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## BODILY WILLFULNESS: INTENTIONALITY AND THE NEUROLOGICAL UNCONSCIOUS IN DOSTOEVSKY'S *A WRITER'S DIARY*

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### Summary

This article investigates nineteenth-century neurological theories of the unconscious by using Dostoevsky's *A Writer's Diary* as a literary case study. The article focuses on Dostoevsky's engagement with the famous court cases of Anastasia Kairova and Ekaterina Kornilova, in which medical expert testimony about the defendants' states of mind played a prominent role in the trials and their sensationalized coverage in the press. In his views on the unconscious, Dostoevsky privileges the soul as the ultimate source of consciousness and of one's elevating unconscious drives, but also acknowledges rare cases in which the body affects consciousness and the mind, depriving the individual of her freedom of choice. Ultimately, Dostoevsky's perspective problematizes the strict spiritualist/materialist divide in late nineteenth-century scientific views on the unconscious and simultaneously resonates with the romantic psychology of C.G. Carus of the 1840s and the later work of Alexander Bain and William Benjamin Carpenter in the 1870s.

**Key Words:** Unconscious, neurology, psychology, sciences of the mind, court journalism, Dostoevsky.

This article investigates nineteenth century neurological theories of the unconscious by using Dostoevsky's *A Writer's Diary* (1876–1881) as a literary case study. It focuses specifically on Dostoevsky's engagement with the famous court cases of Anastasia Kairova and Ekaterina Kornilova, in which medical expert testimony and the female defendants' states of mind played a prominent role in the trials and in their sensationalized coverage in the press. Dostoevsky's engagement with questions of what constitutes conscious and unconscious states, intent, and one's

subsequent responsibility for her actions reveals a complex stance that at times comes across as self-contradictory. The author decries the influence and implications of the then popular “environmental theory” (*teoriia sredy*) in one piece, for example, adamantly insisting on the importance of personal responsibility and accountability for one’s actions, only to come to the defense of Kornilova later, using her female biology and the effects of pregnancy as an explanation for her crime.

As this article demonstrates, Dostoevsky does not reject the relevance of sciences of the mind for explanations of human behavior, but neither does he fully embrace those (mostly western) theories. Aware of the most recent developments in neurology and related fields, Dostoevsky deviates in the conclusions he draws from them. While mental sciences of the time, for example, viewed women and the peasantry in particular as evolutionarily inferior to the “civilized” man — as more instinctual, primitive, weak-willed and, in the long run, doomed to their biology — Dostoevsky acknowledges the influence of biology, but emphasizes the exceptionality of that influence and repeatedly stresses the importance and power of personal choice.

Whereas the predominant scientific views of the unconscious in the late nineteenth century stress the negative, animalistic, even atavistic nature of unconscious drives, Dostoevsky insists that the latter can be both positive and negative, both elevating and debasing. In his views on the unconscious, Dostoevsky privileges the soul as the ultimate source of consciousness and of one’s elevating unconscious drives, but also acknowledges rare cases in which the body affects consciousness and the mind, with potential to deprive the individual of her freedom of choice. Ultimately, Dostoevsky’s perspective problematizes the strict spiritualist/materialist divide in late nineteenth-century views on the unconscious and simultaneously resonates with the romantic psychology of C.G. Carus of the 1840s and the later work of Alexander Bain and William Benjamin Carpenter of the 1870s.

### **Theories of the Unconscious in Late Nineteenth-Century Western Europe**

The period from the middle of the nineteenth century through its end in both Western Europe and Russia was immensely preoccupied with what today we would call unconscious physical and mental processes. As Jenny Bourne Taylor points out, these decades saw the creation of numerous names for the concept, with terms like “unconscious cerebration,” “latent mental modification,” the “reflex action of the cerebrum,” and the “preconscious activity of the soul” (to name a few) often somewhat nebulous and hotly debated.<sup>[1]</sup> Unsurprisingly, these concerns manifested themselves in varying discourses and social domains: from the exhibitionist theatricality of mesmeric “cures” performed by Franz Mesmer and his disciples; the similarly dramatic investigations of hypnosis by James Braid, Charcot, and eventually Janet; the neurological concerns with reflexes and consciousness of the nerves; to the “super-natural” fascination with unconscious communication through processes like telepathy and seances with the dead. This article concerns itself primarily with the third category: the neurologically-inspired theories of the unconscious.

Although the term “unconscious” is often associated with the theories of Sigmund Freud, pre-Freudian nineteenth-century theories differ from the Freudian construct in important respects. The nineteenth-century conceptualizations of the unconscious grew in large part from the rapid (and often sensationalized) developments in physiology and neurology, with particularly strong ties to Marshall Hall’s discovery of the reflex response in 1832. In general, the pre-Freudian unconscious was thought to create actively processes that were central to memory, behavior, and perception. According to the scientific theories of the day, it lacked the Freudian mechanism of repression and

thus did not serve the function of containing psychic material banished from consciousness by the super-ego. Instead, the mid-nineteenth century unconscious functioned as part of effective information storage and efficient task delegation. Unlike the Freudian construct, it could revert to free delivery of unconscious content, if such delivery would lead to more efficient functioning.<sup>[2]</sup>

Hall's discovery of the reflex response (or "reflex arc," as he termed it) in 1832 paved the way for the dominant views on the unconscious in the second half of the nineteenth century. His experiments shed light on a property of the spinal marrow that allowed for a direct conversion of sensation into action, a process that bypassed intentionality and the brain. According to Hall, the stimuli that activated the reflexes affected the brain as well, but the latter's participation was not necessary for the reflexes to take place. Hall referred to a "system of excitor nerves, constantly operating in the animal economy, preserving its orifices open, its sphincters closed, and constituting the primum mobile of the important function of respiration" and, in his later theorizations, of circulation and digestion as well.<sup>[3]</sup> By the time Hall renamed his theorization of this new part of the nervous system the "dyastaltic nervous system" in 1850, the topic had become the subject of wide investigation and debate in both Western Europe and Russia. Subsequently, it became the foundational concept that eventually led to William Benjamin Carpenter's and Thomas Laycock's assertions that the brain, as an extension of the nervous system, also most likely carried out reflexes that were not conscious, thus leading to their theories of the unconscious ("unconscious cerebration" for Carpenter and "reflex function of the brain" for Laycock).<sup>[4]</sup>

Carpenter's and Laycock's assertions resonated with anxieties first aroused by La Mettrie's radical claim almost a century earlier that man was a machine, not dissimilar to a master clock. Carpenter's and Laycock's "mechanization" of the brain through the extension of reflexes into its domain therefore led to strengthened anxieties about the threatened existence of the soul, as well as the now questioned idea of free will and the possibility of personal accountability for one's actions in general. In his *Principles of Mental Physiology* (1874), translated into Russian in 1877 as *Osnovaniia fiziologii uma*, Carpenter summarizes the dominant viewpoints in conflict between the so-called "materialist" and "spiritualist" schools. According to the former, man is the product of his initially given biology and of his subsequent external circumstances and environment. His body, and by extension brain, in turn, constitutes or manifests in what we think of as soul or psychic activity. With this view, biology drives consciousness, and personal responsibility for one's actions is meaningless. The spiritualist school, however, argued that the soul is an independent, non-physical, superior entity that merely uses the body for accomplishing its purposes. In this view, therefore, the body cannot determine or change the soul; instead, it can only dim or partially distort its manifestation. From this perspective, one must be fully accountable for her actions, since the body is only a vehicle of the independent soul.<sup>[5]</sup> This materialist/spiritualist divide becomes the center of both scientific and popular debates by the time of Dostoevsky's involvement with the Kairova and the Kornilova cases in the *Writer's Diary*

### **Dostoevsky's Involvement with Sciences of the Mind**

Dostoevsky read avidly in the areas of sciences of the mind, both before and after his exile. During the pre-Siberian period, he had frequent (for three years, almost daily) meetings with his then physician and friend Stepan Ianovskii, during which Dostoevsky not only consulted with him about his own condition, but also borrowed extensively from the doctor's library, particularly volumes related to brain pathology, nervous disorders, and psychic illness.<sup>[6]</sup> By the time Dostoevsky returned from exile and resumed his writing career, the latest medical literature was being translated into

Russian and reviewed in the Russian press at much greater frequency. Furthermore, in the post-reform period of Alexander's Russia of the 1860s and 1870s, an unlikely venue for dissemination and popularization of the recent advances in sciences of the mind became prominent — the courts. Dostoevsky's interest in Russian court cases, beginning with his journalistic work of the early 1860s, is well documented. What has received less attention, however, is the extent to which the Russian courtroom relied on the medical and psychiatric testimony both for prosecution and defense.

The so-called Great Reforms of the sixties not only led to increased engagement with western scientific ideas and greater professionalization (especially when it came to psychiatry), but also introduced judicial reforms like trial by jury (in 1864) and resulted in significant growth of commercial press. A decade before the infamous Vera Zasulich case of 1878, which was sensationalized in the press in large part because of debates surrounding the accused's state of mind, the courtroom had already become part of popular culture. Attendance of trials was open to the public and proceedings were reported (and avidly followed) in the press. In the words of Martin Wiener, courtroom trials became "complex social performances in which a variety of scripts may be employed."<sup>[7]</sup> Lawyers on both sides created narratives — a combination of biography and expert testimony — that inserted the defendant into them and addressed pressing issues of the day. As Louise McReynolds points out, these narrative performances gave public authority and expression to what otherwise would have remained abstract, obscure, intellectual concepts.<sup>[8]</sup> Most importantly, the courtrooms, served as a vehicle for the dissemination of expert medical and scientific knowledge and its popularization.

### The Cases

It is within this context of burgeoning scientific discussions about unconscious drives and free will, as well as these debates' popularization through the courts and the press, that Dostoevsky's involvement with the Anastasia Kairova and the Ekaterina Kornilova cases in the *Writer's Diary* must be considered. Kairova was a thirty-year-old actress who was on trial for the attempted murder of the wife of her lover, Vasili Velikanov, a retired naval officer and owner of the acting troupe Kairova belonged to.<sup>[9]</sup> On the evening of July 7<sup>th</sup>, 1875, Kairova found Velikanov in bed with his allegedly estranged wife at the dacha rented with Kairova's money. The defendant attacked Mrs. Velikanova with a razor she had purchased previously, inflicting deep cuts on Mrs. Velikanova's neck, chest, and head, before being restrained. Miraculously, Mrs. Velikanova's wounds proved non-fatal and she was able to return to work some days later.<sup>[10]</sup>

Dostoevsky's commentary on the Kairova case first appears in the *Diary* in the May 1876 issue. In this and subsequent pieces, the author condemns Kairova's crime, but admits his compassion for the "wretched, heinous criminal, who is completely guilty" and even expresses his relief at her release, all the while deeply regretting the fact that it could not be secured without actual acquittal (*opravdanie*). Dostoevsky strongly condemns the fact that Kairova fails to acknowledge her own guilt and responsibility for the attack. So unstable and morally confused is Kairova, Dostoevsky argues, that she persists in believing that she, instead of Velikanov's wife, is the actual victim in the whole matter.

Dostoevsky's commentary largely focuses on this moral confusion on the part of Kairova, on her inability to control her carnal passions and possessiveness, as well as on her defense attorney's, Evgenii Utin's, misleading oratory tactics. The author does not blame the jury for their verdict of

“not guilty,” however, arguing instead that they made the only choice they could in good conscience. Dostoevsky insists that the jurors were limited by the restrictions of the questions they were asked to answer, most problematic among them being the question of whether Kairova was guilty of *premeditated* murder.<sup>[11]</sup> The determination of intent in this case, Dostoevsky insists, cannot be definitively decided. It is this very question of intent, which is inseparably tied to the nature of unconscious psychic drives and one’s ability to control her response to them, that this article will turn to shortly.

Given Dostoevsky’s strong criticism of Kairova’s acquittal, as well as his anger towards Utin’s romanticization of his client’s passion towards her lover as something noble, understandable, and worthy of not being called a crime, the author’s stance towards the Ekaterina Kornilova case comes as a complete surprise. In early 1876, Kornilova, the twenty-year-old peasant-born wife of a widower who had a child from a previous marriage, threw her six-year-old stepdaughter out of a fourth-story window. Miraculously, the child survived and suffered no serious bodily harm. Kornilova immediately turned herself in and confessed that she planned to harm the child in retaliation for her own mistreatment at the hands of her husband. Kornilov supposedly criticized her harshly, compared her negatively with his deceased wife, and even forbade her to associate with her own family. Kornilova was convicted in the court of law and sentenced to two years and eight months of hard labor, as well as to permanent exile after the end of her prison term.<sup>[12]</sup>

The cases of Kairova and Kornilova seem to stand in direct opposition to each other in terms of Dostoevsky’s position towards the defendant’s culpability and her verdict. In the Kairova case, as in the discussions of the Kronenberg case earlier and in the essay “Environment” (1873), among other pieces, Dostoevsky expresses his growing disappointment with the recently instituted trial by jury system and decries the Russian jurors’ frequent tendency to acquit defendants, despite the often overwhelming facts proving their guilt. Furthermore, in all these instances, as well as in *The Brothers Karamazov* later, Dostoevsky criticizes harshly the then popular “environmental” theory, or the argument that crime and deviant behavior in general resulted solely from the effects of unfavorable social circumstances on individuals.

Whereas in most instances Dostoevsky also consistently mocks the popularly used temporary insanity (*vremennyi affekt*) defense, demonstrating cautious and healthy skepticism towards the defense’s employment of medical experts, he now appears to privilege the medical expert testimony in the Kornilova case.<sup>[13]</sup> Although in the Kronenberg and the Kairova cases Dostoevsky emphasizes the need to acknowledge the guilt of the defendants, despite simultaneously agreeing with the jurors’ willingness to show them mercy, in the Kornilova case, he suddenly reverses his position and uses the temporary insanity defense to exculpate the defendant, citing the fact that she was pregnant at the time of the commission of her crime as a possible explanation for her behavior. In addition, Dostoevsky becomes personally involved in the case, more than once meeting with Kornilova and leading a public campaign through the *Diary* for her re-trial. He in fact succeeds, with the second trial resulting in Kornilova’s acquittal.

Critics have taken various approaches to explaining this seeming reversal of previously held views by Dostoevsky. Harriet Murav, for example, argues that these apparent contradictions in fact contain an underlying consistency, which she locates in Dostoevsky’s creation of his public persona as the author of the *Diary*. Murav argues that in authoring the *Diary*, Dostoevsky “authors himself as a child of, and as a father to a new Russia.”<sup>[14]</sup> According to her, Dostoevsky puts himself in the position of the (abused) child in the earlier Kronenberg case and in the position of the parent in the Kornilova case; in the former he resists the authority of the lawyer and the father, but, in the latter, now as a “symbolic father” himself, he accepts that authority.<sup>[15]</sup>

Gary Rosenshield, in turn, also argues for important symbolic resonance of the Kornilova case as an explanation for Dostoevsky's seeming reversal of views. According to Rosenshield, the manner in which Kornilova's second trial is conducted bears almost more importance for Dostoevsky than the verdict itself. The trial creates the possibility of class reconciliation, and consequently nothing less than the salvation, of Russian society as a whole. As with Zosima's assertions in *The Brothers Karamazov* that everyone is responsible for one another, Rosenshield argues that for Dostoevsky salvation and redemption can only come about in the context of a community, through a unified collective will. Thus Dostoevsky turns the trial into a utopian site of numerous reconciliations: between Kornilova and her husband, Kornilova and her stepdaughter, the jurors who quickly agree to acquit, between the lawyers, the court and the public, the medical experts and — ultimately — between the classes of Russian society, who unite in their demonstration of faith in human redemption and in extending compassion, mercy, and forgiveness towards the defendant.<sup>[16]</sup>

Finally, Anna Schur also argues that Dostoevsky's seeming reversal of views with the Kornilova case does not present an aberration. Schur points out that Dostoevsky's defense of Kornilova can be seen as an extension of the same impulse that led him to be admittedly happy when obviously guilty defendants (like Kairova and the earlier-mentioned Zsulich, for example) were acquitted. According to Schur, Dostoevsky's criticisms in large part stem from the absence of legal categories that would acknowledge the defendant's guilt, but would still allow for forgiveness. The absence of such categories, according to Dostoevsky, often results in denial of the very existence of the crime the defendants are being tried for, since the jurors wish to forgive, but are legally unable to without denying the guilt itself. Schur argues that what remains unchanged in Dostoevsky's approach to the legal cases, including the seemingly aberrant Kornilova affair, is his interest in moral betterment, in "redemption and spiritual regeneration" of the defendants.<sup>[17]</sup> Whereas in some cases, Schur points out, moral regeneration is possible through insistence on punishment, in others it is possible only by foregoing it and "letting the defendant go" in order to allow her to pursue the path to redemption.<sup>[18]</sup>

All three of the scholars point out important sources of consistency in Dostoevsky's engagement with the court cases, but an additional important dimension of underlying continuity in his views is largely overlooked: personal responsibility and potential for regeneration specifically in light of the scientific views on the unconscious and one's will. Both Murav and Schur do investigate in the course of their analyses the role mental sciences play during the trials. Murav, for example, argues that Kairova's characterization by her defense attorney resonates strongly with late nineteenth-century scientific theories about the female criminal. Furthermore, in her discussion of the Kornilova case, she argues that "becoming a father to Russia requires that Dostoevsky discipline unruly female sexuality."<sup>[19]</sup> Schur, in turn, looks at views on consciousness in criminal psychology, mostly restricting her analysis to the perspectives of doctor A.I. Freze, the criminologist Nekliudov, and the prominent journalist V. Zaitsev.

Whereas these two analyses focus primarily on the dominant, overwhelmingly materialist paradigm, especially prevalent in criminal psychology, however, this article focuses on the theories that begin problematizing the materialist/spiritualist divide, and which are introduced in Russia chiefly through the work of G.H. Lewes, who popularized scholars like Alexander Bain and William Benjamin Carpenter. Lewes's *Physiology of Common Life* was written for the general audience and was a *tour-de-force* introduction into most areas of physiology and neurology — from its relevance to issues surrounding proper digestion and blood circulation, to the relationship between the brain and the mind — with a specific emphasis on the British tradition. In addition to providing an

excellent, detailed, and yet accessible primer on physiology, neurology, and the most current debates stemming from both fields, the book also introduced prominent British psychologists like Alexander Bain and William Benjamin Carpenter to the Russian audience, before their individual monographs were translated into Russian. *Physiology of Common Life*'s popularity in Russia is attested to not only by its translation into Russian in 1861, only two years after its original publication in English, but also by the fact that it went through two additional editions in Russian in the next three years.<sup>[20]</sup>

As discussed earlier, the materialist/spiritualist divide represented the major source of tensions when it came to shifts in scientific perspectives on the human psyche in the nineteenth century. The materialists (who dominated the sciences) embraced biological determinism and reduced human consciousness to the product of one's biology, thus eliminating free will and choice, whereas the spiritualists argued that the body (including the nervous system and the brain) was but a vehicle for the manifestation and the expression of the soul, with emphasis on personal responsibility and free will. Popular discussions of nineteenth-century views on the unconscious often situated it squarely in either one camp or the other, and the Kairova and Kornilova cases were no exception. As this article will demonstrate, however, situating the unconscious exclusively in the materialist or the spiritualist school of thought, does not reflect the reality of the nuanced theories of the unconscious and human intentionality during the time. Bain and Carpenter challenged this binary opposition, and views of the unconscious were at the center of the debates in their work. Carpenter in particular eventually became well known for arguing that the strict separation between the mind and the body was reductive, as was the insistence that only the body affected the mind. Instead, he argued that the mind, or consciousness, could also intentionally affect and ultimately change the body, although this process was much more arduous and difficult than the automatic effects of the body on the mind.

Thus this article argues that another source of underlying consistency in Dostoevsky's views on personal responsibility in the Kairova and the Kornilova cases is in his reliance on a more nuanced understanding of the unconscious and intentionality, similar to that of Bain and Carpenter. This view both embraces the less reductive theories of the time and rejects their predominant counterparts that insist on strictly materialist views of consciousness. Furthermore, Dostoevsky's insistence on punishment in one case, but not in the other, is rooted in large part in the defendant's reaction to her crime, which in turn is connected with the possibility of future positive effects of the changed, regenerated mind on the body.

#### *On "Uterine Lust" and Irresistible Impulses: Biologized Intent in the Cases*

While Utin, Kairova's defense attorney, argues for his client's exculpation using a combination of outdated Romantic tropes and forensic (criminal) psychology, Dostoevsky criticizes defense's valorization of her actions that ultimately leads to the denial of the crime as such. Denying the reductive assumptions underlying biological determinism, Dostoevsky's views do not in fact reject the relevance of biology for Kairova's actions. It is impossible to determine whether Kairova acted with premeditation of murder, Dostoevsky argues, because, had she not been subdued, she could have acted in any number of ways, given the same circumstances. Her actions are therefore not predetermined by biology or environment. At the same time, however, Kairova's actions are a result of her previous lifestyle, intentions, and choices. In general, there are possibilities, Dostoevsky argues, for future redemption and change for Kairova, but this chance to rise above her moral confusion and carnal desires cannot come about if defense and the public as a whole refuse to call her crime a crime.

Defending his client, Utin simultaneously portrays Kairova as a passionate, selfless heroine who succumbed to the purity and intensity of her love for Velikanov on the one hand, and as a

victim of her social environment, female biology, and heredity on the other. In the process, according to Dostoevsky, he conflates two types of instincts, or unconscious drives: the selfless, protective, maternal instincts that are oriented primarily towards the well-being of another (her lover/child) on the one hand, and the selfish, possessive, carnal desires that are concerned mainly with its own satisfaction and self-gain on the other. Utin, for example, compares Kairova to a “lioness protecting her cub,” when he speaks of the woman’s feelings towards Velikanov and towards the threat she perceives from her lover’s wife.<sup>[21]</sup> He also informs the jury that the defendant “considered him hers,” “her creation,” and “a darling child... whom she wanted to elevate and ennoble.”<sup>[22]</sup> Dostoevsky, of course, does not hesitate to point out that this “lion cub” and “darling child” is “tall, of solid ‘grenadier’s’ build, with curly hairs on the back of his neck.”<sup>[23]</sup> Furthermore, Dostoevsky dismisses the affair as a “petty intrigue” (*intrizhka*).<sup>[24]</sup>

The author’s stance implies two things about unconscious motivations in this case: not all unconscious drives are negative (as instincts for self-sacrifice demonstrate), and yet Kairova’s unconscious motivations definitely do not belong to the latter, elevating category and must be correctly labeled. This insistence on correctly labeling the nature of Kairova’s unconscious drives appears to bring into conflict psychological discourses from two periods: the time before and after the height of the spiritualist/materialist debates in Russia. Dostoevsky’s privileging of the psyche over the body, for example, as well as his acknowledgement of the positive, elevating unconscious drives, as opposed to their atavistic, primitive counterparts in late nineteenth-century sciences, shares roots with the Romantic psychology of C.G. Carus, whose work made a deep impression on Dostoevsky in the 1840s.<sup>[25]</sup> In Carus’s views, all illness and, by extension, pathological behavior is an expression of an underlying spiritual, psychic imbalance or distortion, located in his version of the unconscious. In classic spiritualist fashion, Carus privileges the soul’s primacy over the body and envisions a much more benign unconscious than his later nineteenth-century colleagues. For him, although nervous and other physical illnesses become expressed through the body, one always has access to healing through acknowledging and removing imbalances in one’s unconscious.<sup>[26]</sup> This view, of course, is reversed in the materialist claims that consciousness (as well as the unconscious) is solely the product of the nervous system and the brain, with pathological mental states resulting from physical abnormality and thus requiring a physiologically oriented approach to treatment. As this article demonstrates later, however, Dostoevsky’s views not only share important similarities with Carus’s theories, but are also in line with later nineteenth-century views that go against the strict materialist/spiritualist divide when it comes to the psyche.

As Murav points out, Utin portrays his client both as the (by 1876 outdated) literary Romantic hero who becomes transfigured in her outburst of passion, merging with nature and losing all traces of self-consciousness in the process and, at the same time, as the “embodiment of new scientific theories about the psychology and physiology of the female criminal in late nineteenth-century Russia.”<sup>[27]</sup> Describing the moment Kairova discovered Velikanov with his wife, Utin is reported as saying:

Passion overwhelmed her. [...] Jealousy consumed, destroyed her reason and forced her to play a terrible game. [...] Jealousy made her mind crumble [*iskroshila*], nothing was left of it. How could she control herself? [...] Really, gentlemen of the jury, is it possible for a woman to remain calm? She would have to be a stone... The man she passionately loves is in her bedroom, in her bed, with another woman! Her feelings were a stormy torrent that destroys everything it encounters in its path; she raged and destroyed. If we ask this torrent what it is doing, why it does evil, could it answer us? No, it is silent.<sup>[28]</sup>



As the dominant discourses in criminal psychology of the time would have it, Kairova, as a woman, is presented as constitutionally incapable of premeditation when it comes to her crime, with her deviant behavior coming about simply as a result of being overwhelmed by strong emotions and as an automatic reaction due to inability to exercise restraint.<sup>[29]</sup> Utin thus attempts to convince the jurors (and the courtroom audience) that Kairova is in fact not guilty of a crime at all, since, implicitly, she had no free will to rely on in the matter. The inclusion of the testimony of Kairova's mother further underscores the fact that she is a product of her biology, with degenerate history of her family resulting in her greater physiological irritability and sensitivity.<sup>[30]</sup> Thus, when presented with an overwhelming stimulus in the form of her loved one in the arms of a rival, Utin's argument suggests, the "givens" of Kairova's biology lead to a "natural" reaction, with the woman herself bearing no responsibility for her subsequent actions. In this portrayal, as the "silent torrent," she is beyond the reach of language or reason: she is body, nature, pure force. She is the outdated Romantic hero who has been reinterpreted in neurological terms.

While both the defense and criminal psychology emphasize the lack of premeditation in the case, Dostoevsky focuses on the impossibility of determining that sustained intent instead. Denying both biological and environmental determinism, Dostoevsky reintroduces the possibility of personal choice into the case and complicates his readers' conceptualization of the unconscious. Discussing Kairova's state of mind, the author insists that he does not think that the defendant "was in an unconscious state [*v besoznatel'nom sostoianii*]" at the time of the attack, further adding:

I don't even allow for the possibility of the slightest madness. On the contrary, I think that, in that minute, when she was cutting, she knew that she was cutting, but whether or not she wanted to kill her rival, having consciously set that goal — that she might not have known in the highest degree [...] She might have been cutting, in anger and hatred, without thinking about the consequences.<sup>[31]</sup>

In his discussions of the Kairova case Dostoevsky appears to use the term "unconscious" (*besoznatel'nyi*) in its more narrow, legal sense, as something done in an alternate state of consciousness and which would not be remembered later.<sup>[32]</sup> As will be seen soon, however, Dostoevsky problematizes the narrowness of this term in his pieces on the Kornilova case, reaching for definitions of the unconscious beyond the legal sphere. For the purposes of this discussion, this article relies on the broader definition of the unconscious that includes actions that are taken automatically, or without conscious intent instead. Ultimately, this is the dominant definition in the sciences of the mind outside criminal psychology at this time and one Dostoevsky himself leans towards in his discussions of Kornilova's state of mind later.

Denying the possibility of determining the defendant's sustained intent in relation to her crime, Dostoevsky takes his reader on a tour of her possible actions had she not been subdued in mid-attack. He asks:

And what if, after having slashed Velikanova once across the throat with the razor, she had given out a scream, had started to tremble and had run off? How can you know that this might not have happened? [...] And what if it had so happened that, after having slashed Velikanova once across the throat with the razor and after having taken fright, she had started to slit her own throat instead? Yes, might she not perhaps have started here to slit her own throat? And, finally, what if she not only had not taken fright, but, on the contrary, having felt the first splashes of hot blood, she had flown into a frenzy and not only had finished slicing up Velikanova, but had also begun to mutilate her body, cutting off her head "completely," then cutting off her nose and lips, and only later, after this severed head had already been taken away

from her, she had suddenly asked: “What is it that I have done?” *I am asking you this because all of these things could well have happened, all of these things could well have come out of one and the same woman, one and the same soul.*<sup>[33]</sup>

The author’s recreation of Kairova’s possible reactions to the realization of her own offense presents three versions of the same structural scenario: Kairova acts on impulse, without the intentional decision to attack her rival; sometime during the act, she experiences the first moment of self-awareness and she now has a choice in terms of various ways of reacting to it. In the first instance, the moment of awareness is followed by “fright” at the conscious recognition of her actions and then by avoidance and escape in the form of physical fleeing. In the second scenario, the moment of self-consciousness is once again accompanied by horror and by subsequent desire to escape, this time through attempted suicide. The previous failure to recognize another’s humanity is now accompanied by what can be seen as a warped attempt at empathy, or “co-feeling,” as imaginary Kairova inflicts the same wounds on herself that she a second ago “mindlessly” inflicted on her dehumanized rival. The action also appears as a physical self-punishment, a disavowal and rejection of the “unconscious,” physiological drives that led to her violent outburst. Finally, in the last, most sensational and violent scenario, after the encounter with hot blood Kairova goes into a form of a violent trance and loses any semblance of humanity, as she cuts Velikanova to pieces. Only after the severed head of her rival is taken away from her, does Kairova experience a moment of conscious awareness and possibility for reflection.

Dostoevsky’s imaginative recreation of Kairova’s possible reactions to her violent outburst emphasizes three main things for his readers: First, that Kairova’s actions are “automatic,” or void of volition, up to a certain point; only after she gains self-awareness of her actions does she have an opportunity to make a choice as to how to react further. Second, Dostoevsky points out that, once the imaginary Kairova has an opportunity to choose, that choice can take a number of forms, ranging from avoidance (fleeing from the scene) and harsh, violent self-punishment (cutting her own throat) to a yet another response that Dostoevsky does not describe altogether (following her question of “What have I done?”). In the first two scenarios, Kairova’s “moral humanity” becomes activated shortly after her initial attack; in the third scenario, she embodies the most extreme scientific assumptions about the atavistic, “primitive,” animalistic unconscious drives that supposedly lurk within. Even in this case, however, Dostoevsky denies biological determinism, as he points out that Kairova nonetheless eventually experiences a moment of self-consciousness and eventual choice. In addition, whereas the materialist, biologically deterministic sciences would eliminate the very concept of the soul, insisting that consciousness arises from the nervous system and the brain, Dostoevsky here emphasizes the fact that the many possible courses of action that would have been available to Kairova once she is self-aware would have arisen precisely *from* the soul.

Dostoevsky’s description makes it clear that the imaginary Kairova’s actions originally lack self-awareness and volition *and* that she eventually has access to choice and, implicitly, possibility for future change. If Kairova’s actions are not completely predetermined by her biology or social environment, however, then what drives the violence of her initial “automatic” outburst? And what role might the exercise of her will after the moment of self-awareness play in similar future states lacking awareness? To get at the answers, this article turns to the Kornilova case, particularly to the way Dostoevsky continues to problematize the meaning of the term “unconscious.”

The insistence on the inadequacy of the narrow legal definition of the unconscious lies at the heart of Dostoevsky’s arguments in Kornilova’s defense. In response to Dr. Nikitin’s assertion that the defendant committed her crime “consciously” [*soznatel’no*], “but not without the possibility of irritation and affect,”<sup>[34]</sup> Dostoevsky responds:

The most important element of the prosecution's case [against Kornilova], of course, is that she committed the crime *consciously*. But once more I ask: what role does consciousness play in a case like this? She might well have been fully conscious, but could she have resisted the wild and perverted fit of temporary insanity even with the clearest consciousness in the world? Does this really seem so impossible? Had she not been pregnant, at the moment of her outburst of anger she might have thought: "That wretched little brat ought to be thrown out of the window; at least that would stop him [the husband] from nagging me about her mother all the time." She might have thought it, but she would not have done it. But in her pregnant condition *she could not resist* and she did it.<sup>[35]</sup>

As Dostoevsky argues in the passage, it is not simply enough to retain sensation during one's actions and to be able to recollect them later for something to be considered a fully conscious act. The passage differentiates between impulse (unconscious drive) and one's ability to resist it through the assertion of one's will. Following a somewhat similar argumentative move to the one used by Utin in Kairova's defense, the author argues that although Kornilova is in part responsible for her initial ill intent towards her step-daughter, she cannot be held responsible for carrying out her actions. Like Utin before him then, Dostoevsky, at first glance appears to eliminate the defendant's free choice in the matter, arguing that her biology dictated her actions.

In addition, whereas in his discussion of the Kairova case, Dostoevsky places emphasis on the fact that the defendant's actions arise from her soul, in the Kornilova case, as the passage demonstrates, he emphasizes the fact that the body influences the spirit. Dostoevsky tells his readers, for example, "Everyone knows that during pregnancy (especially with her first child), a woman quite often becomes affected by certain strange influences and impressions, *to which her spirit [dukh] strangely and fantastically submits*. These influences sometimes take on — although this happens in rare cases — extraordinary, abnormal, almost ridiculous forms."<sup>[36]</sup> It happens rarely, Dostoevsky asserts, but the circumstances of (in this case female) biology do in certain cases eliminate the possibility of a conscious choice and an exercise of will on her part, with the mechanism by which this happens remaining mysterious and unknown.

In his discussion of the Kornilova case, Dostoevsky also insists that the physiologically based effects of pregnancy and its at times criminal results transcend class differences, pointing out that medical science does not necessarily understand fully these "strange and fantastic" influences. The author shares the story of his female acquaintance, for example, "a lady by far not poor, educated, and of good social standing," who compulsively steals from family members and acquaintances while pregnant, despite the fact that she is not in financial need.<sup>[37]</sup> Dostoevsky shares with the reader:

Her consciousness was fully retained, but it was the impulse [*vlechenie*] that she couldn't resist. It seems that even now it is doubtful that medical science can say something definite about such occurrences, or rather about the spiritual [*dukhovnoi*] side of these occurrences: due to what precise laws do such ruptures [*perelomy*], such submission [*podchinenie*] and influence, such madness without madness occur, and what role exactly can consciousness play here and what does it [consciousness] mean in this case?<sup>[38]</sup>

Once again, Dostoevsky points out that to have mental sensations is not the same as having access to one's will. Dostoevsky's anecdote emphasizes two additional things: the fact that Kornilova's actions do not result from a deeply rooted degenerate criminal tendency, as many criminal psychologists of the time would have it, especially given her peasant origin. In addition,

Dostoevsky disavows environmental influences in this example: it is beyond doubt, for instance, that his female acquaintance steals not out of financial (i.e. environmentally imposed) need, but due to some other “strange, fantastical” reason. Similarly, Dostoevsky’s initial (mocking) dismissal of the predominance of environmental factors in Kornilova’s motivations when he first mentions the case during his discussion of the Kairova affair stands here.<sup>[39]</sup> In other words, Kornilova did not commit her crime because of the unfortunate circumstances of her marriage, the hard daily labor she is subjected to, her difficult upbringing, or other purely social, environmental circumstances. The latter would have wide generalizable applications to the rest of the population; by contrast, Dostoevsky argues that Kornilova’s (and his acquaintance’s) submission to the “strange and fantastical influences” is rare and exceptional.

Thus, Dostoevsky challenges both the strictly materialist and the strictly spiritualist views on the unconscious and personal responsibility. With his rejection of Utin’s usage of forensic (criminal) psychology to acquit Kairova, for example, he can at first glance come across as rejecting physiological explanations for defendants’ actions altogether. With the Kornilova case, however, we see Dostoevsky’s acknowledgement of the physiological effects of pregnancy on one’s unconscious and ability to control one’s impulses. Although his stances on these two cases appear contradictory in their seeming rejection of materialist claims in one instance and later rejection of a purely spiritualist perspective in the other, Dostoevsky’s approach is in fact in line with the most recent developments in scientific views on the psyche contemporary to his time.

As mentioned earlier, the dominant narrative in the mental sciences was heavily materialist, insisting that consciousness was influenced by the body, but not the other way around, as well as arguing that women and other “deviants” and “degenerates” were particularly susceptible to the more “primitive,” atavistic unconscious drives. This absolute insistence on biological determinism, was far from universal by the time of the trial, however. Prominent scientists like Alexander Bain and William Benjamin Carpenter, among others, insisted that the scientific explanations for the unconscious were much more complicated than the rigid materialist/spiritualist divide accounted for. In his highly respected *Mind and Body: The Theories of Their Relation* (1873), for example, Bain bluntly relegates the reduction of mind to body to “the cruder forms of materialism” and goes on to discuss explicitly the fact that some scholars at this point are insisting that “*the mind and the body act upon each other.*”<sup>[40]</sup> He ultimately disagrees with the latter perspective on the grounds that it assumes a separation between the mind and the body, whereas Bain himself argues that the two cannot actually be conceived apart from one another. Instead, he speaks of an inter-related entity akin to present-day discussions of the “mind-body.”

It is in fact the ideas of William Benjamin Carpenter, however, another prominent British scientist introduced in Russia most notably through Lewes’s extended favorable discussion of his work in *Physiology of Common Life*, that is particularly relevant to this discussion. Carpenter’s influential arguments surrounding the role of one’s will in affecting and ultimately changing one’s body and, by extension, one’s physiological unconscious drives, resonates strongly with Dostoevsky’s own stance on the cases. By attending to Carpenter’s work, one can see that Dostoevsky’s rejection of defense’s employment of criminal psychology does not represent a dismissal of the relevance of mental sciences for the cases as a whole. Instead, Dostoevsky’s views are in line with a rejection of the reductive, incomplete understanding of the scientific explanations presented by Utin and by the “crude” (to borrow Bain’s word) materialist stance prevalent in much of criminal psychology and mental sciences in general.

## William Carpenter: Beyond the “Materialist” and “Spiritualist” Divide

William Benjamin Carpenter’s chief work, *Principles of Mental Physiology* (1874), was translated into Russian around the time of the trials.<sup>[41]</sup> In *Principles*, Carpenter announces that he aims to investigate two seemingly opposing concepts central to his study: the dependence of automatic psychic activity on the material conditions of the environment, on the one hand, and the existence of an independent entity that controls this automatic action — the will — on the other.<sup>[42]</sup> Man’s consciousness is the interaction between “I” and the “not I,” Carpenter states in the opening of his work, proceeding to reveal explicitly his position outside the spiritualist/materialist binary by announcing that he will investigate not only the effects of the body on the mind, but the effects of the mind on the body as well.<sup>[43]</sup>

Furthermore, Carpenter argues for the need to investigate the mutual relationship between the body and the mind/soul, as opposed to insisting on the primacy of one over the other. The most interesting and useful area of investigation, he asserts, is where body and soul “touch and come together.”<sup>[44]</sup> The physiologists’ claim that certain states of, or changes in, the body influence the mind is self-evident, Carpenter says, as changes in psychic states due to intoxication or poisoning readily demonstrate. And yet, much more radically, Carpenter insists that the process works the other way around as well, with certain psychic states influencing and changing the body.<sup>[45]</sup>

This mental ability to change the body, according to him, is inextricably tied to the individual’s will. “We have within us a self-determining power which we call Will” Carpenter insists, adding, “it is in fact by virtue of the Will that we are *not* mere automata, mere puppets to be pulled by suggesting strings, capable of being played by everyone who shall have made himself master of our strings of action.”<sup>[46]</sup> Carpenter is certainly not the first to theorize the will, but what makes his ideas particularly bold and original is his claim that the will can actually exert changes on the body, initially, through one’s directed attention. He informs the reader:

It is thus that each individual can perfect and utilize his natural gifts; by rigorously training them in the first instance, and then by exercising them only in the manner most fitted to expand and elevate, while restraining them from all that would limit and debase. In regard to every kind of mental activity that does *not* involve origination, the power of the Will, though limited to *selection*, is almost unbounded. [...] By concentrating the mental gaze (so to speak) upon any object that may be within its reach, it can make use of this to bring in other objects by associative Suggestion. And, moreover, it can virtually determine what shall *not* be regarded by the Mind, through its power of keeping the Attention fixed *in some other direction*; and thus it can subdue the force of violent impulse and give to the conflict of opposing motives a result quite different from that which would ensue without its interference.<sup>[47]</sup>

Carpenter thus insists that one can change one’s physiological, unconscious drives and, implicitly, the nervous system itself, through the cultivation of one’s attention. Even more radically, he asserts that this skill is within the power of ordinary people and should be the main focus of spiritual and mental development. One can direct attention to one’s natural strengths and talents, developing them further (these cannot be created, however, they must first be a given), as well as direct one’s attention away from less desirable information and impulses. With passing time, things that we choose to focus our attention on become “acquired habits” encoded into our nervous system and, eventually, our automatic actions, bodies, and minds bear more and more of the effects

exercised by our will and directed attention.<sup>[48]</sup>

Despite this hopeful picture, however, Carpenter cautions the reader:

It may be freely admitted, however, that [...] thinking Automata *do* exist; for there are many individuals whose Will has never been called into due exercise, and who gradually or almost entirely lose the power of exerting it, becoming mere creatures of habit and impulse; *and there are others in whom [...] such Automatic states are of an occasional occurrence, whilst in others, again, they may be artificially induced.*<sup>[49]</sup>

### **From “Creature” to “Creation”: Rethinking Personal Responsibility**

Carpenter’s investigation of the way body and mind interact and the effect they have on one another complicates notions of personal responsibility and potential for individual’s future regeneration. As he promises in the opening of his book, Carpenter emphasizes both body *and* the mind in exploring human behavior and choice. One’s personal responsibility, for example, is in part limited by one’s heredity and biology. The “natural gifts” available for cultivation cannot be created, but are a biological given. At the same time, however, the individual is responsible for “training” herself through directing attention and re-inforcing certain impulses, eventually making them automatic by “coding” them into one’s nervous system. Dostoevsky’s approach to personal responsibility in the *Diary*’s cases is very similar, although his outlook places more emphasis on the psyche, as opposed to the body. For Carpenter, for example, the physiological aspect of the unconscious drives is much more powerful (precisely because it is initially unconscious). For Dostoevsky, in turn, whose approach in part resonates with Carus’s view that the psyche (and by extension the unconscious) is the more powerful source of both positive and negative drives, the psyche is ultimately privileged over (but not independent of) the body.

In light of these scientific views, Dostoevsky’s approach to the Kairova and Kornilova cases no longer appears self-contradictory. Kairova is both responsible for her actions, and yet worthy of compassion because that responsibility is limited. Heredity and biology play a role in her predispositions and behavior, but they do not eliminate personal responsibility altogether. Dostoevsky’s description of Kairova resonates strongly with Carpenter’s description of the “automatum,” or a person who has never exercised her will consciously and has become a “mere creature of habit and impulse.” The author describes Kairova as “something so unserious, so disorganized [*bezalabernoe*], not understanding anything, something unfinished, empty, impulsive [*predaiushcheesia*], not in control of itself, [and] mediocre [*seredinnoe*],” also calling her a “disorderly and unstable [*shataiushchiasia*] soul.”<sup>[50]</sup> The moment of her self-consciousness that Dostoevsky imagines in the *Diary* simply never comes. She does not recognize her guilt as such and, now that both the defense and the jury have reinforced her previous faulty beliefs, she lost an important chance for conscious reflection and the opportunity to exercise her will at last. Did Kairova have such moments of self-awareness in the past, intentionally having failed to “organize” her life and make her impulses less “wild?” Neither Dostoevsky nor the reader can know. Her lifestyle and previous choices, however, reinforced the “violent impulses” she was predisposed for, debasing her, instead of elevating, encoding those automatic impulses even further into her nervous system and making such actions more and more likely in the future. She is guilty, Dostoevsky asserts, and yet “she knows not what she does” — all while her actions are making future uncontrolled impulses and violent outbursts more likely.

The concept of the unconscious itself simultaneously becomes more fluid and more defined

in light of Carpenter's and Bain's theories. Lewes summarizes pithily the main issue at hand, "To have sensations and to be conscious of sensations is one and the same thing. To *have* a sensation and to *know* that we have it are two things, not one thing. Knowledge cannot exist without consciousness; but consciousness may, and often does, exist without knowledge."<sup>[51]</sup> Put more simply, one can be conscious, but not "know" what one does. And yet, although many unconscious impulses (especially physiological ones, like breathing or heartbeat, for example) are primarily outside our awareness and control, not all of the unconscious is. By exercising one's attention, the individual has control over what eventually becomes habitual and thus unconscious (outside of our awareness or volition). By training one's attention on "positive" things, one therefore makes it much more likely that future unconscious impulses will be less likely to be "negative" or violent, according to Carpenter.

If Kairova is akin to Carpenter's "automatum," with her acquittal as yet another reinforcement of a habitual life of impulsive self-indulgence, Kornilova's violent automatic actions have been "artificially induced" (to borrow Carpenter's phrase) by her pregnancy. Whereas Kairova's chances for moral regeneration after the case are low, Kornilova's prospects for future betterment are very high. Unlike the "morally confused" Kairova who has not been consciously exercising her will, Kornilova fully admits her guilt and accepts responsibility for her actions. According to Dostoevsky, Kornilova told him that she "harbored ill will, but it's as if this was not at all [her] own will, but someone else's," adding that she also "didn't want to go to the precinct [to report the crime], but came as if on [her] own."<sup>[52]</sup> The author himself, in turn, adds that she acted "as if in a delirium [*v bredu*], 'as if not of her own will,' despite full consciousness [*soznanie*]."<sup>[53]</sup>

Kornilova's automatic state is thus characterized by both violent *and* moral unconscious drives. She acted "as if she were someone else" both when she threw her step-daughter out of the window, but also when she came to the precinct to turn herself in. Thus, even in the automatic state after the commission of her crime, she still behaves in a "moral" fashion. In light of Carpenter's views, previous exertion of Kornilova's will, it seems, has already made her unconscious behavior in part moral. Absent the pathological effects of pregnancy, Kornilova's temporarily weakened ability to resist the remaining negative impulses, it seems, would be restored, whereas her commitment to morality would ensure continued influence of her will on her body.

This prospect is further reinforced by Kornilova's prison warden's testimony about the woman's complete personality change while in custody. Dostoevsky reports the warden saying, "It was a completely different creature [*sushchestvo*] — coarse, mean — which suddenly, after two to three weeks, completely changed: there appeared a creature that was meek, quiet, and affectionate."<sup>[54]</sup> The word "creature" in the passage is used in two distinct ways: the first instance emphasizes the animalistic, inhuman qualities of Kornilova. She is referred to as "it," and the animalistic qualities accompanying her "creaturely" state resonate strongly with the atavistic unconscious drives that have erupted due to her temporarily disabled restraint. The second usage of the word "creature" in the same sentence, however, gives it the connotations of "that, which has been created," ostensibly, by Kornilova herself through her habitual exercise of will.<sup>[55]</sup> Dostoevsky himself once again explains this change as "the passing of the well-known, illness-inducing stage of pregnancy — a period of an *ill will* and 'insanity without insanity.'"<sup>[56]</sup> Kornilova's "abnormal" state, in turn, is once again characterized as a condition of a faulty will, or a will that cannot be properly asserted.

To conclude, Dostoevsky's engagement with the Kairova and the Kornilova cases reveals a nuanced stance on personal responsibility and intentionality that both opposes the dominant, heavily materialist narrative in the mental sciences of the time and simultaneously resonates with the

emerging nineteenth-century theories that trouble the materialist/spiritualist divide. Although his initial criticism of medical testimony in the Kairova case at first appears as a disavowal of determinist scientific explanations for human behavior altogether, his views in the Kornilova case indicate that he rejects *reductive* materialist scientific approaches to human behavior instead. Whereas popularly presented scientific theories in the courtroom primarily stressed materialist biological and environmental determinism, Dostoevsky's simultaneous insistence on personal responsibility *and* its limitations resonates with the theories of Alexander Bain and especially William Benjamin Carpenter. Both Dostoevsky and these mental scientists agree on the fact that heredity and biology do in fact dictate certain aspects of human behavior, but do not, however, eliminate personal responsibility for one's choices altogether or definitively determine one's future behavior. Each person, in turn, in addition to containing a physiologically based atavistic unconscious "creature" within, also bears the responsibility to craft oneself continually as one's own "creation" through exertion of will and gradual bodily transformation as well.

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<sup>[1]</sup>Jenny Bourne Taylor, "Obscure Recesses: Locating the Victorian Unconscious," in *Writing and Victorianism*, ed. J.B. Bullen (London: Addison Wesley Longman, 1997), 142.

<sup>[2]</sup>Matus, 20–61; Taylor, 137–79; Jonathan Miller, "Going Unconscious," in *New York Review of Books* 42.7 (1995), 59.

<sup>[3]</sup>Marshall Hall, *Memoirs on the Nervous System*, ed. Ernest Hart (London: Sherwood, Gilbert, and Piper, 1837), 74; *Synopsis of the Diastaltic Nervous System: Or the System of the Spinal Marrow and Its Reflex Arcs; As the Nervous Agent in All the Functions of Ingestion and of Egestion in the Animal Oeconomy* (London: J. Mallett, 1850), vii.

<sup>[4]</sup>Jonathan Miller, "Going Unconscious," in *New York Review of Books* 42.7 (1995), 57.

<sup>[5]</sup>Karpenter, 1–8.

<sup>[6]</sup>Stepan D. Ianovskii, "Vosponinaniia o Dostoevskom," *Russkii vestnik* 4 (1885), 797–98 and 805–806. Ianovskii's records are particularly useful since we cannot reconstruct Dostoevsky's pre-Siberian library.

<sup>[7]</sup>Martin J. Wiener, "Judges v. Jurors: Courtroom Tensions in Murder Trials and the Law of Criminal Responsibility in Nineteenth-Century England," *Law and History Review* 17.3 (1999), 481.

<sup>[8]</sup>Louise McReynolds, "Witnessing for the Defense: The Adversarial Court and Narratives of Criminal Behavior in Nineteenth-Century Russia," *Slavic Review* 69 (2010), 624.

<sup>[9]</sup>For biographical information on Kairova, see Mary F. Zirin, "Meeting the Challenge: Russian Women Reporters and the Balkan Crisis of the Late 1870s," in *An Improper Profession: Women, Gender, and Journalism in Late Imperial Russia*, ed. Barbara T. Norton and Jehanne M. Gheith (Durham, N.C.: Duke University Press, 2001), 140–66.

<sup>[10]</sup>Harriet Murav gives a summary of newspaper accounts about the case, which appeared in *Golos*



in *Russia's Legal Fictions* (Ann Arbor, Mich.: University of Michigan Press, 1998), 145–46. Ol'ga Makarova cites the more scandalous details (Mrs. Velikanova's alleged sexual frigidity, Velikanov's weak-willed character, the problems of the Velikanov marriage, as well as Kairova's controlling personality, among others) that were included in periodicals like *Novoe vremia*, *Peterburgskaia gazeta*, and *Sankt-Peterburgskie vedomosti* in “‘Sud’ba kakim-to rokovym obrazom stavit menia poperek Vashei dorogi...’: Delo Kairovoi i ego sled v biografii A.S. Suvorina, *Novoe literaturnoe obozrenie* 75 (2005) (“Prilozhenie: *Dnevnik Nastas’i Vasil’evny Kairovoi v sumasshedshem dome*”), 110–21. Excerpts of Kairova's manuscripts have been published by O.A. Babuk as “Avtobiograficheskii ocherk A.V. Kairovoi,” *Rossiiskii arkhiv* 11 (2001), 375–87.

[11]The summary of all four questions asked of the jury is as follows: (1) Did Kairova inflict wounds with a razor on Velikanova with the premeditated intention of killing her, but was stopped by Velikanova and her husband? (2) Did she inflict these wounds, for the same purpose, in a fit of anger (*v zapal’chivosti i razdrazhenii*)? (3) Did Kairova act in a fit of madness (*umoistuplenie*) that was precisely established? (4) If she acted not under the influence of madness, then is she guilty of the crime in the first or second questions? The jurors answered the first two questions in the negative and did not respond the third and fourth questions.

[12]Pss, 23: 138.

[13]For example, in his notes for the Kairova case, Dostoevsky writes, “Affect! I beg your pardon, one can say that all impressions, every impression is an affect! Sunrise is an affect, a glance at the moon is an affect, and what an affect at that!” Pss, 24: 207.

[14]Murav, *Russia's Legal Fictions*, 127.

[15]Ibid.

[16]Gary Rosenshield, *Western Law, Russian Justice: Dostoevsky, The Jury Trial, and the Law* (Madison, Wisc.: University of Wisconsin Press, 2005), 68–104.

[17]Schur, *Wages of Evil*, 67. For additional readings of the Kairova case, also see the various pieces by Gary Saul Morson: “Introductory Study: Dostoevsky's Great Experiment” in Fedor Dostoevskii, *A Writer's Diary*, trans. Kenneth Lantz (Evanston, Ill.: Northwestern University Press, 1993), 1–120 (henceforward, translations from this edition will be designated by “WD” and page number), esp. “Sideshadowing in the *Diary*: Kairova Time,” 90–93; *Narrative and Freedom: The Shadows of Time* (New Haven: Yale University Press, 1993), 142–45; “Contingency and Freedom, Prosaics and Process,” *New Literary History* 29:4 (1998), 673–86; and “Paradoxical Dostoevsky,” *Slavic and East European Journal* 43:3 (1999), 471–94. On the Kornilova case, see Eric Naiman, “Of Crime, Utopia, and Repressive Complements: The Further Adventures of the Ridiculous Man,” *Slavic Review* 50:3 (1991), 512–20.

[18]Schur, *Wages of Evil*, 67.

[19]Murav, *Russia's Legal Fictions*, 142. For importance of gender and sexuality for the cases, see the same piece. Also, for other readings of women and sexuality in the *Diary* and in Dostoevsky's oeuvre as a whole, see Ronald D. LeBlanc, “Dostoevsky and the Trial of Nastasia Kairova: Carnal

Love, Crimes of Passion, and Spiritual Redemption,” *Russian Review* 71 (2012), 630–54; Nina Pelikan Straus, *Dostoevsky and the Woman Question: Rereadings at the End of the Century* (New York: St. Martin’s Press, 1994); and Susan Fusso, *Discovering Sexuality in Dostoevsky* (Evanston, Ill.: Northwestern University Press, 2006). Although gender is an important component of the cases, it is not the central focus of my own analysis. I am primarily interested in the more general scientific scholarship on consciousness and volition.

[20]The second edition came out in 1862 and the third in 1863.

[21]Pss, 23:18.

[22]Ibid, 13–14.

[23]Ibid.

[24]Ibid.

[25] Specifically on C.G. Carus and Dostoevsky’s fiction, see: Samuel Smith and Andrei Isotoff, *The Abnormal from Within: Dostoevsky* (Eugene, Oreg.: University of Oregon, 1935). This piece also draws a connection between Carus’s and Freud’s work. Also, see George Gibian, “C. G. Carus’ Psyche and Dostoevsky,” *American Slavic and East European Review* 14.3 (1955), 371–82.

[26]Carl Gustav Carus, *Psyche. Zur Entwicklungsgeschichte der Seele* (Pforzheim: Flammer und Hoffmann, 1846), 1–12. The volume was translated into Russian as Karl Gustav Karus, *Sravnitel’naia psikhologiiia ili istoriia razvitiia dushi na razlichnykh stupeniakh zhivotnogo mira* (Moscow: K. Shamov, 1867).

[27]Murav, *Russia’s Legal Fictions*, 148–49.

[28]Pss, 23: 14–15. “Страсть обурежала ее. [...] [P]евность уничтожила, поглотила ее ум и заставила играть страшную игру. [...] [P]евность искрошила ее рассудок, от него ничего не осталось. Как же могла она управлять собою. [...] Это было свыше ее сил. Ее чувства били бурным потоком, который истребляет всё, что ему попадется на пути; она рвала и метала; она могла истребить все окружающее (!!!). Если мы спросим этот поток, что он делает, зачем причиняет зло, то разве он может нам ответить. Нет, он безмолвствует.”

[29]Murav, *Russia’s Legal Fictions*, 149. As Murav notes, for example, the law professor I.Ia. Foinitskii argues that women are inherently incapable of premeditation when it comes to crime (cited in Murav).

[30]Ibid, 147.

[31]Pss, 23: 9. “Заметьте, этим я вовсе не говорю, что она была в бессознательном состоянии; я даже ни малейшего помешательства не допускаю. Напротив, наверно, в ту минуту, когда резала, знала, что режет, но хочет ли, сознательно поставив себе это целью, лишит свою соперницу жизни — этого она могла в высшей степени не знать [...] [O]на могла резать, в гнев и ненависти, не думая вовсе о последствиях.”

<sup>[32]</sup>I discuss the breadth of the various uses of the term “unconscious” in chapter one. Lewes decries the breadth of the definitions of consciousness, stating “But what is consciousness? Unhappily there are scarcely two people who precisely agree in their use of this term. Some use it as the synonym for the soul; others as a distinct faculty. It is sometimes employed to designate sensation, and at others only those sensations that usurp our attention,” in *Physiology of Common Life, II*: 48–49. For similar sentiments, also see A.I. Freze’s commentary on the lack of clarity in scientific definitions of consciousness and unconsciousness. Freze was a medical doctor and the director of the Kazan Hospital for the Insane. He comments: “The majority of psychological terms [...] which are used to indicate the so-called psychic faculties are very vague. [...] The word ‘consciousness’ denotes a most elastic notion. Sometimes it means a specific mental state or even a fleeting psychic act; other times it means general capacity to relate to one’s surroundings or to oneself in a certain way, etc.” *Ocherk sudebnoi psikhologii* (Kazan’: K.A. Tilli, 1874), 143–44. For a discussion of Freze’s work and its relevance to Dostoevsky’s views on the Kornilova case, see Schur, *Wages of Evil*, 68–79. Schur focuses primarily on the views predominant in criminal (physiological) psychology (in addition to Freze, for example, she also looks at the work of the criminologist Nekliudov and the prominent journalist V. Zaitsev, who held strong materialist views). By contrast, I explore the views outside criminology/criminal psychology (which are overwhelmingly materialist) and in contemporaneous psychological theories that trouble the materialist/spiritualist divide.

<sup>[33]</sup>Pss, 23:10. My emphasis. “А что если она, полоснув раз бритвой по горлу Великановой, закричала бы, задрожала бы и бросилась бы вон бежать? Почему вы знаете, что этого не случилось бы? [...] А что если бы так случилось, что она, полоснув раз и испугавшись, принялась бы сама себя резать, да, может быть, тут бы себя и зарезала? А что, наконец, если бы она не только не испугалась, а, напротив, почувствовав. первые брызги горячей крови, вскочила бы в бешенстве и не только бы докончила резать Великанову, но еще начала бы ругаться над трупом, отрезала бы голову “напрочь”, отрезала бы нос, губы, и только потом, вдруг, когда у нее уже отняли бы эту голову, догадалась бы: что это она такое сделала? Я потому так спрашиваю, что всё это могло случиться и выйти от одной и той же женщины, из одной и той же души, при одном и том же настроении и при одной и той же обстановке.”

<sup>[34]</sup>Pss, 23: 138.

<sup>[35]</sup>WD, 727. Original emphasis. “Но, во-первых, что может означать тут слово: сознательно? Бессознательно редко что-нибудь делается людьми, разве в лунатизме, в бреду, в белой горячке. Разве не знает даже хоть и медицина, что можно совершить нечто и совершенно сознательно, а между тем неменяемо. [...]Произошло бы, например, вот что: оставшись одна с падчерицей, прибитая мужем, в злобе на него, она бы подумала в горьком раздражении, про себя: ‘Вот бы вышвырнуть эту девчонку, ему назло, за окошко’, - подумала бы, да и не сделала. Согрешила бы мысленно, а не делом. А теперь, в беременном состоянии, взяла да и сделала.”

<sup>[36]</sup>Pss, 23: 138. My emphasis. “Всем известно, что женщина во время беременности (да еще первым ребенком) бывает весьма часто даже подвержена иным странным влияниям и впечатлениям, которым странно и фантастично подчиняется ее дух. Эти влияния принимают иногда, — хотя, впрочем, в редких случаях, — чрезвычайные, ненормальные, почти нелепые формы. Но что в том, что это редко случается (то есть слишком уж чрезвычайные-то

явления)”

[37]Pss, 23: 138–39.

[38]Ibid, 139. “Сознание сохранялось вполне, но лишь перед влечением она не могла устоять. Надо полагать, что медицинская наука вряд ли может сказать и до сих пор, в подобных явлениях, что-нибудь в точности, то есть насчет духовной стороны этих явлений: по каким именно законам происходят в душе человеческой такие переломы, такие подчинения и влияния, такие сумасшествия без сумасшествия, и что собственно тут может значить и какую играет роль сознание?”

[39]Ibid, 23: 19. “Кстати, я уж воображаю себе невольно, как эту мачеху защищать адвокаты: и безвыходность-то положения, и молодая жена у вдовца, выданная за него насильно или вышедшая ошибкой. Тут пойдут картины бедного быта бедных людей, вечная работа. Она, простодушная, невинная, выходя, думала как неопытная девочка (при нашем-то воспитании особенно!), что замужем одни только радости, а вместо радостей — стирка запачканного белья, стряпня, обмывание ребенка, — “Г-да присяжные, она естественно должна была возненавидеть этого ребенка — (кто знает, ведь может найдется и такой “защитник”, что начнет чернить ребенка и приишет в шестилетней девочке какие-нибудь скверные, ненавистные качества!), — в отчаянную минуту, в аффекте безумия, почти не помня себя, она схватывает эту девочку и... Г-да присяжные, кто бы из вас не сделал того же самого? Кто бы из вас не вышвырнул из окна ребенка?”

[40]Alexander Bain, *Mind and Body: The Theories of Their Relation* (New York: D. Appleton & Company, 1873), 139 and 130. The work was translated into Russian as Aleksandr Ben, *Dusha i telo: Sochinenie Aleksandra Bena* (Kiev: F.A. Ioganson, 1880). Although the translation did not come out until 1880, as I mentioned earlier, Dostoevsky did own a copy of the Russian volume. Furthermore, G.H. Lewes references Bain’s work extensively in his *Physiology of Common Life*, a work Dostoevsky owned. Lewes privileges Bain above all other psychologists in terms of his contributions to the study of volition and will and even devotes an entire section to him, titled “Mr. Bain’s Ideas.”

[41]Uil’iam Bendzhamin Karpenter, *Osnovaniia fiziologii uma s ikh primeneniem k vospitaniuu i obrazovaniuu uma i izucheniiu ego bolezennyykh sostoianii* (St. Petersburg: Znanie, 1877).

[42]Ibid, iii.

[43]Ibid, 1.

[44]Ibid, 1–2.

[45]Ibid, 13.

[46]Carpenter, 27–28.

[47]Ibid, 25–26. Original emphasis and capitalization.

[48] Karpenter, 22–23. Original emphasis and capitalization. These views are strikingly similar to

present day theories on neuroplasticity, which are currently at the cutting edge of neuroscience and according to which gradual, long-term exercise of “mindfulness” eventually leads to “re-wiring” of the brain.

[49]Carpenter, 27. My emphasis.

[50]Pss, 23: 8.

[51]Lewes, *Physiology of Common Life*, II: 48.

[52]Pss, 24: 39. "Пожелала злое, только совсем уж тут не моя как бы воля была, а чья то чужая." "Идти в участок совсем не хотела, а как то так сама пришла туда, не знаю зачем."

[53]Ibid, 43.

[54]Ibid. “Это было совсем другое существо, грубое, злое, и вдруг через две-три недели совсем изменившееся: явилось существо кроткое, тихое, ласковое.”

[55]Dostoevsky repeats the same construction again: “Г-жа А. П. Б. сообщила мне, между прочим, одно любопытное свое наблюдение, а именно: когда вступила к ним в острог Корнилова (вскоре после преступления), то это было совсем как бы другое существо, грубое, невежливое, злое, скорое на злые ответы. Но не прошло двух-трех недель, как она совсем и как-то вдруг изменилась: явилось существо доброе, простодушное, кроткое, ‘и вот так и до сих пор.’” Kornilova, initially referred to as “it” and “the creature” becomes a “she” and a “creation” by the end of the passage.

[56]Ibid. My emphasis.

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