

Justice on Trial

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“Is there no justice upon earth? Whom should you protect if not us orphans? We shall see! There is law and justice on earth, there is, I will find it! ... Wait for me, if you have to wait in the street. We will see whether there is justice on earth!” (*Crime*, p. 348)

The scales of justice are precariously balanced. What determines the way the scales will tip? Society has determined its laws to be just, but laws, invented by less than perfect people, can be no better than the people at determining what is right and what is wrong. Should laws be the absolute truth, having the highest authority on what is right? Is punishment of those who break laws fair for all involved? Determining the fairness of society is a difficult question that Fyodor Dostoevsky tried to answer in his book *Crime and Punishment*.

Mistakes are inevitable as man experiments with new ideas. According to Luzhin, “Of course, people do get carried away and make mistakes, but one must have indulgence; those mistakes are merely evidence of enthusiasm for the cause and of abnormal external environment” (*Crime*, p. 130). The unfamiliar environment Raskolnikov faced with committing a murder, may have been at the root of Raskolnikov’s mistakes.

He was in terrible haste, he snatched the keys, and began trying them again. But he was unsuccessful. They would not fit in the locks. It was not so much that his hands were shaking, but that he kept making mistakes; though he saw for instance that a key was not the right one and would not fit, still he tried to put it in. (*Crime*, p. 70)

Though the environment influences one’s actions, is it really “abnormal” for mistakes to occur? If individuals were perfect, then laws, which discourage mistakes, would be unnecessary and a flawless society would be possible. Believing mistakes to be a necessity, Razumihin said,

“I like them to talk nonsense. That's man's one privilege over all creation. Through error you come to the truth! I am a man because I err! You never reach any truth without making fourteen mistakes and very likely a hundred and fourteen. And a fine thing, too, in its way; but we can't even make mistakes on our own account! Talk nonsense, but talk your own nonsense, and I'll kiss you for it. To go wrong in one's own way is better than to go right in some one else's.”  
(*Crime*, p. 176)

Laws, though limiting possible losses to society, block the path to the truth and consequently would impede the progress of society. Through error, Raskolnikov came to the truth behind his extraordinary man theory, even though it required transgressing law and murdering the pawnbroker. Even though the murder disproved Raskolnikov’s theory, as Porfiry told Raskolnikov, “you’ve ceased to believe in your theory” (*Crime*, p. 397), the knowledge that Raskolnikov’s theory was incorrect will help society prevent similar misjudgments in the future. If Raskolnikov had succeeded, the murder may have been seen as justified. “It was only in that he recognized his criminality, only in the

fact that he had been unsuccessful and had confessed it” (*Crime*, p. 467). It is absurd for a society to expect both perfection and progress. Luzhin and Razumihin would agree that mistakes should not be condemned by society. Luzhin saw errors as occurring from special circumstances, while Razumihin saw mistakes as the stepping stone to the truth. Laws must be flexible, for no matter how just a law may be, there is always a time, a situation, in which the law is unfair or impractical.

Society defines justice by its laws. People define the laws and the people are guided by what is morally right. The majority usually determine the morality of a society, but is it fair for the majority to impose their morals on the minority? For example, if the majority were criminals, then those who did not commit crimes would be arrested and punished. The laws of such a society would not be fair to those who did not wish to steal or murder. The pressure of the majority has moved society towards hyper-reality. Everyone is converging to a point, at which we will become all alike. Although a society with complete equality, like socialism, would have benefits, life would have little meaning for the individual. The uniqueness of each person gives the individual its worth. Individuals should discover for themselves moral truths without the influences of others. Raskolnikov tried to find his morals, and was punished for it. He said, “I wanted to find out then and quickly whether I was a louse like everybody else or a man” (*Crime*, p. 360). His search for truth led him to conclude,

“I had not the right to take that path, because I am just such a louse as all the rest....But how did I murder her? Is that how men do murders? Do men go to commit a murder as I went then? I will tell you some day how I went! Did I murder the old woman? I murdered myself, not her! I crushed myself once for all, for ever....But it was the devil that killed that old woman, not I.” (*Crime*, p. 361)

His personal search for the truth was more powerful and convincing than if society had told him he was like everyone else and had no right to commit murder. Even though, Raskolnikov condemns himself, there may be others who would applaud his actions.

“You are talking and speechifying away, but tell me, would you kill the old woman *yourself*?”  
 “Of course not! I was only arguing the justice of it.... It's nothing to do with me....”  
 “But I think, if you would not do it yourself, there's no justice about it.” (*Crime*, p. 59)

The majority of society would say that any murder is unjust, but there will always be some who believe in the justice of certain murders. Not everyone will agree on what is just or unjust so society should not force morals upon the people.

Punishment is for rehabilitation so that criminals can learn from their mistakes. If this was not true, then all criminals should be killed for their crimes. Criminals are also supposed to be deterred from committing crimes by the

threat of punishment. Captivity has been the most prevalent method of punishment for criminals like Raskolnikov. Porfiry approved of punishing Raskolnikov by saying, “There is justice in it. You must fulfill the demands of justice” (*Crime*, p. 396). However, Raskolnikov understood what he did and would not commit any more crimes because of his extraordinary man theory. He admitted, “I have a bad heart” (*Crime*, p. 356) and “I’ve learnt my lesson” (*Crime*, p. 362). Also, fear of punishment did little to thwart Raskolnikov from committing the murder as he welcomed punishment with, “I don’t care about lessening the sentence!” (*Crime*, p. 395). Raskolnikov punished himself for his crime with self-inflicted suffering. Raskolnikov believed that suffering is a form of unavoidable punishment.

“If he has a conscience he will suffer for his mistake. That will be his punishment—as well as the prison....He will suffer if he is sorry for his victim. Pain and suffering are always inevitable for a large intelligence and a deep heart. The really great men must, I think, have great sadness on earth” (*Crime*, p. 230).

What then is the purpose of sending Raskolnikov to Siberia? The punishment is unlikely to help Raskolnikov or society as Raskolnikov’s intelligence and skills would be much more useful outside of prison. Though Raskolnikov punished himself, he did not repent since he thought his actions were justified. “I’ve only killed a louse, Sonia, a useless, loathsome, harmful creature” (*Crime*, p. 358). Raskolnikov committed the murder because he thought it was just if he could help hundreds for the life of one. If the individual defines justness, then punishment needs to be suited to the individual. However, individual rights cannot be left completely at the mercy of the people. Justice requires a balance between the amount of dictated law and self-imposed law.

Can justice ever be fair? Society thinks justice is punishing the criminal by locking them away and taking their free will. The American pledge of “liberty and justice for all,” is meaningless for those who make mistakes, which are inevitable and which are necessary for society. Truth, which everyone should have a chance to discover for themselves, comes through mistakes. Justice should come from the individual. Svidrigailov punished himself for his crimes, as did Raskolnikov. Luzhin became an outcast because of his crimes, while Marmeladov was killed for his drinking problem. Dostoevsky has shown that it is impossible to avoid justice. Even those who believe they are extraordinary and above the rest of society, such as Raskolnikov, are not immune to the balancing scales of justice. Society does not need to play a prominent role in ensuring justice, as justice will necessarily prevail.