

**“Justice served or Justice denied” ----- Decoding the absurd nuances of the
Jurisprudence in Leo Tolstoy's selected short stories**

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Abstract

Justice is one of the main societal values which construct a society. The very structure of the society is governed by the law and order. But frequently the revered legal system fails pathetically to conduct a fair play. Though in theory there are various moralities and promises to serve all with equality but many a times human emotions and genuinity are considered irrelevant and proves that law is indeed blind in its exact meaning. In the chosen short stories the truth has been overshadowed by facts and law is stretched to any extent to suit the changing interest of the powerful. This paper shows how logic creates opacity and strangely prevents us to see the truth and differentiate the right from the wrong.

Key words: Tolstoy, Law, Literature, Justice, Crime.

Introduction

Leo Tolstoy (1828-1910) is one of the greatest writers of all times. Russian by birth Tolstoy had earned his fair share of repute as a realist novel writer. Critics believe that the works of Tolstoy are not mere piece of literary art but are piece carved out from life. Tolstoy has the very fine talent of depicting the huge effect that small nuances of life yield. It is remarkable that how efficiently he would understand and project the unspoken emotions of life that results in great movement of consciousness in us. His great works include War and Peace (1865-69) and Anna Karenina (1875-77). In many of his short stories are based on various legal aspects and matters relating to the law and order in the society. The short stories that have been studied and analysed for this paper are "Too Dear!" and "God sees the truth, but Waits". Both these short stories discuss the concept of justice for the society on which it is set. The profound concept of Justice is judged in both the stories and how it is done will be discussed in this paper.

The short story 'Too Dear' amusingly depicts the difficulties of dealing with a criminal in the Kingdom of Monaco and exposes the situation of a ruler who is forced to revise his own judgement several time not out of mercy but out of financial obligations. The King here manages to rule like any other king with judges, courtiers and ministers and enjoys the privileges of the crown. In this story the author's intention is to parody the efforts of the modern state to violently prevent its subjects from committing crime. The Kingdom in the story takes off the modern system of governance to such a subtle extent that it makes us ponder upon the ways our justice system is customised to suite the interests of the powerful. The story also raises a question on the authenticity of the rulers and the system of law. The name "Too Dear" itself creates an ambiguity as what is more precious the money, the citizens or the legal decision.

The short story "God sees the truth, but Waits" is related to the existence of unfairness and inability of the man-made system of justice. It suggests that humans have to make the best of situation even when they are innocent and helpless. From the very beginning the protagonist Aksionov is an innocent man and an unknown man (Makar Semyonich) who is real culprit is at loose because he knew the gaps in the legal system. The evidence against Aksionov is so convincing that the Court find him guilty and sentenced him to life sentence. Helpless he turns to spirituality; here we can find an echo of Tolstoy's own inclination towards spirituality during his later life. In the end of this story we see that justice sometimes arrives too late but the cost for that can be equally high.

Parallel Analysis of the short stories

The analysis will be made through the similarities and differences between these two short stories. On analyzing the similarities we find that both the short stories open with an introduction to a place where everything seems to be in order. People are living happy and content lives. Both have the setting of business and economy. On one hand is a young merchant Aksionov who has his own business and two shops of his own in the town of Vladimir goes for the fair with expectations of making good business. On the other hand is the small kingdom of Monaco where the king after collecting tax on tobacco and liquor started a new promising business of gaming house which is giving him high returns. Here we find that Tolstoy is showing the way how human expectation work, how the human heart desire for more even when it has all that is needed. The crisis for both the stories begin when a crime is committed. A murder has been committed by a man of King's domain probably due to the anger of losing his whole money and property in a gaming house. Subsequently the jury decided to execute the man only to find that there are no provisions within the kingdom to implement the sentence. Moreover the charges of importing a guillotine and an executioner from the neighbouring kingdoms seemed huge. Hence the sentence had to be review and altered more than once to suit the best interest of the king and the kingdom. Comparably Aksionov was suddenly accused of murdering and robbing a fellow passenger on his way to the fair. The evidence was the presence of a blood stained knife in his bag. Aksionov made futile efforts to explain that he was innocent. All his appeals were rejected and the court gave the verdict that he was indeed guilty and should spend his lifetime in the prison. The circumstances victimized Aksionov and verdict was given on that. This may have been the case of many people who were wrongly accused and labelled as criminals even without committing the crime.

Analysing the legal parameters

This paper acknowledges that, a story "Too Dear" by Tolstoy has the theme of Governance, Justice, Morality and Power. But in this story the theme Governance was explored but the true meaning of

governance was absent. The Latin maxim REX LEX which means the King is Law, according to this maxim whatever the King has said is being taken as a law but in this story the opposite and a caricatured picture of the monarch's authority has been played. The King himself was not able to govern his domain he relies upon his minister to solve any dispute or matter relating to the kingdom of Monaco. The King himself was not able to govern his domain with the strength and repeatedly failed to do justice, changed the meaning of morality and also very selfishly twisted the law for his gain. Every time he encounters any problem, he called upon his Council of State to solve it, he and his ministers, courtiers and juries always ends up the case with the settlement between the parties but cannot pass any judgement on behalf of either victim or culprit. They all were selfish for their continuous luxurious, wealthy and powerful life, no one of his councils or domain's people asked or raised any question on King's law or ruling justifies the phrase "like king, like people". It is also noticeable in the story that money was very important thing for the King. He can easily go against justice, would let every wrong thing happen but will not bear any cost to stop it, he loves that money which is earned through illegal sources like selling of wine & tobacco or through his business of gaming house.

The paper projects how the sanctity of the legal system was compromised when the offence of murder was committed by a person in Monaco. The King's soldiers caught that criminal and charged a murder case on him, kept him as a prisoner. He was tried in the Court of King, death penalty given to him but King won't hang him because it cost too much money. Then he (king) won't have a soldier guarding the prisoner because again it costs too much money. Eventually the ridiculous situation has found that the prisoner used to go and get his food by himself from the palace by leaving his cell then return back. After all the King decided to settle the matter with prisoner, by promising him a pension for rest of his life. Suddenly a criminal becomes such a baggage for the kingdom that arrangements were made for his settlement somewhere in the outskirts of the kingdom. Here the farce is that money is above the law in relation to a person who is a so called just king. Everything is too expensive for the king, so at last he offered a pension to the prisoner which was a cheaper deal for him. Instead of punishment he gave pension to that criminal to get rid of the case. The king did a settlement with the criminal to end up the case with the condition that he should leave the domain for the rest of his life. The criminal received 1/3rd of his pension before leaving that was enough for him to start any business in a new place.

Paper depicts that, in this story the failure of governance, justice and morality has been done by the King. He ignores the empire for the sake of his greedy and selfish nature and also an illegal use of power. The punishment for the offence of murder can be a life imprisonment or death sentence according to the seriousness of the crime, "if the justice is correct then the crime can be stopped", but the King of Monaco ignores the justice and gives importance to money and this can lead the increment of criminal acts in his kingdom. He was forced to revise his own judgement several times not out of

mercy but out of financial obligations. This story is a question of the acquittal of the rulers and about the system of law. Lastly the word "*Too Dear*" asks the question as what is very dear to the King the life of the prisoner the legal image of the kingdom or the shiny pieces of metal that he cannot even imagine to part with.

In the second short story "*God Sees the Truth but Waits*" from the very beginning we see that Aksionov though accused of murder is an innocent man. Someone has staged the events of murder in such a way that all evidence pointed towards Aksionov as the criminal. From the very beginning we see how easily law can be used to wrongly accuse someone. An understanding of the legal discourse and a favourable situation can turn the tables. In this case at first police starts with an interrogation then search of Aksionov's possession, accusation of the murder weapon means Aksionov has done something but it does however prove that the person is guilty. It can be analysed that Aksionov's murder conviction is based on certain circumstantial evidence or set of facts from which one could infer the fact that Aksionov can be the killer. Those evidences are firstly, it was shown that when Aksionov is travelling for business he usually leaves very early in the morning but the police see that as his running away from the crime scene, secondly, he is the last person to see the murderer merchant alive this was stated by few eye-witnesses, thirdly, Aksionov stays in a room which was right next to the victim's room. He could have easily get into the victim's room and murder him. Fourthly, when the police searched his bag which the only thing in his possession they find a bloody knife i.e the murder weapon.

The story also explores the theme of forgiveness. A man has been killed and Aksionov is the prime suspect in this case. Although the power to do anything for himself was removed from him still he prays for forgiveness from the Almighty. Later in the story when it is revealed that Semyonich is the real murderer it was Aksionov alone who owns the power to give Semyonich the one thing he wants mostly, that is forgiveness. Forgiving Semyonich was most important for the mental health of Aksionov who has been victimized in this story and spends twenty six years in a prison for a crime that he did not commit. Even knowing that Semyonich killed the merchant he never reports it to the authorities accepting that it was his fate to suffer and God will do the justice.

Conclusion

To conclude the paper it can be said that though there are high regards of Justice and the legal system but many a times it has failed to serve justice to the people who needed it the most. Literature as the short stories discussed in this paper have often portrayed the implications of the judgement on the lives of people. Sometimes they endure it and other times they perish.

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