
Book Review: On Trial, by Max Hayward (ed)

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Book Review

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ON TRIAL. Editor: MAX HAYWARD. Harper & Row, New York: 1966. pp. 310. (\$6.25)

Early in September of 1965, two Russian writers, Andrei Sinyavsky and Yuli Daniel were arrested. On February 10, 1966, their trial commenced. After four days, it ended. Sinyavsky and Daniel were sentenced to seven and five years respectively at hard labour.

At first glance, *On Trial* is a mere historical excursion which documents these occurrences and in its main text, purports to render a transcript of the actual trial. As such, the book hazards the rules of historiography. The transcript, we are told, was taken down during the trial by a person in the body of the court and came to us "through undisclosed channels." On the other hand, we are informed that the trial took place in a small provincial court, that the audience was hand-picked by the authorities, that it continuously jeered the defendants and cheered the prosecution. The character of this group, the subject matter of the case, and the ease with which the identity of a person busily writing in the body of a small court-room could be ascertained by the secret police, gives rise to scepticism as to the exact accuracy of the account. On the other hand, those reports and comments which have filtered through to the West, as well as the procedural techniques described by the foremost non-Soviet authorities on Soviet Law, notably Berman, Hazard, Fainsod and Feiffer, are consistent with the events described by the transcript.

For the jurist, *On Trial* evokes a comparison in at least two areas.

On one hand, the reader is offered an insight into various legal techniques used in the Soviet Union — arrest, pre-trial detention and newspaper reporting, trial procedure, rules of evidence, the role of the defense counsel, the position of the judge.

On the other hand, the reader is shown that it mattered little how the trial took place. The essence of the episode lay in what was on trial.

Daniel and Sinyavski wrote some stories that were unconventional from the standpoint of Soviet literature. Rather than dividing their characters into "positive" and "negative", and having the positive heroes, representing "socialist reality", triumph over the negative

heroes, the two writers, occasionally represented only negative characters. And sometimes, these negative characters triumphed. The two writers managed to smuggle their works to the West where they were published under pseudonyms—Tertz and Arzhak.

But it was not the manner of publication for which these men stood accused. They were on trial for the content of their writings.

The trial was peculiar for a number of reasons. First, the accused did not plead guilty. In the past, trials of this nature invariably assumed the aspect of a public confessional rather than an argument about guilt. Secondly, this was the first time in the history of the U.S.S.R. that a writer was put on trial for what he wrote. In the past, the practice was to inter or intern, as the case warranted, without trial. More recently, charges like "parasitism" or some other non-literary offense have replaced the Stalinist methods.

Thirdly, the trial came at a cross-roads of Soviet history. Stalin and Khrushchev were gone. Vituperations against the "cult of personality" and the terror that accompanied it, rang throughout Russia. The new regime showed signs of relaxing the rigid control on the arts. The poet, Brodsky, was released after one year of a five year term. Olga Ivinskaya, Pasternak's assistant and allegedly, the model for his character, Lara, in *Doctor Zhivago*, was freed after serving only half of her eight year sentence. Before and even during the trial, Valeri Tarsis, author of critical material openly published in the West without permission, was allowed to embark on a lecture tour outside the Iron Curtain.

And then came the trial.

Fourthly, the aftermath of the trial was unusual. Reproduced in *On Trial* are some of the at least 380 petitions, letters, and depositions that came from inside the Soviet Union. Among them was a letter from 63 Moscow writers, including Ilya Ehrenburg, one of the leading Soviet literary names. Also, there were protests from Communists outside of Russia, including John Gollan, general secretary of the British Communist Party, and Louis Aragon, a French Marxist, who had never before, in public, deviated from the Moscow line. Writers groups in the West and the Nobel Prize committee also pleaded for clemency.

But the most moving appeals came from the wives of the accused. Mrs. Sinyavsky (Tertz) wrote, "I have read the books of A. Tertz. I greatly admire them and see nothing anti-Soviet in them. If this is a crime, then put me in prison with Sinyavsky because freedom is useless to me if I can't be with him and if I can't say plainly and honestly what I think."

Perhaps the real theme of *On Trial*, was best enunciated by Lidia Chukovskaya'. Traditionally, the letter of protest has been, the brightest, most powerful vehicle for the expression of liberalism in Russian literature. Probably the greatest liberal work of Czarist Russia was Belinsky's reply to Gogol. Miss Chukovskaya's letter, reproduced in *On Trial*, is a fine continuation of this tradition. She writes, "A book, a piece of fiction, a story, a novel—in brief, a work

of literature—whether good or bad, talented or untalented, truthful or untruthful, can not be tried in any court, criminal, military, or civil. It can only be tried in a court of literature. Ideas should be fought with ideas, not with camps and prisons.”

Literary liberty, creativity, freedom of speech—whether here or in Russia—is subject to scrutiny. In the Soviet Union, they draw a heavy line early. In the West, we draw a hazier lighter line and farther back. But, in both East and West, lines are drawn. The difference is in degree, not kind.

On Trial makes us think of the Sinyavskys and Daniels of our judicial history—Scopes, Sacco and Vanzetti, Lenny Bruce. It makes us look at the lines we draw and why we draw them.

The life of the poet in modern society is a precarious one. He is always perched on the edge of morality. *On Trial*, under the able guidance of Max Hayward portrays this situation. It comes as a chalice thrown before all of us who would be censors. It reverberates the words of Gilbran, who said, “You can muffle the drum, and you can loosen the strings of the lyre, but who shall command the skylark not to sing?”

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