Narrative and Miscarriages of Justice in Tolstoy's *Resurrection*

Sarah Hudspith

University of Leeds

Leo Tolstoy's views on history can shed light on his attitude to narrative as a means of apprehending and conveying the truth. In *War and Peace* he considered the way in which historical narratives represent versions of events and lay claim to the truth about these events. His well-known arguments show how many factors influence the way that information is processed and that countless assumptions are made which affect that process. But historiography is not the only field where Tolstoy's observations are relevant. I will argue that the judicial process is also such a field and that in his critique of the Russian legal system Tolstoy's ideas on narrative and truth come into play.

A trial is an interesting situation in that it is composed of competing narratives, each claiming to reveal the truth about a given set of circumstances, and these narratives are told to a group of narratees, who must process the information and decide which narrative goes forward into history as the truth. Without wishing to rehearse Tolstoy's critique of historiography, I think it should be evident how Tolstoy's concept of a myriad of ultimately unknowable causes leading to one of many possible outcomes has a bearing on the judicial process. The competing narrators in this situation are the prosecutor and the counsel for the defence. Each of them must interpret the necessarily limited evidence that lies before them, and construct a plausible account with which to persuade the jury. This is, as Gary Saul Morson has remarked, an essentially literary pursuit misrepresented as a science (Morson 100). Moreover, in the construction of the prosecutors' and defence's accounts, just as in the construction of the differing accounts of French and Russian historians after the battle of Borodino, the social perspectives and prejudices of the opposing groups are an important factor. Morson writes: "Competing schools of explanation—about which Tolstoy is always ironic—do no more than rationalize the interests of competing social groups (much as competing accounts of the war are offered in the salons of Anna Pavlovna and Hélène)" (Morson 101). An example of how this may function in a trial scenario can be seen in the case of O. J. Simpson. Shoshana Felman, in her original and insightful comparison between the trial of O. J. Simpson and the story of *The Kreutzer Sonata*, mentions the two key conflicting social preconceptions that drove that trial: the need to condemn domestic abuse, and the necessity of preventing racially motivated accusations of guilt. In short, both the historian and the lawyer are engaged in the creation of a text, based on their own agenda, and therefore it is necessarily at a certain remove from the truth. As Morson has said, Tolstoy "denied the very possibility of historical knowledge and maintained that narratives—all of them—are lies. Neither the history of nations nor the lives of individuals unfold as any received or conceivable narrative might lead us to suppose" (Morson 3).

In this paper I will demonstrate how the trial of Katiusha Maslova in *Resurrection* creates narratives that cannot arrive at the truth. But in depicting the trial in a novel, Tolstoy is himself creating a narrative. What is its worth, if all narrative is false? Morson poses a related question in his study of the narrative of *War and Peace*: "How does one write a narrative exemplifying the falsity of all narratives?" (Morson 131). I will endeavour to show here that whilst a narrative may be factually untrue, it need not necessarily be false, and I will consider the role of truth, both factual and higher, in the creation of narratives, against a background of Tolstoy's views in *What is Art?*

When Tolstoy came to write *Resurrection*, he wrote in his diary for 18 June 1890 that the story must begin with Maslova's trial, and that here was an opportunity to demonstrate the "senselessness," as he called it, of the courts (*PSS* 51: 51).[1] Here was another man-made structure, not unlike the Church, that purported to deal with the universal Christian principles of truth and justice, but that in fact, as Tolstoy saw it, horribly distorted them into something artificial. Earlier, in *The Kreutzer*

Sonata, he had directed an attack at the false values of society, which had created legal procedures that could acquit a manifestly and avowedly guilty man. As Felman says, "the husband's case is argued [...] not so much as a defense against the murder but as a prosecution (and indictment) of society" (Felman 759). Now in *Resurrection*, Tolstoy chose to devote considerable attention in his story of spiritual regeneration to the way in which these same procedures mutilated and evaded the truth.

Maslova's trial is made up of several narratives, told by more than one narrator. These are written statements read aloud, which include the indictment and the post-mortem report, the testimony of the defendants and witnesses, the closing arguments of the prosecutor and counsel for the defence, and the reminiscence of Nekhliudov's relationship with Maslova. The mini-narratives of the jurors as they retell the events according to their own perspectives are also included. Before the trial gets underway, Tolstoy presents us with information to show how the narratives of the officials involved in the trial will be biased, and undermines their validity by casting doubt on the character of the narrators. The president of the court is immediately depicted as a man of dubious morals because of his affair with the Swiss governess, with whom he has an assignation straight after court that he is anxious to keep, and thus he is shown to be an unreliable conveyer of truth and dispenser of justice. What is more, it is indicated that he has preconceptions about Maslova's case, that it will be a simple, and thus quick, case to try. Therefore, his own agenda will shape both the narratives he relates and his impression of those he receives. The same can be said of the assistant prosecutor, Breve. Right from the start Tolstoy makes clear this character's irritability with the case because he has failed to read up on it, again due to morally questionable activities the night before (ironically he was visiting the very brothel in which Maslova used to work). Breve also makes assumptions about the case, calling it "of a typical nature" and "characteristic of the end of the century"(*PSS* 32: 72).[2] Of course, if we view the causal chain leading to a crime in terms of Tolstoy's historiography, then no case can be "simple" or "typical." Thus Tolstoy demonstrates the "irony of origins," to use Morson's term, of the narratives of these characters.

The trial itself begins with the first narrative, the president's speech. This character produces two substantial narratives: an opening speech and a summing-up. In both cases, the content is summarized by Tolstoy, and his main focus is the manner in which the president speaks: "now he leaned on his left elbow, now on his right; now he flung himself against the back of his chair or rested on the arms; he straightened the papers in from of him, stroked the paper-knife, fingered his pencil" (*PSS* 32: 30). This is just the first of many examples of behaviour or attitude, highlighted to show that the president's mind, and hence his moral sense, is disengaged from his act of narration. We are told that "all this was so much a matter of routine for the president that to expedite matters he was able to do two things at once," and that he spoke "as though reciting a lesson learned by heart" (*PSS* 32: 31, 38). Moreover, "he had grown so used to his work that, having once begun to speak, he could not stop," but "it gave him such pleasure to listen to the inspiring tones of his own voice" (*PSS* 32: 76, 77). As a result, his listeners are either bored or intimidated, and any message that his narratives might carry is unable to get through. In effect, his narratives are closed, finalized because he is not sincere and this makes them unfitting vehicles for the truth. Francis Poulin writes, on the theme of truth in *Resurrection*, that "the gaining of truth is actually a process and [...] must be actively sought" (Poulin 113). Breve's closing argument is treated in the same way. Some of it is given verbatim, but most of it is summarized by Tolstoy. Using florid language, which slows down his message and alienates his audience, Breve speaks mostly for effect, "now in a gentle persuasive voice, putting his weight first on one leg, then on the other, and looking at the jury; now in quiet, businesslike tones, glancing into his notebook; now with a loud accusing voice, addressing the public and the jury in turn" (*PSS* 32: 72). For him the sole importance of his speech is to impress upon his listeners that he is a great lawyer, like the famous ones, and so he must not slip up: "The assistant prosecutor spoke at great length, trying on the one hand to remember all the clever things he had thought of, and, on the other

—this was most important—not to stop for a moment but make his speech flow smoothly on for an hour and a quarter" (*PSS* 32: 72). Once again, the main reaction to this narrative does not relate to its message but to the impression made by its narrator. "A fearful dunderhead," remarks one of the officials (*PSS* 32: 73).

When we consider the relationship of these two narrators to their narratives, we can see that they are engaged in producing counterfeit art, as defined by Tolstoy in *What is Art?* Some of the comments Tolstoy makes when discussing counterfeit art are appropriate for the narratives of Maslova's trial. For example, on the subject of art of the word, he writes: "If a man talented in verbal art wishes to write stories or novels, all he need do is develop a style—that is, learn to describe everything he sees and accustom himself to remembering or noting down details. Once he has mastered that, he can ceaselessly write novels or stories, depending on the demand or his own desire"(*PSS* 30: 120).[3] This comment brings to mind the president and the assistant prosecutor, who have both developed the style most likely, in their view, to impress their listeners, and who love to churn out speeches because that is what is expected in their profession. Then Tolstoy puts forward a reason for the reaction of the narratees to such narratives: "From the first lines you see the intention behind the writing, and all the details become superfluous—you feel bored. Above all, you know that the author never had any other feeling than the desire to write a story or a novel"(*PSS* 30: 145). However, counterfeit art can also have a negative and dangerous effect on its audience, as Tolstoy's account of the music of Wagner shows (*PSS* 30: 129-40). One need only remember the effect of the rhetoric of the lawyers in another great courtroom drama, the trial of Dmitry Karamazov.[4]

Two more static narratives are the reading of the indictment and the post-mortem report by the secretary of the court. They are the only two narratives to be given almost completely verbatim in the text of the novel, rather than in Tolstoy's own words. Tolstoy tells us that the secretary reads "in a loud voice, but so rapidly that the words ran into one another and formed a long uninterrupted soporific drone" (PSS 32: 33). Both these narratives are pre-prepared documents, written in an official style using formal language, which contributes to their rigid, lifeless nature and detracts from their meaning for the listeners. The indictment is the first narrative to give details of the defendants' alleged part in the crime, and as such it is the one given most emphasis by Tolstoy: Kartinkin and Botchkova are barely given the opportunity to speak for themselves by the court officials, and the speech by their lawyer is passed over in a quick paragraph. By doing this, Tolstoy is able to give the impression of the incontestability of a guilty verdict. What is more, his decision not to use reported speech for these narratives means that more weight is given to their content. When one takes the indictment and the post-mortem report together, the presumption of guilt of the former and the subject matter of the latter create a strong sense of closure, of finalization: these narratives, it is implied, are immutable. Also, as with the speeches of the president and the prosecutor, the audience misses the point of these narratives. Instead of being drawn to those aspects which might help them to decide the truth, the narratees are eager for the narratives to end, particularly in the case of the graphically gruesome post-mortem report. Again, passages from *What is Art?* come to mind here, when Tolstoy includes a detailed description of a murdered corpse in his list of methods used to provoke an effect on the nerves in counterfeit art (*PSS* 30: 114).

In addition, the narratives of witnesses and defendants are manipulated by the authorities of the court: they are told when they may and may not speak, and they may even be silenced midway through speech. A trial must of necessity select what enters its narratives, what is admissible evidence and what is not, what questions to ask the defendants, when to silence them. This selection process comes in for criticism in Tolstoy's analysis of historiography. Therefore an additional problem with Maslova's trial is that the court officials, who can never know the full story motivating the defendants and causing them to interact, select what to discuss in the case. For example, Kartinkin's explanations are cut short on more than one occasion, and the post-mortem report is read even though it is superfluous to requirements. However, the most significant selection of information occurs when Maslova's defending counsel

tries to introduce the matter of her initial seduction, but is rebuffed by Breve. A whole range of facts demonstrating Maslova's character and which might explain her behaviour is thrown out as an untenable argument, and so the jury is not in possession of the full story.

When it comes to the jury deliberations, the same factors outlined above affect the outcome. The jury members have their own prejudices which influence the way they retell the events of the crime to themselves: "'Those girls are a bad lot,' said the clerk, and as a confirmation of his opinion that Maslova must have been the chief culprit he related how a friend of his had had his watch stolen on the boulevard by one of her sort" (*PSS* 32: 79). Their discussions are hindered and obfuscated by the boredom and incomprehension carried over from the trial, together with irrelevant narratives introduced by the colonel, and personal rivalry driven by self-interest, so that in the end they return an incomplete verdict of "guilty, but without intent to rob," and the president fails to clarify with them their intended meaning. The trial is a model of communication failure. A similar failure of communication is mentioned in Pozdnyshev's account of his trial, in *The Kreutzer Sonata*: "At the trial it was decided that I was a wronged husband and that I had killed her while defending my outraged honour [...]. I tried to explain matters at the trial but they took it that I was trying to rehabilitate my wife's honour" (*PSS* 27: 49).[5]

At this stage it is clear that the narratives that make up Maslova's trial are false on two levels: they are counterfeit art, and they do not establish the truth about Maslova's role in the death of Smelkov. It should not be assumed here that Tolstoy is demonstrating the court narratives to be counterfeit art because he would rather they were good art, as defined in *What is Art?* His critique of historiography makes it plain that narrative in general, good art or not, cannot reconstruct the truth of events that have happened. But now we must consider Tolstoy's own narrative of Maslova's trial, together with some others of his narratives that also deal with miscarriages of justice. In *War and Peace*, Platon Karataev tells the story of a merchant who was falsely accused of murdering his travelling companion, and who was sent to Siberia. There the merchant eventually meets the true murderer, who confesses, but by the time the merchant's name has been cleared he has died. Soon after introducing the character of Platon, Tolstoy characterizes him by the way in which he speaks or constructs narratives.

> But the chief peculiarity of his speech was its spontaneity and shrewdness. It was evident that he never considered what he had said or was going to say, and this lent an especial and irresistible persuasiveness to the quick, true modulations of his voice. [...] He would often say the exact opposite of what he had said on a previous occasion, yet both would be right. He liked to talk and he talked well, adorning his speech with terms of endearment and proverbial sayings, which Pierre fancied he often invented himself; but the great charm of his stories lay in the fact that he clothed the simplest incidents—incidents which Pierre might easily have witnessed without taking any particular notice—in a grave seemliness to befit their nature. (*PSS* 12: 49, 50)[6]

Morson has already noted Karataev as the conveyer of right narratives in Tolstoy's *oeuvre* (Morson 35). This is particularly evident in the instance of his story of the falsely imprisoned merchant. The contrast between Platon and his audience and the court officials and their audience is marked. Pierre listens to Platon attentively, and despite having heard the story several times, he listens "as to something new," and finds that the significance of the story is "not the story itself but its mysterious import and the solemn happiness which irradiated Karatayev's face as he told it" (*PSS* 12: 155, 156). Platon is morally engaged in his storytelling, even though he knows the story by heart: he is sincere in his desire to communicate the feeling that the story inspires in him. And Pierre is able to see past the cosmetics of the narrative to its message, its truth. In Platon's story, the important facts are not how the merchant was framed, not whether he could or could not have committed the murder, but the fact that he accepts his suffering and forgives the true murderer, thus achieving spiritual enlightenment. Indeed, Tolstoy further demonstrated that these are the essentials of the story when he retold it himself a few years after the completion of *War and Peace*, in the short story *God Sees the Truth but Waits*. The

details of the story are slightly different—the location of the murder weapon, the encounter with the true murderer—but the message is the same. Here it is fruitful to consider Gary Jahn's reminder that the *pravda* in this short story's title has the extended meaning of "truth with justice" or "righteous truth." Jahn demonstrates the special significance of this kind of truth in Tolstoy's *Weltanschauung*: "Thus, it is not necessarily truth in and of itself that is important in the story but justice or righteousness in the way in which truth affects the life of the protagonist" (Jahn 266).[7] In other words, the story of the falsely imprisoned merchant, whether told by Platon or Tolstoy directly, is concerned with a moral or spiritual truth. It is clear, too, that in the story of Maslova's trial *Resurrection*, Tolstoy's preoccupation is with the moral truth that Nekhliudov eventually understands, that man cannot and must not judge his fellow man. For Tolstoy, any attempt at human justice is wrong. He emphasises his point by depicting miscarriages of justice.

But here, if we accept Morson's assertion that for Tolstoy all narrative is false, then we are left with a paradox. Can a narrative really express a higher truth? Tolstoy's narratives about trials exhibit some of the characteristics shared by narratives in trials and historical narratives. For instance, Platon and Tolstoy are, as narrators, as selective as the court officials in what is included or not in their story. Platon's story, we assume, is slightly different each time he tells it: although he would not consciously choose to highlight one piece of information over another, we know that he cannot seem to say the same thing twice (*PSS* 12: 50). Tolstoy then makes slight shifts in the presentation of the same story in *God Sees the Truth but Waits*. In *Resurrection*, as I have shown above, he is selective in the way he relates the different narratives and in what he decides to include or exclude. For instance, it is striking that Tolstoy should dwell for so many chapters on Nekhliudov's acquaintance with Maslova, and not, in his narratorial omniscience, on what actually happened in the Hotel Mavritania. So, in terms of laying out exactly what happened in both the merchant's case and Maslova's case, the narratives are false.

However, in spite of this, it is undeniable that these narratives purport to express higher truths, and this brings us to the question of good art. Platon Karataev's story of the merchant is good art. For Tolstoy, good art conveys feelings arising from religious consciousness that are understandable to everyone and that inspire the receiver to the good. What is more, good art should inspire the creation of brotherhood. Platon tells his story not because he likes the sound of his own voice, but because he feels the importance of the message, and so Pierre feels it, too, and the audience gathered round Platon surely finds a sense of community in their sharing in the tale. By contrast, there is nothing more divisive than a trial, designed as it were to separate the sheep from the goats. In addition, *God Sees the Truth but Waits* was proclaimed by the author himself in *What is Art?* as one of only two examples of good art in his *oeuvre*. Now let us assume for a moment that *Resurrection* is good art. This is a controversial assumption, as many have found *Resurrection* to be considerably less successful than *War and Peace* and *Anna Karenina*, and I will address this issue presently. But let us concentrate on using Tolstoy's own criteria for judging art, as he lay down in *What is Art?*, which he was writing concurrently with *Resurrection*. First, from the diary entry I mentioned earlier, we can see that Tolstoy had at least one sincere feeling to communicate, that of horror at the senselessness of the courts. G. W. Spence has said of *Resurrection* that it is "a revolt against the enormity of [man's] desires" and that "[Tolstoy's] outlook permeates his narrative" (Spence 143, 133). Whether Tolstoy would have chosen to communicate this feeling had he not wanted to do something to raise funds for the Dukhobors we cannot say, but given that this cause gave him the opportunity, it is fair to suggest that this was one feeling he drew upon for the story. Next, the work done by Amy Mandelker on Tolstoy's aesthetics sheds some light here. Mandelker notes Tolstoy's comment in *What is Art?* that an effective means of communicating a feeling in literature is to create a character who experiences that feeling (*PSS* 30: 117), and she goes on to cite the little boy watching the convoy of prisoners from his carriage as an example from *Resurrection* (Mandelker 118-19). In the same way, an interaction between the various personae of the trial, including Nekhliudov, and the reader

is set up. David Keily has suggested that the level of Tolstoy's selectiveness increases so as to parallel the frustration felt by the courtroom members:

> Just as a juror may initially take great interest in his new surroundings, so the narrator describes the beginning of the trial with great precision. Just as a juror's attentiveness becomes taxed by lengthy, boring formalities, so the narrator's account becomes more impatient and selective. Thus the narrator's representation of boring legal procedures produces an effect in the narratee similar to that experienced by the characters. (Keily 170)

The reader's own perspective of the trial is different from what the jury and public see because of Tolstoy's selectiveness. For example, Tolstoy interrupts his narration of the trial to take the reader into the past, and recounts the story of Nekhliudov's relationship with Maslova, from the perspective of Nekhliudov, so that the reader becomes party to something the court members do not know. The reader's perspective is then reinforced by Nekhliudov's perspective of the trial, when we witness the horror he feels at the miscarriage of justice. We cannot help but see that Tolstoy is communicating a vividly experienced feeling of outrage at man's daring to judge his fellow man, and that his feeling is meant to inspire in us a desire for brotherhood: this moral truth is Tolstoy's central concern.

Resurrection of course employs an omniscient narrator, which is the narrative stance Tolstoy uses in the majority of his fictional works. However, in *The Kreutzer Sonata*, the story of a crime and the false acquittal of its perpetrator, Tolstoy makes the relatively rare use of a first-person narrator. Moreover, the narrative structure of *The Kreutzer Sonata* is made more complex by embedding the first-person narrative of Pozdnyshev, the murderer, into the first-person narrative of the anonymous narrator. We can only speculate as to why Tolstoy took this approach; never before afraid to associate himself with controversial arguments, it cannot be that his narrative structure was designed to distance himself as much as possible from his creation. Indeed, his Afterword disproves that theory. As Morson notes, "Pozdnyshev, a fanatic and a murderer, expresses views that clearly betray their sordid origins, but which Tolstoy nevertheless explicitly endorsed in his Afterword to the novella" (Morson 249). But the fact that Tolstoy needed to write an Afterword perhaps suggests one thing: that judging by the theories of art he was to expound a few years later, *The Kreutzer Sonata* had failed as art because additional statements were needed to explain it. In *What is Art?*, Tolstoy writes, "An artist, if he is a true artist, has in his work conveyed to others the feeling he has experienced: what is there to explain?" (*PSS* 30: 123). We can compare *The Kreutzer Sonata* in this respect to *War and Peace* and *Resurrection*. The former novel also needed an essay to clarify how and why it was written. But no such essays were written for *Resurrection*. In fact, in two different letters, Tolstoy points to the novel as a self-contained and self-explanatory picture of his thoughts. First to Leopold Aujar in September 1899 he writes, in response to the question of whether society has the right to punish, "The answer to the question you put to me can be found in my novel, which is appearing in translation in *L'Echo de Paris*" (*PSS* 72: 184-85).[8] Second, when John Bellows wrote in November 1901 questioning the moral power of the scene depicting Maslova's seduction, Tolstoy replied, "All that I can say in my defence is that when I read a book the chief interest for me is the *Weltanschauung des Authors*, what he likes and what he hates. And I hope that the reader, which will read my book with the same view, will find out what the author likes or dislikes and will be influenced with the sentiment of the author" (*PSS* 73: 63).[9] Tolstoy himself may perhaps have considered that in *Resurrection*, conceived as it was at the same time as he was formulating his views on art, he was writing good art.

There is a feature of these stories about miscarriages of justice that reinforces their essential truths and stresses the role played by narrative: the truths are retold again and again. Platon, we hear, has told his story of the merchant several times before, and will no doubt tell it again; indeed Tolstoy the narrator tells it again himself in *God Sees the Truth but Waits*. Pozdnyshev, the reader feels, is a man who is overcome by his personal need to keep expressing his terrible feeling: "It is painful for me to be silent. [...] Still I have one

thing in me. I know! Yes, that is true, I know what others are far from knowing. [...] You at least listen to me, and I am grateful for that" (PSS 27: 16, 40). Nekhliudov tells the story of Maslova's false conviction and his own part in her life to those to whom he turns for legal help, and Tolstoy recounts his reminiscence of their relationship during the course of the trial for the very purpose of stressing that here begins the path to the truth that one must not judge. In fact, as *Resurrection* was based on a true story, it could be said that by transposing that story into a fictional context, and thus stepping away from the issue of factual truth, Tolstoy is highlighting its moral truth. Felman comments:

> The literary text enacts [...] a *repetition of the story* that the court has missed or has misunderstood, and which the trial could not tell. [...] By its own specific means, by its literary power or by the acuteness of its own search (struggle) for expression, the artistic trial strives to *transmit the force of the story that could not be told.* (Felman 778)

What is important here is that the continual retelling of these stories attests to the sincerity of their narrators. As Tolstoy asserts, "As soon as the spectator, listener or reader feels that the artist is himself infected by his work and is writing, singing or acting for himself and not just in order to affect others, this state of mind of the artist infects the perceiver" (PSS 30: 150). Caryl Emerson clarifies this statement, saying that "*iskrennost*, as Tolstoy uses the word [...], has nothing at all to do with another's needs, with the potential receptivity of one's art, or with the moral imperative to infect and ennoble the world at large" (Emerson 105). Neither Platon nor Pozdnyshev nor Nekhliudov tell their stories just to have an effect on their audience. The sincerity of feeling in their narratives validates them.

I must now devote a little time to the matter of the mixed reception of *Resurrection* by critics to date. Although it was enthusiastically received at the time of publication and is still widely praised in Russia, Western critics in particular have readily identified flaws in the novel, E. J. Simmons noting "an unpleasant harshness and lack of human sympathy in it" (Simmons 195), and R. F. Christian describing it as "a vastly inferior work of art to the two great novels which preceded it" (Christian 221). I have argued here that this novel is a narrative that combats falsehood, as exemplified in the practice of criminal justice and its narratives, by using good art to express a higher truth. But in *What is Art?*, Tolstoy notes a criterion for good art on top of its sincerity, clarity, and particularity: that of its universal acceptance. He asserts: "And therefore, if art does not move us, one must not say that the cause is the spectator's or listener's incomprehension, but one can and must conclude that it is either bad art, or not art at all" (PSS 30: 109). In this statement there is a certain measure of the obstinate old man whom we all see in Tolstoy, who will insist on the whole world seeing things his way. But a few chapters on, no doubt being influenced by a degree of frustration with his reading public, Tolstoy denounces first critics and then "the majority of people" as having lost "the ability to perceive genuine art" (PSS 30: 129). It is tempting to make mischievous use of the attack on critics of art as the defence for my argument, but there is a serious point to be made here. The question of the ability to perceive and understand good art is not resolved in *What is Art?*; statements on this subject are contradictory, suggesting that Tolstoy had devised an ideal that, much to his bitter disappointment, was simply not being fulfilled in reality. Somehow, artistic appreciation is not as simple a matter of perceiving the sincerity, clarity and particularity of the feeling experienced by the artist, as Tolstoy wished. However, if we do take only these criteria for judging good art, then we find them present in all of the stories I have examined, including *The Kreutzer Sonata* and *Resurrection*, whether or not we agree with Tolstoy's feelings or enjoy the way they are communicated. The recurring theme of miscarriages of justice and the interaction with narrative suggests that Tolstoy imagined himself ideally as a Platon Karataev figure, the readers of whose stories would be united in brotherhood as they experienced the higher truth of non-judgement and divine justice.

We find, therefore, that it is possible to trace a line from the critique of historiography in *War and Peace* through to *What is Art?* Tolstoy had a long-term preoccupation with the value of narra-

tive in relation to truth, and the role played by art in this relationship. In stories about miscarriages of justice, Tolstoy highlights the fallibility of methods for establishing factual or human truth, and creates multi-layered works in which the narratives about these incidents respond to and redeem the falsity of human justice. In other words, all narrative may be false when trying to describe and concretize the "what" and "why" of human lives; since the human mind cannot grasp the vast network of interrelated causes and effects behind each action, no narrative can convey it. However, the narrative which is good art is able to transcend this falsity because of its higher truths, inspiring of brotherhood: good art communicates a moral feeling which is not dependent on factual truth. Indeed, my study may suggest that the artist in Tolstoy still played a significant role when he composed his late works, and that he was striving to find a synthesis of didacticism and artistry in his final creative years. Perhaps it is in this respect that Richard Gustafson's remark, "Narratives may be one of the best forms of theology" (Gustafson xi), is most fitting to Tolstoy's work.

Notes

A slightly shorter version of this paper was read at Bristol University on 10 July 2001.

1. Citations from Tolstoy refer to the volume and page number of the "Jubilee" edition of his complete works (*Polnoe sobranie sochinenii*).

2. Translations of quotations from *Resurrection* are taken from the Penguin translation by Rosemary Edmonds, 1966 edition.

3. Translations of quotations from *What is Art?* are taken from the Penguin translation by Richard Pevear and Larissa Volokhonsky, 1995 edition.

4. Gary Rosenshield has discussed similar issues in his series of articles on trials in the works of Dostoevsky.

5. Translations of quotations from *The Kreutzer Sonata* are taken from the Oxford translation by Louise and Aylmer Maude, 1998 edition.

6. Translations of quotations from *War and Peace* are taken from the Penguin translation by Rosemary Edmonds, 1974 edition.

7. In this article Jahn also comments on the failure of communication when Aksenov is under interrogation, noting firstly his inarticulateness when questioned over the murder, and secondly his refusal to tell the "truth" when questioned over Semenov's escape attempt.

8. This translation is my own.

9. Tolstoy wrote this letter in English.

Works cited

Christian, R. F. *Tolstoy: A Critical Introduction.* Cambridge: Cambridge University Press, 1969.

Emerson, Caryl. "What is infection and what is expression in *What is Art?*". *Lev Tolstoy and the Concept of Brotherhood.* Eds. Andrew Donskov and John Woodsworth. Ottawa: Legas, 1996. 102-15.

Felman, Shoshana. "Forms of Judicial Blindness, or the Evidence of What Cannot Be Seen: Traumatic Narratives and Legal Repetitions in the O. J. Simpson Case and in Tolstoy's *The Kreutzer Sonata*". *Critical Inquiry*, 23.4 (1997): 738-88.

Gustafson, Richard F. *Leo Tolstoy: Resident and Stranger. A Study in Fiction and Theology.* Princeton: Princeton University Press, 1986.

Jahn, Gary R. "A Structural Analysis of Leo Tolstoy's 'God Sees the Truth but Waits'." *Studies in Short Fiction* 12 (1975): 261-69.

Keily, David. "The Brothers Karamazov and the Fate of Russian Truth: Shifts in the Construction and Interpretation of Narrative." Diss. Harvard University, 1996. [Contains a section on *Resurrection.*]

Mandelker, Amy. "Tolstoy's Eucharistic Aesthetics". *Lev Tolstoy and the Concept of Brotherhood.* Ed. Andrew Donskov and John Woodsworth. Ottawa: Legas, 1996. 116-27.

Morson, Gary Saul. *Hidden in Plain View. Narrative and Creative Potentials in War and Peace.* Stanford: Stanford University Press, 1987.

Poulin, Francis P. "The Creation of a Russian Moral Law in Philosophy and Fiction: The Cases of Dostoevskij, Solov'ev and Tolstoj". Diss. University of Wisconsin, 1995.

Rosenshield, Gary. "The Imprisonment of the Law: Dostoevskij and the Kroneberg Case". *Slavic and East European Journal* 36 (1992): 415-34.

__________. "Western Law vs. Russian Justice: Dostoevsky and the Jury Trial, Round One: The Kroneberg Trial". *Graven Images* 1 (1994): 117-35.

__________. "Dostoevskii and the Kornilova Case: the Realization of Russian Justice." *Canadian-American Slavic Studies* 31 (1997): 1-32.

Simmons, E. J. *Tolstoy.* London : Routledge and Kegan Paul, 1973.

Spence, G. W. *Tolstoy the Ascetic.* London: Oliver and Boyd, 1967.

Tolstoy, Leo. *Polnoe sobranie sochinenii.* 91 vols. Ed. V. G. Chertkov et al. Moscow: Gosudarstvennoe izdatel'stvo khudozhestvennoi literatury, 1928-1958.

__________. *Resurrection.* Trans. Rosemary Edmonds. Harmondsworth : Penguin, 1966.

__________. *War and Peace.* Trans. Rosemary Edmonds. Harmondsworth: Penguin, 1974.

__________. *What is Art?* Trans. Richard Pevear and Larissa Volokhonsky. Harmondsworth: Penguin, 1995.

__________. *The Kreutzer Sonata.* Trans. Louise and Aylmer Maude. Oxford: Oxford University Press, 1998.