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Ronald D. LeBlanc

University of New Hampshire, ronald.leblanc@unh.edu

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Dostoevsky's Rejoinder to Compassionate Acquittals**

Affekt! For pity's sake, this way one can say that everything, every impression, is an *affekt* . . . Why, every sort of adventure now is being called an *affekt!* The sun rises in the morning – that's an *affekt!* A glance at the moon at night – that's an *affekt!* . . . *Affekt* is an awful word.

Dostoevsky, *Notebooks, 1876-1877*¹

Many readers of *The Brothers Karamazov* have long been puzzled by the lengthy description of Dmitry Karamazov's murder trial in the final section of Dostoevsky's novel. Why are readers, who have already listened to Ivan's philosophically-charged legend of the Grand Inquisitor, witnessed Alyosha's mystical ecstasy in the Cana of Galilee episode, and eavesdropped on Dmitry's epiphanic dream about the poor, suffering babe, suddenly subjected to such relatively undramatic (at times quite tedious and repetitive) narrative material as the lengthy summation speeches delivered by the two lawyers at Dmitry's trial?² Gary Rosenshield has argued that the egregious miscarriage of justice that Dostoevsky depicts in the final section of *The Brothers Karamazov*, where an innocent man is wrongly convicted in a court of law for a crime he did not commit, may be read as the author's attempt to dramatize in a work of fiction the strong misgivings about the legal reforms of 1864 that he had been expressing in his *Diary of a Writer* during the mid-1870s. More specifically, Rosenshield argues that the Karamazov trial constitutes Dostoevsky's novelistic reworking of his own journalistic commentary on two particular jury trials, those of Stanislav Kronenberg and Ekaterina Kornilova, both

of which illustrated how Western law was, to Dostoevsky's mind, standing in the way of Russian justice.³

Rosenshield's argument is particularly convincing in regard to the Kronenberg case, where a father is acquitted of the crime of torturing his seven-year-old daughter by beating her brutally with birch rods.⁴ Kronenberg's defense counsel, Vladimir Spasovich (1829-1906), who was known as the "king of the Russian bar," is often mentioned as the real-life inspiration for Fetiukovich, the fictional Petersburg attorney who is hired to defend Dmitry Karamazov in Dostoevsky's novel.⁵ Like Spasovich, the liberal Fetiukovich is attracted to cases that have become notorious and to defendants who appear indisputably guilty because of the great challenge they pose to a lawyer's oratorical and rhetorical skills (and because of the great glory an acquittal can bring to his reputation as a talented barrister).⁶ Numerous other affinities can be found between the real-life Spasovich and the fictional Fetiukovich: they both try to shift the jury's compassion from the victim of the crime to the defendant, they both allow their verbal talent to ascend uncontrollably in the courtroom (Spasovich's oratory is said to rise to the height of the legendary "Pillars of Hercules"), and they both "decriminalize" their client's actions (Spasovich argues that the defendant was not "torturing" his daughter but merely disciplining a highly unruly child). Most importantly, however, both Spasovich and Fetiukovich are, to Dostoevsky's mind, guilty of disseminating morally unsound ideas in the courtroom through their eloquence, serving as conduits for liberal Western notions about sin, crime, and moral responsibility that threaten to corrupt native Russian values. Each of them is what the author in his final novel disdainfully calls an "adulterer" of thought.⁷ Dostoevsky's satiric depiction of the fictional Karamazov trial, Rosenshield

argues, is thus designed in part to respond polemically to the compassionate acquittal rendered in the Kronenberg trial.⁸

Rather than challenge Rosenshield's compelling hypothesis, I would instead like to extend it by arguing that the Karamazov trial can also be read as a novelistic reworking of yet another legal case on which Dostoevsky had earlier provided journalistic commentary: namely, the trial of Nastasya Kairova, a passionate, jealous, and impetuous young actress who was acquitted of premeditated attempted murder in the violent stabbing attack upon her sexual rival with a razor. Like Spasovich, Kairova's defense attorney, Evgeny Utin (1843-1894), sought to remove sympathy and compassion for the actual victim of the crime, Mrs. Velikanova, the wife of the defendant's lover, and to place it instead upon Kairova, who is portrayed as a woman who was merely behaving naturally – "like a lioness whose cub is being taken away" (23:14) – when she sought to protect her lover from another woman. Utin not only argued that his client's crime of passion constituted an instance of temporary insanity; he also sought to justify her actions as those of a woman truly and deeply in love. In his journalistic response to the decriminalization of violent behavior advocated by Kairova's lawyer, Dostoevsky protested that evil must be called evil in a court of law and warned that Kairova's acquittal sends a very dangerous moral message not only to the defendant herself but also to the Russian public at large. The verdict in the Karamazov trial, I will argue, may be read as Dostoevsky's attempt in a work of fiction to reverse the egregious miscarriage of justice that had been perpetrated in the Kairova case and thus to send a very different moral message to his Russian contemporaries.

The Doctrine of the Environment: Abdicating Moral Responsibility

One of the similarities between the Kairova and Karamazov trials, as was just mentioned, is the issue of jury compassion for the defendant. In an 1873 essay, titled “Environment,” Dostoevsky had expressed surprise that the new peasant juries were consistently acquitting defendants rather than convicting them (21:13). In seeking possible reasons that might account for what he called this “mania” for acquittals, Dostoevsky notes that some people have expressed the view that Russians are by nature a highly compassionate people who do not want to ruin the life of a fellow human being (21:13). Moreover, he adds, the fashionable Socialist doctrine of a “corrupting environment” exacerbates this inherent propensity toward mercifulness on the part of Russians, because it asserts that the criminal, as an unfortunate victim of a highly imperfect society, cannot be held accountable for his or her actions:⁹

“Since society is so vilely organized, one can only break loose from it with a knife in hand.” This is what the doctrine of the environment says, as opposed to Christianity, which, while fully recognizing the pressure exerted by one’s environment and having proclaimed mercy for the sinner, nonetheless places a moral duty on each person to struggle with the environment and marks the boundary where the environment ends and duty begins. In making each person responsible, Christianity thereby acknowledges their freedom. The doctrine of the environment, on the other hand, by making the individual dependent on every flaw in the social structure, reduces him to an absolute nonentity, exempting him totally from any personal moral responsibility as well as from all independence,

and reduces him to the lowest, most loathsome form of slavery imaginable.¹⁰

(21:16)

“After all, when we have made ourselves better, we will also improve our environment and make it better,” Dostoevsky asserts when describing the Christian alternative to the Socialist doctrine of the environment (21:15). “And this is the only way it can be made better. But for us to flee from our pity and acquit everyone so as not to have to suffer ourselves – why, that’s too easy. Doing that, we slowly but surely come to the conclusion that there are no crimes at all, and that ‘the environment is to blame’ for everything” (21:15-16).

Three years later, in the May 1876 issue of *Diary of a Writer*, Dostoevsky provides commentary on the Kairova case, where the defense strategy, as we shall soon see, was centered mainly on the claim of temporary insanity rather than the doctrine of the environment. Although Utin at the trial did address his client’s family history of alcoholism and mental illness as well as her social milieu as an actress, Dostoevsky’s commentary does not touch upon the twin issues of heredity and environment. Instead, near the end of his remarks on the Kairova case, Dostoevsky savagely caricatures the way a defense attorney is likely to invoke the doctrine of the environment to exonerate another violent female defendant: in this instance, a young woman who threw her six-year-old stepdaughter from a fourth-floor window.¹¹ “By the way, I can already imagine how lawyers would defend this stepmother,” he writes.

They would point out her hopeless, desperate situation and the fact that she is a young wife who was forced to marry a widower or who made a terrible mistake by marrying him voluntarily. Then they would paint pictures of the poverty-

stricken daily lives of poor people, their never-ending labor. This guileless, innocent maiden got married, thinking, like a naive inexperienced girl . . . that there are only joys to be found in married life. But instead of joys there was the laundering of soiled linens, the cooking of meals, the bathing of children, – “Gentlemen of the jury, she naturally had to hate this child . . . and in a moment of despair, in a sudden fit of madness, almost as if she did not know what she was doing, she grabs this young girl and . . . Gentlemen of the jury, which one of you would not have done the very same thing? Which one of you would not have thrown the child out the window?” (23:19)

The poor woman’s environment is to blame, not the defendant herself, this imagined lawyer would argue in defending the accused in a court of law. Dostoevsky thus mocks the way that many defense attorneys, including Utin in his defense of Kairova, were blaming the defendant’s environment for the crimes their poor, unfortunate clients had committed, playing on the soft-heartedness of the jury members. “He who has too much pity for the offender probably has no pity left for the offended,” Dostoevsky observes about the tactic employed by Kairova’s lawyer. “Mr. Utin would even deny Mrs. Velikanova her status as the ‘victim of a crime’” (23:16).

This same tactic is used at the Karamazov trial, where Dmitry’s defense counsel invokes the doctrine of the environment during his summation speech. “Why depict my client as a heartless egoist and monster?” Fetiukovich asks rhetorically.

He is uncontrolled, he is wild and unruly – we are trying him now for that – but who is responsible for his life? Who is responsible for his having received such an unseemly upbringing, in spite of his excellent disposition and his grateful and

sensitive heart? Did anyone train him to be reasonable? Was he enlightened by study? Did anyone love him ever so little in his childhood? My client was left to the care of Providence like a beast in the field. (15:168)

Even the prosecutor, Ippolit Krillovich, acknowledges that Dmitry's childhood upbringing perhaps contributed to his later "reckless conduct" as a young adult as well as to his "wild life" as a junior military officer (15:128).

Rakitin, who is attending the trial as a member of the press corps, is reportedly writing an article on Dmitry's case that is designed to advance the doctrine of the environment as a way of explaining the crime. "He wants to prove some theory," Dmitry explains to Alyosha when his younger brother comes to visit him in prison on the eve of the trial. "He wants to say that 'he couldn't help murdering his father, he was corrupted by his environment,' and so on. He explained it all to me. He is going to put in a tinge of Socialism, he says" (15:496). Indeed, when he is called upon to testify as a witness at Dmitry's trial, Rakitin, whose speech draws outbreaks of applause from the liberal members of the audience, attributes the whole tragedy of Dmitry's alleged crime to "the habits that have become ingrained by ages of serfdom and the distressed condition of Russia, due to the lack of appropriate institutions" (15:99). Apparently, Rakitin, the author of the pamphlet, *The Life of the Deceased Elder, Father Zosima*, failed to heed the holy man's exhortation to his followers that they not say, "Sin is mighty, wickedness is mighty, our evil environment is mighty, and we are alone and helpless, and our evil environment is wearing us away and hindering our good work from being done" (14:290). They must resist blaming their wicked environment for the sins and crimes they commit; they must instead accept responsibility not only for their own sins and

crimes, but also for the sins and crimes of others. “There is only one means of salvation,” Father Zosima had asserted in his exhortation to his fellow monks, “take yourself and make yourself responsible for all human sin . . . you are to blame for everyone and for all things” (14:290). Father Zosima’s doctrine of active, selfless love is, of course, the Christian alternative to the Socialist doctrine of the environment that Dmitry eventually comes to adopt as part of his moral and spiritual regeneration.

The Temporary Insanity Defense: Pathological *Affekt*

In addition to blaming the environment (rather than holding the actual perpetrator of a crime personally culpable), Russian juries often rendered compassionate acquittals in cases where the defendant was deemed to be temporarily insane at the time of the crime and thus was not fully conscious of what he or she was doing. The temporary insanity defense relied heavily on the notion of “*affekt*” – a sudden fit of passion (jealousy, anger, and so on) triggered by instinctual impulses that led the defendant to act in a violent manner. In the Kairova case, Utin argues that his client was temporarily driven out of her mind by the wild flood of emotions she experienced when she came upon her lover and his wife lying in bed together at the dacha Kairova and Velikanov were renting in a Petersburg suburb. “But, after all, gentlemen of the jury, is it really possible that this woman could remain calm?” Utin asks rhetorically in regard to Kairova’s angry, jealous outburst.

The man she’s passionately in love with – in her bedroom, in her bed, with another woman! That was beyond her strength. Her emotions roiled up inside her

like a stormy torrent that destroys everything that stands in its path: she ranted and raved, she was capable of destroying everything around her . . . (23:15)¹²

Her soul dominated by passion, her mind consumed by jealousy, how could she not have reacted as she did when she came upon Mrs. Velikanova in bed with her lover? “She would have had to be made of stone, gentlemen of the jury; she would have had to be without a heart,” Utin asserts (23:15), for the defendant to have acted any differently than the way she did. “She would not have been a woman, but a stone, a creature without a heart” (23:16). Although Dostoevsky in his commentary on the case states unequivocally that he does not for a moment believe that Kairova was temporarily insane at the time of her violent assault upon Mrs. Velikanova, she nonetheless was acquitted (23:8).

In *The Brothers Karamazov*, Dostoevsky discredits this medical line of defense in large part by having the flighty Mme Khokhlakova be the one who tries to explain to Alyosha, on the eve of the trial, what exactly a “judicial *affekt*” [судебный аффект] is:

“A judicial *affekt*. A state of temporary insanity in which everything is pardonable. Whatever you might have done, you are acquitted at once . . . Well, you see, a man may be sitting there perfectly sane and suddenly suffer a fit of passion. He may be conscious and know what he is doing and yet be in a state of temporary insanity. And there’s no doubt that Dmitry Fyodorovich was suffering from *affekt*. They found out about *affekts* as soon as the law courts were reformed. It’s all the beneficial effect of the reformed law courts.” (15:17-18)

Mme Khokhlakova is confident that Mitya will be acquitted of the charge of murder because although he did indeed kill his father, he struggled against the *affekt* he was suffering. When Alyosha assures her that his brother did not commit the crime that he is

wrongly accused of perpetrating, Mme Khokhlakova abruptly changes her mind. She now claims that old Grigory, who was likewise suffering from *affekt* (due to the blow to the head he received from Dmitry), is the one who murdered Fyodor Pavlovich. But she insists that it would be better – “ever so much better” – if Dmitry were the one who murdered Fyodor Pavlovich:

it would be better if it were he, as you'd have nothing to cry over then, for he did it when he was unconscious or rather when he was conscious, but he did not know what he was doing. Let them acquit him – that's so humane, and would show what a blessing the reformed law courts are . . . And if he is acquitted, make him come straight from the law courts to have dinner with me here. I'll arrange a party with friends, and we'll drink to the reformed law courts. (15:18)

“And, besides, who isn't suffering from temporary insanity, nowadays?” Mme Khokhlakova asks Alyosha rhetorically. “You, I, we are all of us in a state of *affekt*, and there are ever so many examples of it: a man sits singing a romance, when suddenly something annoys him, so he takes out a pistol and shoots the first person he comes across, and then they all acquit him” (15:18-129). Mme Khokhlakova's muddle-headed explanation of what a judicial *affekt* is, and especially her rabid defense of the compassionate acquittals due to pathological *affekt* that are now being rendered by the reformed courts, anticipates the liberal opinion that will be widely shared by the women who are in attendance in the courtroom at Dmitry's trial.

At the trial itself, Dostoevsky further discredits the temporary insanity defense by providing readers with the comic scene in Book 12, Chapter 3, where three different doctors are called to the stand as medical experts to provide their professional opinion

about Dmitry's mental condition. Seventy-year-old Doctor Gertsenshtube, the kindly and much-beloved town physician, states directly and unequivocally that the "abnormality" of the defendant's mental capabilities is self-evident not only by his many previous actions, but also by his actions at the present time: that is, when Dmitry strode into the courtroom, he was looking straight ahead of himself, when it would have been more natural for him to be looking over to his left, where the women were sitting, "for he is a great admirer of the fair sex and he should have given quite a lot of thought to what these ladies would say about him" (15:103-104). The celebrated forensic doctor from Moscow, whom Katerina Ivanovna had hired specifically to pursue the "medical line of defense" and to prove, as Alyosha put it, "that Mitya is insane and committed the murder when he was in a state of madness and thus did not know what he was doing" (15:10), likewise insists that the defendant's mental condition is "abnormal in the highest degree" (15:104). The Moscow doctor maintains that for several days prior to his arrest the defendant had "undoubtedly been in a state of pathological *affekt* and that if he did commit the murder, then it must have been almost involuntarily, even though he might have been conscious of it, for he did not have the strength to fight against the morbid pathological impulse that possessed him" (15:104). As proof that all of Dmitry's actions were "in contravention of common sense and logic," the celebrated doctor notes that the defendant, when he was entering the courtroom, where his fate would be decided, should have looked not to the left, where the women were sitting, but instead to the right, "seeking out with his eyes the defense counsel, in whose assistance all his hope was invested and upon whose defense his whole fate now rested" (15:104, 105). The third medical expert, however, the level-headed Doctor Varvinsky, who clearly seems to be speaking for the author here, testifies that in

his opinion the defendant was now – and has been all along – in a perfectly normal mental state. Although Dmitry might indeed have been in a nervous and exceedingly excited condition in the days leading up to his arrest, this was no doubt due to jealousy, anger, and continual drunkenness. But this nervous condition did not include any temporary insanity or any pathological *affekt*. And as for the question of what direction the defendant should have been looking when he entered the courtroom, Dmitry quite naturally looked straight ahead, where the presiding judge and the members of the court were sitting, because his whole fate now depended upon them. In Doctor Varvinsky's opinion, this shows that Dmitry was perfectly sane at that moment (15:105).

The final blow that Dostoevsky delivers to the validity and legitimacy of this medical line of legal defense at the trial comes from the mouth of Dmitry's own attorney. In his summation speech, Fetiukovich not only speculates about how Smerdyakov (the actual murderer) might have experienced a "sudden and irresistible impulse," a "terrible lust for money" (15:165) that prompted him to kill and then rob Fyodor Pavlovich. He also suggests that Dmitry himself suffered a similar uncontrollable fit of anger when encountering the victim on the night of the murder.¹³ If Dmitry's sexual rival had been someone other than his father, Fetiukovich argues, then he might have simply struck and shoved the man he suspected of secretly harboring his beloved. But that rival for Grushenka's affections was none other than Fyodor Pavlovich, the man whom Dmitry viscerally detested:

The mere sight of the father who had hated him from his childhood, had been his enemy, his persecutor, and now his monstrous, unnatural rival, was enough! A feeling of hatred came over him involuntarily, irresistibly, clouding his reason. It

all surged up in an instant! It was an *affekt* of madness and insanity, but also an *affekt* of nature, irresistibly and unconsciously (like everything in nature) avenging the violation of its eternal laws. (15:172)

The defense counsel thus argues that if Dmitry did indeed strike Fyodor Pavlovich with the pestle, it was not only an act of temporary insanity, but also an impulsive and uncontrollable act that was “natural” and thus justified. It was Katerina Ivanovna, of course, who insisted that Fetiukovich pursue this medical line of defense in court and who hired the Moscow doctor – “the one who can identify madmen” (15:103) as Mme Khokhlakova put it – to prove that Dmitry was suffering an *affekt* and thus temporarily insane at the time of the murder. But Dmitry himself will have none of that. “Don’t believe the doctors,” he tells the members of the jury bluntly near the end of his trial. “I am perfectly sane,” he assures them (15:175-176).

Compassionate Acquittals: Decriminalizing Crimes of Passion

In arguing that the defendants are not guilty of the criminal charges filed against them, both Utin and Fetiukovich thus sought compassionate acquittals for their clients not only by invoking the doctrine of the environment, but also by pursuing the temporary insanity plea. They claimed that both Nastasya Kairova and Dmitry Karamazov were suffering from an *affekt*, a fit of anger that had rendered them unconscious of what they were doing, and thus they were not culpable for their actions. The two defense attorneys do not stop there, however. Each of them proceeds to argue that the violent act his client allegedly committed was not really a crime at all. Just as Spasovich had argued in the

Kronenberg case that his client was not a “torturer” but rather a well-intentioned (if poorly trained) father, who was simply trying to fulfill his parental duties by disciplining an unruly child, Utin argues that Kairova was not attempting to murder her sexual rival when she attacked Velikanov’s wife with a razor. She was instead acting naturally and instinctively, like a protective lioness, defending her cub from possible harm by an intruder. In this way, Utin, as Dostoevsky puts it, essentially “sings praises to crime,” portraying his client in an idealized, romantic, and fantastic light, and characterizing her jealous, possessive, carnal love for a married man as something inherently appealing, ennobling, and highly moral (23:15). In *The Brothers Karamazov*, Fetiukovich likewise “sings praises” to his client’s alleged crime. He portrays Dmitry in court not as a violence-prone young man intent upon committing parricide, but rather as a tender-hearted soul, a “noble and lofty creature,” who “thirsted for tenderness, goodness, and justice” (15:169). But he received only cynical taunts, suspicions, and wrangling about money from a negligent father who stole his son’s inheritance and tried to lure the woman he loved away from him. This unworthy father and despised rival aroused so much anger, hatred, and jealousy inside his eldest son that Dmitry was unable to control the sudden outburst of powerful emotions that overtook him when he encountered his father at the window of his home that fateful evening. “Such a murder is not a murder,” Fetiukovich proclaims defiantly near the end of his summation speech. “Such a murder is not a parricide. No, the murder of such a father cannot be called parricide. Such a murder can only be reckoned parricide by prejudice” (15:172). Dmitry’s defense counsel thus echoes the words of the Grand Inquisitor, who contends, in direct opposition to

Christ's defense of moral voluntarism, that humanity will one day progress to the point where it will proclaim, "There is no crime, and therefore no sin" (14:230).

The decriminalization of a violent crime of passion that Fetiukovich advocates during Dmitry's trial is endorsed by the "court ladies" who attend the legal proceedings in large numbers. The narrator informs us that the vast majority of the women present in the courtroom (they number at least half of the audience) took Mitya's side and were in favor of his being acquitted. This, the narrator surmises, was perhaps owing to "his reputation as a conqueror of female hearts" (15:90). Moreover, just about everyone felt that the criminal was guilty, "obviously and conclusively guilty" (15:95). Even the women in attendance, who favor and desire the acquittal of this "fascinating" defendant, were at the same time unanimously convinced that he was guilty.

That he would be acquitted all the ladies, strange to say, were firmly persuaded up to the very last moment. "He's guilty, but he'll be acquitted, from motives of humanity, in accordance with the new ideas, the new sentiments that have come into fashion," and so on. And that was why they had crowded into the court so impatiently. (15:95)

The trial thus interests the "court ladies" mainly for the way it promises to reprise a highly romantic narrative about a violent crime of passion committed by a jealous lover who fatally encounters his sexual rival. They are confident, moreover, that the defendant, although guilty of having committed the crime, will be acquitted, because they subscribe to liberal European sentiments that valorize romantic love over conjugal love and that view human behavior as being guided deterministically by nature, instinct, and heredity rather than by outdated moral and religious principles. Social Darwinism's creature of

heredity and environment has apparently replaced for them Christianity's free-willed sinner. For them, committing a criminal act does not necessarily mean being culpable for having committed it.

The "court ladies," however, are not to be confused with the simple peasants and lower-class artisans who make up the jury. Fetiukovich, however, gets so caught up in his bombastic display of courtroom oratory near the end of his summation speech that he seems to forget which audience he should be addressing: the liberal "court ladies" sitting in the gallery or the conservative representatives of the common people sitting in the jury box? By questioning the divine nature of Christ (calling him the "crucified lover of mankind" rather than "our Lord"), by redefining Christianity as a "humane," "rational," and "philanthropic" secular ideology (rather than a set of religious beliefs characterized by "mysticism" and "prejudice"), and by deconstructing fatherhood (and, by extension, the patriarchy) when he insists that children should bestow the name "father" only upon a deserving male parent who truly merits their love, respect, and affection, Fetiukovich clearly plays to the liberal, progressive sentiments of the "courtroom ladies" (15:169-171). The narrator confirms their approval of the defense attorney's speech, especially the second half of the speech, noting the periodic bursts of applause that emanated from the courtroom audience, particularly from its female members:

Here the orator was interrupted by irrepressible and almost frantic applause. Of course, it was not the whole audience, but a good half of it applauded. The fathers and mothers present applauded. Shrieks and exclamations were heard from the gallery, where the ladies were sitting. They waved their handkerchiefs.¹⁴

(15:171)

At the conclusion of Fetiukovich's summation speech, we are told, "the enthusiasm of the audience burst like an irresistible storm" (15:173). For their part, the "court ladies" felt that the suppression of such an enthusiasm would be "the suppression of something sacred" (15:173).

Ippolit Kirillovich's brief rebuttal to Fetiukovich's speech, which upbraids the defense attorney for the way he solemnly declares that calling the murder of a father "parricide" is nothing but a prejudice and for the way he "corrects" the Gospels, meets with a much cooler reception from the members of the uneasy courtroom audience. From them can be heard "exclamations of indignation" at the prosecutor's illiberal remarks (15:175). At the conclusion of the prosecutor's rebuttal, the ladies, who are preparing themselves for a dramatic moment of general enthusiasm when the expected acquittal will be announced, are said to be in a state of "hysterical impatience" (15:176) as they await the jury's decision. When the guilty verdict is finally announced, a deathlike silence falls upon the courtroom. "But how shall I describe the state our ladies were in?" the narrator says. "I thought they would create a riot. At first they could scarcely believe their ears. Then suddenly the whole courtroom rang with exclamations: 'What's the meaning of this? What next?'" (15:178). The ladies, we are told, leapt up from their seats, seeming to imagine that the verdict might be at once "reconsidered and reversed" (15:178). But as someone in the crowd is overheard to say, using a phrase that serves as the title for the final chapter of Book 12, the peasants, through their guilty verdict, have "stood up for themselves" (15:178), protecting traditional, conservative Russian values by rejecting Fetiukovich's liberal rhetoric, which directly insults them and offends their sensibilities. They have stood up against the defense attorney's attempt to decriminalize

an alleged crime of passion and have instead endorsed Dostoevsky's imperative, articulated in his commentary on the Kairova case in *Diary of a Writer*, that one should call a crime a crime in a court of law.

By invoking the doctrine of the corrupting environment and the temporary insanity defense, Russian attorneys like the real-life Utin and the fictional Fetiukovich are, to Dostoevsky's mind, not only threatening to erode a core Christian belief in freedom of will. In "singing praises" to violent crimes of passion, they are also advancing dangerous Western ideas about love, marriage, and family that threaten the very moral fiber of Orthodox Russia. As Louise McReynolds suggests in her recent book, *Murder Most Russian: True Crime and Punishment in Late Imperial Russia* (2013), Dostoevsky's warnings appear to have gone largely unheeded by his fellow countrymen. Her study shows how in late-nineteenth-century Russia the insanity plea enjoyed increasing success as a defense strategy that was employed both in actual courtrooms and in the detective stories and crime fiction that nourished courtroom narratives. As Darwinian determinism gained ascendance in the philosophical battle with religious voluntarism, it was now generally acknowledged that heredity and social circumstances play a dominant role in shaping a person's behavior. With modern criminologists and forensic physicians receiving increased prominence in Russian courtrooms, pathological *affekt* became widely accepted as a valid psychiatric explanation for why defendants should not be held culpable for murderous actions that were committed in a fit of anger or as the result of an emotional outburst.¹⁵ Lawyers such as Spasovich and Utin stand at the head of a long line of defense counsels in late imperial Russia – both real-life lawyers and fictional ones alike – who would achieve remarkable success in the courtroom by invoking the

temporary insanity plea (*affekt*) that Dostoevsky so deeply despised and that he repudiated so unequivocally in his depiction of the fictional trial of Dmitry Karamazov.

Saving Sinful Souls: The Redemption of Dmitry and Grushenka

In his final novel, Dostoevsky creates not only a fictional version of a defense attorney whose attempt to gain a compassionate acquittal for his client is ultimately rejected by a peasant jury that refuses to decriminalize a violent crime of passion. He also creates a fictional version of the type of promiscuous young defendant whose unruly sensuality and fatal passion nearly led to the commission of a violent crime. If the lawyer Fetiukovich is designed to serve as a fictionalized version of Evgeny Utin, then Dmitry Karamazov can be seen as Dostoevsky's fictionalized male version of Nastasya Kairova. In his commentary on the Kairova trial in *Diary of a Writer*, Dostoevsky took the defendant severely to task for the carnal nature of her romantic relationship with Velikanov, the husband of the stabbing victim. He characterized Kairova as a "wretched, heinous criminal," one who "represents in essence something so lacking in seriousness, so careless, so totally uncomprehending and unaccomplished, trivial, licentious, incapable of self-control, and mediocre" (23:8). In addition to being an emotionally disordered and psychologically unstable person, Kairova is, in Dostoevsky's opinion, an unruly sexual being who is chronically unable to control her impulses of sexual possessiveness.¹⁶ This is why, ostensibly, she brutally attacked Velikanov's lawful wife in an outburst of jealous rage. Dostoevsky underscores how Kairova's unrestrained carnality is a central issue for him by prefacing his commentary in the May 1876 issue of

Diary of a Writer with publication of the text of a letter to the editor that he had recently received from a provincial reader (“Iz chastnogo pis’ma”), inquiring whether he intended to comment on the Kairova trial in his journal. In this angry letter, the unidentified correspondent lashes out virulently at the moral depravity of the recently acquitted female defendant. “It is with a feeling of the deepest repugnance that we read about the Kairova case,” he writes. “Like a camera lens, this case focuses to reveal a picture of the carnal instincts that the leading personage of the case (Kairova) developed under the influence of her cultural milieu . . . out of this milieu there emerged a despotic person who was unbridled in her carnal lusts” (23:5). It is not an insane woman that one sees throughout the entire Kairova trial, the correspondent insists. It is instead “a woman who has reached the extreme limits in her rejection of everything that ought to be held sacred: for her there exists neither the family nor the rights of another woman – that other woman’s right not only to her husband, but to her very own life. Everything exists only for the selfish Kairova herself and her carnal lusts” (23:5). For this angry reader of Dostoevsky’s journal, Kairova’s acquittal represents “the triumph of an uncontrolled, passionate nature” (23:5).

Much like the passionate and sexually unruly Kairova, Dmitry emblemizes the dangers of unrestrained carnality. Rakitin assures Alyosha early in the novel that his eldest brother is a “sensualist,” that a violent sensuality is, indeed, “the very definition and inner essence” of Dmitry (14:74). Moreover, Rakitin adds, in the Karamazov family “sensuality is carried to a disease” (14:74). Alyosha’s fellow seminarian is alluding, of course, to “Karamazovism” [*карамазовщина*] – the vicious and violent lechery, the vile insect lust, the cruel bestiality within human beings – that Maksim Gorky and others at

the turn of the century deplored in Dostoevsky's final novel.¹⁷ In his conversation with Alyosha in Book 3 of the novel, where he relates the story of how his tortuous (and torturous) relationship with Katerina Ivanovna began, Dmitry reveals how this cruel Karamazovian side of his personality has a distinctly rapacious quality. "I loved vice," Dmitry confesses to his brother when relating the story of his initial rendezvous with Katerina Ivanovna. "I loved the ignominy of vice. I loved cruelty; am I not a bug, am I not a noxious insect? In fact, a Karamazov!" (14:100).

Well, I felt a phalange spider biting at my heart then – a noxious insect, you understand? . . . And, bug and scoundrel as I was, she was *completely* at my mercy, body and soul. She was hemmed in. I tell you frankly, that thought, that venomous thought of a phalange spider, so possessed my heart that it almost swooned with languor. It seemed as if there could be no resisting it; as though I should act like a bug, like a venomous tarantula, without a spark of pity." (14:105)

At his trial, Dmitry hears this unflattering self-assessment echoed in the prosecutor's psychological profile of him. Like his father, who "saw nothing in life but sensual pleasures" and who "brought his children up to do the same" (15:126), Dmitry, endowed as he is with the "broad Karamazov character," is portrayed by Ippolit Kirillovich as a spontaneous and frivolous profligate. Even his own defense attorney, as we saw earlier, paints a picture of Dmitry as a wild, unruly, and uncontrolled young man who was left to the care of Providence "like a beast of the field" (15:168).¹⁸ Fetiukovich's client very much appears to the people in his hometown to be, like Kairova, a jealous and passionate lover who certainly seems capable of (perhaps even intent upon) murdering his sexual rival.¹⁹

Grushenka is another character in *The Brothers Karamazov* who seems designed to serve as a fictional version of the sexually unruly Kairova. At the latter's trial, the defense counsel, in an attempt to exonerate his client, had cited the New Testament words about the woman taken in adultery: "She loved much, and therefore much is forgiven her" (23:19). In his commentary on the trial, Dostoevsky had strongly objected to Utin's application of this Biblical passage to the unrepentant, carnal Kairova. "Christ's words did not at all have *that kind of love* in mind when he forgave the sinful woman taken in adultery," Dostoevsky wrote (23:19). Moreover, although Christ did indeed forgive the woman taken in adultery, he also admonished this sinner to go and sin no more. Christ, in short, still called what she had done a sin; he did not justify or vindicate her past behavior. This Magdalene theme is developed in *The Brothers Karamazov* in connection with Grushenka, who early in the novel is characterized by various characters as a shameful, promiscuous "fallen woman." At the meeting in the monastery in Book 2, Chapter 6, for instance, Fyodor Pavlovich finds himself compelled to defend Grushenka's moral character before the assembled crowd. "What is shameful?" he asks in reply to Miusov, who referred to her as a "woman of loose behavior" and a shameful "creature" (14:68). "That 'creature,' that 'woman of loose behavior,' is perhaps holier than you are yourselves, you monks who are seeking salvation! She fell perhaps in her youth, ruined by her environment. But she 'loved much,' and Christ himself forgave the woman who loved much" (14:69). "It was not for such love that Christ forgave her," breaks impatiently from the gentle Father Iosif, echoing Dostoevsky's journalistic retort. "Yes, it was for such [carnal] love, for that very kind of love, monks, it was!" Fyodor Pavlovich stubbornly insists (14:69). Dostoevsky thus has the lecherous Papa Karamazov profane

Christ's message about spiritual love in exactly the same manner that Utin did when he defended the adulterous Kairova at her trial.

Dostoevsky links Grushenka even more closely with the Magdalene theme in Book 7, Chapter 3, where she relates to Alyosha the folk tale about the wicked peasant woman whose onion (her one act of kindness in life had been to give an onion to a beggar woman) could have saved her from eternal damnation if only she had agreed to share it with other sinners who had been plunged into a lake of fire. Rakitin has brought the highly distraught Alyosha to Grushenka's home, fully expecting to watch this sexual "tigress" devour carnally his virginal friend, who has been deeply dispirited by the scandalous odor of corruption that has emanated prematurely from Father Zosima's rotting corpse. Grushenka had long ago promised to tear the cassock off the young novice and deflower him, but upon hearing the disturbing news about the death of his beloved spiritual father and the rapid, malodorous decomposition of his dead body, she instead gives him an "onion" – that is, she shows him kindness, sisterly love, and deep compassion. Alyosha, for his part, may be said to give Grushenka an "onion," in turn, by seeing her as a kind soul and loving sister rather than as a carnal, predatory beast.²⁰ "So you have saved the sinner?" Rakitin asks Alyosha sarcastically, after witnessing this scene. "You have turned the Magdalene on to the true path? Driven out the seven devils, eh?" (14:324).²¹ The exchange of "onions" that has taken place between these two characters has indeed done precisely that, planting within Grushenka the seeds of her subsequent transformation from a carnal to a more spiritual creature. The change that is germinating inside Grushenka is noted by Mikhail Makarovich during the preliminary investigation in Book 9. The elderly police official had always looked upon Grushenka

as something of a provincial *hetaera*, but her concern for Dmitry's well-being during his questioning genuinely moves him. "Grushenka's grief, human grief, touched his good-natured heart," the narrator tells us, "and tears even stood in his eyes" (14:418). "I was unfair to her," Mikhail Makarovich confesses to Mitya in the presence of his law enforcement colleagues, "she is a Christian soul, gentlemen, yes, I tell you, this is a gentle soul, and not to blame for anything" (14:418). On the eve of the trial, the transformation that is taking place inside Grushenka has even become noticeable physically. "She was very much changed in countenance – thinner and a little sallow," the narrator reports. "There were signs of spiritual transformation in her: a steadfast, fine and humble determination that nothing could shake could be discerned in her" (15:5).

Dmitry likewise undergoes a process of inner transformation from the carnal to the spiritual. In the first half of the novel, this male emblem of sexual unruliness is closely associated not with Kairova's "razor," but rather with the "knife," which is invoked repeatedly as a sharp-bladed weapon used for vindictive murder. Rakitin predicts to Alyosha that his eldest brother, who has fallen in love with the sexually appealing Grushenka, will run through his rival, Fyodor Pavlovich, "with a knife" (14:73). Grushenka, who fears that Dmitry will murder the Polish officer if he were to find out that the latter is waiting for her at Mokroe, tells Rakitin that she is not afraid of Dmitry's "knife" (14:316).²² Rakitin claims that all three of the novel's arch sensualists – Fyodor Pavlovich, Dmitry, and Grushenka – are watching one another "with their knives in their belts" (14:74). The knife, a weapon that Dostoevsky in his essay "Environment" identifies explicitly with the Socialist doctrine of the environment ("Since society is so vilely organized, one can only break loose from it with a knife in hand," 21:16), is thus

made to serve in *The Brothers Karamazov* as a symbol of the violent nature of carnal passion, sexual jealousy, and romantic rivalry. Dmitry, who experiences a rush of sudden, furious, vengeful anger when he comes face to face with his rival at the window to his father's bedroom, by some miracle throws away the symbolic knife of sexual jealousy that evening. "God was watching over me then," Dmitry later explains (14:355). "Whether it was someone's tears, or my mother prayed to God, or a good angel kissed me at that instant, I don't know. But the devil was conquered. But, you see, I didn't murder him, you see, my guardian angel saved me" (14:425-426). Unlike Kairova, who violently attacks her sexual rival with a razor, Dmitry decides to step aside and not stand in the way of Grushenka's happiness any longer. When Perkhotin asks him what exactly he means by "stepping aside," Dmitry responds, "Making way. Making way for a dear being, and for one I hate. And to let the one I hate become dear – that's what making way means!" (14:363). During his carriage ride to Mokroe, in a "rush of almost hysterical ecstasy" to efface himself out of a new and unknown feeling of spiritual love for Grushenka (14:370), Dmitry expands on his intention to "make way," explaining to the peasant driver Andrei that he must not "run over" people or "spoil" their lives. "And if you have spoiled a life – punish yourself," Dmitry tells him. "If only you've spoiled a life, if only you've ruined anyone's life – punish yourself and go away" (14:371). By the time he arrives at Mokroe, Dmitry no longer has any thought of attacking the Polish officer, who had become yet another sexual rival for Grushenka's love and affection. "In his mood of doglike submissiveness," the narrator tells us, "all feeling of rivalry had died away" (14:378). In sharp contrast to the fate of Kairova, the devil of carnal passion and sexual rivalry was at last being conquered in the soul of the spiritually renewed Dmitry.

After he decides to “step aside” and “make way” for any romantic rivals that Grushenka may prefer over him and after his intense questioning by the law enforcement officials at the preliminary investigation in Book 9, when he is literally as well as figuratively stripped naked and forced to confront the violent, brutish behavior he exhibited during his past life, Dmitry experiences the epiphanic dream about the poor, suffering “babe.” As he awakens from that dream, Dmitry announces, “I want to suffer and by suffering I shall be purified! . . . I accept my punishment, not because I killed him [Fyodor Pavlovich], but because I meant to kill him, and perhaps I really might have killed him” (14:458).²³ During his incarceration in jail while awaiting trial, Dmitry describes to Alyosha how the nature of his love for Grushenka has changed drastically. “In the past it was only those infernal curves of hers that tortured me,” he tells his younger brother, “but now I’ve taken all her soul into my soul and through her I’ve become a man myself” (15:33). Both Dmitry and Grushenka are able to undergo this spiritual transformation only after they recognize their sinfulness, acknowledge their culpability, and feel genuine remorse for the evil they have done and the pain they have inflicted upon others.²⁴ This, of course, is where the two fictional versions of Nastasya Kairova in Dostoevsky’s novel differ sharply from their real-life model. In his commentary on the Kairova case in *Diary of a Writer*, Dostoevsky voiced his strong displeasure over the way the defendant steadfastly refused to acknowledge that she was the offending party in this case. He was upset that Kairova persisted in feeling that it is exactly the other way around: that she was the victim in this episode, that she had done nothing wrong. He castigated her defense attorney as well for reinforcing at her trial how his client should not feel any guilt for the actions she had committed: she was a protective

mother lion that was instinctively defending her cub from harm, and her brutal razor assault upon the victim was simply a “natural” act. As Dostoevsky pointed out, Utin’s vindication of Kairova’s actions stood in the way of the defendant recognizing, acknowledging, and regretting the evil she had done. Dostoevsky observed that the lawyer’s words in defense of Kairova’s actions refuse to allow for “any other clearer, more noble and magnanimous outcome” to her situation (23:15). The “more noble and magnanimous outcome” that Dostoevsky was alluding to here is no doubt the redemptive, salvific kind of spiritual transformation that both Dmitry and Grushenka are able to undergo after they throw away the violent “knife” that symbolizes sexual rivalry, carnal possessiveness, and passionate jealousy.

Dangerous Tribunes: Russian Lawyers Versus Russian Novelists

As was noted at the outset of this article, one of Dostoevsky’s main concerns about Utin’s courtroom defense of his client – and ultimately about Kairova’s compassionate acquittal itself – is the unsound moral message it sends both to the defendant personally and to the Russian public at large. “After all, the tribunes of our new courts are truly a school of ethics for our educated society and for our common people,” Dostoevsky writes in *Diary of a Writer*. “This is the school in which our common people learn truth and morality; how, then, can one listen with sang-froid to the things one sometimes hears from these tribunes?” (23:19). In *The Brothers Karamazov*, where the novelist is in a position to depict a fictional trial that responds to actual legal cases in Russia at the time, Dostoevsky avails himself of the opportunity to excoriate the clever methods that Russian lawyers –

such “adulterers of thought” as Spasovich and Utin – were employing in the courtroom to gain compassionate acquittals for their guilty clients: namely, their invocation of the doctrine of the environment, their temporary insanity defense (*affekt*), and their decriminalization of crimes of passion. As Ippolit Kirillovich charges in his brief rebuttal, Dmitry’s defense attorney is guilty of disseminating dangerous liberal ideas about Christianity, fatherhood, and the family to the Russian public. In having the peasant jury “stand up” for itself, rejecting Fetiukovich’s attempt to vindicate a brutal crime of passion, Dostoevsky seeks to stem the flow of these pernicious ideas that were emanating from the tribunes of the newly reformed Russian law courts in general and from the Kairova trial in particular. The author’s aim in having the jury wrongly convict the wild and unruly Dmitry, whose jealous, possessive love for Grushenka tempted him to attack violently his main sexual rival, was to reverse the egregious “judicial error” that was committed at the Kairova trial when the unrepentant defendant was wrongly acquitted. Through the jury’s guilty verdict in the Karamazov trial, Dostoevsky is insisting that violent crimes of passion, triggered by angry emotional outbursts, must still be recognized as crimes and not exonerated or vindicated by Russian lawyers and, ultimately, by the Russian public.

Readers of *The Brothers Karamazov* occupy a privileged position, of course, in regard to Dmitry’s murder trial and to the ostensible “judicial error” that occurs there. They are given access to the inner lives of the key players in this tale of a jealousy and sexual rivalry, a perspective that is denied to the other characters in the novel who are following the legal proceedings in the courtroom. As the prosecutor and the defense attorney, by turns, compose opposing narratives [*романы*] about who committed the

murder of Fyodor Pavlovich and as they paint opposing profiles of the personality and character of the two main murder suspects [психология], the townspeople who are attending the trial, unlike readers of the novel, do not know who the “real” Dmitry and the “real” Smerdyakov truly are. Nor do they know that the love between Dmitry (who strongly resembles the sexually unruly Kairova) and Grushenka (who appears to be another seductive, licentious *femme fatale*) has been undergoing a radical transformation from the carnal to the spiritual, from *eros* to *agape*. “The Russian court,” Fetiukovich proclaims at the end of his summation speech, “does not exist for the punishment only, but also for the salvation of the fallen” (15:173). “Let other nations think of retribution and the letter of the law,” he continues, “we will cling to the spirit and the meaning of the law – the salvation and the reformation of the lost” (15:173). Readers of the novel know full well that Dmitry’s unscrupulous defense attorney is shamelessly pandering here to the Christian principles and patriotic feelings of the jury members, hoping to gain a compassionate acquittal for his client. They also know that Dmitry is already well on the path to redemption and salvation even before the trial begins. They are fully aware, moreover, how the author of *The Brothers Karamazov* insists that those fallen creatures – such as Nastasya Kairova, Dmitry Karamazov, and Grushenka Svetlova – whose unbridled sexual lusts cause them to contemplate (or even to commit) evil actions, must seek genuine redemption and salvation by acknowledging their sinfulness, accepting their culpability, and seeking their transformation from selfish, carnal beasts to selfless, spiritual human beings. These sinners will not achieve redemption and salvation, as Fetiukovich contends, by having the jury exonerate their evil actions and overwhelm them with its mercy. Russian lawyers, as “hired consciences,” may well feel compelled

to “sing praises to crime” in order to serve their client’s legal interests (in accordance with the adversarial system of justice). But Russian novelists, Dostoevsky suggests, are in a much better position to serve truth and justice by presenting readers with personal narratives and psychological profiles that reveal how true reformation of the fallen and true salvation of the lost can be achieved in their homeland.

Notes

¹ See vol. 83 (*Neizhannyi Dostoevskii: Zapisnye knizhki i tetradi 1860-1881*) of *Literaturnoe nasledstvo*, ed. I. S. Zil'berstein and L. M. Rozenblium (Moscow: Nauka, 1971), pp. 532, 535. Dostoevsky's notebooks during this time period (1876-1877) are filled with two words, "аффект" ("fit of passion") and "среда" ("milieu, environment"), that, as we shall see, figure prominently in his depiction of the Karamazov murder trial.

² "The long trial in *The Brothers Karamazov*," Robert Belknap has opined, "reflects the intensity of his [Dostoevsky's] disillusionment with the way the jury system seemed to be shifting from the adversarial pursuit of truth and justice to an amoral contest in rhetorical persuasiveness." See "The Trial of Mitya Karamazov," in *Dostoevsky's Brothers Karamazov: Art, Creativity, and Spirituality*, ed. Pedrag Cicovacki and Maria Granik (Heidelberg: Universitatsverlag Winter, 2010), p. 91.

³ See Rosenshield, *Western Law, Russian Justice: Dostoevsky, the Jury Trial, and the Law* (Madison: University of Wisconsin Press, 2005).

⁴ Dostoevsky's commentary on the Kronenberg case appeared in the February 1876 issue of *Diary of a Writer*. See F. M. Dostoevskii, *Polnoe sobranie sochinenii v tridtsati tomakh* (Leningrad: Nauka, 1976), vol. 22, pp. 50-73. All citations from Dostoevsky's writings will come from this complete edition of his works and will be cited parenthetically in the text by volume and page number.

⁵ See, for example, the recent Norton Critical Edition of Dostoevsky's novel, *The Brothers Karamazov*, ed. by Susan McReynolds Oddo (New York: W. W. Norton & Company, 2011), p. 209, fn. 1. I will be using this translation of *Brat'ia Karamazovy* (with some slight emendations) for textual citations in English.

⁶ Alyosha tells Grushenka on the eve of the trial that Fetiukovich agreed to serve as Dmitry's defense counsel (and charged less than the usual fee for his legal services) "more for the glory of the thing, because the case has become so notorious" (15:10).

⁷ "An Adulterer of Thought" (15:167) is, of course, the title for the chapter in Book 12 of the novel that contains the conclusion of Fetiukovich's summation speech.

⁸ See *Western Law, Russian Justice*, 137.

⁹ As Razumikhin puts it in *Crime and Punishment*, this Socialist doctrine holds that "crime is a protest against the abnormality of the social order" and predicts that "all crimes will disappear once society is organized normally" (6:196).

¹⁰ I am quoting here from Fyodor Dostoevsky, *A Writer's Diary: Volume One 1873-1876*, trans. by Kenneth Lantz (Evanston, IL: Northwestern University Press, 1993), 135-136. I will be using this translation of *Dnevnik pisatel'ia* (with some slight emendations) for textual citations in English.

¹¹ This young stepmother is, of course, Ekaterina Kornilova, on whose trial (and subsequent retrial) for attempted murder Dostoevsky provided commentary in the October 1876, December 1876, April 1877, and December 1877 issues of *Diary of a Writer* (23:136-141, 24:36-43, 25:119-121, 26:92-110).

¹² Harriet Murav observes that Utin in this passage seeks to make a romantic hero out of Kairova by wholly merging her – and especially her sexual passion – with the forces of nature. Dostoevsky's angry commentary on the Kairova case in his *Diary of a Writer*, meanwhile, offers what Murav calls "a moral lesson on the disastrous consequences of women's sexuality outside the discipline of marriage and family." See *Russia's Legal Fictions* (Ann Arbor: University of Michigan Press, 1998), pp. 149, 153.

¹³ As he had predicted to Alyosha (14:112), Dmitry was indeed on the verge of a sudden fit of anger, prompted by the strong visceral revulsion he experienced when he came face to face with his loathsome father on the night of the murder, but miraculously he was somehow able to restrain himself: “A horrible fury of hatred suddenly began to boil up in Mitya’s heart . . . It was a rush of that same sudden, furious, and vengeful anger of which he had spoken, as though foreseeing it, to Alyosha, four days ago in his conversation with him in the gazebo, in answer to Alyosha’s question: ‘How can you say that you will kill our father?’” (14:354-355).

¹⁴ A provincial correspondent wrote Dostoevsky a letter to the editor at the time of the Kairova case, expressing his disgust at the female defendant’s unrestrained carnality and complaining about how the audience at her trial reacted to the jury’s decision. Noting that applause broke out in the lower section of the courtroom, which was reportedly “filled exclusively with ladies,” the provincial correspondent asks, “What was the applause for? Was it for the acquittal of an insane woman? Or was it for the triumph of an uncontrolled, passionate nature, for the cynicism that was personified by this woman?” “Ladies applaud!” he exclaims in consternation, “Wives and mothers applaud! They ought not to applaud, but rather to weep at the spectacle of such a desecration of the feminine ideal . . .” (23:5). This very angry letter, as we shall see, was published in a section of Chapter 1 in the May 1876 issue of *Diary of a Writer* that directly precedes Dostoevsky’s own commentary on the Kairova case.

¹⁵ See Louise McReynolds, *Murder Most Russian: True Crime and Punishment in Late Imperial Russia* (Ithaca, NY: Cornell University Press, 2013)

¹⁶ For an examination of Dostoevsky's commentary on the Kairova case that focuses on this sexual dimension, see Ronald D. LeBlanc, "Dostoevsky and the Trial of Nastasia Kairova: Carnal Love, Crimes of Passion, and Spiritual Redemption," *The Russian Review* 71, no. 4 (2012): 630-654.

¹⁷ Gorky's two essays on "Karamazovism" – "O karamavovshchine" and "Eshche o karamazovshchine" – can be found in Maksim Gorkii, *O literature* (Moscow: Khudozhestvennaia literatura, 1961), pp. 66-69, 70-75.

¹⁸ Fetiukovich's characterization of Dmitry as a "wild beast" anticipates Mikhail Artsybashev's portrayal of his highly sensual, hedonistic hero, Sanin, as a "natural" man whose sexual mores are not modulated by his society's moral codes. Aleksandr Zakrzhevskii examines the affinities between Dmitry Sanin and Dmitry Karamazov in his study, *Karamazovshchina. Psikhologicheskie paralleli. Dostoevskii. Valerii Briusov. V. V. Rozanov. M. Artsybashev* (Kiev: Iskusstvo, 1912). "Both of them are elemental and uncontrolled," he writes, "both of them breathe passion" (120).

¹⁹ After the jury retires to deliberate the verdict, and people are free to move around and share their views about whether or not the defendant will likely be acquitted, someone makes a remark that links Dmitry and his alleged crime of passion directly with Kairova's: "For heaven's sake, gentlemen, after all, during Lent an actress was acquitted in our town who had slit the throat of her lover's lawful wife" (15:177).

²⁰ As Robin Feuer Miller observes, "Each offers the other an onion." See *The Brothers Karamazov: Worlds of the Novel* (New York: Twayne Publishers, 1992), 85. When Zosima appears to Alyosha in his dream during the ensuing "Cana of Galilee" chapter, the elder says to him, "You gave a famished woman an onion today" (14:327).

²¹ In a footnote that follows this passage, Susan McReynolds Oddo, the editor of the Norton Critical Edition of *The Brothers Karamazov*, writes: “Rakitin refers to the Gospel story of Mary Magdalene, who rejected a life of sin and became one of the most devoted followers of Christ. According to the Gospels, he performed an exorcism on her, expelling the ‘seven devils,’ and she was the first person to see him after his resurrection. See Mark 16.9 and Luke 8.1-2” (p. 308, fn. 4).

²² Grushenka warns that she herself might take a knife with her when she goes to Mokroe (to settle the score with the officer who seduced and then abandoned her). Alyosha is confident, however, that Grushenka, in her generous heart, has already forgiven the Polish officer and thus “won’t take a knife with her” (14:321). When Alyosha sees Grushenka during his moment of ecstasy in the “Cana of Galilee” scene, he says: “She has come to the feast . . . No, she hasn’t taken the knife, no, she hasn’t” (14:326).

²³ Grushenka similarly acknowledges her sinfulness and accepts blame for her part in the murder of Dmitry’s father: “It was my fault, accursed I am! Mine! My wickedness! . . . He was mad then, perfectly mad, and that was my fault, mine, wretch that I am!” (15:10).

²⁴ “Recognition of one’s own guilt brings forgiveness,” Carol Apollonia writes in *Dostoevsky’s Secrets: Reading Across the Grain* (Evanston, IL: Northwestern University Press, 2009), when explaining the dynamics of redemption in Dostoevsky’s fictional universe. “The moment a person confesses with fullness of spirit, truthfully and reverently, to having committed an act of evil, he or she is by that act of confession purged and forgiven.” See pp. 11, 129.