

Title: Horizontal and Vertical Law in Gogol's Tale of the Two Ivans
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Although the plot of Nikolai Gogol's "The Tale of How Ivan Ivanovich Quarreled with Ivan Nikiforovich" revolves around a legal battle, most literary analyses overlook the importance of legal themes in favor of other aspects of the *povest'*, such as its parody of Sentimentalism, its grotesque humor, or its role in the development of Russian Naturalism. Legal scholars and historians such as Michael Newcity and Richard Wortman address the portrayal of the law in the text, but with the limited purpose of illustrating the deplorable state and reputation of the Russian courts prior to the 1864 judicial reform. An in-depth analysis informed by both literary and historical scholarship reveals that Gogol's depiction of the law is much more complex than a simple lampoon of the Russian legal system.

This paper makes use of two models that legal historians apply to the study of legal development: dyadic, or "horizontal" law (a customary, pre-modern justice system of mediation between disputing members of a particular social caste by members of that same caste) and triadic, or "vertical" law (a bureaucratized legal system in which a member of the state hierarchically "above" the social caste of the disputing parties intervenes in all steps of the arbitration process). A comparison of both forms of law in Gogol's text reveals significant and compelling failures of horizontal law in addition to the obvious indictments of the vertical legal system. These depictions suggest that neither form of law amounts to a viable path to just judgment. In this early "humorous" story, so influential in subsequent Russian literary portrayals of legal encounters, Gogol quietly plants the seeds of a sentiment he would later articulate outright in a more "serious" work, *Selected Passages from a Correspondence with Friends*: that ultimately, secular justice is an oxymoron.