at companies’ board members who harmed the company or partnership through abuse of trust.⁷⁶ Moreover, in addition to *moshennichestvo*, Russia’s law of fraud included the law against forgery (*podlog*), which was originally designed to punish the forgery of official documents, but which in the nineteenth century came to apply to private documents and also—importantly—to real estate fraud on the rationale that the latter could not be effected without forging documents. However, anti-forgery provisions did not apply if genuine documents, or none at all, were used.⁷⁷ Like fraud, forgery was punished by penal settlement to Siberia, but not by hard labor.

However, even after 1845, the law was still very broad, and did not allow for an easy distinction between fraud and practices that were dishonest and perhaps actionable in civil court but not punishable and even unavoidable in the dynamic and loosely regulated world of commerce. More broadly, the debate involved the relationship between trust and risk inherent in any commercial and financial system. Because the entire system of private property rested on notions of trust and respectability, it was crucial to be able to distinguish fraud from clever sales tactics, and naiveté from legitimate risk-taking. And if private lenders, for example, could demand 200% interest in violation of Russia’s mild anti-usury laws and—as a practical matter—almost invariably get away with it, why should someone such as Vsevolod Dolgorukov be prosecuted for claiming that he was a nephew of Moscow’s governor general?⁷⁸

Russian legal scholars dedicated considerable effort to clarifying the difference. Ivan Foinitskii began his important 1871 treatise on criminal fraud by dispelling the popular belief that *moshennichestvo* included any skillful crime, or, alternately, any action that was not necessarily criminal but

75. *Ulozhenie o nakazaniakh ugovolnykh i ispravitel'nykh*, Art. 1665 (1866 ed.).

76. *SZ*, vol. 15/1 (1857), art. 1693–711, esp. 1707.

77. *Ibid.* (1842), art. 847–48. *Podlog* also encompassed buying or selling stolen property. See also I. V. Foinitskii, *Moshennichestvo po russkomu pravu* (St. Petersburg, 1871), part 1, 79.

78. Russia’s criminal law contained a special provision against fraud committed by claiming to be another’s agent or servant or by appropriating a false name (all punishable by 6 months to a year in prison and possibly by penal exile). The punishment was more severe if the criminal claimed to be a government official or used any kind of uniform or decoration to which he or she was not entitled. See *SZ*, vol. 15/1 (1857), art. 2253–54.

involved “a great deal of nimbleness and treachery.” Foinitskii argued that according to existing Russian law, simple deceit or failure to fulfill a promise was not enough to constitute criminal fraud, and that the deceit had to directly result in the misappropriation of another’s property.⁷⁹ When a borrower claimed that he was solvent and “good for it” without providing any evidence, there was no fraud, because, according to Foinitskii, receiving a debt note, even a worthless one, did confer on the lender certain legal rights: for example, even if the borrower was actually penniless, the lender could still have that person imprisoned for debt.⁸⁰ After the law of 1879 abolished most types of debt imprisonment in Russia, this option became less practical.

The same reasoning can be found in the criminal law treatise by Aleksandr Vladimirovich Lokhvitskii, a former law professor who became one of Russia’s most prominent defense attorneys and something of an enfant terrible of the legal profession, as he was known to take on cases shunned by his colleagues and to frequently make arguments generally considered to be morally objectionable.⁸¹ During the trial of the Jacks of Hearts, Lokhvitskii was engaged by one of the lesser defendants, nobleman Alexander Polivanov (who was acquitted by the jury). Lokhvitskii described different types of deceit, some of them allegedly essential for conducting commerce, such as when merchants claimed that their goods were the best or the cheapest.⁸² However, neither Lokhvitskii nor Foinitskii were able to precisely determine the boundary between permissible trickery and fraud, although they suggested that providing any specific details to substantiate one’s false claim was likely to be fraudulent. This was not very helpful for evaluating actual cases: whereas openly claiming to be an aristocrat or a factory owner was clearly illegal, how was this different from dressing above one’s station when visiting a moneylender? The Jacks of Hearts used all of these strategies.

This debate was also present during the trial, both in the indictment’s descriptions of the Club’s schemes and in the courtroom speeches, in which the defendants and their lawyers claimed repeatedly that their activities were perhaps suspect or even immoral, but basically amounted to innocent pranks and tricks. The most forceful argument came from lawyer

79. Foinitskii, *Moshennichestvo*, part 2, 2–5.

80. *Ibid.*, 66–67. Foinitskii was only a law professor and not a judge, and he noted that some of the post-reform courts did not agree with his interpretation, as in a decision in which the appellate court in St. Petersburg ruled that borrowing money and then denying having done so and refusing to pay constituted criminal fraud.

81. Kozlinina, *Za polveka*, 146–49.

82. A.V. Lokhvitskii, *Kurs ugovnogo prava* (St. Petersburg, 1871), 679.

Kharitonov, in what was perhaps the most lucid defense speech of the trial (most speeches were either too long and convoluted or too brief and vague).⁸³ Kharitonov's client, a wealthy citizen of Revel in Estonia, Nikolai Adamchevskii, was allegedly engaged by Vsevolod Dolgorukov to buy some furs on credit, which the ex-prince obviously had no intention of repaying. To obtain retail credit, Adamchevskii may have introduced his friend as the nephew of Moscow's powerful Governor General, Prince Vladimir Andreevich Dolgorukov, even though—Kharitonov argued somewhat disingenuously—this relationship by itself should not have determined the question of Vsevolod's creditworthiness. More importantly, Kharitonov interpreted the law to mean that "criminal" fraud involved the use of some "special means," such as forged documents, to convince the lender of one's creditworthiness, but that it was not a crime to promise to repay a loan and fail to do so, especially when the borrower was not asked for any particular evidence of creditworthiness and did not volunteer to produce it. Noncriminal deceit (*obman*) could be avoided through "regular everyday caution." For example, if a borrower claimed that he owned a nice house and the lender did not check, it was the lender's fault. Kharitonov concluded that the facts of the case were "rather unsavory, dishonorable, even immoral, but, I repeat, not at all criminal."⁸⁴ Kharitonov's interpretation was incorrect, because the plain language of the statute indicated that the use of "special means" increased the punishment but did not separate criminal fraud from permissible trickery. More to the point was Kharitonov's argument that if the government indicted every person in Moscow who did not repay a debt, it would require a trial with hundreds of defendants that would last for months "especially given present-day political and financial difficulties."⁸⁵ But the question of how much pretense constitutes fraud remained open.

Vsevolod Dolgorukov (defended by another prominent lawyer, Aleksandr Gol'denzev) skillfully exploited the gray area between risky shrewdness and fraud: for example, in 1870, he purchased on credit guns worth 1,050 rubles and then moved out of the apartment to which they were delivered before paying. The guns were later found in his friend's apartment, but Dolgorukov claimed that he was merely taking them for resale for a commission, and that this was a "simple loan, to which all the youth resorted and continues to resort, whether or not they have the means."⁸⁶ Dolgorukov also claimed that he pretended to be a rich man for "speculative" purposes.⁸⁷

83. *Klub*, 406–9.

84. *Ibid.*, 406–408.

85. *Ibid.*, 411.

86. *Ibid.*, 44–45.

87. *Ibid.*, 40.

Similarly, Dolgorukov's accomplice Konstantin Ogon'-Doganovsky—who started a horse-breeding business and embezzled the security deposits provided by his employees—argued that he was a legitimate entrepreneur who collected employee deposits to serve as start-up capital. He claimed that the only reason the money quickly disappeared was that his employees were not willing to wait and give him a chance to succeed.⁸⁸ Dolgorukov and the other Jacks of Hearts also routinely issued genuine debt notes to their victims, which were entirely worthless—ironically more so than those forged notes that were successfully put in circulation—because victims could not expect to receive even a single kopeck in repayment.⁸⁹

The notion of deceit (*obman*) was further problematized by the impression formed by many observers and participants in the trial that the Jacks of Hearts primarily targeted each other and other swindlers.⁹⁰ As one witness put it, “one bandit stole the club from another.”⁹¹ The first victim of the Jacks of Hearts to raise the alarm was retired army officer Nikolai Popov, who speculated in horses (one of the most unsavory occupations in Russian popular understanding). He was initially questioned as a suspect, but was eventually reclassified as a witness. Beginning in 1867, he was repeatedly swindled, first, by Dolgorukov who paid him for horses with forged bills of exchange, and in 1871 twice more by Davydovskii and his friends, who paid with bills that were genuine but worthless.⁹² Popov sold the same sets of horses on credit to many different people and appeared to be anything but gullible, a fact noted by the public observing the trial. The prosecutor also argued ambiguously that, “this kind of man is difficult to deceive, and he can only be deceived by people who are shrewder than even the shrewdest person.”⁹³ This could be taken to mean either that Davydovskii and the rest were supercriminals, or that Popov was not really deceived because he was one of them but had managed to evade indictment. Muraviev offered a third explanation: that the plot to swindle Popov entailed “fleecing one of their own as sport.” The young alcoholic merchant, Klavdii Yermeev, according to a plausible claim by one of the defense attorneys, needed money and was, therefore, himself involved in fraud rather than being its victim, writing out debt documents far in excess of his already debt-ridden property.⁹⁴

88. *Ibid.*, 114–16.

89. For a similar argument about the nineteenth-century United States, see Stephen Mihm, *A Nation of Counterfeiters* (Cambridge, MA: Harvard University Press, 2009).

90. *Klub*, 214.

91. *Ibid.*, 171.

92. *Ibid.*, 41 and 7–15.

93. *Ibid.*, 169–170.

94. *Ibid.*, 253–55.

This “sport” extended not only to financial dealings, but to everyday life as well. Impoverished nobleman Toporkov in his lengthy written confession to the police related how his friend Vereshchagin (one of the members of the prison forgery ring), when still out of prison, asked to borrow his only overcoat and proceeded to sell it and use the proceeds to buy drink. Toporkov then went to visit Vereshchagin’s close friend, who was almost crying because he had been treated in exactly the same fashion. However, these episodes had not seriously damaged Vereshchagin’s standing with his friends.⁹⁵ The case record serves as a reference manual of practices that were technically illegal but nonetheless apparently widely used in everyday life. “Agents” of the front man Dmitriev-Mamonov took bribes from the victims to secure contracts with their allegedly wealthy employer. Protopopov and Speier purchased horses on credit from their victim Popov and talked him into making a notation on the purchase agreement that he had already received the money, because this notation would help them to use the contract as evidence of creditworthiness in borrowing from someone else to pay for those very horses. Popov, despite all of his experience, (or perhaps because of it) saw nothing wrong with the scheme and obliged.

In his long speech, prosecutor Muraviev generally avoided burdening the jurors with abstract discussions of the law, but by necessity, he had to offer his view of criminal deceit. His account of the case very clearly divided the mass of defendants into several categories. One, consisting of the most prominent defendants such as Davydovskii, Speier, Massari, Protopopov, and Dolgorukov, were “hopeless” individuals “with nothing to lose,” who had “long lost any sense of conscience.”⁹⁶ Also in this category was the merchant’s son and forger, Vasilii Pegov, who, according to Muraviev, was a “young man who is [now] deeply corrupted and irretrievably lost.”⁹⁷ Another category, to which Muraviev applied an entirely different set of images, were individuals whose lives, in his interpretation, did not consist entirely of deceit and other crimes: that is, Podkovshchikov was a respected Moscow notary with a prominent office and extensive clientele, Smirnov owned a hotel in a lucrative central location, another merchant, Polievkt Chistiakov, was a wealthy moneylender apparently “respected by his creditors,” and several others were former officers of the tsar’s army.⁹⁸

At the same time, Muraviev clearly went easy on yet another set of the defendants: for example, despite Dolgorukov’s rich criminal record, the prosecutor said “I will not tell you that [he is] an incorrigible criminal,

95. *Tsentral’nyi Istoricheskii Arkhiv Moskvy*, f. 142, op. 3, d. 242, l. 4 ob.–5.

96. *Klub*, 185, 187.

97. *Ibid.*, 238.

98. *Ibid.*, 186.

who is experienced in various types of chicaneries . . . because it would not be true” (although the indictment clearly claimed the opposite); instead, Muraviev emphasized his “incredible thoughtlessness” and his “superficial education.” Although Muraviev did not state this explicitly, from the factors he emphasized in his speech, it appears that Dolgorukov was treated more leniently because of his family name and because of his trade as a minor man of letters. Instead, Muraviev directed his blame against Dolgorukov’s friend, Ogon’-Doganovskii, “finding in his actions the signs of supreme criminality and corruption.”⁹⁹

Finally, Muraviev discussed individuals who were most likely to elicit sympathy from the jurors; for example, Dolgorukov’s friend Adamchevskii, who was independently wealthy and had no need to engage in fraud. In prosecuting him, Muraviev argued that his wealth was acquired after allegedly making fraudulent purchases on Dolgorukov’s behalf, and did not at all cancel out Adamchevskii’s criminal activities. The defense lawyer, however, disputed this and claimed that his client was already wealthy long before meeting Dolgorukov, and, therefore, had no incentive to steal a relatively small amount of merchandise,¹⁰⁰ but in dropping the charges against Aleksei Mazurin (defended by Fedor Plevako), Muraviev argued that he was not “sufficiently careful, circumspect[;] but no one should be put on trial for excessive trust.”¹⁰¹ Aside from the defendants, Muraviev was also careful to point out that even cheating an unsavory victim, such as the usurer and horse speculator Nikolai Popov, was still a crime,¹⁰² but taken together, Muraviev’s categorization of fraud and deceit was so complex that it could not be explained merely by individual mentalities, education, or a history (if any) of engaging in an honest occupation. A broader explanation was necessary, one that would address the overall phenomenon of “respectable” criminals.

Which Russia Was in the Dock? The Origins and Motivations of “Uncommon” Criminals

From the first day of the trial, the public as struck by the spectacle of forty-eight defendants, “most of [whom] were young, of respectable appearance, and [who] conducted themselves in a completely relaxed way.”¹⁰³ Their “predominant qualities” were “good looks, youth, strength,

99. *Ibid.*, 204–5, 231.

100. *Ibid.*, 207–8.

101. *Ibid.*, 212.

102. *Ibid.*, 207–8, 217.

103. *Ibid.*, 160.

self-assurance, gentility, and . . . a sort of intelligent knavery.”¹⁰⁴ To this day, criminals from “respectable” classes possess a mystique that common robbers and burglars lack. It was of course far from unheard of for a wealthy person to be accused of a crime, but swindlers, forgers, and even embezzlers need to be intelligent, accomplished, and personable to carry out their schemes, and they often have wealthy and influential friends and relatives. It was common among criminologists and anthropologists in the late nineteenth and early twentieth centuries to believe “fraudsters to be significantly closer to ‘honest’ persons than to criminals.”¹⁰⁵ For this reason, as John Locker has explained, the typical response to middle-class crime was to punish it domestically and informally with full awareness that the effect of such a punishment was to devastate one’s “respectable” identity.¹⁰⁶ Given these attitudes, the trial of the Jacks of Hearts needed to shame and discipline Moscow’s propertied classes without at the same time undermining Russia’s property regime itself.

Deputy Prosecutor to the Moscow District Court, Nikolai Valerianovich Muraviev, was widely seen as the rising star of Russia’s post-reform judiciary. One account described him as “nimble, scathing, clever, and spirited.”¹⁰⁷ Kozlinina claimed that he was “beyond compare” among prosecutors and a “mighty talent” whose only equal was Russia’s legendary defense attorney, Fedor Nikiforovich Plevako.¹⁰⁸ Muraviev’s didactic rhetoric clearly departed from that of the other landmark fraud trials of the 1870s, which focused on defendants’ individual greed and ambition. Instead, Muraviev traced criminality to Russia’s self-owning past, which had allegedly thoroughly corrupted the younger generations. Given Russia’s political climate in 1877, at the height of the repressive campaign against revolutionary propagandists and on the eve of the campaign of terror by the People’s Will, this move was bold and even risky because any hint of being critical toward Russia’s political regime was likely to elicit sharp criticism.¹⁰⁹ He therefore needed to avoid appearing too subversive and to make sure that his speech explained the Jacks of Hearts and their crimes without criticizing the foundations of Russia’s regime of private property. Muraviev’s task was further complicated by the fact that the

104. Ibid., 164.

105. L. A. Skliar, “Moshenniki,” in *Prestupnyi mir Moskvy*, ed. M.N. Gernet (Moscow, 1924), 164.

106. Locker, “Quiet Thieves.”

107. *Klub*, 161.

108. Kozlinina, *Za polveka*, 180.

109. Anatolii F. Koni, *Vospominaniia o dele Zasluch* (Moscow and Leningrad, 1933); Nikolai Alekseevich Troitskii, *Tsarskie sudy protiv revoliutsionnoi Rossii: Politicheskie protsessy 1871–1880 gg* (Saratov: Izdatel’stvo Saratovskogo universiteta, 1976).

trial was large and complex, and that—unlike during the smaller fraud trials of the 1870s—many defense lawyers felt free to sharply criticize his arguments. Ultimately, he was unable to keep his didactic narrative free of contradictions, much less impose it on the jurors or the public. In the narrative presented during the trial, the new capitalist Russia did not look any more morally upstanding than the old one of nobles and serfs, so that it was arguably not all that clear which of them was actually on trial.

Modern historians have also traced criminality in post-emancipation Russia to the social and cultural conflicts inherited from the age of serfdom, and especially to the dislocation caused by mass migration from villages to cities.¹¹⁰ This narrative was found across the globe in the mid- to late-nineteenth century; for example, in American advice literature produced to guard young country males migrating to rapidly growing cities against gamblers and other con artists.¹¹¹ In the United States with its similarly recent and extensive experience of unfree labor, swindling was also directly linked to slavery, con artists being compared to slave traders because of the way they were thought to deprive America's youth of their identity and autonomy. In Russia, this analogy was used somewhat differently. Serfdom was thought to accustom young nobles to a parasitical life using free serf labor, whereas the habit of buying, selling, and punishing other humans (as well as indulging appetites at their expense) led them to disregard the moral values they were otherwise being taught at home or at school. After the emancipation, nobles' lack of skills left them without any means after they lost their income.

One noteworthy example of blaming crime on Russia's serf-owning past is Konstantin Staniukovich's 1877 short story about the Jacks of Hearts, allegedly based on an interview with one of them.¹¹² The story's main character, George, is a collective portrait loosely resembling some of the Jacks of Hearts, especially Pavel Speier (known in Moscow for his exceptionally good looks and for the military background of his family).¹¹³ His eventual downfall is traced to a series of illicit love affairs, thefts, and forgeries, and is explained by pre-reform Russia's combination of superficially strict discipline without a system or an inner moral core, and its alleged lack of family values. Prior to becoming a criminal, George learned to love luxury and to evade society's rules and prohibitions, and became

110. Frank, *Crime*; for interpretations of crime as an aspect of Russia's modernity, see McReynolds, *Murder Most Russian*; and Neuberger, *Hooliganism*.

111. Karen Halttunen, *Confidence Men and Painted Women: A Study of Middle-Class America, 1830–1870* (New Haven: Yale University Press, 1986).

112. K.M. Staniukovich, "Chervonnyi valet," in *Sobranie sochinenii v 10 tomakh*, vol. 1 (Moscow: Pravda, 1977), 44–78.

113. On Speier, see Kozlinina, *Za polveka*, 250–53.

accustomed to getting away with his transgressions because his relatives, lovers, and acquaintances preferred to avoid public shame. Even the Third Section, the tsar's political police, argued in a secret 1878 memo that political criminals were individuals "torn away from their social (*soslovnye*) organisms."¹¹⁴ Elite bureaucrats and men of letters completely ignored those pre-reform provincial nobles who did care deeply about education and the proper upbringing of their children, and who instead of becoming swindlers or terrorists joined Russia's growing professional and commercial classes.¹¹⁵

The historical and reform-centered explanation also underpinned the lesser fraud cases of the 1870s, but in a very indirect and even ambiguous way. For example, in 1874, Mother Superior Mitrofanina—deprived of effective legal representation—was unable to successfully defend an "old" Russia that was allegedly based on personal connections and patronage or to attack its "new" formal-rational replacement.¹¹⁶ But although the trial targeted the Orthodox Church and ultimately the imperial family that had previously supported Mitrofanina, it is striking that the prosecutor, Konstantin Nikolaevich Zhukov, limited himself almost entirely to the technical details of handwriting analysis and Mitrofanina's communications with various participants in the case.¹¹⁷ His analysis of Mitrofanina's motivations or mental state was brief (at least in its published form) and limited to vicious attacks against her personal ambition, greed, and alleged habits for luxury. Only the latter point could be directly linked to her social background or her past. Only slightly more open to social issues was the 1875 trial of the managers and directors of the Moscow Commercial Loan Bank, which focused on the figures of unscrupulous embezzlers who made a ruinous bribery-induced loan to a German railway speculator, but at the same time clearly suggested that such persons were enabled by the greed and laziness of the bank's inactive board members and shareholders, and, in a larger sense, blamed Moscow's large and influential commercial classes who wanted to take advantage of a modern banking system without at the same time taking the time to learn about finance and accounting.¹¹⁸ Finally, the case of General Gartung, prosecuted by Muraviev only a few months after the trial of the Jacks of Hearts, charged him and his co-defendant, Count Stepan Sergeevich Lanskoï (whose father was Russia's powerful minister of the interior in 1855–61 and one of the

114. Troitskii, *Tsarskie sudy*, 60.

115. See Note 32.

116. Dahlke, "Old Russia."

117. Zhukov also prosecuted the failed "trial of the Fifty" that almost coincided with that of the Jacks of Hearts.

118. Karabchevskii, *Okolo pravosudiia*.

architects of the serf emancipation), with embezzling from the estate of a rich Moscow moneylender, Vasily Sanftleben, over which Gartung was appointed as an executor. Muraviev made a big deal out of the defendants' elite status, haranguing the jury to ignore it and to judge them as they would "any other, the least important, the most ignorant, weak, modest man accused of a crime. Forget about his general's epaulettes and signs of distinction, about his social station, previous life, and the characteristics of his [social] milieu." However, aside from the obvious (albeit unconvincing) implication that many members of Russia's aristocracy were not qualified to run either their own or other people's finances, Muraviev did not attempt to show Gartung's mental state or the social origins of his crimes.¹¹⁹

During the trial of the Jacks of Hearts, by contrast, Muraviev's strategy was to make the historical explanation of the crime explicit. Kozlinina recalled that Muraviev had tried it out in a slightly earlier case, that of an attorney, El'kin, accused of swindling his rich fiancée, when he "with an unusual pathos . . . demolished not so much El'kin himself, as an entire society that rejected the old ideals and failed to create anything in its stead except an insatiable thirst for profit, the product of which condition was El'kin, who knew no other god except for the golden calf."¹²⁰ In his concluding speech at the trial of the Jacks of Hearts, Muraviev focused his wrath on nobles Davydovskii and Massari, two of the key defendants, as "impoverished men who drew from all the [bad] qualities of the old environment of serfdom," and finished one of his passages with the exclamation that was reported, with slightly different variations, as "The law of serfdom has fallen, let, then, its offspring fall as well!"¹²¹ He referred to another impoverished noble, Dmitriev-Mamonov, as the "progeny of the fallen gentry," which in its original Russian (*ischadie pavshego barstva*) sounds very offensive and has clear associations with the Biblical Fall.¹²² Muraviev was less scathing, but still critical of the young merchants involved in the case, such as Pegov or even Yeremeev (officially a victim) who were too attached to a life of luxury paid for by their parents' money.¹²³

Some defendants went along with this narrative. One of the defendants, forger Arkadii Vereshchagin, summarized the historical explanation in his speech, based on his own biography:

119. Lipskerov, *Stenograficheskii otchet*, 140.

120. Kozlinina, *Za polveka* 240–41.

121. *Klub*, 201 and 232.

122. *SPV*, No. 67 (1877).

123. *Klub*, 249.

I was born to a family of old-time wealthy landowners. My upbringing was all directed to external aspects. I did not receive any specialized education, and was not prepared for any kind of work, but simply taught a few things here and there [*chemu-nibud' i kak-nibud'*, quoting Pushkin] for the sole purpose of living on everything ready-made. As soon as I turned twenty one, I had the right to freely dispose of my property and arrived in Moscow. The habits acquired through my upbringing [*vospitanie*] became a daily need, and my means were insufficient to satisfy it. I entered into dealings with usurers who were quick to exploit my lack of money. I encountered the debtors' prison, and in 1870, while being kept there, in a state of intoxication, on a bet for a dozen of bottles of champagne, [I] committed fraud. An investigation was started and I was placed in prison, where I committed everything of which I am now accused.¹²⁴

Similarly, Protopopov's lawyer explained how his client inherited a profitable estate from his parents after their untimely death, married young, and quickly started wasting money; one of his estates was sold for debt, and the other was turned over to his children after his wife died. Left without an income, Protopopov attempted to survive by becoming a judicial clerk. However, "Not prepared for work that would be decently remunerated not only by a specialized education or even by a decent general one, [brought up as] a wealthy man, how could he reconcile himself to the meager salary of a modest chancery clerk!" Protopopov then started to look for ways to raise capital for mining coal or leasing a distillery, when he went to Moscow and quickly became involved with Davydovskii and Speier, as described.¹²⁵

By far the most detailed sociological explanation of the Jacks of Hearts was offered by Massari's lawyer, Nikolai Basnin. Seeking a "common cause" for the a "difficult, miserable condition" of so many individuals from Russia's higher estates, he found three major reasons. One was greater liberty, another the rapid development of private credit, and the third the mass of "easy entertainments" catering to the baser human instincts. All three of these were already present before the Great Reforms, were implanted in Russia under strong Western influence, and easily led to abuses, especially when the government attempted to retard their further development. Whereas greater freedom led to "the bulk of political crimes," easier credit led to commercial crises and to fraud. Habits left over from the era of serfdom caused sloth and a lack of usable skills among the nobility, whereas credit produced speculators and spend-thrifts, and a taste for "shady pleasures" increased the accessibility of

124. *Ibid.*, 570–71.

125. *Ibid.*, 330–31.

“debauchery, carousing [and] drunkenness.” Basnin’s analysis did not make it entirely clear whether fraud and criminality were caused by these Western innovations, by the ruling regime’s attempts to delay their implantation in Russia, or, alternatively, by bad habits left over from the past. Basin did conclude that the cure would be the development of a “public life,” which, however, did not establish itself in Russia “sufficiently firmly and independently.”¹²⁶

One of Russia’s most prominent defense lawyers, Aleksandr Lokhvitskii, objected to the historical explanation, undoubtedly because it made his client, an impoverished nobleman and (unlike Vereshchagin or Massari) a minor participant in the Club, look like a habitual criminal. Instead he argued that serfdom was abolished when most of the defendants were still children and that in any case many of them could not have been corrupted by serfdom because their families had some money but never owned any serfs. Testimony by a typical defendant, nobleman Vasillii Toporkov, shows that his father was a hired estate manager, whereas Toporkov himself had neither the intelligence nor the discipline to succeed as an office clerk and after his father’s death ended up in Moscow without money, a home, or even winter clothing.¹²⁷ Dmitriev-Mamonov’s lawyer, Durnovo, argued, in a play of words that is difficult to render in English, that his client—only 23 years of age when serfdom fell—was not a “progeny” (*ischadie*) of the old noble culture but rather its “baby” (*ditia*).¹²⁸

As Basnin noted in his speech, the Jacks of Hearts’ crimes could also be seen as a modern bacchanalia of frivolity. One of the earliest themes introduced by the prosecutor was that of a younger generation fleecing its elders, introducing Massari’s octogenarian mother who became completely destitute because of her son’s crimes and was confined to the debtors’ prison by his angry victims, who had been led to believe that they were investing in the purchase of a fabulous agricultural estate.¹²⁹ The feuilletonist from the leading newspaper *Sankt-Peterburgskie Vedomosti* connected fraud to the peculiarly modern pursuit of fast riches and the easy acquisition of daily comforts, quoting a folk saying: “You will not acquire a mansion through righteous labor.” However, only a month later, an (apparently) different feuilletonist from the same newspaper argued that “material need plays a most insignificant role in creating swindlers,” and that fraud stemmed from a special pleasure in deceiving others akin to

126. *Ibid.*, 355–58.

127. *TsIAM*, f. 142, op. 3, d. 242 (*Predvaritel'noe sledstvie...*).

128. *Klub*, 402.

129. *Ibid.*, 186.

an addiction to gambling, hunting, or drinking.¹³⁰ He and many other observers made the puzzling calculation that the Club's swindles were—despite all the publicity—not all that profitable. The total loot was less than 300,000 rubles, a large amount, but slim compared to the damage inflicted by the multi-million-ruble bank frauds. Divided among all the defendants (most of whom never saw any of the money), the amount was only 648 rubles per year; that is, equivalent to the wages of a clerk, which could easily be earned legally.¹³¹ Moreover, most of this money consisted of forged notes that were never cashed. This suggested either incompetence (disproved by the inventiveness of the Club's schemes) or that greed was not always a key motivating factor.

Both feuilletonists concluded that the ubiquity of fraud was a significant, even a defining feature of their age, but in his speech, lawyer Lokhvitsky rejected this type of explanation as well, noting that the defendants' "fathers, without even mentioning [what happened earlier, in] the second half of the eighteenth century, even in the first half of the nineteenth allowed themselves such orgies, in comparison to which a trip to [a] Gypsies' [restaurant] looks like children's play."¹³² Moreover, his client's and other defendants' schemes were identical to those of forgers and swindlers of the age of serfdom. For example, a gang headed by petty landowner Piotr Veselkin operated in Moscow in the mid-1840s, specializing in fraudulent mortgage loans. In the late 1850s, a nobleman of middling wealth, Sergei Fokin, acting alone with some help from his immediate family, began a dazzling set of frauds in Moscow and Petersburg that continued after his escape from Russia to Western Europe. Aristocrats were no more virtuous: for example, Prince Marcellus Lubomirsky, from the fabulously wealthy Polish family, sold and mortgaged the same properties over and over to different individuals, and in 1849 fled Russia to avoid prosecution.¹³³

Yet another difficulty with the attempt to uncover the social and historical roots of fraud was that so many of the defendants were middle-aged or even elderly when they committed their crimes in the late 1860s and early 1870s. In other words, the conflict of generations enacted during the trial was extremely complex. The indictment and Muraviev's speech, as well as those of some of the lawyers, pointed out that these older individuals were indispensable to the younger men's crimes in several ways. One was to act as the Jacks of Hearts' handlers and "managers," as Andreev, a

130. *SPV*, No. 44 (1877).

131. *Klub*, 174.

132. *Ibid.*, 434–35.

133. On fraud in pre-reform Russia, see Antonov, *Bankrupts and Usurers*, 133–58.

music teacher and a former policeman with a shady record, did to Dolgorukov, and as Smirnov, an innkeeper, did to Dmitriev-Mamonov.¹³⁴ Yet others were the swindlers' fully-fledged partners; for example, the "gray-haired" Armenian merchant, Erganiantz, who "worked" with Massari.¹³⁵ But the most important group were the moneylenders and capitalists who underpinned the Jacks of Hearts by lending them money, providing them with information, and putting into circulation forged notes and debt documents. One of them, merchant Dmitrii Kalinin, was even referred to in the published account of the trial as the case's Rocambole (i.e., an arch-criminal).¹³⁶ Davydovskii, the key defendant aside from the escaped Speier, and the wayward merchant, Pegov, were said to have been surrounded and exploited by "usurers."¹³⁷ Pegov, after being expelled from his father's home for his dissolute behavior, was taken in by the moneylender Sviatoslav Zhardetskii, a former police chief of Chernigov, described as an "old, thin, grey-haired Pole . . . the toughest usurer able to scare a man into committing a crime, to suck out all of his blood, to frighten the father of his [young] victim with a criminal trial and then, when his scheme failed, to pretend to be actually penniless."¹³⁸ Another similar character, merchant Kradovil', took part in the scheme to swindle the horse-trader, Popov, and was able to outsmart not only Popov, but also Speier, Davydovskii, and Protopopov—that is, the entire gang—although he died during the investigation and, therefore, was not among the defendants.¹³⁹ Popov himself was sharply criticized during the trial as essentially having no moral right to be counted among the victims, given his specialization in fleecing rich young men by selling them horses for excessive prices.¹⁴⁰ Another elderly victim, described by Muraviev as an honest retiree seeking to invest his modest capital of approximately 3,500 rubles, was most likely a professional moneylender, as he had in his possession debt documents issued by other people and, moreover, on meeting the abovementioned company of former Hussars, proceeded to get dead drunk with them for 4 days in a row, until his new aristocratic friends became frustrated with tempting him to purchase a bogus landed estate and decided to simply rob him of his money chest.¹⁴¹

134. *Klub*, 206.

135. *Ibid.*, 48.

136. *Ibid.*, 36.

137. *Ibid.*, 214, 227–28, 343.

138. *Ibid.*, 58–59, 228.

139. *Ibid.*, 8–12.

140. *Ibid.*, 246, 261–62, 341.

141. *Ibid.*, 335.

Given these scathing descriptions, it is surprising and indeed ironic that most of them were either acquitted outright (Zhardetskii and Smirnov, and Kalinin, the alleged master criminal) or punished mildly (Erganiantz and another moneylender, Chistiakov, and even Andreev, who avoided Siberian exile). Popov, as mentioned already, managed to avoid indictment altogether. In part, this surprising result was because the jurors, perfectly happy to discipline the Jacks of Hearts proper, were reluctant to upset Russia's credit and property system, which could not at that time function without people such as Zhardetskii or Kalinin; however, also in part, this mild treatment was the result of Muraviev's prosecutorial strategy, which, as described in the next section, targeted some of the defendants as members of a criminal conspiracy, entailing, unlike ordinary fraud, penal exile to Siberia.

It is, therefore, not at all evident that the 1860s and 70s (or, arguably, any other age) were in any meaningful way a Russian "age of fraud" (as one journalist put it).¹⁴² The links among the legacy of serfdom, the social dislocation that it caused, and the increased economic and especially financial activity of the post-reform period likewise appear to be less than straightforward. During the trial, neither Prosecutor Muraviev nor any of the defense attorneys were able to craft a single intellectual narrative, much less impose it on the jurors or the public, and, therefore, it seems that the didactic effect of the historical explanation of the Jacks of Hearts largely floundered. Muraviev criticized the "new" Russia of money and capitalism as strongly as he did the "old" one, allegedly characterized by sloth and arbitrary authority, and it was not clear at all which of the two was actually on trial.

"Mountain" vs. "Mouse": Prosecuting Fraud and the Law of Conspiracy

Early newspaper accounts, as well as the official indictment and—subsequently—popular literature portrayed the Club as a sinister mafia-like conspiracy (*prestupnoe obshchestvo*). This image was traced to the popular French Rocambole series of novels by Pierre Alexis Ponson du Terrail (1829–71) that featured a shadowy adventurer-mastermind long before *Fantomas* and Professor Moriarty. One of the novels, *Le Club des Valets de Coeur* (1858), featured a powerful gang of swindlers with tight discipline and strict rules of secrecy. According to one account, Rocambole's exploits came to the mind of one of the lawyers who found out about

142. See feuillets in *SPIV*, Nos. 13 and 44 (1877).

the swindles of Pavel Speier and his friends.¹⁴³ However, the case brought together criminal episodes that were for the most part completely unrelated, so it can therefore be described as a show trial not simply because of its intended didactic impact of disciplining Russia's property owners and merchants, but also because its central structure was skillfully fabricated.¹⁴⁴

The tales of Rocambole notwithstanding, it appears that the idea of a vast criminal conspiracy was created by Muraviev and by the investigator in the case, Piotr Mikhailovich Globo-Mikhaleiko. Kozlinina thought that Muraviev became "dizzy" with his early successes after being appointed deputy prosecutor at the Moscow District Court in 1873, and that he strove to be assigned the most prominent and challenging cases. Globo-Mikhaleiko, in turn, specialized in complex and high-profile fraud and embezzlement cases. In 1874, he participated in the investigation of Mother Superior Mitrofania and served as a witness at her trial.¹⁴⁵ Two years later, he made his name as the investigator of the crash of the Moscow Commercial Loan Bank. As some of the defense lawyers pointed out during the trial, he was clearly interested in presenting the Jacks of Hearts as a serious public threat.¹⁴⁶

From the legal perspective, at stake was the rule that treated individuals who formed a "gang" (*shaika*) with intent to commit crimes much more severely than it did individuals acting independently, even when this "gang" never had a chance to do more than plot.¹⁴⁷ For the Jacks of Hearts, this meant that even minor defendants risked Siberian exile instead of the short prison sentence otherwise imposed for petty fraud. But from the perspective of Russia's domestic politics, it is striking that the trial of the Jacks of Hearts occurred at an important crossroads of post-reform legality, when the utility of trials for political crimes was in question. The period from 1876 to 1878 was the last time when the imperial government was eager to stage vast public trials of political activists and propagandists, most of them, like the Jacks of Hearts, young and reasonably well-educated men and women. Therefore, the trial of the Jacks of Hearts ran from February 8 to March 5, 1877; that is, virtually simultaneously with those of the twenty-one participants in Russia's first political demonstration on Kazan Square in St. Petersburg (January 18–25), and

143. *Klub* 1, 173.

144. On the interpretation of the case of Mother Mitrofaniia as a form of "show trial," see Dahlke, "Old Russia." Dahlke focuses on the political impact, rather than on the legal aspects of the Mitrofaniia trial, and does not consider the possibility that the evidence against her was at least in part fabricated.

145. See Ye.P. Zabelina, *Delo Igumenii Mitrofanii* (Moscow, 1874), 270.

146. *Klub*, 43, 106, 165.

147. *Ulozhenie o nakazaniakh ugovolnykh i ispravitelnykh*, sec. 922–31 (1866 ed.).

of “the Fifty” socialist propagandists that began on February 21 and ended on March 14. Moreover, throughout 1877, the government was busily preparing for what proved to be the largest judicial trial in Russian history, that of the 193 members of the “going to the people” movement, which began in October.

Despite some excellent groundbreaking work by Nikolai Alekseevich Troitskii, post-reform political trials are still poorly understood, and tend to be examined irrespective of the legal issues and practices shared throughout Russia’s post-reform legal system. Their overall impact and atmosphere may perhaps be compared with the celebrated French April Trial (the *procès d’Avril*) in 1835, in the wake of revolts in Paris and Lyon.¹⁴⁸ As in France, the tsar’s government was by no means assured of success, because of the technical difficulties of managing such large proceedings and because defendants and their attorneys were able to use procedural and substantive legal rules to their advantage; in particular, to use the courtroom to publicly promote their views and solicit society’s sympathy. The case of the Kazan Square demonstration was considered a failure because it indicted almost entirely random individuals picked up by the police after the ringleaders had already left the square. The “trial of the Fifty” did target actual revolutionaries, but was very poorly prosecuted by the same lawyer, Konstantin Zhukov, who had prosecuted Mitrofaniia in 1874, and was also considered a failure. The case of “the 193” originally involved more than 4,000 suspects, and the government was simply unable to distinguish actual revolutionaries and future terrorists from individuals arrested completely by accident. From the government’s perspective, the law of conspiracy was crucial in all of these cases, primarily because most political defendants, even if they did plan revolutionary actions, were at that point still unable or unwilling to do more than read and discuss banned socialist literature.¹⁴⁹

The trial of the Jacks of Hearts was not a political case, in that it did not target the tsar’s political opponents, either propagandists or terrorists.

148. Barton L. Ingraham, *Political Crime in Europe: A Comparative Study of France, Germany, and England* (Berkeley: University of California Press, 1979), 133–34. Jonathan Daly notes that proving conspiracy was often the only way the prosecution could succeed in political trials throughout nineteenth century Europe. See “Political Crime in Late Imperial Russia,” *The Journal of Modern History* 74 (2000): 62–100.

149. Conspiracy charges were also important in the earlier political trials: for example, even before the court reform was implemented in 1866, the government alleged the existence of an organization known as “Hell” (*Ad*) that was supposedly responsible for Dmitrii Karakozov’s attempt to shoot Alexander II. Conspiracy charges were also central to Russia’s first public political trial—that of Sergei Nechaev’s followers—in 1871. See Claudia Verhoeven, *The Odd Man Karakozov: Imperial Russia, Modernity, and the Birth of Terrorism* (Ithaca: Cornell University Press, 2009).

There is no reliable evidence that their swindles had any motive other than personal enrichment and perhaps self-display. However, the overall political climate of the time found its way into the stories of the Jacks of Hearts. Foreign accounts of the trial in particular tended to treat the Jacks of Hearts as Russian Robin Hoods, focusing on expropriating the rich through fraud.¹⁵⁰ The likely origins of this connection were first summed up by Ivan Knizhnik-Vetrov (the pen name of Izrail' Blank) (1878–1965), a prominent anarchist and historian of the revolutionary movement, especially of the role of women. It turned out that Marx's close associate, Elizaveta Dmitrieva (1851–1918?), who in 1870–71 organized working class women during the Paris Commune, was married to Davydovsky, a key defendant in the case. Dmitrieva knew about Davydovsky's "fundraising" activities but thought them to be part of his revolutionary program, and after his arrest, she wrote to Marx, Engels, and other socialist leaders in Europe to ask for help with finding and paying a defense lawyer. Eventually, a prominent attorney, V. M. Tomashevskii, was found through her connections and he defended Davydovsky free of charge, as was the custom for political defendants in Russia.¹⁵¹ Not content with this representation, Dmitrieva herself spoke as a witness on Davydovsky's behalf during the trial. The spectators in the courtroom remembered that she had acted more like another lawyer than a witness, providing one of the first examples of public female advocacy in Russia.¹⁵²

The political dimension of the Club remains a mystery, one possible answer to which is that the dichotomy between revolutionary nihilists and middle-class libertines was not nearly as firm as one might think. Later, in Siberian exile, genuine political prisoners apparently shunned Davydovsky and Dmitrieva (who had to keep her true identity and her role in the Paris Commune a secret); but in the 1870s, Davydovsky's "fundraising" activities, whether or not they had a political aspect, seem to have raised no objections from European socialists, although the Russian activists, better informed about the Club, tried to persuade Dmitrieva to give up supporting her husband. Based on Knizhnik-Vetrov's information, American historian Carolyn Eichner has described the Jacks of Hearts as an "infamous, mysterious group of young men of privilege, which allegedly "appropriated" money from the wealthy via blackmail, swindling, or any other means."¹⁵³ However, there is no evidence that expropriation of the wealthy as an element of the class struggle was in

150. *MV* No. 58 (1877).

151. Ivan S. Knizhnik-Vetrov, *Russkie deiatel'nitsy I Internatsionala i Parizhskoi Kommuny* (Moscow: Nauka, 1964), 119 ff.

152. *Klub*, 168–69; also noted in Knizhnik-Vetrov, *Russkie deiatel'nitsy*.

153. Carolyn Jeanne Eichner, *Surmounting the Barricades: Women in the Paris Commune* (Bloomington: Indiana University Press, 2004), 157–61, at 158.

any sense a part of the Club's agenda, nor is there any reliable evidence that any other member of the Club was involved in any political sedition. Even Knizhnik-Vetrov was skeptical about Davydovsky's revolutionary credentials, as they were based on unsubstantiated rumors and on Dmitrieva's own word. Knowing that Davydovsky was a master swindler, we may suppose that he tricked Dmitrieva just as he did many other victims.

In a more general sense, the timing of the case and its "grandiose" scale were noted by contemporaries, who perceived something of a fashion for "supertrials" that extended beyond purely political justice. Notable jurists Anatolii Koni and Grigorii Dzanshiev made this point explicitly: Koni characterized the political "trial of the Fifty" as "prepared in Moscow and encompassing diverse groups of defendants, rather artificially connected to each other pursuant to Moscow's method to combine similar cases, giving it a loud title, for example, the 'Jacks of Hearts,' etc."¹⁵⁴ Dzanshiev recalled that period's "mania for grandiose *causes célèbres* with a mass of defendants and with grandiose furnishings. One could think that Count Pahlen's ministry [of Justice], having noted the weakening of the public's attention to court proceedings, attempted to artificially awaken its waning interest." Dzanshiev specifically referred to the cases of the Moscow Commercial Loan Bank and the Jacks of Hearts.¹⁵⁵ The lawyer for nobleman Massari, Basnin, who in his speech focused on the social and historical origins of fraud, discussed the common origins of fraud and of the "bulk of political crime." He urged the jurors to be "sorry . . . for those young men who became enticed by ideas incompatible with our state order, and wasted their strength in a fight against unachievable chimeras, whereas they could have otherwise caused much good . . . but on the other hand, gentlemen of the jury, let us not treat too severely also those weak-willed persons who gave way . . . to the temptation of luxury—a sensual side of the human organism."¹⁵⁶

Although the charge of criminal conspiracy was at the heart of Russia's political justice in the 1870s, the trial of the Jacks of Hearts stands as an exception among landmark fraud trials of that period. During other trials, Muraviev and other prosecutors did not charge criminal conspiracy officially. However, they used the language of plots and conspiracies in their speeches to sway the jurors. For example, at the trial of Mother Superior Mitrofanina, Prosecutor Zhukov alleged that she was in complete control of a "crowd of followers" (*tolpoi klevretov*).¹⁵⁷ The case of the

154. Anatolii F. Koni, *Sobranie sochinenii v 8 tomakh*, vol. 2 (Moscow: Iuridicheskaiia literatura, 1966), 33.

155. Dzanshiev, *Osnovy*, 209.

156. *Klub*, 357–58.

157. Zabelina, *Delo igumenii Mitrofanii*, 2 (179) (pagination fragmented).

Moscow Commercial Loan Bank involved individuals who were too prominent to be officially charged as a “*shaika*,” but the prosecutor explicitly referred to them as such in order to secure the already strong support of public opinion.¹⁵⁸ Similar language was later used by Muraviev in his speech at the trial of General Gartung.¹⁵⁹

In the case of the Jacks of Hearts, conspiracy was at the heart of the case, but the trouble was that the defendants never actually imitated or called themselves the Jacks of Hearts or any other kind of club. Although many of them were partners or at least acquainted, their relationships never amounted to more than a loose network that operated together for a few short months in 1871 and then again in 1873. The “Club” had no internal discipline such as that found in underground revolutionary cells; indeed, defendants fleeced each other almost as often as they did unconnected victims. Nor was there any structure, organized planning, or common finances. The Jacks of Hearts were typically caught when some number of the members switched sides. In the Popov fraud, the second episode in the investigation, it was Pavel Speier, the alleged master criminal himself, who was the first to go to the police and testify against Protopopov and other participants.¹⁶⁰ The forgers’ ring that at one point operated in Moscow’s Butyraskaia prison was likewise exposed (after two police informants suffered untimely deaths) when one of the participants, nobleman Aleksandr Nikitin, became tired of waiting for his share of the loot and threatened exposure, which in turn stimulated another member, Nikolai Andreev, to go to the police out of fright.¹⁶¹

Journalists and jurists quickly noticed all of this and corrected their original sensationalist interpretation. Prominent conservative journalist and critic of post-reform courts Mikhail Katkov wrote in his editorial in *Moskovskie vedomosti* that the trial gathered “in one enormous proceeding numerous criminal cases with hardly any connection among them.”¹⁶² The liberal weekly *Nedelia* compared the case to a “mosaic” that was “not very skillful or subtle” and mocked the prosecution’s efforts to stage a supertrial with the popular saying derived from Aesop: “a mountain gave birth to a mouse” (*gora mysh rodila*).¹⁶³ Incidentally, one of the more literary-minded political defendants at the later “trial of 193” (sentenced to 9 years of hard labor), Sergei Silych Sinegub, used the same saying:

158. Karabchevskii, *Okolo pravosudiia*, 154.

159. Lipskerov, *Stenograficheskii otchet*, 238, 306.

160. *Klub*, 216.

161. *Ibid.*, 122.

162. *MV* no. 60 (1877). See also Koni, *Sobranie*, vol. 2, 33; Kozlinina, *Za polveka*, 242, and Dzhanshiev, *Osnovy*, 209.

163. “Shaika Chervonnykh Valetov,” *Nedelia*, No 9 (1877), 300.

“They messed around for almost five years in creating this case, trying to save the fatherland . . . and created a monster-case, created a noise in all of Russia and suddenly [it turned out that] the mountain gave birth to a mouse.”¹⁶⁴

Muraviev realized that he needed to defend his decision to stage one enormous proceeding, and argued that as early as 1871, before most of the Jacks of Hearts’ crimes took place, and even before its members knew each other, they were already “invisibly connected by their common situation [:] lack of money on the one hand, and their riotous epicurean tastes on the other.”¹⁶⁵ His explicit practical justification for staging a supertrial was the convenience of everyone involved, given that many of the defendants had already spent years in prison awaiting trial and that it was difficult to assemble so many witnesses.¹⁶⁶ At the same time, Muraviev took pains to distance his case from the overdramatized popular image and claimed that he did not at all want to allege the existence of one single conspiracy.¹⁶⁷ Instead, Muraviev decided to allege the existence of three key overlapping groups—approximately a dozen persons each—which would land the key defendants in Siberia, while the minor defendants were tried solely for individual criminal acts and not for conspiracy.

One such alleged gang comprised the “Jacks of Hearts” as they were generally perceived; that is, they were young swindlers of respectable or even elite background. The principal figures in this group were noblemen Pavel Speier, Ivan Davydovsky, Vsevolod Dolgorukov, Dmitry Massari, Alexandr Protopopov, and Nikolai Dmitriev-Mamonov. They did act as partners but as already noted did not have any leadership, common planning, or rules of conspiracy. The second cluster consisted of professional forgers of banknotes and debt documents, who at one point operated from inside Butyrskiaia Prison in Moscow. This gang included Aleksandr Neofitov, Konstantin Golumbievsky, Arkadii Vereshchagin, Leonid Plekhanov, and Valentin Schchukin, all but the last of whom were also nobles. The third group existed later in time (after the first arrests had already been made in 1871 and some of the defendants were set free pending trial) and included some of the members of the first two groups.¹⁶⁸

To strengthen his case, Muraviev also included in the indictment numerous episodes that were not directly related to the Club’s activities, but that suggested a pattern of moral depravity. This included buying expensive items

164. Quoted in Troitskii, *Tsarskie sudy*, 197.

165. *Klub*, 201.

166. *Ibid.*, 192 ff.

167. *Ibid.*, 183–84.

168. *Ibid.*, 154–55.

(such as guns or furs) on credit and then disappearing from one's (bogus) address. Clever swindles sometimes degenerated into simple thefts: for example, when it took too long to persuade an elderly usurer named Artemiev to part with his money, it proved to be much easier to simply get him drunk and steal his wallet (with the participation of a woman who was soon to become Russia's most notorious female swindler, Son'ka the Golden Hand, who characteristically managed to avoid suspicion in this case and was acquitted by the jury).¹⁶⁹ One of the leaders of the forgers' circle, Konstantin Golumbievsky, at one point hired himself as a manservant to a rich merchant and then stole his valuables.¹⁷⁰ Another prolific forger, Vasilii Pegov, was also charged with stealing a coat from a friend and a watch from that friend's servant, and forcibly robbing his father's elderly cook in front of a tavern, in addition to stealing money from a pouch accidentally left by a customer at a shop where he was employed.¹⁷¹ Finally, there was the murder of Collegiate Councilor Sergei Slavysenskii by his lover, townswoman Ekaterina Bashkirova in December 1871. There was some question as to whether the murder was premeditated, given that Bashkirova had obtained the gun ahead of time, although the jury eventually ruled that it was committed in the heat of passion. This murder was included in the case because Slavysenskii was a lawyer who allegedly advised the Jacks of Hearts Club but had quarreled with its members and threatened to report them to the police.¹⁷² According to the prosecution, Bashkirova's other lover, Ivan Davydovskii, a key defendant in the case, talked her into killing Slavysenskii and provided her with the gun (although ultimately the jury did not believe that he instigated the murder).

While using these diverse charges to push for the conviction of the three alleged gangs, Muraviev decided not to vigorously prosecute about a quarter of the defendants, and sometimes explicitly called for their acquittal. Most likely, he wanted to reward those who provided helpful testimony, as well as to show fairness and mercy while at the same time highlighting his resolve with respect to key defendants. The lawyers for the minor defendants were not impressed; they argued that if the case against their clients was so weak, there was no point in keeping them in prison for years before the trial.¹⁷³ Other lawyers complained that their clients

169. *Ibid.*, 19–25. See also Nikolai Nadezhdin, *Son'ka zolotaia ruchka – koroleva vorov* (Rostov-na-Donu: Feniks, 2012); for the popular culture account, see the novel by Viktor Merezhko, *Son'ka Zolotaia Ruchka: istoriia liubvi i predatel'stva korolevy vorov* (St. Petersburg: Amfora, 2006).

170. *Klub*, 76–79.

171. *Ibid.*, 56–69.

172. *Ibid.*, 223.

173. See also Katkov's editorial in *MV*, No. 60 (1877).

accused of minor crimes appeared far less favorably to the jurors when seen next to hardened swindlers whose guilt was obvious.

In the end, Muraviev managed to persuade the jury of the existence of the three alleged gangs. Fifteen of their participants were sentenced to penal settlement in Siberia. Other Jacks of Hearts received much milder sentences varying from a small fine to a brief prison sentence, including Dolgorukov (surprisingly, given the aggravating factor of his prior criminal conviction for fraud). Nineteen of the defendants were acquitted, mostly with minor roles or those who, like Toporkov (one of the bogus industrialists), cooperated with authorities.

Additional research into Muraviev's personal papers would perhaps clarify this question, but it seems reasonable to propose that Muraviev's megatrial was intended to demonstrate his ability to stage-manage a huge proceeding where his major competitor, Konstantin Nikolaevich Zhukov, had failed during the recent "trial of the Fifty," and where another important conservative jurist, Vladislav Antonovich Zhelekhovskii, would fail only a few months later at the "trial of the 193." The government clearly noticed that Muraviev's organizational talents complemented his already outstanding reputation as Russia's leading courtroom speaker: Muraviev would prosecute during Russia's next landmark political trial, that of Alexander II's assassins in 1881, and he would become the minister of justice in 1894.

Although it may come as a surprise to readers used to thinking of Russia's usually odious political trials as completely disconnected from its more enlightened "regular" justice, the trial of the Jacks of Hearts was closely linked to the "large" political trials of the late 1870s. Not only were many of the same prosecutors and lawyers involved, but the same legal issues and techniques were crucial to both types of cases, most importantly, the task of managing dozens, even hundreds of defendants and witnesses, and of untangling their complex but poorly documented relationships in order to prove criminal conspiracy. The trials' overall objectives were also similar if not identical: to police wayward—or rather, downward-mobile—members of Russia's elite classes and to attempt to separate prohibited deception or dissent from permissible commercial activity or independent thinking.

Conclusion

The trial of the Jacks of Hearts was a major public event in Russia in the late 1870s, competing for front-page newspaper space with the unfolding Balkan crisis and the large-scale political trials. It clearly stood out

among other landmark fraud trials because of its size and complexity and, above all, because of its in-depth exposition of Russia's daily culture of credit and commerce: hundreds of defendants, witnesses, victims, their family members and lawyers, and policemen created and re-enacted an intricate web of relationships and conflicts. Because of this complexity, none of the competing narratives and explanations of "respectable" crime offered during the trial were able to dominate, least of all the version offered by Muraviev. If Russia was living through an "age of fraud," it was unclear where it came from or how it could be combated. Swindling and forgery appeared during the trial as commonplace, even banal, as ingrained in capitalism, and as almost impossible to distinguish from legitimate practices. But in a larger sense, the trial empowered Russia's elites to continue using the law and especially public trials to address the most important current political and social conflicts and to continue staging super-sized political trials. The trial was also moderately successful in disciplining Russia's culture of business and property exchange: although it was clear to any observer or participant at the trial that the problems it identified were too fundamental to be resolved during any one proceeding, the case showed fraud and forgery to be neither glamorous nor even profitable, and, in this sense, demystified them, without at the same time undermining the fundamental structures of private property.