



Enthymema XXXI 2022

Killing the Law: Raskolnikov's problem

Giovanni Bottioli

Abstract – This article discusses *Crime and Punishment* with the objectives to: 1. analyze Raskolnikov's project: to kill not a person, but a "principle", that is the need for the Law in society; 2. explain the meaning of his gesture: *killing the Law* is an even more radical gesture than "the death of God" described by Nietzsche; 3. clarify the motive(s) for Raskolnikov's action, adopting the theories of desire and the polysemy of identity. What drives Raskolnikov is the desire to be, an indispensable concept after Freud, but one which requires investigation on a philosophical level. If, undoubtedly, Raskolnikov's first motive is the wish to affirm the distinction between ordinary and "extraordinary" men, there is, however, a second, less visible motive, which consists in trying to sever a deeper dependence, that with his mother. *Crime and Punishment* is also the novel of matricide. 4. The extraordinary semantic density of Dostoevsky's prose is reached through *relationships*: he is the master of overcoming and ambivalence. Analyzing the fabric of relationships in Dostoevsky highlights the importance of the female figures belonging to the series of mothers and to the series of daughters, which can only be understood through a logic of overcoming, and its unsettling outcomes. 5. Finally, contrary to a common tendency to separate the content (the ideas) in Dostoevsky from the artistic form, this article affirms that a) in Dostoevsky there are no ideas: if anything, there is the Idea, as a manifestation of the Sublime; b) in Dostoevsky there are no idea-concepts, but only characters.

Keywords – Dostoevsky; *Crime and Punishment*; Lacan; Kant; Nietzsche

Bottioli, Giovanni. "Killing the Law: Raskolnikov's problem". *Enthymema*, n. XXXI, 2022, pp. n-ⁿⁿⁿ.

<http://dx.doi.org/10.54103/2037-2426/19775>

<https://riviste.unimi.it/index.php/enthymema>



[Creative Commons Attribution 4.0 Unported License](https://creativecommons.org/licenses/by/4.0/)

ISSN 2037-2426

Killing the Law: Raskolnikov's problem

Giovanni Bottiroli

“his favourite theme is crime and the criminal”

Lev Shestov, *The Philosophy of Tragedy*

“A literary creation can appeal to us in all sorts of ways—by its theme, subject, situations, characters. But above all it appeals to us by the presence in it of art. It is the presence of art in *Crime and Punishment* that moves us deeply rather than the story of Raskolnikov's crime”.

Boris Pasternak, *Doctor Zhivago*, 1958

1. How to read Dostoevsky

Most probably Raskolnikov's plan has never been properly understood. Indeed, it derives from the desire and identity of this character: how can we expect to analyze it without referring to the theories of desire, and without having understood the complex polysemy on which the idea of identity is structured? Historical criticism (the old contextualism) probably has nothing left to say about Dostoevsky; ideological criticism (feminism, cultural studies in general), that is the new contextualism, can only add predictable trivialities. Probably a space remains for stylistics, and for a more accurate description of the narrative techniques. When compared to the disheartening backwardness demonstrated by literary studies, Bakhtin's essay once again rises like a huge exception. Many prejudices have prevented and continue to prevent the reading of Dostoevsky: Victor Terras reviews them, demonstrating their many limitations, in a valuable essay (1998), to which I am much obliged for Pasternak's magnificent passage, although the intelligent observations are not supported by a theoretical framework; consequently, the opportunities for good analyses are only hinted at. Finally, we should not forget an important limitation of Dostoevskyan studies, and that is the separation between literary criticism and the philosophical approach. The enthusiasm of some philosophers for the Russian writer is entirely understandable but has resulted in a justification of essays that concentrate solely on the “content” of Dostoevsky's works, on his thoughts and on the image of a “thinker” who is different and perhaps superior to the writer. Nothing could be more absurd. Undoubtedly, it cannot be denied that literary writing hybridizes in various points with philosophy: but every attempt to “dehybridize” his works impoverishes the literary criticism and seriously limits the philosophical one.

After this premise, the reader will be disconcerted by the opening paragraphs of my article, which tackles the problem of killing and the Law by rereading the *Critique of Practical Reason* and discussing at length the scandalous juxtaposition proposed by Lacan between Kant's formalism and the project of unlimited perversion in Sade. I do not think, in any case, that I have contradicted myself. Rejecting the partiality of philosophical readings does not imply that one has to renounce philosophical concepts (for their heuristic potentiality and not simply as themes), and even less so the theories of desire. Literary scholars should realize once and for

Killing the law Giovanni Bottirolì

all that the identity of a character and the meaning of his actions cannot be discussed *believing they know* what the words *desire, identity*, but also *love, hate*, and so on actually mean. Literary studies bereft of theory will survive, unfortunately, for reasons of a social nature: on a more practical level, to form the bulk of future teachers University can continue to offer a very scant education. Although today's society demands rigour and technical competence only from sciences, we are not obliged to resign ourselves to this epochal trend.

2. Objections to the Law: «Kant avec Sade»?

Who does not know the passage in which Kant begins the conclusion to the *Critique of Practical Reason*?

Two things fill the mind with ever new and increasing admiration and reverence, the more often and more steadily one reflects on them: *the starry heavens above me and the moral law within me*. I do not need to search for them and merely conjecture them as though they were veiled in obscurity or in the transcendent region beyond my horizon; I see them before me (*ich sehe sie vor mir*) and connect them immediately with the consciousness of my existence. (129)

One could comment: *Cogito, ergo* I am aware that moral law exists. In the passage by Kant, there is something that could appear hyperbolic, and farfetched; does the law not speak perhaps to our conscience through an inner voice? Is this not what we experience as moral subjects? Nevertheless, for Kant moral law is a *Faktum*, and in this sense it proves legitimate to say, *I see it before me*, with the same certainty with which I perceive a state of things in the world (snow is white, etc.).

So, is the law *a thing*? If the question is posed brusquely, without any introduction, it sounds bizarre. The law – which for now we will write with a lower-case letter, – is more a command, the force of which needs to be verified; but, in any case, it is a command that reason addresses to the will (here understood in the wider meaning: the sphere of desires, of drives). These commands are referred to by Kant with the expression *practical principles*, and include, as is well-known, maxims and imperatives. Only the categorical imperative is equivalent to moral law. Its validity is unconditioned, in other words it is not subordinate to any purpose, its characteristics are universality and necessity. Therefore, Kantian ethics may be considered an ethics of Law: the use of the upper case seeks to reflect, at least circumstantially, the sublimity of the mighty and inexorable imperative.

In western philosophy, from a secular perspective, the law had never before reached such heights. Kant freed it from the ballast that weighed it down and which inevitably made the claim of universalism hypocritical: until it emancipates itself from all content, from all socio-cultural context, the law remains enclosed in a particular perspective (happiness, virtue, salvation of the soul, and so on). The decisive philosophical gesture committed by Kant is, therefore, *formalism*: you have to because you have to. There is no other way for ethics to become *autonomous*.

An answer had already been given not in the second Critique, but rather in the *Groundwork of the Metaphysics of Morals*, to the objection raised by those who felt disconcerted by the law as pure form, by a vacuum in which every “practical” indication would disappear, an objection formulated by Charles Peguy, that is Kantian ethics has clean hands but, in a manner of speaking, actually no hands. In the *Groundwork of the Metaphysics of Morals*, Kant suggests that the bewildered reader, who wonders what a morally good action is, should perform a mental experiment: it consists of imagining a possible world in which the maxim of one's action finds universal application, thus becoming a law of nature. For example, is it fair to make a false promise?

Killing the law Giovanni Bottirolì

I soon become aware that I could indeed will the lie, but by no means a universal law to lie; for in accordance with such a law there would properly be no promises at all, since it would be futile to avow my will with regard to my future actions to others who would not believe this avowal or, if they rashly did so, would pay me back in like coin; and thus my maxim, as soon as it were made a universal law, would have to destroy itself. (57)

A true objection could only arise from a wider knowledge of Kantian ethics. The possibility of a mental experiment must be taken seriously, and the question «can you also will that your maxim become a universal law? If not, then it is to be repudiated» (58). According to Kant, this is a sort of compass, thanks to which reason can clearly distinguish between what is good and what is bad. Seven years after the second *Critique*, Kant's experiment was subject implicitly to a radical test – although, for the experiment to become explicit, it was necessary to wait until Lacan's *Seminar VII*. The experiment is found in the pamphlet *Yet Another Effort, Frenchmen, if You Would Become Republicans*, which is part of *Philosophy in the Bedroom* (Sade, 1795). Lacan is obviously aware that he is arousing a shock effect in his listeners (and future readers). What could there be in common between the philosopher who expresses the noblest version of the Law and the writer who celebrates the reverse side of all moral imperatives upheld in western society, and elsewhere, with only a few, partial exceptions? Sade advocates adultery, incest, theft, slander, etc. Yet, according to Lacan, it is not this that should be considered scandalous in the extreme: the scandal reaches its apex, and we understand this to be so, in that «it is precisely the Kantian criteria he advances to justify his position that constitute what can be called a kind of anti-morality» (*Ethics* 78).

Indeed, let us suppose that we choose as the maxim of our behaviour one of the impulses mentioned above – better still, let us try to unite them together in just one statement, in which we affirm «the right to take advantage of another's body, whoever's it may be, as an instrument for one's own pleasure». Let us suppose, in coherence with Kant's test, that this maxim has the same value as a law, that it acts as a law of nature, in the conceivable world we are outlining. Kant would undoubtedly reject it, nor could any of us accept it: but for what reasons? The maxim governing the deceit can be rejected for logical reasons, being self-contradictory; we must grant that; however, no logical objection arises when we consider the maxim that authorizes, with absolute reciprocity, the enjoyment of another's body. Our revulsion, Lacan notes, probably derives from a sentimental element, although it should not exercise any role in the space of ethics, as Kant defines it. Therefore,

If one eliminates from morality every element of sentiment, if one removes or invalidates all guidance to be found in sentiments, then in the final analysis the Sadian world is conceivable – even if it is its inversion, its caricature – as one of the possible forms of the world governed by a radical ethics, by the Kantian ethics as elaborated in 1788. (*Ethics* 79).

So, Kantian formalism encounters a stumbling block, or an insuperable barrier, in the principle of *jouissance* (which is not simply an intensification of pleasure, but rather a bond of pleasure and pain). At this point, Lacan can deliver the coup de grace to *the most universal* ethics, the only potentially universal one: as we have just seen, the Kantian test does not work as a criterion for distinguishing between good and evil, it is not an appropriate filter; moreover, in its asceticism – one of those particularly suspicious apices for psychoanalysis –, it ends up by losing its coherence as well. On one side, it could reject Sade's universal maxim only on sentimental grounds; on the other, it bows before an unexpected sentiment, that of pain, whereas the imperatives are unconditioned. Lacan quotes this passage:

Killing the law Giovanni Bottirolì

Hence we can see a priori that the moral law, as the determining ground of the will, must by thwarting all our inclinations produce a feeling that can be called pain; and here we have the first and perhaps the only case in which we can determine a priori from concepts the relation of a cognition (here a cognition of a pure practical reason) to the feeling of pleasure or displeasure. (*Critique* 61)

Thus, a sadistic impulse has anonymously penetrated the purity of the Law.

3. Kant without Sade

The unveiling process enacted by Lacan, which aims to show Sade's affinity and complementarity with the *Critique of Practical Reason*, and which goes so far as to state that *Yet Another Effort, Frenchmen* presents the truth, the unspoken of Kantian ethics, is neither plausible nor acceptable as we shall soon see. However, the objective inspiring all of the *Seminar VII* is sharable; hence the ethics of the Law – a name that applies to all philosophical ethics at least up until Kant, and also for various philosophers succeeding him – has to be moved to the background, while an *ethics of desire* has to be foregrounded. Such an ethics appears paradoxical at first sight, insofar as its only precept is faithfulness to one's desire, to one's singularity (1959-1960, 321). Naturally, such terms need to be specified.

The Lacanian reversal had already been prepared by Freud. What is blame, if not what derives from an infringement of the law? Would it not be absurd to talk about the guilt of the law? Yet this is the very argument put forward by Freud in *Civilization and Its Discontents*: the price paid for social existence is the repression of drives. Such a repression is historically variable. In *Eros and Civilization*, Marcuse highlighted the possibility of more lenient laws with regard to sexual drives, anticipating the fall of what he called *additional repression*. The so-called *sexual liberation* had such a great impact on the forms of life in western society that it generated the delusion of a spillover, of an immediate extension, to the political sphere. In any case, the biggest problem to be considered still remains: «how to get rid of the greatest hindrance to civilization – namely, the constitutional inclination of human beings to be aggressive towards one another» (Freud, *Civilisation* 142). According to the contractualist model, launched by Hobbes, what puts an end to *bellum omnium contra omnes* is renunciation in favour of an external authority, the great Leviathan, to whom the monopoly over violence is attributed. However, for Freud, this solution is not sufficient; civilization demands something more to render the aggressive drive harmless:

Something very remarkable, which we should never have guessed and which is nevertheless quite obvious. His aggressiveness is introjected, internalized; it is, in point of fact, sent back to where it came from – that is, it is directed towards his own ego. There it is taken over by a portion of the ego, which sets itself over against the rest of the ego as super-ego, and which now, in the form of 'conscience', is ready to put in action against the ego the same harsh aggressiveness that the ego would have liked to satisfy upon other, extraneous individuals. The tension between the harsh super-ego and the ego that is subjected to it, is called by us the sense of guilt; it expresses itself as a need for punishment. (*Civilisation* 123)

In *Civilization and Its Discontents*, the Super Ego is no longer simply heir to the Kantian categorical imperative, and it does not limit itself to introducing into the psyche a new division that is as onerous as it is essential. We must remember that Id, Ego and Super Ego are warring states, and that the war of everyone against everyone does not stop at the boundaries of the single person. Each of the three systems tends automatically to impose its own reign over the others, pushing back the forces that it perceives to be unfamiliar, and making attempts to invade. The frontiers between the systems do not have a separative nature, and, therefore,

Killing the law Giovanni Bottirolì

processes of trespassing are possible. As a result, the purity of the Law with the rationality of its jurisdiction is compromised, with the paradoxical effects mentioned by Freud: «the conscience exhibits a peculiarity (...) which is no longer easy to account for. For the more virtuous a man is, the more severe and distrustful is its behaviour» (125-26). Once internalized, the authority of the Super Ego no longer distinguishes between actions and desires and evaluates the latter in the same way as real actions. No thought can escape the Super Ego: «Here, instinctual renunciation is not enough, for the wish persists» (127). Consequently, each new renunciation increases the severity and intolerance of the internal authority (128).

The paradox is created by a trespassing: the aggressive drives (that is to say, the visible manifestation of the *Todestrieb*) have invaded the territory of the Super Ego, and they have settled down there; from this moment on, the judgements issued by the law lose their impartiality. If we were to present it as a personified entity, we would say that the law enjoys every punishment, and the more severe the punishment, the more this is true: for greater precision, we should say that “something” enjoys – that *it enjoys* – in the Law. And all of this is inevitable: this is the main objection that psychoanalysis can raise with regard to Kant.

Can we still look at moral law with «ever increasing admiration and reverence» (*Critique* 129)? Evidently not. We understand why Lacan pointed the way to an ethics of desire; at the same time, though, it would be hasty to forgo a further examination of the theses presented in the *Seminar VII* and then in the article *Kant avec Sade*. Furthermore, it is worthwhile considering the vulgate of these theses.

In a seminar held in Barcelona in 1999, Jacques-Alain Miller emphasized and exasperated Lacan’s affirmations. Firstly, the bond of solidarity, of implication, between Kant and Sade: what does the word *avec* mean in the title of Lacan’s article? «It means that an author, or better his work, serves as an instrument for the purpose of revealing the hidden truth of the other author» (54). Therefore, Lacan revealed the implicit – the necessarily implicit – sadism in the Kantian conception of the Law. Yet was Lacan’s reasoning really so peremptory? Let us go over it one step at a time. Lacan’s initial objective is to show how the mental experiment suggested in the *Groundwork of The Metaphysics of Morals* does not perform its function as a filter adequately: even Sade’s maxim is able to penetrate into the space of the *universalizable* principles. That which fails, therefore, is the test of universalization, as indicated by the first formula of the categorical imperative: “So act that the maxim of your will could always hold at the same time (*jederzeit zugleich*) as a principle in a giving of universal law” (*Critique* 28). This is the only formula that Kant retained in the second *Critique*, after presenting it in the *Groundwork* of 1785. The previous work contained two further formulas. The second says: «So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means»; the third introduces «the idea of *the will of every rational being as a will giving universal law*» (*Critique* 80-81). Now, if we were to decide to integrate the first formula with the second, Sade’s maxim would find the entrance barred, insofar as it expresses the need for each individual to be able to treat any other human being as a means to their own *jouissance*.¹ However, Kant did not take this formula up again, probably because the second one makes use of the concept of “end”.

This point remains open to discussion. Accepting the second formula, the unmasking of the law as sadistic would completely collapse. Hence, the irritation with which Miller replies to Jorge Alemán is understandable, when he underlines «there is only one categorical imperative ... You cannot pluralize the categorical imperative» (68). We may agree on this, but why

¹ Therefore, Jorge Alemán observes that Indeed, it is inconceivable that even just one place of extermination can exist”, starting from what he calls “the second imperative” (in Miller, 60).

Killing the law Giovanni Bottirolì

rule out the possibility of more formulations, each highlighting a different aspect?² Either way, Miller has no doubts about the essential question, which he introduces with a certain emphasis: «We have finally reached a panoramic point from which we can admire a well-deserved belvedere» (77). What could or should be perceived from this point, if it is not the finally unmasked and confessed link between the law and pain? «It is not an exaggeration to affirm that, following Lacan, in Kant it is pain that is used as the criterion of that which is truly moral» (78).

Besides, as Miller continues, to have proof of this it is enough to reread the Kantian celebration of duty: «*Duty!* Sublime and mighty name that embraces nothing charming (*nichts Beliebtes*)» (*Critique* 71). Kant says exactly this, meaning though that no stimulus of pleasure is intrinsic in the notion of *duty*: this does not imply – as Miller believes – that duty is intrinsically unpleasant. It does not mean that fulfilling duty cannot be accompanied by pleasure, but rather that the pleasure, that may accompany it, must not constitute, and must not be considered, the *motive* of the action, if such an action expects to be judged *moral*. Conversely, according to Miller, Kant affirms «the unhappiness in the good»: «Whatever you like, whatever pleases you, whatever satisfies you, is not the good. The good hurts you! I am not contriving the interpretation in any way. I kindly ask you to refer to Kant's text» (78).

In actual fact, this interpretation is certainly contrived insofar as it claims that an absence of pleasure in performing one's duty is *ipso facto* equivalent to pain: as if it were not possible to act according to a routine morality, based on and made fluid by automatisms, without feeling either pleasant or unpleasant sensations. But there is one more point, perhaps not a panoramic one, yet it is essential for understanding Kant's conception. What type of pain is caused by the law? In which way does it demonstrate its strength? We should remind ourselves of Kant's objective: «to determine carefully in what way the moral law becomes the incentive (*Triebfeder*)» (*Critique* 60). Pleasure cannot be the motive of a moral action: so that the will is determined solely by the law, it is necessary to exclude all the sensitive impulses that can encourage the will, and at the same time admit that inclinations contrary to the law will be damaged. This is the pain caused by the law. But what does the damage consist of? Kant proposes to bring together all the sensitive inclinations in the two forms that can be assumed by egoism (*solipsismus*): «This is either the self-regard of *love for oneself*, a predominant *benevolence* toward oneself (*Philantia*), or that of *satisfaction with oneself* (*Arrogantia*). The former is called, in particular, *self-love*; the latter, *self-conceit*» (*Critique* 61). So, apart from damaging self-love, pure practical reason completely demolishes self-conceit: the pain generated automatically by the law consists of this and nothing else. Could we call it *sadism*?

Alternatively, must we observe, perhaps regrettably, that the reading of the second *Critique*, offered by Lacan, is decidedly partial? *The law causes pain to our vanity and presumption*, and not to our being, in its global meaning. Not only this, but the pressure exerted by the law, and which our sensitive inclinations perceive as “negative”, produces at least one positive effect, as the law becomes an object of respect (*Achtung*). The yoke of reason is mild, adds Kant, “because reason itself imposes it on us» (*Critique* 70).³

² Alemán speaks incorrectly of “three imperatives”. However, it seems that he means to refer to the three formulations of the imperative, when he cites the second «Do not treat the others as a means, but as an end» (Miller, 60).

³ With regard to Miller's conviction, according to which Kant demonstrates a profound contempt for love (71), an answer has already been given: love cannot be considered a *motive* for a moral action. Even Kant's scant sympathy for humanity (78) is a gratuitous hypothesis. For Kant, man is “crooked wood” and cannot be straightened by the alleged punitive vocation of the law. There is no punitive utopia in Kant.

4. From Schiller's objection to the death of God (Nietzsche).

I have tried to do justice to Kant, and I hope I have succeeded: but the problem of the Law remains open and complex. First of all, the trespassing mentioned by Freud remains, and this cannot be attributed to all human beings in equal measure, because we only find the torments inflicted by an increasingly demanding Super Ego, which are so acute that they become pathologic, in the neurotic. Moreover, it was precisely Freud who dispelled the rigid boundary between health and illness: there would not be a discontent of the civilization if neurosis could be limited to the more acute and numerically limited cases. Furthermore, how can we evaluate the symbolic castration in the Lacanian sense, that is to say the subtraction of enjoyment caused by access to the significant? According to Lacan, enjoyment is denied to man on the grounds that he speaks. Are the effects of the Symbolic solely privative then? Can we persist in denying the generative and expansive possibilities created by language-thought – is this how we can rename the Symbolic, in first instance – , and those created by the Law? I must reiterate here a thesis that I have already presented elsewhere: without denying Lacan's responsibilities, it is above all the Lacanian school that has insisted on the equivalence of the Symbolic and the Law, understood obviously in the Oedipal sense. In any case, we must free ourselves of a restrictive, castrating conception that ignores the pluralism that I have described numerous times as the pluralism of styles of thought: in other words, the *modally divided Symbolic*.

And if the real objection to the Law were not the trespassing? And if the inadequacy of the Law did not derive from what we could call its *spongy identity*? Let us also admit that Kant's test is not able to refute Sade's maxim, that a Sadian universe is conceivable without contradiction, and that it is ruled by a universal principle. It would still be a universe governed by a law, which for Sade coincides with Nature itself. That which is determined by any law is an effect of desubjectivization (cfr. Bottirolì, "Sade").

The individual becomes *anonymous*: he becomes a simple carrier or spokesman of the law. His individuality tends to fade, and this happens both in Kant and in Sade, without overlooking the differences: the Kantian subject aims at autonomy, while the Sadian one aims to be absorbed by Nature itself. The true and great objection to the Law was formulated, perhaps for the first time, in the same period, six years prior to the publishing of *Critique of practical reason*, by one of Schiller's characters. The protagonist of the *The Robbers*, Karl Moor, says: «I must force my will within the laws. The law has reduced to a snail's pace what could have become the flight of an eagle. And it has never forged a great man, while freedom generates colossuses and immense actions (*Das Gesetz hat noch keinen grossen Mann gebildet, aber die Freiheit brütet Kolosse und Extremitäten aus*)». ⁴

This is Karl Moor's reproach to the Law, in a titanic and aristocratic formulation, that could be reposed in a democratic version. In this case, it would sound like this: *the Law has never forged a singularity, worthy of this name*. It is too rigid to interpret the existential possibilities of any individual. There again, amongst the characters of the law, is there not perhaps the *inexorable* as well as the magnificent and the sublime? Does the rigidity of the Law not perhaps necessarily contrast flexibility, inasmuch as it is an eminent characteristic of human beings?

So, must we rid ourselves of the Law? And what effects would this have? A terrifying void seems to open up, perhaps an even greater one than that which gaped open with the death of God, as represented by Nietzsche. In aphorism 125 of the *Gay Science*, the madman announces an event that has already taken place, and that still has to take place: «This tremendous event

⁴ F. Schiller, *The Robbers*, 1782. The first performance of this play took place on 13th January 1782.

Killing the law Giovanni Bottirolì

is still on its way, wandering; it has not yet reached the ears of men". They are not aware of it: "This deed is still more remote to them than the remotest stars – *and yet they have done it themselves*" (120). What action is he referring to? Not the progressive dissolution of the Christian faith, not the spreading of atheism: there is nothing dramatic in this process. Why does the madman present it as a murder? «Where is God?» he cried; «I'll tell you! *We have killed him* – you and I! We are all his murderers» (119-20). Although it has been stirred up by individuals and groups of intellectuals, the dissolution of the faith appears to be a desubjectivated and colourless process; on the contrary, the death of God is an action which has the colour of blood.

How can we console ourselves, the murderers of all murderers! The holiest and the mightiest thing the world has ever possessed has bled to death under our knives: who will wipe this blood from us? With what water could we clean ourselves? What festivals of atonement, what holy games will we have to invent for ourselves? Is the magnitude of this deed not too great for us? (120)

It is impossible not to perceive the almost interminable pathos of this narration. You cannot kill what does not exist and, therefore, the death of God, as announced by Nietzsche, implies his existence in the form of a person torn apart by knives. As readers of Freud, how can we not be reminded of the murder of the father of the horde in *Totem and Taboo*? Could Nietzsche have anticipated something that perhaps was never a real event, but a myth? According to Lacan, it is the greatest of the modern myths. As far as Dostoevsky is concerned, whose name has so far only been mentioned in the title of this reflection, I am certainly not the first to spot an extraordinary analogy between the myth of the primitive horde and the affairs of the Karamazov family. What can unite Dostoevsky's text to that of Nietzsche, and that of Freud, if it is not the act of parricide?

5. Male and female series – Splitting and non-coincidence in psychoanalysis

Freud has no doubts: parricide is not only Dostoevsky's great theme, but also the thread that joins and weaves together his biography and writing. In the era of structuralism, we learnt to be wary of this intertwining, and for good reason, and yet the ban from concerning oneself with the author was subsequently and gradually lifted: indeed, there are cases where it seems that biographical events have penetrated directly into a writer's works. However, this direct penetration must be considered partial and cannot take precedence over the artistic reworking. With regard to Dostoevsky, it would be difficult to deny that his father's murder at the hands of his farm workers, did not represent «the severest trauma» in the writer's life and also «the turning-point of his neurosis» (Freud, *Dostoevsky* 182). Dostoevsky's illness, epilepsy, is convincingly described; the future writer approved of his father's death but derived from this a feeling of guilt that produced the symptom, with spasms similar to death, that represent the punishment of the Super Ego: «You wanted to kill your father in order to be your father yourself. Now you *are* your father, but a dead father» (185). Consequently, it is the identification with the perpetrators of the crime that have conferred an extraordinary strength to the murderous impulses emerging in his works. Even after expressing all his admiration for a writer, whose place «is not far behind Shakespeare» (177), Freud shows his perception of these impulses in their most violent and radical dimension when he sternly affirms that Dostoevsky is a criminal personality:

Killing the law Giovanni Bottirolì

Dostoevsky's sympathy for the criminal is, in fact, boundless; it goes far beyond the pity which the unhappy wretch has a right to, and reminds us of the 'holy awe' with which epileptics and lunatics were regarded in the past. A criminal is to him almost a Redeemer, who has taken on himself the guilt which must else have been borne by others. There is no longer any need for one to murder, since *he* has already murdered; and one must be grateful to him, for, except for him, one would have been obliged oneself to murder. This is not kindly pity alone, it is identification on the basis of similar murderous impulses. (190)

Although brief and schematic, Freud's article is still appreciable, especially if we think of *The Brothers Karamazov*. Nonetheless, can the perspective that inspired the last novel really be extended even to the previous ones and to the same extent? Or is *Crime and Punishment*, which also confirms «sympathy for the criminal», surprisingly removed from the paternal dimension? If we were to detect the dominance of a matricidal desire in *Crime and Punishment*, would this not lead to a possible new interpretation, perhaps even of Dostoevsky's entire works?

Re-examining the Oedipus complex, Lacan outlined a broader picture: in Freud's first more schematic version hinged on the male Oedipus, the mother was the object of desire and the father the rival; these relations must be inverted like a mirror image as far as girls are concerned. However, two new developments emerge in the more complete version offered by Freud: on one side *ambivalence*, that is love combined with hate and rivalry for the parent of the same sex, in the individual driven by incestuous desire; on the other, the *non-symmetry* between the male and female Oedipus, because the mother is the first object of love even for a girl. Lacan supplemented this group of relations still further by adding the desire of the mother, which can reach a destructive peak in the *all mother* woman, who perceives in her son (or even in her daughter) the nullification of her own lack, the object that completes her and which Lacan called *the imaginary phallus*.⁵ Therefore, in Lacan's reinterpretation, the Oedipus complex is overcome thanks to two orders, one addressed to the child «You will not sleep with your mother», the other to the mother: «You will not reabsorb your fruit» (*Formations* 205).

This perspective fits much better with *Crime and Punishment* than the one set out by Freud. In Dostoevsky's first great novel, the Father is almost absent: the only paternal figures, in a literal sense, are Raskolnikov's father, although he only appears in the dream of the little mare, where he plays the role of a spectator who is unable to act (we will obviously come back to this), and he is only mentioned in passing thereafter; we are dealing with a *dead* father and not only because he has stopped living prior to the events of the novel, but because he does not exert any influence; and Marmeladov, whose weakness and unsuitability for embodying his role vis-à-vis his daughter Sonja is quite evident. In a rather disputable psychoanalytical study, yet one with some important insights, Vladimir Marinov upholds that in *Crime and Punishment* there are father figures in a metaphorical sense. According to Marinov, the figure of the Father splits into different aspects: the idealized-father (Napoleon), the father-judge (Porfiry), the dead father (Marmeladov) and the diabolical-father (Svidrigajlov); furthermore, the hero of the novel finds himself in a filial position compared to the main male characters (10-11). Later on, I will examine this thesis, but firstly I would like to highlight what I consider to be Marinov's most convincing contribution, that is to say the relationship between the protagonist of the novel and the female universe.

In *Crime and Punishment* there are various female couples, comprising a mother and a daughter (or another character, to whom the same position can be attributed): Raskolnikov's mother (Pulcheria Alexandrovna) and his sister (Dunja) – Katerina Ivanovna and Sonja – the landlady and her daughter – the pawnbroker and Lizaveta. Considering mothers and daughters as two

⁵ As is known, the Phallus is not the male sexual organ, and the imaginary Phallus should not be confused with the symbolic Phallus: the replacement that leads from the first to the second corresponds to the overcoming of the Oedipus complex and entry into the Law.

Killing the law Giovanni Bottirolì

series means assuming that they are hinged on an important analogy. According to Marinov, «all the relations that the hero maintains with female characters belonging to the generation of the mothers can be grouped around the common denominator of a *debt*, whether moral or financial» (18-19). In actual fact, there is no shortage of differences: firstly, from the point of view of proportions; furthermore, because it is not evident what Raskolnikov's debt is towards Katerina Ivanovna. Therefore, we have to ask ourselves how the series is constructed and what its heuristic value is in a literary work.

It should not surprise us if the analogies in the series are not emphasized in an overly unilateral and obvious way, as a mediocre writer would do without even realizing, or a talented writer who may have decided to accentuate a deliberately repetitive choice. Yet, if we move to the side of the reader, we cannot limit ourselves to observing that the similarities are accompanied by differences: nothing could be more banal. Undoubtedly, it is the differences that prevail in the relationship between Raskolnikov's mother, on one side, the landlady and Katerina Ivanovna on the other. As for the old pawnbroker, the debt towards her is in no way comparable to the one that Raskolnikov has towards his mother who loves him unconditionally and who ruins her eyesight doing her sewing in order to send money to her son who is enrolled at university. A content-based analysis of the traditional type or like the one performed by *cultural studies*, would reject the hypothesis of a similarity between the two women, in the same way as common sense would reject it, aghast. The thread uniting the elements of the maternal series seems so tenuous that we may be tempted to let it fall.

Nonetheless, structuralism and psychoanalysis have taught us – or at least have tried to teach us – not to naively mirror the most obvious oppositions as far as content is concerned. I will mention two examples of textual analysis. The first is the analysis of *Phaedra*, proposed by Barthes (1963). In an essay which raised fierce controversy from traditional critique, Barthes identified two series (which he called *paradigms*) in Racine's work: the first joined the characters whose word is blocked (Phaedra, Hippolytus, Aricia), the second the characters who elicit the word, who *draw it out* from a reticent interlocutor: this is what Aricia does with regard to Hippolytus, what Oenone does with regard to Phaedra, and what Phaedra herself does with regard to Hippolytus. Opposed to the series marked by 'muteness' is that of the 'midwives' – the choice of this label implies an in-depth reading of Barthes: *Phaedra* is a tragedy of the closed word which causes catastrophic effects when it gushes out. «To name or not to name, this is the question» (Barthes, *Racine* 116). Expressed differently, Racine's work is «a tragedy of accouchement» (119).

The methodological innovation consisted in defining the identity of the characters according to their *function*, and not to their outer *form* (in short, to their features). This new method of observation enabled important similarities to be perceived as far as the semantic fabric of a work is concerned, in defiance to all the differences regarding sex, social position and so on. For those believing that a literary text is a fabric of relations – *a labyrinth of connections*'' (Tolstoy) –, this method of analysis is completely legitimate in principle: naturally its fruitfulness must be assessed case by case. Then again, there is something of which we can be certain: remaining shackled to the linearity of the text – and a verbal text can do nothing but proceed linearly, one word after the other –, and to the literalness of the meaning, amounts to condemning oneself to a simple exercise of erudite or ideological paraphrasing. It amounts to denying the possibility that a work can go beyond its context, thanks to good interpretations, and that it lives an ever-renewed life in the "great time" (Bakhtin, "Risposta"): is this not what we experience every time we read a classic? It means denying the possibility of an aesthetic experience. This is the unforgivable flaw of traditional critique and of *cultural studies*.

In an even more accentuated manner than structuralism, and partially ahead of this movement, psychoanalysis would practise distinguishing between function and form. With the help of linguistics, Lacan developed and defined a distinction latent in Freud: for example, the

Killing the law Giovanni Bottirolì

Father, who in Lacan has become, not by chance, the Name-of-the-Father, is a function that can also be played by the mother, in the absence of the spouse, or by another person. However, the paths of structural analysis and that of psychoanalysis could not but diverge, while admitting the importance of their intersection: psychoanalysis is a theory of the divided subject, and from this perspective the identity of an individual (whether real or fictional) is not exhausted in the function (or functions) that he or she incarnates, nor in a collection of semantic traits.⁶ Reconsidering the analysis that Freud dedicates to *Der Sandmann*, and which he condenses into a Note that has never been adequately appreciated: (a) in Hoffmann's tale, the paternal *imago* is split into a good father and a bad father (respectively, the real father and the lawyer Coppelius); (b) subsequently, this split is replicated in the couple represented by Professor Spallanzani and by the optician Coppola; (c) Nathaniel's passion for the doll Olympia is a narcissistic love; (d) the fact that Coppola has stolen Nathaniel's eyes to give them to Olympia «becomes significant as supplying evidence of the identity of Olympia and Nathaniel» (Freud, "Uncanny" 232).⁷

In what way can Freud assert that two different characters are identical? Obviously, they are not identical whether from a numerical point of view or from a qualitative point of view: this distinction may appear satisfactory only for the theories of identity based on the separative logic, and, therefore, on identity restricted to the coincidence with oneself.⁸ A wider perspective, one which has already been defined elsewhere (cfr. Bottirolì 2013), will be adopted here and for which a reminder is given only of the fundamental thesis: *no identity without a mode of identity*. That is to say that identity can adopt the mode of coincidence ($A = A$) or that of non-coincidence ($A = A$ and non- A).

The possibility for an individual not to coincide with himself, while remaining numerically autonomous and separate, occurs in *identification*, which is not empathy, because in empathy – a point which psychology and conventional wisdom do not seem to realize – “I remain I”, whereas in identification “I become *alter*”, I am transformed by the relationship with an otherness. This process may take place in different ways. In *Group psychology and the analysis of the Ego* (1921), the essay in which this fundamental turning point is outlined, Freud distinguishes the identification with a model from that with an object: in the latter case, the driver of identification is the desire to have, in the former, on the contrary, it is the desire to be. Identification is, in any case, a process in which the boundaries dissolve and the personality is profoundly modified.

6. The idea is not a concept – What is permitted if «everything is permitted»?

⁶ This is the conception adopted by Barthes in *S/Z* (1970).

⁷ Freud's true contribution therefore consists in some *theses about identity*, and not simply in the affirmation according to which the uncanny should have its roots in castration anxiety. On this matter, see Bottirolì “Il perturbante è l'identità divisa. Un'interpretazione di ‘Der Sandmann’” (2015).

⁸ «There are two kinds of sameness, or identity. I and my Replica are *qualitatively* identical, or exactly alike. But we may not be *numerically* identical, or one and the same person. Similarly, two white billiard balls are not numerically but may be qualitatively identical. If I paint one of these balls red, it will cease to be qualitatively identical with itself as it was. But the red ball that I later see and the white ball that I have painted red are numerically identical. They are one and the same ball» (Parfit 1984, 201).

Killing the law Giovanni Bottirolì

We should reflect on the results so far achieved. The notion of identity, which we understand intuitively (but also generically and vaguely) has been “pluralized”, that is to say opened up in its polysemy. The distinction between modes of identity should be considered an irreversible conquest. Therefore, if in certain respects identity appears to be defined by separative boundaries, in other respects that are even more important, it represents an area of splitting and overcoming; we are dealing with a peculiarity of mankind. *The superiority of the psyche over the body derives from its greater flexibility.* A body can increase its powers, for instance by means of prostheses, it can access an “extended” reality; yet it cannot experience the overcoming or the metamorphoses made possible by the processes of identification, in the sense defined.

If we consider identification from a logical-ontological point of view, we must recognize that it implies a *splitting* concurrent with an *overcoming*: becoming *alter*, a subject *x* splits from himself. In this way, he enters a paradoxical space that the logics of rigidity, from Aristotle to Frege, including also the postclassic logics, never hypothesized. For example, to cite the character who launches the modern novel, and in which the desire to be manifests itself with all its overwhelming force, by identifying himself with the knightly heroes Don Quixote is no longer himself, he becomes another being: in a confusive mode which is not Raskolnikov’s (as we shall soon see). On the other hand, the Spanish hidalgo retains the characteristics that Cervantes assigns to him at the beginning of the novel. His corporeal identity restrains him within the confines of coincidence with oneself.

The split that occurs in Raskolnikov’s name, the *raskol* (tear or schism), has obviously been noted by all Dostoevskyan scholars, but this does not mean that it has been understood (or pondered over) sufficiently. The same destiny has also befallen the adjective *divided* when it is linked to the subject in the psychoanalytical conception. Does *divided* perhaps mean *mereologically divided*, shared amongst three systems, Ego, Id and Super-Ego? I am not claiming that this description is false, but, if anything, that in 1922 Freud interpreted his own thought leaving behind the revolution of 1921, the identity through the processes of identification, in other words, the subject *modally divided*, formed by the conflict between his modes of being. Freud took a step back, as can happen with great innovators: it is our task to restart from the desire to be, which was not understood in its real dimension by Lacan for a number of reasons that I have specified elsewhere.

The *raskol* of the protagonist of *Crime and Punishment* is mainly the split caused by the desire to belong to the circle of extraordinary men. They arouse a feeling of unconditioned admiration and, therefore, a desire to emulate, *devoid of ambivalence*: partly for the reason stated by Girard, that is to say their collocation in a space-time dimension that is not the same as the one of the desiring subject (*sujet désirant*); they lived in another era, perhaps close, but already over.⁹ But, above all, they are sheltered from envy, insofar as the subject considers them to be matchless models. Neither Julien Sorel in *Le rouge et le noir*, nor Raskolnikov would ever dare to compare themselves to Napoleon. So how should their modelling role be understood? This is the question Raskolnikov addresses in the article that is discussed in the novel, without the readers being given the author’s original version. As Bakhtin observed, the meaning of this article exists only in the plurality of voices that expounded it, criticize it and defend it, and which eventually deform it. What is the real theory expounded by Raskolnikov?

«all people – this is how Porfiry sums up the protagonist’s theory, and it is from his lips that we hear it pronounced for the first time – are somehow divided into the ‘ordinary’ and the ‘extraordinary’. The ordinary must live in obedience and have no right to transgress the law, because they are, after all, ordinary. While the extraordinary have the right to commit all sorts of crimes

⁹ Cfr. the distinction between external and internal mediator in Girard (1961).

Killing the law Giovanni Bottirolì

and in various ways to transgress the law, because in point of fact they are extraordinary. That is how you had it, unless I'm mistaken?» (Dostoevsky, *Crime and Punishment* 271-72).¹⁰

In Porfiry's formulation the meaning is stretched, there is a deliberate misrepresentation, and Raskolnikov perceives it; however, he decides «to accept the challenge» (CP 271-72). He cannot avoid it, and not simply because he senses that Porfiry is preparing to accuse him, but because the *idea* – we can even use this term – that he presented in his article should not be understood as a concept. Dostoevsky is a writer, not a philosopher. Whoever wishes to describe him as a thinker should add that he is one insofar as literature is a *mode of thinking*: therefore, every writer is a 'thinker' in this sense. Yet there are no ideas-concepts in Dostoevsky. *There are only characters*, in a universe dominated by the principle of non-coincidence as a construction strategy. The dynamism that critics and readers have perceived in the fickleness of his characters derives from splitting and overcoming: it is an ontological fickleness, the driver of which should be pinpointed in the desire to be.

Let us go back to Raskolnikov's reply. He knows that his idea is incomplete – there again this is the nature of the ideas in Dostoevsky; they resemble the Ideas in Kant's interpretation, in particular in the *Critique of Judgement*: representations for which no concept is adequate. The Idea is a manifestation of the sublime, on a par with the Egyptian pyramids and the stormy ocean: boundless, not circumscribable. Yet there is a great difference inasmuch as unlike the Kantian observer, Dostoevsky's characters are not in a position of certainty from which to admire the magnificence of a spectacle. They *are* the Idea.

Is it not perhaps this vision that emerges in the dialogue between Raskolnikov and Porfiry? The Idea is *incomplete*, in the same way as Dostoevsky's hero is incomplete – or not yet firmly established (Nietzsche *Beyond*). Nothing has been decided definitively, and nothing will be in this novel, because a temporary meaning can even be attributed to the last lines. «Is the magnitude of this deed not too great for us? Do we not ourselves have to become gods merely to appear worthy of it?» (Nietzsche, *Gay Science* 120). It is this question that Raskolnikov must answer and not Porfiry's fanfaronade.

Thus, he begins by granting that his interlocutor's summary is correct to a certain degree: «I admit, however, that your summary is almost correct, even perfectly correct, if you like ...» (CP 272): with the difference that extraordinary men are not entitled to commit any excesses, or any crimes. The 'extraordinary' man is the one who has the right to authorize himself to break the law in the name of a greater good, of an advantage for the whole of humanity. Evidently, from a common point of view,

«the lawgivers and founders of mankind, starting from the most ancient and going on to the Lycurguses, the Solons, the Muhammads, the Napoleons, and so forth, that all of them to a man were criminals, from the fact alone that in giving a new law they thereby violated the old one, held sacred by society and passed down from their fathers, and they certainly did not stop at shedding blood (...) It is even remarkable that most of these benefactors and founders of mankind were especially terrible blood-shedders». (CP 272-73).

Raskolnikov provides other explanations in this first reply. He tends more than once to alleviate the scandalous nature of his thesis: for example, to the extent that «they call, in quite diverse declarations, for the destruction of the present in the name of the better» (CP 273), the extraordinary men seem to match the figure of the cosmic-historical hero as described by Hegel in *Lectures on the Philosophy of History*. Authorizing oneself to perform an action that will

¹⁰ The quotations from *Crime and Punishment* are from now on referred to with the initials CP, followed by the page number of the edition Vintage Classics, New York 2021 (translation by Richard Pevear and Larissa Volokhonsky).

Killing the law Giovanni Bottirolì

change the course of history: is this not what Caesar did when he crossed the Rubicon? The cosmic-historical hero generates himself.

However, this is not the only nor the main fluctuation that can be spotted in the protagonist's speech. How can he belittle the radical nature of the contrast between the two categories of men, broadening the second quite considerably? «In short, I deduce that all, not only great men, but even those who are a tiny bit off the beaten track – that is, who are a tiny bit capable of saying something new – by their very nature cannot fail to be criminals – more or less, to be sure» (CP 273). Being a tiny bit capable of saying something new: a few moments later, he will return to a disdainful contrast, defining common men «so to speak, material serving solely for the reproduction of their own kind» and attributing to «people proper» the gift or talent of speaking a *new word* in their environment» (CP 273). When Porfiry asks him how to distinguish between the two categories, and if maybe an inferior man could be confused and imagine that he belongs to the other category, etc., this trait will once again emerge as decisive.

Moreover, how should the faith in the New Jerusalem, and even in God and in the raising of Lazarus (CP 274) be assessed? Undoubtedly, Raskolnikov is trying to dampen the suspicions that he feels are weighing on him; but his understandable precaution does not perhaps completely justify the inadequacy of his explanation. Here the Idea makes its first irruption in the novel as a theory, and not as a tormenting thought that has imposed itself on the hero and has led him to commit murder. However, as we observed shortly before, the Idea is not a concept, it is the *sublime*: there is within it a power that challenges the possibilities of the form and of the definition.

It is not the attenuations that make Raskolnikov's explanation unsatisfactory, but a wavering that still does not appear to be fully resolved, and which should be extended to the series of 'great criminals'. Not even this series can elude the complex game of similarities and differences, because within it emerges a disparity that poses a problem: Lycurgus, Solon and Muhammad violated the old law in order to replace it with a new one, but can the same thing be said about Napoleon? Shortly after only the Emperor will be mentioned, when Dostoevsky's hero has to confess to himself that he is not up to the action committed and even less to its motivations: «No, those people are made differently; the true *master*, to whom all is permitted, sacks Toulon, makes a slaughterhouse of Paris, *forgets* an army in Egypt, *expends* half a million men in a Moscow campaign, and gets off with a quip in Vilno; and when he dies they set up monuments to him – and thus *everything* is permitted» (CP 287).

Here one of Dostoevsky's – or better one of Dostoevsky's characters' most famous statements is anticipated: «if God does not exist, then everything is permitted». This is one of the most trivialized and misunderstood statements, that we believe we can reject by appealing to the original goodness of human nature that is weakened and corrupted by bad institutions, and for which a conservative interpretation is proposed, as if only religion could act as a brake to men's worst impulses. It is as if the death of God, returning to Nietzsche's problem, had authorized what was previously unauthorized, instead of acting on mankind as an overcoming force, making what was previously unthinkable thinkable: because God, as a metaphysical entity, is the guarantor of rigidity in logic and in all the dimension of thought. Therefore, we should say: «if God – God of metaphysics, not necessarily the one of the Bible, and of an anti-metaphysic philosophy –¹¹ does not exist, *then true flexibility is possible*».

A new theory of modalities becomes possible: possibility will no longer be the ontologically inferior modality, but it will become power and creativity; necessity will no longer be “what

¹¹ It is not possible to dwell here on the interpretations of Christianity, which challenge the traditional version. The stimulus exerted by Lacanian psychoanalysis on very different authors like Slavoj Žižek and Massimo Recalcati does not seem to be fortuitous.

Killing the law Giovanni Bottirolì

cannot otherwise be”, the rigid Ananke.¹² But it will not simply be abolished, as the cynical exaltation of the possible would have it: everything is permitted to those wishing to remain faithful to their desire. On the basis of this principle, they can judge themselves and be judged.

7. The split between the law and the imperative – Killing the Law

What is missing in Raskolnikov’s reply to Porfiry? There were moments when he felt he was almost raving; he would fall into a feverish ecstatic mood.

«The little crone is nonsense!» he thought, ardently and impetuously. «The old woman was a mistake perhaps, but she’s not the point! The old woman was merely a sickness ... I was in a hurry to step over ... it wasn’t a human being I killed, it was a principle! So I killed the principle, but I didn’t step over, I stayed on this side ... All I managed to do was kill. And I didn’t even manage that, as it turns out ...». (CP 287-88).

Now the Idea has found a new wording, not a definitive one, but a more powerful and precise one: Raskolnikov did not want to kill a person, but to *kill the Law*.

I would not have dedicated many pages at the beginning of this article to the problem of ethics in the Western world, if an expression like *killing the law* could be used to indicate an easily approachable problem. It is not so, and I hope readers have realized this. Who are the ‘extraordinary’ men? In what way are they already (or have they already been) the *Übermensch*? This term refers to the *overman*, the forces that go beyond.¹³ They do not announce the evanescence of ethics, but rather the passage from the ethics of the law to the ethics of the form.

This occurs by means of a splitting (a *raskol*, we could say) between the notion of *law* and that of the *imperative*, two notions of which Kant had enunciated the most complete overlapping. *Imperatives without Law* become possible. And imperatives that had already been expressed such as *Know yourself*, *Become what you are* appear under a different light. Outwardly, they seem to exhort the universal: in actual fact, they invite the individual committing to them – and anyone adopting them – to the supremacy of singularity. *Know yourself* does not mean: list your essential features, because this would lead us to define man as a *rational animal*. Is it perhaps by chance that the underground man, the first authentic Dostoevskyan character, scoffs at the essentialist definition, proposing as an alternative «man, the ungrateful biped»? Ingratitude should be referred to every universal project, to every promise of universal happiness (Dostoevsky, *Notes from Underground*, 1864.) *Become what you are* means: interpret necessity not as rigidity, not as an *adaequatio* to the possibilities that are already being offered to you, but rather as a principle of selection that will lead you to your *superior possibilities*. It is in this way, in the perspective of singularity, that we must understand what for Lacan is the only dictate of psychoanalytical ethics: «remain faithful to your desire» (*Ethics*).

To kill the Law, it is necessary to uncrown universality, and not in the carnivalesque sense (as described by Bakhtin): it must not be reborn. *In effect*, the Law will be reborn: the time of the exceptions (Alexander, Caesar, Napoleon) is inevitably short-lived. However, it must be destroyed *as a principle*: this is Raskolnikov’s project. The imperative inspiring it may be formulated as follows: «Act so that the maxim of your action may lead to the abolition of every universal legislation».

¹² With regard to what I have called *modal revolution*, see Bottirolì, *La ragione flessibile* (2013) and *La prova non-ontologica* (2020).

¹³ This is Heidegger’s reading.

8. Drives, the only universality

We may wonder if the debasement of the universal, as proposed here, is not excessive and does not provoke unexpected damage. We are accustomed to seeing the universality of some literary characters (Ulysses, Antigone, Hamlet, Emma Bovary, etc.) exalted and to view this feature positively. We could be tempted to confuse it with Bakhtin's "great time": could it not be that both concepts indicate the overcoming of narrow boundaries, that is the space-time and cultural context in which these identities were drawn up? We could be lenient and concede that, to a certain extent, confusion is forgivable: however, it is worth being more rigorous. What does the universality of some characters consist of? Does it consist of the *properties* that define them? Ulysses' astuteness, Hamlet's indecision, being in love with love as in the case of Emma Bovary? In this way, universality boils down to stereotypes. Or is it the fact that we continue to identify ourselves in them? This could be a clue to universality, but if it remains a psychological process, it deserves to be called *empathy*. Bakhtin's "great time" (1970) is not simply an extension of the consensus to ever-changing readers, and permanence in the canon: *it is the time of interpretation*, in other words, of expansions that are prevented not only by contextualism, the longest lasting illness of literary studies, but by an inadequate philosophy. Literature is a challenge to philosophy.

Universality is a notion that needs to be radically rethought and psychoanalysis, being a theory of singularity, points us in the right direction. What human beings have in common, according to Freud, is not a property, but rather a condition, and, more precisely, a *conflictual condition*: not instincts but drives. However, we must learn to recognize that the division of the subject begins in the *Triebe*. The drives are not only energetic charges, whose strength and anarchy would be dangerous for civilization, and nor can they be reduced to signifiers, as proposed by Lacan during a certain phase of his research: «The unconscious is neither primordial nor instinctual, what it knows about the elementary is but the elements of the signifier» (*Écrits* 517).¹⁴ The concept of drive is not exhausted even when it is brought back to the assembly of four factors, although this description enables the plasticity, as Freud calls it (*Instincts*, 1915), to be enhanced. The ontology of the *Trieb* is paradoxical. Drive is permitted to be the most flexible force, but this does not shelter it from rigidity: indeed, drive may become frighteningly rigid. Its rigidity may reach an apex, which is unthinkable in the animal kingdom, insofar as it can absorb jouissance. So, compulsion to repeat (*Wiederholungszwang*) no longer knows any resistance or obstacles.

Consequently, the subject does not start to divide himself as a result of repression, caused by an encounter with the Law (first of all, the prohibition of incest), and more in general because of the language, the Symbolic: prior to the division between consciousness and unconsciousness there is the struggle between flexibility and rigidity. What is Dostoevsky's thought? The quite notable analogies between the primitive horde of *Totem and taboo* and the horde of the Karamazov must not take us back to the overly narrow horizon of Oedipus. It is the conflict between two types of forces, within the drive, that joins Dostoevsky and Freud: the impulse to elasticity, that is intolerance of every type of constraint, regulation, law and the impulse to uniformity fight in man's psyche, like God and the devil. We must not forget Nietzsche's lesson: it is always the will to power that demonstrates itself in drives, the duplicity of which seems to correspond fully to the distinction between active, rebellious, creative forces and reactive forces. Will to power and drive to enjoyment: if the reactive forces were not able to promise *jouissance*, they would be swept away.

¹⁴ The quote comes from "The Instance of the Letter in the Unconscious, or Reason Since Freud", a talk delivered and published in 1957, and then added to Lacan, 1966.

Killing the law Giovanni Bottirolì

Drive is a force that is satisfied *always and in any case*: this is its most disturbing side. It is satisfied in rebellion as in obedience. It is from here that we must begin an investigation into the mysterious impulse that leads men to what La Boétie called “voluntary servitude”. A mass can identify with a great leader, and this does not surprise us; but how can the obedience of all towards just one be explained – “even when he is not a Hercules, nor a Samson, but just a single little man. Too frequently this same little man is the most cowardly and effeminate in the nation” (1576, 31)? La Boétie’s astonishment is answered by the diagnosis of human nature formulated by the Grand Inquisitor when he reproaches Jesus for having overestimated mankind and the elitist calling towards rebellion. Indeed, there are two sides constituting our condition: “you overestimated mankind, for, of course, they are slaves, though they were creadentified rebels” (Dostoevsky, *Karamazov* 256).

A clear convergence is outlined between Freud (conflict between flexibility and rigidity within drive), Nietzsche (will of power as a struggle between active and reactive forces) and Dostoevsky: human beings are the most rebellious and, at the same time, the most dependent.

9. Absence of fathers and presence of doubles – Why Raskolnikov is not perverse

Amongst the flaws of Vladimir Marinov’s essay, there is not only the reductionist approach, which squeezes Dostoevsky into the narrow space of Oedipus, but a faulty accentuation of some similarities between *Crime and Punishment* and *The Brothers Karamazov* (apart from the difference between matricidal and parricidal impulse). I will try to examine them as two different investigations of the paradoxical condition referred to by the Inquisitor.

As we mentioned previously, in *Crime and Punishment* the presence of fathers is extremely limited; to expand on this, Marinov is forced to consider other male characters as “doubles and fathers” (124): this is a rather confused notion to say the least because a double is a figure that stands at the same level as the subject, while a father, as a rule, is a hierarchically superior figure. The fact that he may prove to be an inadequate, impotent, disgraced father does not deny this hierarchical difference: on the contrary, it underlines the inadequacy in all its gravity. Marmeladov is an inadequate father, who does not know how to defend his wife (when she is hit by Lebezjatnikov), and, above all, he does not know how to defend his daughter from Katerina Ivanovna, when she forces Sonja to turn to prostitution. It would perhaps be better to say that, as the double of Raskolnikov’s father, and not of Raskolnikov, he shows the protagonist his duty to defend the female couple. Yet the situation is quite complicated because, apart from defending his mother and, in particular, his sister (from the marriage-prostitution with Lužin, and from Svidrigajlov’s objectives), Raskolnikov must *defend himself from the two women*: we will shortly see why.

Can we consider Napoleon to be a paternal figure, an idealized Father? Undoubtedly, Bonaparte is the supreme model: but why should every ideal be *paterna*? It is true that in the traditional Western family, it is the father’s duty to transmit the Ideal of the Ego, the values: but the Ideal of the ego may be incarnated not by an Oedipal figure. The desire to be (a model) may be inspired, mimetically or creatively, by historical figures (artists, politicians, and so on). The Oedipus complex may be a phase, but not for this reason should it be considered an archetype to which the other elements of the series should be referred and reduced, or the sublime element, that makes the figure or figures that preceded it fade away. Every paternal trait disappears in the greatness of the cosmic-historical hero.

As far as Porfiry is concerned, it is true that he represents the law, and, therefore, the Name-of-the-Father, but his relationship with Raskolnikov takes the form of a duel, and, consequently, a clash between peers. Furthermore, in his incarnation of Justice, narcissistic traits

Killing the law Giovanni Bottirolì

manifest themselves uncontrollably; it is not only to further torment the protagonist's nerves that he boasts of his inevitable victory, and he relishes it by addressing his adversary as follows:

«Let him, let him walk around meanwhile, let him; I know all the same that he's my dear little victim and that he won't run away from me! Where is he going to run to, heh, heh! (...) no, he won't run away from me, not just because he has nowhere to run to; *psychologically* he won't run away on me, heh, heh! A nice little phrase! He won't run away on me by a law of nature, even if he has somewhere to run to. Have you ever seen a moth near a candle? Well, so he'll keep circling around me, circling around me, as around a candle; freedom will no longer be dear to him, he'll fall to thinking, get entangled, he'll tangle himself all up as in a net, he'll worry himself to death! (...) And he'll keep on, he'll keep on making circles around me, narrowing the radius more and more, and – whop! He'll fly right into my mouth, and I'll swallow him, sir, and that will be most agreeable, heh, heh, heh! You don't believe me?». (CP 356-57).

Here it is not only a war of nerves, but a smugness that goes beyond the “psychological” strategy: a trait of boastfulness reveals itself in Profiry, whose intelligence is undeniable. Indeed, Raskolnikov will not crumble, even though he comes very close to a liberating surrender. After learning of Svidrigajlov's suicide, and when he knows that nobody can demonstrate his guilt, when he is able to descend the steps of the police station certain of his freedom, there is another reason that triggers his confession: «He went on down the stairs and came out into the courtyard. There in the courtyard, not far from the entrance, stood Sonya, pale, numb all over, and she gave him a wild, wild look» (CP 559). Raskolnikov returns to the office and confesses the murder.

We could be tempted by a moralistic reading: at the end, the sense of guilt prevails, the criminal bows down in front of the law. But this is not what happens: Raskolnikov will continue to accuse himself of weakness, and not of having committed a crime: in the words of Dodds (1950), he belongs to a civilization of shame and not of guilt.

There remains Svidrigajlov, who for Marinov represents the diabolic Father, and for Bakhtin a parodying double of the hero (*Problems* 128): the only genuine parodying double in my opinion, because there is too much distance between the other elements of the series (Lužin, Lebezjatnikov) and the complex identity of Raskolnikov. Instead Svidrigajlov is truly a *double*, mainly for two reasons. Firstly, for his ontological fickleness, thanks to which he oscillates between two extremes, although it is the inferior one that dominates him:

[he] possesses a sort of flexibility, of ‘lightness’, of versatility that enables him to insinuate himself into and conquer the most diverse spaces. He is present everywhere, and everywhere he feels at his ease: in the ‘low’ places like the cabarets and brothels, but also in aristocratic settings. The weapon that he knows how to use best, when he wants to conquer the soul of somebody who resists him, is adulation (Marinov 139).

He is aware of his versatility – *et nihil humanum* is foreign to me (CP 296) – and he practises it even on a cognitive level: nobody understands Raskolnikov's mind like him. These observations made by Marinov are, to a certain extent, exact but confirm a great limitation of traditional psychoanalysis, that is the willingness to capture flexibility only in the inferior form.

Secondly, Svidrigajlov's extraordinary ubiquity, his lightness and mobility recall the traits of the double, in the magnificent tale written in Dostoevsky's youth and in other works belonging to the constellation of the *doppelgänger*. There is something mysterious in the disquieting ability with which Svidrigajlov is able to spy on Raskolnikov, eavesdrop on his confession to Sonja from an adjacent room; and his first appearance in Raskolnikov's room, waiting for him to wake-up, retains the immateriality of a hallucination. With this character, Dostoevsky has enriched the constellation of the double, creating a figure of an unknown complexity. Although the exception of Conrad's, *The Secret Sharer*, should not be forgotten, in modern

Killing the law Giovanni Bottirolì

versions, the double is almost always a rival and a usurper: his ability to resemble the protagonist until there is no distinction between the two (for example, William Wilson) is diabolic, intimidating and intolerable.¹⁵ However, the double in *Crime and Punishment* is a “parodying” character: it is worth dwelling on this point. The fact that Bakhtin’s perspective and that of Lacan corroborate each other, seems very significant to me, even though the latter enables us to explore the first more deeply.

We are not losing sight of the problem of the Law. A last, short aside is necessary in order to clarify what the libidinal position of the pervert is – which will enable us to resume the initial part of this article. For Freud, perversion is a characteristic of human sexuality insofar as it is polymorphous; on the contrary, for Lacan it is a structure that is clearly distinct from neurosis and psychosis. Its fundamental peculiarity consists in denying the lack, the *manque-à-être* of which each individual is formed: the pervert implements, so to speak, the utopia of full enjoyment. He rejects the castration of enjoyment, which the Law introduces not simply to repress drives (and which causes the inevitable discontent of civilization), but to humanize desire, to make it possible. As Recalcati observes, «While for neurosis desire remains a chapter within that of the Law of castration, of which the Name-of-the-Father is a symbol, for perversion desire wishes to get rid as much of the lack from which desire arises, as of the Law generating it» (418). The dream of the pervert is an *undivided subject*.¹⁶

Leaving psychosis aside, as it is not relevant to our discussion, we can see two different structures: on one side, the relationship between desire and lack, in the divided subject (a relationship that neurosis is particularly appropriate for illustrating); on the other side, the relationship between drive, which refuses to become desire and to meet the lack, and *jouissance*. The neurotic wishes to be desired, while the pervert considers himself master of pleasure.

For him there is no uncertainty: he knows exactly what causes his enjoyment. And as the Law prohibits enjoyment, the pervert considers it to be the greatest deceit, unless a Necessity is found in the sphere of drives which takes the place of the Law: the *Trieb* once again becomes a law of nature. This is where its apathetic and inhuman compactness derives from (let us think for example of the apathy as an essential trait in Sade’s libertines): can we not recognize the figure of Svidrigajlov in this description?

Thus, a problem arises: to what extent do Raskolnikov and the parodying double resemble each other? Does their hostility towards the law bring them closer together, almost to the point of making them superimposable? As always, it is the theory that teaches us to see the true likenesses. What the two characters share is the plan to emancipate desire from the Law, and thus from the Oedipal dispositive: but this likeness is shattered immediately, because Svidrigajlov aims to melt desire in the undivided of *jouissance*, while Raskolnikov wishes to affirm the desire to be in all its power and autonomy. In his psyche, this mode of desire dominates to such a point that it renders the desire to have non-existent: in him the libido seems to ignore the path of object investment and knows only the problematic path of identification.

Rejecting the Law as deceit, the pervert rejects ethics in general; he rejects the sense of guilt but also shame. In Raskolnikov, on the contrary, the possibility emerges to pass from an ethics of the Law to an ethics of form. Is this not perhaps the “new word” that the protagonist of Dostoevsky’s novel is able to enunciate? Yet he is not able to do so: for what reasons? Is it because he does not have a sufficient *philosophical* grasp of the Idea? This is not the case: Raskolnikov is not a philosopher, and nor is Dostoevsky.

¹⁵ For the characteristics of the double in modern literature, see the classic essay by Rank, *The Double* (1914), and Freud, “The Uncanny” (1919). For a reading of the tales of Poe in a Lacanian key, see Bottirolì, “La logica del diviso in William Wilson” (2014).

¹⁶ For a precise and fitting explanation, see Recalcati, *Jacques Lacan*, 2016 (all of Chapter 9, and, in particular, pp. 415-36).

Killing the law Giovanni Bottirolì

Perhaps there is another paradox that we can only bring into focus now: the great legislators (Lycurgus, Solon and Muhammad) were bringers of a new vision of society and of existence, that is to say the new word had a *content*; as far as the cosmic-historical heroes are concerned, they encourage epoch-making transformations, of which they may be only partially aware, but which appear clearly to the eyes of subsequent generations: for example, by not bowing down to the requests of the Senate, Caesar determines the passage from the Republic to the Empire. But what is the content in the vision and in the action of Raskolnikov? It would not be unjustified to answer by referring to the theory of the two categories of man. But let us consider this theory more carefully. It does not say “what” one must do, it does not refer to any rule: it states a *right*, it describes a *possibility*. It affirms a principle without any content, to the extent that we have been able to explain it thus: «*So act that the maxim of your action could lead to the abolition of every universal legislation*». But is this not perhaps a *formal* imperative, as in *Critique of Practical Reason*? Raskolnikov’s new word consists of a *principle* that must be ‘subjectivized’, that is interpreted by the subject who intends to adopt it.

As the reader will remember, according to Kant, in order for the imperative to be provided with a content, it is necessary to perform a mental experiment. Let us imagine a world where, due to a law of nature (of which Raskolnikov declares himself to be certain; *CP* 273) men are divided into two categories, that differ with regard to their rights: would this be a world where man’s dignity is respected? The question is, would you be willing to live in this world? For Raskolnikov this world, which is certainly conceivable (that is to say not contradictory), corresponds to the one in which we live. We only need the courage to admit it.

This question is followed by another (Kant’s problem leads us to that of Nietzsche): which individual is up to such an experiment, for such an action? It is quite obvious that the distinction between “ordinary” men and “extraordinary” men cannot be applied mechanically, as in Porfiry’s laughable provocation: «But tell me this: how are we to distinguish these extraordinary ones from the ordinary? Are they somehow marked at birth, or what? (...) wouldn’t it be possible in this case, for example, to introduce some special clothing, the wearing of some insignia, or whatever?» (*CP* 274-75). Those who draw this distinction are the ones who will show they are up to it. *The exceptional individual is self-authorized, by interpreting his own possibilities.*

No advance guarantees exist (in Lacan’s terms, *the Other does not exist* as the guarantor of the choice). Only the outcome of the action, and the way in which the individual accepts it, will decide its legitimacy and meaning.

10. An investigation into the desire to be

What is the reason for the failure of the experiment forming the story of *Crime and Punishment*? It is not for the reasons in which Porfiry confides. The man of law is convinced that Raskolnikov’s psychological fragility, the anguish, his inner torment (and perhaps, although it is by no means taken for granted, his feeling of guilt), will lead him to confess. What the judge keenly perceives are the doubts that the protagonist has towards himself and which he confides to Sonja: «if I tormented myself for so many days: would Napoleon have gone ahead or not? – it means I must already have felt clearly I was not Napoleon ...» (*CP* 440-41). And again: «I wanted to find out then, and find out quickly, whether I was a louse like all the rest, or a man? Would I be able to step over, or not! Would I dare to reach down and take, or not? Am I a trembling creature, or do I have the *right* ...» (*CP* 441). There is no repentance in this confession. There is great pride which has upturned to become contempt for himself. When Sonya completes his sentence by saying «To kill? The right to kill?», this is Raskolnikov’s reply:

«Ahh, Sonya!» he cried irritably, and was about to make some objection to her, but remained scornfully silent. «Don’t interrupt me, Sonya! I wanted to prove only one thing to you: that the

Killing the law Giovanni Bottirolì

devil did drag me there then, but afterwards he explained to me that I had no right to go there, because I'm exactly the same louse as all the rest!». (CP 441).

It is not in Raskolnikov's self-deprecation that we will find the reasons for his failure. *Crime and Punishment* would not be a novel worthy of unending admiration if it were limited to describing the protagonist's psychological breakdown; inevitably, we would return to a moralistic perspective: human beings are not lice, no-one has the right to kill. Naturally, we share these principles, but the question remains: why do we share them? Should we not perhaps reinstate the notion of *universality*? Undoubtedly, but only to a certain extent. What is permitted if we start from the statement *everything is permitted*? Not violence, not exploitation, not paedophilia, etc. According to our interpretation (section 5), the killing of the Law, in Dostoevsky, as the death of God, in Nietzsche, announces a new era in which humanity, deprived of its traditional certainties, risks going astray. We can no longer count on these certainties, this is what both authors affirm: therefore, human beings have to explore new possibilities and re-interpret their condition.

Ethics and religion will not disappear, but they will no longer be able to perform the defensive function entrusted to them in the past. Thus *Spoke Zarathustra* announces the great alternative between the last man, in other words the mass of those who do not intend to go beyond themselves, and the Overman (1883-1885). New possibilities arise, as well as new abysses and new dangers. In order to understand the convergence between Dostoevsky and Nietzsche, we could reread *On the Genealogy of Morality*, and the passage in which we find a definition that unites the opposites: «For man is more ill, uncertain, changeable and unstable than any other animal, without a doubt, - he is *the sick animal*» and at the same time «the great experimenter with himself» (188). Is this not a perfect description of Raskolnikov?

Crime and Punishment is an investigation into the desire to be: probably the deepest and boldest that has ever been performed. This mode of desire has been explored as far as possible in its purity, so to speak, it is completely freed from the desire to have. Confirmation of this is given by the desexualized and ascetic personality of the hero: "you live like a monk", he will be told by Ilya Petrovich (CP 557). The desire to be is not the *desire of being* – perhaps this clarification is not superfluous: it is not the aspiration to a completeness, whether possible or impossible (think of the impossible synthesis between being-in-itself and being-for-itself in *L'être et le néant* by Sartre). It cannot be reduced to the desire to be the father, nor to that of being the Phallus, that is the object that completes the maternal lack. Consequently, *Crime and Punishment* is one of those works which challenges philosophy the most and also the most complex of the theories of the subject, in other words psychoanalysis. Sometimes we may perhaps refer to this desire using the expression *désir-à-être*, inspired by Lacan's *manque-à-être*: an apt choice because a preposition that suggests pressure towards possession is replaced by another that is more suitable for indicating an impulse to go forward, a longing to go beyond. Perhaps another clarification would be appropriate, which, in my view, recalls that of Heidegger: *being is not an entity*.¹⁷

The desire to be aims to free itself from the Oedipal dispositive: in *Crime and Punishment* there are no fathers to compete with or to challenge, and there is no Law prohibiting the incestuous object, giving rise to and nourishing the desire. Indeed, the Law, in the unsurpassed analysis of St. Paul, does not limit itself to repressing the desire, but it causes it to flare up; without the resistance of the Law, the desired object would not become *das Ding*, it would not become a *sublime object*:

¹⁷ Therefore, the expression *the supreme Being* to refer to God is misleading, and belongs to the history of metaphysics, that is ontotheology.

Killing the law Giovanni Bottirolì

Is the Law the Thing? Certainly not. Yet I can only know of the Thing by means of the Law. In effect, I would not have had the idea to covet it if the Law hadn't said: 'Thou shalt not covet it'. But the Thing finds a way by producing in me all kinds of covetousness thanks to the commandment, for without the Law the Thing is dead.¹⁸

Citing this famous passage, Lacan replaced *sin* with the *Thing*. I cannot comment now on St. Paul's speech regarding the relationship between Law and sin. However, I would like to point out that the desire to be does not allow itself to be trapped in this problem: it bypasses it or climbs over it, but not in the same way as occurs in perversion. It does not affirm that the law is a deceit, but that another way exists for desire.

The *désir-à-être* does not deny or reject the lack; however, it does not consider the lack as a deprivation but rather as a *vocation*. In the desire to be, the lack manifests itself with an intensity at least equal to that which can emerge in the desire to have (in the object investment). We must return to and develop Freud's turning-point of 1921, and the concept of *identification* as a process that derives from an *insufficiency of form*: with this expression, we may refer both to the initial lack (the polymorphous perverse sexuality in Freud, the fragmented body for Lacan), and the inadequacy of the form/identity for the subject that has overcome the initial *formlessness*. Let us consider two classic cases, one in which the *désir-à-être* expresses itself as the desire "not to be" any hidalgo whatsoever in Don Quixote, and the other not to remain a woman who, due to a hurried and disappointing marriage, will never know love-passion in Emma Bovary. In both cases, the driver of the identification is the refusal of that which could be a definitive identity.

There are good reasons for exalting the creative potential of the desire to be: this mode of desire has largely been misunderstood and condemned. For example, Girard reduces it to the mimetic desire, in a simplistic vision that does not surprise us as it stems from a religious conception hinged on the rigid alternative between God and idols; conversely, the reductionist attitude of psychoanalysis is disconcerting. However, it is not difficult to find an explanation when the standard version of Lacanianism is considered: if the register of the Symbolic is absorbed by the law, the desire to be can find no room there. As a result of this fallacy, the possibility of complex identifications, in which language-thought plays a decisive role, is denied.

Nevertheless, it is not my intention to unilaterally approve this mode of desire. We must not forget the duality underlined by Nietzsche, as already cited: "how could such courageous and rich animal not be the most endangered as well, of all sick animals the one most seriously ill, and for longest?" (*Genealogy* 88-89). The entity which is missing a form, and which is unable to find a firmly established form (would the latter not be the worst form of illness?), begins to ruminate, to torment itself, to be intoxicated with itself. It turns nasty («Precisely, I turned spiteful (it's a good phrase!)», *CP* 439) and it takes pleasure in its own malaise. While he is devising his plan, Raskolnikov lives in a cubbyhole, in a room that resembles a cupboard or a trunk (*CP* 42), mostly occupied by a sofa where he sleeps "without undressing, without a sheet, covering himself with his old, threadbare student's coat" (*CP* 29). He will tell Sonja: "Then I hid in my corner like a spider. You were in my kennel, you saw it ... And do you know, Sonya, low ceilings and cramped rooms cramp the soul and mind! Oh, how I hated that kennel! And yet I didn't want to leave it. I purposely didn't want to! For days on end I wouldn't go out, and didn't want to work, and didn't even want to eat (...) I liked to lie and think" (*CP* 439). While he dreams of being "the great experimenter with himself", Raskolnikov surrenders to inertia and lives in the slovenliest way: "He was so badly dressed that another man, even an accustomed one, would have been ashamed to go out in such rags during the daytime" (*CP* 4-5).

¹⁸ St. Paul, *Epistle to the Romans*, 7, 7, in Lacan, *Ethics* 83.

Killing the law Giovanni Bottirolì

This self-injuring behaviour conveys an intuition and anticipation of his failure, the reasons for which we have still not been able to understand, except superficially.

11. «I killed for myself» – Towards a new interpretation

What *really* happens in Dostoevsky's novel? An ambitious young man develops a theory according to which men are divided into two categories, the ordinary and the "extraordinary": the latter should be entitled to commit actions that are condemned by traditional morality. Although tormented by doubt, he believes that he belongs to the second category: he has to demonstrate this though, by putting his idea, which authorizes him to kill, into practice. He comes under the suspicion of the police due to an article that he published in a magazine. The judge Porfiry Petrovich is certain that Raskolnikov is the author of the crime, in which an old pawnbroker and her sister, the gentle and innocent Lizaveta, lost their lives; yet, lacking evidence, he forces the young man to undergo some nerve-racking interrogations and finally he accuses him explicitly and invites him to confess. However, the final impulse to confess comes from Sonya, a sixteen-year-old girl who has turned to prostitution owing to the absolute misery in which her family lives. Despite this, she has held on to her religious faith and maintained her innate goodness. Raskolnikov opens his soul to her, he listens to the words of the Gospel from her and the episode of the raising of Lazarus. After confessing, he is condemned to a term of imprisonment in Siberia. Sonya does not abandon him. The day comes when the young protagonist throws himself at Sonya's feet: yet another seven years of suffering await them, but also an immense happiness. «But here begins a new account» (CP 580).

Is this the main narrative core of *Crime and Punishment*? Or is it the result of that practice of text rarefaction of which paraphrasing consists? And is the tendency to place the emphasis on the content not perhaps the result of a rarefaction? I would not like to be misunderstood: I am not criticizing subjectivism in the name of an objectivity that remains illusory. Each interpretation has a perspective character (and in this sense, it is subjective). I am criticizing those scholars of Dostoevsky (and those of any other author) who focus on the content, without realizing that they are, in actual fact, basing themselves on a *preliminary paraphrase*, that is on a summary, a simplification, as if that synthesis – which they have reached without employing any instrument of a theoretical nature or by the partial and rough application of a theory – were the equivalent of the text.

Interpreting, on the contrary, means: (a) being aware of the fact that mental syntheses are continually being performed while reading; (b) never being satisfied with any synthesis, and least of all by those arising from a day-to-day view of the world, from a naive and stereotypical anthropology; (c) choosing the concepts and the instruments that seem more relevant; (d) experimenting hypotheses that go beyond the paraphrased and paraphrasable meaning; (e) *returning frequently to the text*, to recover what has been forgotten or what has not escaped one's attention but has temporarily remained non-analyzable.

What I am developing is an interpretation, firstly because it is not based on general notions: indeed, a vague understanding of the terms such as *desire, desire to be, identity, law, ethics*, and so on, is not sufficient in order to use them in their analytical potentiality; secondly, because it tests a hypothesis according to which what Raskolnikov desires is to kill the Law – in this he differs from the "ordinary" criminals who limit themselves to killing people. Now it is necessary to return to the text, to see whether anything important has escaped us and to pick up on those aspects whose relevance has already been perceived.

Are there any readings of *Crime and Punishment* in which the protagonist is not said to have developed a theory authorizing him to kill, and that he committed murder to apply it? It would

Killing the law Giovanni Bottirolì

be difficult to find one.¹⁹ Bakhtin had already recognized that Raskolnikov's 'theory' does not only consist of conceptual statements, that the *Idea* of Dostoevsky's characters is not an idea with a lowercase letter, and as such a concept: we have gone beyond his extraordinary essay, renaming the Idea as it is the *representation of the unrepresentable*, in other words it belongs to the Sublime. Now we can clarify this in the Freudian and not the Kantian sense. When the drives rush towards the Symbolic, and break into it, without allowing themselves to be tamed, when they largely retain their violence, the result is the Idea: a mental space in which different forces rotate and fight, and in which there is no solution.²⁰

Why does Raskolnikov tell Sonja «I simply killed – killed for myself, for myself alone» (CP 441)? What? Did he not perhaps kill to apply his theory? Must we ignore this incoherence, or admit that the analysis so far developed, and that we will not renounce, remains incomplete? How wide is this gap? We could try narrowing it, by claiming that «for me» has to be understood once again in relationship to the desire to belong to the category of 'extraordinary' men. However, there are various aspects that push the 'theoretical' motivation for the crime into the background and bring into the fore the entire personality of the student. For example, «I wanted to kill without casuistry, Sonya, to kill for myself» (CP 441); and here the word *casuistry* can only refer to the theory explained by the protagonist in his article. Furthermore, this confession is made to Sonja, not to Porfiry; when the time comes to confess to the police, just a few words will suffice, in a different style: «It was I who killed the official's old widow and her sister Lizaveta with an axe and robbed them» (CP 560). Here he uses a concise, legal language.

12. The disquieting series of mothers

So, is the real confession the one made to Sonja? Here many threads are intertwined: the theory, which is not abandoned, the desire to become a Napoleon (CP 436), the irrepressible need not to abuse the people dearest to him and who are ready to commit whatever sacrifice for him, even the desire to dare («I wanted to dare, and I killed ... I just wanted to dare, Sonya, that's the whole reason!» (CP 440). Each motivation is defined the decisive one («that's the whole reason!»), but to the first a second is added, and then another: *yet another series*. And if the organizational principle of a series is "x" that acts not as an archetype but rather as the force that modifies itself many times in the fabric of the elements, we must not illude ourselves that we will be able to circumscribe it quickly.

«Oh, that's not it, not it», exclaims Sonya while listening to one of the motives. Raskolnikov admits it, but adds «yet it's the truth, I told it sincerely!» (CP 438). Subsequently, however, the motives for the action are partly denied («It was not to help my mother that I killed – nonsense! I did not kill so that, having obtained means and power, I could become a benefactor of mankind. Nonsense!», CP 441). Evidently there is at least one fundamental motive that remains unfathomable. It is inadmissible for the protagonist, but the novel has enacted it.

Shortly before, I mentioned some of the concepts on which my interpretation is based: the time has come to introduce some others. Dostoevsky would not be the great author of the

¹⁹ It would be difficult in secular readings (with the exception of Marinov as previously mentioned). The approach of ethical-religious readings is different: for Ivanov, the essential core of *Crime and Punishment* would be rendered «better in the artistic language of the ancient tragedy rather than with the concepts of modern ethics: revolt of pride and of arrogance (hubris) against the sacrosanct laws of Mother Earth, fatal folly (Ate) of the offender, wrath of the Earth for the blood spilt; ritual purification of the murderer persecuted by the Erinyes of distress», etc. (1932, pp. 91-92).

²⁰ As will be recalled, this is the judgement of the *starec* Zosima regarding Ivan, in *The Brothers Karamazov*.

Killing the law Giovanni Bottirolì

desire to be if he did not constantly explore the duplicity of feelings, what psychoanalysis calls *ambivalence*: love and hate directed at the same person, at the same time if we look at the deeper matrix, but alternately in its shallower manifestations. It is not only love that Raskolnikov feels for his mother and his sister. When Dunja denies marrying Lužin only because she believes that he could help her brother to further his career, this is Raskolnikov's mental reaction: «She's lying!» he thought to himself, biting his nails in anger. «The proud thing! She doesn't want to admit that she'd like playing the benefactress! Oh, base characters! They love, and it comes out like hate ... Oh, how I ... hate them all!» (CP 244). And again: «My mother, my sister, how I loved them! Why do I hate them now? Yes, I hate them, hate them physically, I cannot bear having them near me ...» (CP 289). Towards the end, he states: «But why do they love me so, when I'm unworthy of it! Oh, if only I were alone and no one loved me, and I myself had never loved anyone! *None of this would be!*» (CP 549). This sentence has two meanings: it seems to want to confirm that Raskolnikov killed to protect his mother and sister, but it opens up an unspeakable dimension.

What is a mother? In *Crime and Punishment*, we encounter various versions that converge towards an unknown nucleus (not unlike the versions of the Idea). As previously mentioned (section 4), in the novel there are various pairs of females, consisting of a mother and a daughter, or of an equivalent couple: apart from Pulcheria Aleksandrovna and Dunja, there is Kateřina Ivanovna and Sonja, the landlady and her daughter, the pawnbroker and Lizaveta. What relationship is there between the different couples? If Dostoevsky's writings belonged to the separative regime, if it obeyed the *principium individuationis*, each of these characters would remain closed within its boundaries; the similarities in the series of mothers or in that of the daughters, or between the different couples, would not create unsettling overlapping or confusion. Yet Dostoevsky is an artist of overcoming (in different ways).²¹ We should also remember what we have learnt from Hoffmann's tale analyzed by Freud: a writer can split a character into two halves which are not trivially complementary. In *The Sandman* the wicked father, who wants to tear out Nathaniel's eyes, tends to absorb the good father, who is too weak to perform a defensive role (unless temporarily). In the end, the two figures overlap each other completely in the figure of Coppélius.

Only the old literalist, paraphrasing mentality that is hostile to interpretation, can prevent us from seeing the overlapping that is generated within the two series produced by Dostoevsky. And only Dostoevsky's sophistication may concede the right to weak objections to those believing that literature is dominated by the separative regime, and that each character, being *numerically just one*, is nailed to his properties and cannot be confused with another (or with others).²² And yet, all modern novels, from Cervantes to Stendhal, from Flaubert to Proust, deny this mistaken belief with firm evidence. However, it should be pointed out that now we are considering the overcoming from a perspective which is not that of the identification of a subject with a model (for example Raskolnikov with Napoleon): a process that the conscience cannot control unless in part, but which it can certainly admit. Now we are describing

²¹ According to Victor Terras, "Dostoevsky was a master of montage (51). We cannot but agree: however, Dostoevsky is much more. Montage is a combinatorial practice, and, in itself, does not imply overcoming or relationships of ambivalence.

²² Naturally, my argument takes for granted, once again, the conception of the modes of identity, already developed on a theoretical level, but also tested in various textual analyses. Moreover, the shortcoming of the 'based on properties' conception, referred to fictional characters as to real people, should be intuitive. The fact that the novel is more appropriate for demonstrating overcoming identities than tragedy is discussed, for example, in Bottirolì, *La prova non-ontologica*, 2020.

Killing the law Giovanni Bottirolì

overlappings that are no longer related to a model, but rather to *an object*, and which prove to be accessible to the person's conscience to a very limited degree – and, at least in one case, they remain almost totally inaccessible.

However, there is no doubt that Dostoevsky suggests them to his readers, intertwining the similarities and differences in a complicated network, and measuring them out with care. Firstly, let us consider the landlady and her daughter: this couple of minor importance is entrusted with a circumstantial role, that is to draw attention to the other couples, thus uncovering a structural component of the novel; it is as if this couple were there above all to tell us that *the series are not accidental*. Not only this, but with respect to the landlady, Raskolnikov, who is very behind with the rent, finds himself in that position of *debt*, the hyperbolic dimension of which is perceived when it is referred to Pulcheria Aleksandrovna. The contrast between the hero's mother and the pawnbroker demonstrates the difference between a soluble debt, at least in principle, insofar as the pledges could be redeemed, and an unpayable debt, the infinite love that the mother feels for him (she signs herself «Yours till death», CP 42). Before becoming himself, with *Notes from underground*, Dostoevsky would have bowed to this type of sentiment; but now the master of ambivalence has stopped believing in them. He knows that every sentiment potentially contains its reverse side.

The unpayable debt that weighs upon Raskolnikov is the maternal ideal: exaggerated demands, mad hopes. Right to the end, his mother dreams that her son will have a brilliant career, and that he will even become a statesman (CP 566). The sons perceive their mothers' dreams, their delirious constructions. Raskolnikov's problem is to incarnate these hopes, which are extended from the mother to the sister, without using them improperly. His mother's letter shocks him: Dunja is ready to sacrifice herself for her brother by contracting an ignoble, loveless marriage, with his mother's approval («Dunechka can endure much»; CP 45). Here too the mechanism of overlapping comes into play: the protagonist has just observed, through the vicissitudes of the Marmeladov family, that a mother can induce a daughter (or someone who takes the place of a daughter) to degrade herself. And with what cynicism! The result is an ambivalent state of mind: on one side, Raskolnikov, being outraged by the idea of the marriage, decides to prevent it at all costs. But he is forced to ask himself straightforwardly: «And how are you going to keep it from happening?» (CP 47). By working, by becoming rich? How long would it take? His mother's letter is, without a doubt, one of the causes that drives him to carry out his project that has gone round and round a thousand times in his head. But does the pressure exerted by the letter not pollute the purity of the theory perhaps? The extraordinary men *authorize themselves*, they make their choices in complete autonomy, and not because they are instigated by circumstances. However, there is a second emotional effect, which does not surface immediately, and that is hatred. It is too early for it to show itself, but it will emerge later: if nobody loved me and if I too had never loved (CP 549), if there were no ties! Every tie implies *dependence*. Dependence on the ideal of the two women, and their willingness to make a sacrifice. Does their love – unsought and unwanted – not perhaps express aggressiveness? «Oh, base characters! They love, and it comes out like hate ...» (CP 244).

Now Raskolnikov has two motives for killing: love and hatred. He will kill to take possession of the pawnbroker's treasure, and thus to defend the two women, but he will also kill to break the bond that ties him to them. The bond with the mother must be severed – this is the imperative that makes its way obscurely into the hero's soul. Act to destroy every universal law, in other words *act to destroy the universal*; and do so in the name of your independence. Be the master of yourself. *Act so that the purpose of your action is never the ideal of another*. Indeed, would it not be grotesque? «Napoleon, pyramids, Waterloo – and a scrawny, vile registrar's widow, a little crone, a moneylender with a red trunk under her bed (...) would Napoleon, say, be found crawling under some 'little crone's' bed! Eh, what rot! ...» (CP 287). More subtly: being like Napoleon is not a desire that refutes autonomy, insofar as it means being similar to

Killing the law Giovanni Bottirolì

“extraordinary” men; but being like Napoleon because this is the dream of a mother is unacceptable: “Aesthetics will prevent them” (ibidem).

All this will be clarified only subsequently, but it is already present in Raskolnikov’s psyche. The *similarity of all mothers* – a dreadful idea – no longer appears absurd, if every mother is willing to exploit her daughter, or whoever is in the position of a daughter (like Lizaveta for the pawnbroker, or Sonja for Katerina Ivanovna). This thought, which is inadmissible for the conscience, moves through the tangles of the unconscious: it will never be able to leap out explicitly, but will find a roundabout way to do so.

13. Raskolnikov’s first dream

Leaving the house in a state of great agitation as a result of his mother’s letter, Raskolnikov roams through the streets of Petersburg; he wanders away from his district, from the smells of dust and mortar, from the unbearable mugginess: «But soon these pleasant new sensations turned painful and irritating» (CP 56). He goes into a cook-shop and drinks a glass of vodka which dulls his senses. He starts to feel very sleepy; when he reaches Petrovsky Island, he leaves the road and goes into the bushes, lies down on the grass and falls asleep. He has a frightening dream, which we must describe here very briefly. In his dream, Raskolnikov is a seven-year-old boy and together with his father, he witnesses a cruel scene: drunk peasants are coming out of a tavern in front of which stands a cart, one of those big carts used for transporting goods and barrels of wine to which cart-horses are harnessed; this time, however, a small, old, thin nag has been harnessed to the cart. A sturdily built young man, Mikolka, invites others to get in the cart; he promises that the nag will pull them, even if he has to whip her to do so. Various people get in the cart, laughing and clamouring. The panting, ailing mare cannot move, so the mujik starts whipping her violently, even on the muzzle and eyes. The child, in opposition to his father’s cowardice, would like to intervene. Overcome by an uncontrollable fury, Mikolka takes hold of a shaft from the bottom of the cart, and then an iron crowbar, and hits the animal again and again, until she crashes to the ground. The blows continue and the little horse dies. The child runs to hug her, and then he hurls himself, fists clenched against the mujik; the father seizes him and carries him out of the crowd (CP 57-62).

The dream seems quite clear, and the protagonist’s reaction appears to confirm its transparent symbolism: it is one of those dreams that writers stopped telling after reading Freud. Here the dreamlike rhetoric is almost inexistent: there is only the metaphorical transposition of what Raskolnikov intends to do. Indeed, this is how the dreamer deciphers it, recognizing himself in the sadistic mujik who massacres a being that is now useless due to old age and weakness. Hence his horror-stricken reaction and a feeling of liberation («He felt he had just thrown off the horrible burden that had been weighing him down for so long»; CP 63).

It is a fleeting reaction as we know, and one that seems, in any case, incoherent with Raskolnikov’s personality. During the whole story, he never feels any pity for the pawnbroker, who he continues to define as a *louse*. He hardly ever feels any pity even for gentle Lizaveta, so much so that he seems to forget he has killed her: «I only killed a louse. Sonya, a useless, nasty, pernicious louse» (CP 438).²³ This is a lapsus that even a nineteenth-century reader could not have overlooked. Starting with Freud, lapsus, like dreams, are considered compromise formations. What psychic forces prevent Raskolnikov from remembering the second murder?

²³ The subsequent correction «Not a louse, I know it myself» (CP, 438) is a purely rhetorical concession to Sonya’s indignation. It is little more than a grammatical elucidation.

Killing the law Giovanni Bottirolì

Does he simply consider it a side-effect of the application of his theory? And what if the phrase *I killed for myself* had a different meaning?

Let us go back to the dream, and to its apparent decipherability, from which a rather severe aesthetic judgement could be derived.²⁴ Dostoevsky appears to have adopted a repertoire of signs without density to compose a microtext characterized by an emphatic sentimentalism and other features, which bring to mind the code of melodramatic imagination: the schematic articulation of the moral problems, good and evil clearly personalized, the absence of psychology in favour of an externalization of the conflicts, the spectacular triumph of Evil, the stretching of the hyperbolic and Manichean language (cfr. Brooks, *The Melodramatic Imagination*, 1985). The fact that the most frequent clues with which oneiric logic manifests itself are missing, may lead us to underestimate the semantic potential of this dream. There are at least two indications that we should take from Freud: «Dreams are completely egoistic», in other words, they always concern the desires of the dreamer; however, «my ego may be represented in a dream several times over, now directly and now through identification with extraneous persons» (Freud, *Interpretation* 435). Therefore, we must ask ourselves *where* is Raskolnikov's Ego in the text of the dream, and *how many* apparitions *does it* make?

Obviously, he is the child who witnesses the whole scene: being an innocent child, he is justified in his inability to stop the mujik. But he is the mujik too, and the dream shows what a wild, uncontrollable impulse dwells within him. Finally, Raskolnikov is the mare tormented by her owner: in other words, the murder plan, the right to kill enjoyed by 'extraordinary' men, is an idea that is greater than him, a weight that he will not be able to bear. When he awakens, he does not tell himself *I mustn't do it*, but rather «No, I couldn't endure it» (CP 63). It is for this reason that he will continue to despise himself: because the Idea is *too heavy* for him. We must add yet another reflection: in Dostoevsky's novels, there are not only the doubles who parody the protagonist. There is always a parodying double within. Dostoevsky's hero is always split by a *raskol*, that shows itself in variety of meanings: the *modally divided* hero – this is how every complex character should be considered – carries within him the superior and inferior possibilities. In the carnivalesque universe of Dostoevsky, the shadow of the parodying double accompanies the protagonist at all times. Even better: he wears his same identity, his clothes. In *Crime and Punishment*, the desire to be Napoleon walks through the streets covered in rags and wears a clown's hat (CP 4-5).

In Raskolnikov's first dream, parody makes fun of melodrama: naturally, we are adopting Freud's theory, by which a dream can be given various interpretations which do not refute each other.²⁵ Raskolnikov's third oneiric identity, that with the mare, enables the dream to represent in a caricatural fashion the sadistic Super-Ego, that is to say the ideal that torments the hero, and which here takes the identity of a peasant, a servant (Napoleon-mujik).

Raskolnikov's horror-stricken (and incoherent) reaction still needs to be explained: should we think that oneiric activity, which is so favourable to the return of the inadmissible, hosts in its depths a moral impulse? This is a ridiculous hypothesis. The most credible explanation is another and belies once and for all the presumed transparency of this dream. If it is true that one of the essential oneiric operations is condensation, that the dream takes advantage of the relations of similarity (Freud, *Interpretation* 294), and that the dominant logic in it is *confusive*, it does not surprise us that it has overlapped the series, creating equivalences that the conscience

²⁴ Dostoevsky's style, «intentionally prosaic» and which «scorns all ornament» (this is how Ivanov defines it 1932, p. 47) is not understood (or even perceived!) by those who read the texts as lines and not as surfaces, and especially by anyone who believes that the meaning of a text should be sought in the *contents* conveyed and not in the network of relations. It is this network that creates the *semantic density* of a work.

²⁵ Consider the “dream of smoked salmon” in Freud, *Interpretation* 142-45.

Killing the law Giovanni Bottirolì

rejects as monstrous: all mothers resemble each other, and the same identity unites them regardless of the differences. *Raskolnikov's mother and the old pawnbroker are the same person.*

14. Raskolnikov's third dream – Pointless sacrifices

My analysis could be summarized in three definitions: *Crime and Punishment* is the novel of the desire to be – it is the novel of ambivalences – it is the novel of matricide. The first two definitions are also valid for Dostoevsky's other works, the third is particular to the work I am analyzing. I will present some conclusions in a schematic way and some points that still have to be developed.

First of all, it is not remorse, but the weight of the Law that decrees Raskolnikov's defeat. However, we must avoid a moralistic reading of such a defeat. Dostoevsky does not convey any message; he outlines a problem: the desire to be – potentially the most noble of all desires, insofar as it drives one to go beyond one's limits, to realize the most authentic of possibilities – cannot help but clash with the existence of the Law, which inevitably aims at universality.²⁶ The Law is hostile to singularity, and to the differences between individuals: so it is right to rebel against it – at least in the perspective of individuals who are richer in life forces and more complex. Yet is this definition of the human condition, to which Raskolnikov's theory corresponds, sufficiently complete? Is there a clear separation between rebels and the obedient? This is the protagonist's conviction when he despises himself: «Obey, trembling creature and – *forget your wishes*, because – that's none of your business!» (CP 288-89). However, this theory contains an error, that we can understand thanks to Dostoevsky's last novel: in actual fact, *human beings are the most rebellious, and at the same time the most dependent* (*Karamazov* 352). Raskolnikov abolishes the paradox, the bond between opposites, by creating two categories. But dependency is an inescapable obstacle, at least for him.

It is the shadowy awareness of not being able to break the bond that compels him to hide like a spider in his hole for about a month. He consumes his strengths in possibility – even the initial visit to the pawnbroker is only a test, only a possibility. His mother's letter forces him to act: daughters must always be protected from their mothers in *Crime and Punishment*; at the same time, it brings out his dependence. When the main reason for the action becomes severing dependency (and not showing oneself to be equal to extraordinary men) and when hatred of dependency, including the maternal one, can no longer be compressed, such diverse figures as Pulcheria Aleksandrovna and the pawnbroker end up by overlapping one other. To create identification or confusive equivalence, “a single trait” is sufficient (*ein einziger Zug*, [Freud, *Group Psychology* 1921]). Nevertheless, the conscience is unable to admit it, and Raskolnikov is not yet able to express his hatred towards his mother (and his sister): he will be able to do so only when the action has been committed. Hatred towards his mother, the person most responsible for his dependence, is not a hypothesis that derives from “applied” psychoanalysis: it is the text that says so, in plain terms (readers are invited to recall the passages already quoted). Just the sight of his mother becomes unbearable.

The phrase *I killed for myself*, therefore, allows two interpretations: I killed in order to belong to an élite, but also, and more so, I killed to break the strongest bond, the unbreakable chain. Hence the sensation of extreme isolation: «It seemed to him that at that moment he had cut himself off, as with scissors, from everyone and everything» (CP 122). Implicitly, and it is necessary to point it out, the Law is re-instated in one of its functions: it *creates a bond* between all those who accept it. Universality appears under a new and positive light.

²⁶ Universality may assume a limited form, that is to say circumscribed to individual cultures, in every relativist perspective: but the problem does not change, if normality is ‘territorialized’.

Killing the law Giovanni Bottirolì

There is another sentence that deserves comment: «All I managed to do was kill. And I didn't even manage that, as it turns out ...» (CP 288). What sense can this consideration have? Raskolnikov has killed, how can that be denied? It is the third dream that will clarify the meaning immediately after: the young man is in the pawnbroker's apartment, and he notices a cloak behind which the old woman is hiding. Once again, he hits her with the axe, but the blows are pointless, at every blow of the axe the old woman laughs, and laughter and whispering come from the room next door (CP 291). The mother is immortal, that is to say the dependence has not been severed.

Those who do not appreciate Dostoevsky see in the figure of Sonya practically only conventional features, the stereotype of the «holy prostitute». The fact that the writer emphasizes this seems open to criticism: «The candle-end had long been burning out in the bent candlestick, casting a dim light in this destitute room upon the murderer and the harlot strangely come together over the reading of the eternal book» (CP 344). However, it would be worthwhile rereading the entire scene, in which Raskolnikov chooses cruel words to rage against the young girl, describing the imminent death of Katerina Ivanovna, the fate of the abandoned children, and, therefore, the pointlessness of her sacrifice: «But that you are a great sinner is true,” he added, almost ecstatically, “and most of all you are a sinner because you destroyed yourself and betrayed yourself *in vain*” (CP 338). After addressing such wicked words to a girl who he considers “A holy fool (*yurodivyi*)” (CP 340), the invitation to read the Gospel should seem like a gesture of reconciliation, yet it is followed by other heartless considerations: “You, too, have stepped over ... were able to step over» (CP 345), in vain.²⁷ In the series of daughters (or sisters), Sonja is the only one with whom Raskolnikov can identify.

15. References

- Alemán, Jorge. “Presentazione.” 2003. *Lakant*, edited by Jacques-Alain Miller et al., Borla, 2004, pp. 55-65.
- Bakhtin, Mikhail. *Problems of Dostoevsky's Poetics*. 1963. Translated by Caryl Emerson, University of Minnesota Press, 2006.
- . “Risposta una domanda della redazione del *Novy mir*.” *L'autore e l'eroe*, Einaudi, 1970, pp. 341-48.
- Barthes, Roland. *On Racine*. 1963. Translated by Richard Howard, University of California Press, 1992.
- . *S/Z: An Essay*. 1970. Hill and Wang, 1975.
- Bottirolì, Giovanni. “Il perturbante è l'identità divisa. Un'interpretazione di ‘Der Sandmann.’” *Enthymema* 12, 2015, pp. 205-29.
- . “La logica del diviso in ‘William Wilson.’” *Fantastico Poe*, edited by Roberto Cagliero, Ombre corte, 2004, pp. 121-33.
- . *La prova non-ontologica*. Mimesis, 2020.
- . *La ragione flessibile*. Bollati Boringhieri, 2013.
- . “Sade e il desiderio di essere”. *aut aut* 382, 2019, pp. 23-38.
- Brooks, Peter. *The Melodramatic Imagination*. Yale UP, 1976.

²⁷ Dunja's sacrifice would also have been pointless: Raskolnikov is not up to her great expectations.

Killing the law
Giovanni Bottirolì

- Dodds, Eric R. *The Greeks and the Irrational*. University of California Press, 1950.
- Dostoevsky, Fyodor. *Crime and Punishment*. 1866. Translated by Richard Pevear and Larissa Volokhonsky, Vintage Classics, 2021.
- . *Notes from Underground*, 1864. Translated by Richard Pevear and Larissa Volokhonsky. Vintage Classics, 1994.
- . *The Brothers Karamazov*. 1879. Translated by Richard Pevear and Larissa Volokhonsky. Vintage Classics, 2021
- Freud, Sigmund *Civilisation and its Discontents*. 1929. Translated by James Strachey, Standard Edition, vol. 21, Hogarth, 1961, pp. 57-146.
- . *Dostoevsky and Parricide*. 1927. Translated by James Strachey, Standard Edition, vol. 21, Hogarth, 1961, pp. 175-96.
- . *Group Psychology and the Analysis of the Ego*. 1921. Translated by James Strachey, Standard Edition, vol. 18, Hogarth, 1955, pp. 65-144.
- . *Instinct and their vicissitudes*. 1915. Translated by James Strachey, Standard Edition, vol. 14, Hogarth, 1957, pp. 109-40.
- . *The Interpretation of Dreams*. 1900. Translated by James Strachey, Penguin Books, 1983.
- . *The 'Uncanny'*. 1919. Translated by James Strachey, Standard Edition, vol. 17, Hogarth, 1955, pp. 219-54
- Girard, René. *Deceit, Desire and the Novel*. 1961. Translated by Yvonne Freccero, Johns Hopkins University Press, 1976.
- Hegel, Georg Wilhelm Friedrich. *The Philosophy of History*. 1830-31. Translated by J. Sebree, Dover, 2004.
- Ivanov, Vjačeslav. *Freedom and the Tragic Life: A Study in Dostoevsky*. 1932. Translated by Norman Cameron; edited by S. Konovalov, Noonday Press, 1971.
- Kant, Immanuel. *Critique of Practical Reason*. 1788. Translated by Mary Gregor, Cambridge University Press, 2015.
- . *Groundwork of the Metaphysics of Morals*. 1785. *Practical Philosophy* (The Cambridge Edition of the Works of Immanuel Kant). Cambridge University Press, 1999.
- La Boétie, Etienne. *The politics of Obedience. The Discourse of Voluntary Servitude*. 1576. Translated by Harry Kurz, with an introduction by Murray N. Rothbard, Ludwig von Mises Institute, 2008.
- Lacan, Jacques. *Écrits : The First Complete Edition in English*. 1966. Translated by Bruce Fink, W. W. Norton & Company, 2006.
- . *The Seminar of Jacques Lacan: The Ethics of Psychoanalysis (1959-60)*. Translated by Dennis Porter, book VI, Norton, 1992.
- . *The Seminar of Jacques Lacan: The Formations of the Unconscious (1957-1958)*. Translated by Russell Grigg, book V, Polity, 2017.
- Marinov, Vladimir. *Figures du crime chez Dostoïevski*. PUF, 1990.
- Miller, Jacques-Alain. "Un'incredibile esaltazione." 2003. *Lakant*, edited by Jacques-Alain Miller et al, Borla, 2004, pp.66-80.

Killing the law
Giovanni Bottirolì

- Nietzsche, Friedrich. *Beyond Good and Evil*. 1886. Edited by Adrian Del Caro, Stanford University Press, 2014.
- . *On the Genealogy of Morality*. 1887. Translated by Carol Diethe, Cambridge University Press, 2006.
- . *The Gay Science*. 1882. Translated by Josefine Nauckhoff, Cambridge University Press, 2002.
- . *Thus Spoke Zarathustra*. 1883-1885. Edited and translated by Adrian Del Caro and Robert B. Pippin, Cambridge University Press, 2006.
- Parfit, Donald. *Reasons and Persons*. Oxford University Press, 1984.
- Rank, Otto. *The Double*. 1914. Translated and edited by Henry Tucker, Jr., University of North Carolina Press, 1971.
- Recalcati, Massimo. *Jacques Lacan. La clinica psicoanalitica: struttura e soggetto*. Raffaello Cortina, 2016.
- Sade, Donatien Alphonse François. *Philosophy in the Bedroom*. 1795.
- Shestov, Lev. *Dostoevsky, Tolstoy and Nietzsche*. 1903. Translated by Spencer Roberts, Ohio University Press, 1969.
- Schiller, Friedrich. *The Robbers*. 1782.
- Terras, Victor. *Reading Dostoevsky*. University of Wisconsin Press, 1998.