

tion, but also to those who study nationality, gender, comparative legal history, and modern political theory.

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Gary Rosenshield, *Western Law, Russian Justice: Dostoevsky, the Jury Trial, and the Law*, Madison: University of Wisconsin Press, 2005. Pp. ix + 309. \$45 (ISBN 0-299-20930-X).

Gary Rosenshield, a distinguished Slavist, has produced a superb study of *The Brothers Karamazov* (1879–80), Fyodor Dostoevsky's complex masterpiece. *Western Law* deserves a wide readership beyond its immediate literary boundaries. Rosenshield's probing monograph, through its scope and interdisciplinary reach, also points up Dostoevsky's enduring importance in contemporary historical studies, jurisprudence and legal ethics, philosophical inquiry, and theology. Elegantly written and handsomely presented, with extensive notes and a thoughtfully detailed index, the monograph's only shortcoming of any significance is that those not conversant with the vocabulary of literary criticism could sometimes find the going difficult.

Rosenshield begins by establishing that Dostoevsky's fiction can be fully appreciated only in conjunction with his major journalism (here, *Diary of a Writer*). Further, Rosenshield shows, Dostoevsky's corpus brilliantly reflects the centuries-long tension between Russian sacrality and western secularism. Then, situating his interpretation broadly within the critical legal studies movement, which has skillfully used deconstructionist methods to assail the rhetorical and juristic pretenses of traditional western legality, Rosenshield casts *Karamazov* as Dostoevsky's most considered, mature reply to the west's claim that its legal institutions are the pre-eminent guarantor of truth and fairness. A brief review cannot convey all the interpretive nuances, but it seems reasonable to outline Rosenshield's main arguments thus: The greatness of *Karamazov* derives not from Dostoevsky's literary, but rather *moral*, artistry, and in particular his portrayal of trial by jury, a major innovation in Russia's westernizing 1864 judicial reform. His fictional jury's legal conviction of the *technically* innocent but morally guilty Dmitry embodies several of Dostoevsky's core beliefs—that a genuine “people's” jury must always nullify formal law in favor of higher moral injunctions, that the individual must face judgment not in a legal, secular court but in an ecclesiastical, extra-mundane one, and that the future “expiational suffering” by Dmitry is necessary and just, and paradoxically possible *only* through an erroneous conviction.

Dostoevsky's life and authorial self-image, Rosenshield duly emphasizes, vividly reflected his conflicted attitudes towards the law. Dostoevsky was fundamentally conservative, traditional, and deeply populist in his outlook. His singular version of the Russian Orthodox faith shaped his entire worldview. His often profound anti-modernism, and his passion for what he considered the almost organic superiority of ordinary Russian people's culture and spirituality, drove him as a

writer to wield his literary artifice in order to awaken Russians to what he termed the “duplicity” of the autocracy’s self-proclaimed modern legality. He distrusted and despised legal “art” (especially the rhetoric of lawyers) because it sought to manipulate the just impulses of the jury. When jurors appeared to see through an attorney’s strategies, however, and came to an unexpected, independent verdict, Dostoevsky hailed it as an expression of the common folk’s rectitude. Dostoevsky thus seems to endorse the jury trial ultimately, but only in the sense that jurors preserve justice and righteousness *despite* the baneful legal trappings of the trial. Indeed, as Rosenshield acutely suggests, at bottom Dostoevsky is arguing that trial by jury, and western legal institutions overall, are more “irrelevant” than evil, and thus *Karamazov* simply “bypasses” legal modernity instead of inveighing directly against it.

Rosenshield pursues these intricate lines of analysis in five main chapters. Chapters one and two, respectively, delve into two famous criminal cases of Dostoevsky’s Russia, the Kroneberg and Kornilova jury trials of 1876–77. In each instance, the jurors were faced with a defendant accused of cruelly mistreating a child. Dostoevsky shifted from harshly condemning trial by jury in Kroneberg (an acquittal despite overwhelming physical evidence) as “a corrupter of native Russian values” (26), to praising the Kornilova trial (an eventual acquittal despite the female defendant’s initial confession) as a ‘communal religious experience’ and the site of the defendant’s “moral regeneration” (28). The only constant for Dostoevsky was the jury as the true wellspring of Russian justice, but *not* as a legal actor, and utterly *apart* from the western-derived legal system.

Chapter three demonstrates the strikingly contemporary resonance of *Karamazov* by exploring the implications of Dostoevsky’s often moralizing journalism. Rosenshield here discusses how modern western writers, such as Norman Mailer in the case of Jack Abbott, have occasionally put legal freedom, and therefore individual artistic license, ahead of lawfulness and society’s moral integrity and security. Rosenshield also perceptively invokes recent American jury trials, most notably the Simpson case and Johnnie Cochran’s controversial role, to highlight the tension, in Dostoevsky’s courtroom, between lawyerly artifice and the broader moral needs of Russians as a religious community.

Chapters four and five impressively culminate the study with a layered and painstaking textual interpretation of *Karamazov* that fleshes out all of the aforementioned themes. *Western Law* then closes nicely with an appeal to read the novel in a “resisting,” deconstructive fashion, to question and even subvert, as Dostoevsky’s literary artistry so cogently does, our conventional modes of thought and feeling.

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