

## RESEARCH ARTICLE / ARAŞTIRMA MAKALESİ

# Napoleon's paradox and the Russian idea of law in Dostoevsky's crime and punishment. The irrational / the rational

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## Abstract

The paper presents an experience of a phenomenological study of the irrational/rational in the theory of law in Dostoyevsky's novel «Crime and Punishment». The object of analysis in the paper is the anthropocentricity of Dostoevsky's novel "Crime and Punishment". It straddles the boundary between the irrational and the rational, encompassing the philosophical and sociological aspects of law. The correlation between the irrational and the rational - as a correlation between the philosophical and the sociological in the hero's theory of law in the novel - has not become a subject of study in terms of Raskolnikov's resentful consciousness. The promising nature of the theme is also due to the possibility of studying the Russian paradox, revealed in the hero's Bonapartism as a Russian idea of law. An analysis of law as the central question of the writer's philosophical and artistic outlook and worldview needs to distinguish between the ontological and the sociological. In addition, Dostoevsky's philosophical views, religious and moral convictions and philosophical anthropology determined the basic principles of the metaphysics of the individual and his legal consciousness. The different sides of the irrational and the rational are focused around Napoleon's paradox, deployed in the Russian idea of law. The paper is devoted to a description of Raskolnikov's Bonapartism as the source of the Russian idea of law. The paper differentiates between the irrational and the rational in legal theory. As an irrational nature, resentment consciousness and the relationship of freedom/conscience and individual morality to it are explored. The hero's delusion, his 'powerlessness' in the ontological and religious sense, is analysed as value concepts of resentment consciousness. The article categorises the characters according to the characteristics of resentment consciousness and on the basis of the dichotomy "mean person" / "mean" value consciousness. The dual treatment of crime and punishment, in its ethical and criminal nature, is examined as the source of two types of conceptualization of death, from a physical and metaphysical perspective. The confrontation of the ethical in the phenomenology of crime has become a justification for the hero and levels the criminal meaning of the crime. There is a strong sense of the priority given to repentance and the absence of repentance as major concepts in Orthodox axiology.

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The significance of the problem under consideration lies in the study of the specifics of the formation of the philosophical and religious concept of Russian reality and the Russian idea in the works of Dostoevsky as a feature of his philosophical and artistic method. The novelty of the work lies in the use of a phenomenological approach to describe the ontological and sociological aspects of legal theory, in correlation with the category of consciousness.

**Keywords:** Raskolnikov's Bonapartism, phenomenology of crime and punishment, sentimental consciousness, repentance

## INTRODUCTION

In research on Dostoevsky's novel *Crime and Punishment* there are gaps, which need to be filled and which create new perspectives for study. For example, one of the topical problems connected with the idea of law can be considered from the perspective of the irrational/rational. This distinction between philosophical and sociological aspects of law is the basis of the phenomenological approach. Different sides of irrational and rational are conditioned by the Napoleon's paradox, understood by the writer in the context of the Russian idea of law. The novelty of the study of the philosophical and religious concept of Russian reality and the Russian idea in Dostoevsky's novel is provided by the application of the phenomenological approach, the description of the ontological and sociological aspects of the theory of law, in correlation with the metaphysics of personality and crime.

### Topicality And Problem Statement

The correlation of the irrational and the rational in the novel's hero's theory of law, seen as a correlation of the philosophical and the sociological, has not been the subject of research. Meanwhile, projecting the question into the space of Raskolnikov's resentment consciousness reveals the problem of the Russian paradox. In other words, the stated aim of the article - to justify the hero's Bonapartism as a Russian idea of law - raises a number of questions. This is the differentiation between the irrational and the rational in the theory of law, establishing a link

between the irrational nature and the resentment consciousness, with the categories of freedom/conscience and individual morality. It is also an interpretation of resentment consciousness as the hero's delusion, his 'powerlessness' in the ontological and religious sense. The classification of heroes in the paper according to the signs of resentment consciousness and on the basis of the dichotomy "mean person" / "mean" characterises value consciousness. The dual treatment of crime and punishment, in its ethical and criminal nature, becomes the basis for identifying two types of conceptualisation of death, in the categories of physical and metaphysical care. The analysis of the ethical in the phenomenology of crime as the writer's way of neutralising the criminal meaning of crime isolates repentance and lack of remorse as the main spiritual and moral dominants of the novel.

The theoretical significance of the work lies in the justification of the Russian idea of law as a paradoxical bonapartism. The scientific novelty of the results is due to the application of a phenomenological approach, which has contributed to the understanding of resentment consciousness as the cause of the hero's delusion. The practical significance of the research lies in the study of the novel by university students and the use by the researchers of the concepts associated with the phenomenology of crime as the boundary between legal consciousness and legal understanding in the works of a Russian writer. This includes an understanding of Dostoevsky's methods in constructing a philosophical and religious conception of Russian reality and the

Russian idea. The relevance of the issue under consideration is also determined by the practice of judicial proceedings confronted with the ethical and criminal nature of the crime.

### Literary Review

N. Berdyaev anticipated the problem of the irrational in the philosophy of law: "Evil is implicit in the depths of human nature, in its irrational freedom, in its falling away from divine nature, it has an inner source" (Berdyaev, 1995). The second side of the problem is the problem of punishment for crime as the other side of freedom, in other words the question of conscience. The early twentieth-century Russian philosopher's dichotomy of the irrational and the rational is based on human nature and its inherent responsibility as opposed to a superficially sociological interpretation of human dependence on external social conditions.

A review of the literature suggests a number of current areas of focus. First, these are the religious aspects of Dostoevsky's worldview, which were first analysed by Russian philosophical thought in the early twentieth century. Thus, the irrational nature of the crime was influenced by the novelist's views on the godless socialist reconstruction of society as a model of socialism, as pointed out by Rozanov (Rozanov, 1990). Barsotti discusses the path from "'Crime and Punishment' to "'The Brothers Karamazov' as a way of moving towards the faith: "'Crime and Punishment' is a novel in which, more than in any other, God is present (Barsotti, 1999).

The synthesis of the writer's gnoseology and philosophy-religious anthropology allowed T. Kovalevskaya to identify new aspects of polyphony as the opposite of Dostoevsky's ideological system and to evaluate Dostoevsky's novel as mystical, or apathetic (Kovalevskaya, 2012). Contemporary Russian scientists pay attention to the topicality of developing a new scientific apparatus in the study of Dostoevsky's ontological and axiological values (Esaulov, and others, 2021). Third, there is the phenomenological approach associated with the definition of a new research method, the preconditions for which can be found in the

sociology of the early twentieth century. Thus, M. Scheller pointed out a peculiarity of the phenomenological peculiarity of value delusion caused by Resentment: it is "a feature of the internal disposition arising in a person who is seeking to 'discredit' the alien values pressing upon him" (Scheller, 1999). Transferring the categories of law and conscience to the plane of resentment characteristics determines the focus of considering crime and punishment from the position of a value concept, the principle of which may be conveyed by the method of the German sociologist who singled out the criterion of "being and meaning more by comparing everyone with everyone else" in the system of competition of the idea of life tasks and their significance (Scheller, 1999). The German sociologist's ideas apply to the rationality of Raskolnikov's theory of law, which is conditioned by the Napoleon paradox. Scheller calls resentment "a feature of internal disposition" that arises "in a person who seeks to 'discredit' the alien values pressed upon him" (Scheller, 1999).

The dichotomy of the irrational/rational in the field of law and consciousness is clarified by a book which represents a kind of phenomenological dialogue with M. Scheller. It is D. Merezhkovsky's monograph "Dostoevsky. Eternal Companions" (Merezhkovsky, 1995). Raskolnikov's lack of religious sensitivity as the cause of his criminal, but not moral crime, is embedded in the philosophical and religious views of the author of the novel: about faith and ways of salvation. Merezhkovsky wrote: "There is a criminal offence but no punishment, and there are two kinds of desecration, blasphemy" (Merezhkovsky, 1995). By posing the problem of the hero's test of freedom, the writer poses the problem of the Russian idea and its connection to crime. According to Merezhkovsky, crime is not only a denial and resolution, but "an affirmation of the new, connected to ... eternal, unchangeable laws of nature" (Merezhkovsky, 1995). The hero's crime formula is defined by Merezhkovsky as "crime for crime's sake" (Merezhkovsky, 1995). Merezhkovsky draws attention to the exposure of Raskolnikov's "aesthetic" husk, which "exposes the question of the hero's criminality" and determines the complete identity of Napoleon's

and Raskolnikov's crimes for the symbolist writer (Merezhkovsky, 1995).

The topicality of comparing the books of Merezhkovsky and Scheller stems from the investigation of the irrational / rational in the theory of law - in the aspect of moral philosophy and resentment consciousness. The ethical treatment of crime reveals in the problem of values the significance of the dichotomy "mean man" / type of "mean" value consciousness.

M. Bakhtin continues the line of Merezhkovsky's phenomenological "dialogue" with Scheller. He cites Max Stirner's ideas in his treatise "The One and His Property" and Napoleon III's ideas developed in his book "The History of Julius Caesar" as the prototypes of Raskolnikov's ideas (Bakhtin, 2002). I. Dneprovskaya "The Metaphysics of Crime in the Philosophy of F. M. Dostoevsky: A Person in Search of the Authenticity of Being" (Dneprovskaya, 2011), which presents the study of the metaphysics of crime as law, on the plane of the spiritual meanings of the legal existence of the individual. The analysis of the dual reality of the novel by the Chinese scholar Zhang Biange led to the thought: 'Crime on the empirical level points to the fact of the presence of sin on the metaphysical level' (Zhang Biange, 2021).

The phenomenological study of the irrational / rational in the theory of law is based on the Napoleonic paradox. The works of Y. Lotman devoted to Pushkin's<sup>1</sup> poems and the study of Bonapartism, paradoxical to Russian history, are interesting in this respect. Y. Lotman's ideas were developed in K. Urazayeva's article "A. Pushkin's Communicative Ontology in the Lyrics of Odessa." "Impressions of Being" and the text as the author's otherworldliness" (Urazayeva, 2021). In the mentioned article, the justification of Pushkin's "Odessian text" as otherness is accompanied by the classification of the contexts of Bonapartism, Orthodoxy and Faustian text as the philosophical and artistic dimensions of Pushkin's ontology.

Another methodological starting point of the article is V. Razumovskaya's thesis about "strong" texts of F. M. Dostoevsky, its creation by means

of various semiotic systems (Razumovskaya, 2015). The approach of O. Tabachnikova is also methodologically significant for this work, who raises the problem of the irrational in the novel "Crime and Punishment" from the perspective of the English-speaking audience's study of the work (Tabachnikova, 2022).

## DISCUSSION

The investigator Porfiry Petrovich's assessment of Raskolnikov's crime: the fruit of an "irritated heart" (141)<sup>1</sup> justifies the application of phenomenological categories in establishing the role of resentment consciousness as the source and cause of crime. The description of legal consciousness and legal understanding in the framework of resentment consciousness allows us to clarify D. Merezhkovsky's assessment of Dostoevsky's novel "Crime and Punishment" as a book of repentance without repentance.

The methodology of the phenomenological reading of the book, which contributes to the description of the irrational nature of the crime, appeals to the hero's understanding of morality, which extends to the treatment of the speculative abstract love of Sonya Marmeladova - "active love". The paradoxical rapprochement between himself and Sonya is shown by the hero's common denial of common values. Renunciation is different only in appearance, according to Raskolnikov. Hence the depreciation of the heroine's sacrifice, high for an outsider, for she "was also able to transcend" (67). Sonya's inability to be free is the result of her spiritual immaturity, explainable to the believer by her unconscious willingness to accept dogmas on faith. Hence the paradoxical combination of the crime of morality and the anguish of the consciousness of the insularity of life. Merezhkovsky assessed the heroine's morality as deadly as the Christian lie of "the executioner Porfiry Petrovich" (Merezhkovsky, 1995). Here the conditionality of the connection between crime and punishment is implanted by Merezhkovsky into the bosom of punishment, retribution as a type of crime: the categorical "hangman" levels Raskolnikov's ethical punishment. The hero's justification as a consequence of nihilism, which is the result of the hero's error and spiritual delusion as a prisoner



of illusion: "I did not kill the old woman, I killed the principle" (86), allows us to see the opposition of the irrational as an individual morality to the value in the mind of the hero.

For Soniechka it is obvious that redemption of crime through suffering is an alternative to legal punishment, a cleansing of the individual, making him capable of accepting the justice of the punishment. The call for public repentance and the confession of being a criminal is both rejected and accepted by the hero. The intensification of disdain and mockery in the scene in Sennaya Square shows the hero's spiritual immaturity and unpreparedness to repent. The convergence of the crime of Raskolnikov, who "forgot" others for himself, and Sonya, who killed herself in herself for others, reveals in the hero's theory a moment of universal pursuit of "greater-value". In response to Dunya's horrified confession to her brother, Raskolnikov coldly says: "Everyone kills" (255).

Raskolnikov's confessions: "I wanted to kill for myself, for myself alone" (86), "... I had to find out then, and find out as soon as possible whether I am a louse like everyone else or a man? ... I only wanted to try" (86), "I want to live myself, or I'd rather not live" (86), "I wanted to dare" (85) - are based on the belittling of the valuable qualities of the object of comparison. Hence the emphasis in the portrait of the old centenarian on visual signs of rejection, physical repulsion. The hero's categorical assumptions: "I killed a louse, Sonya, you useless, ugly, malicious" (361), "skinny, naughty old woman" (166), "old woman - nonsense" (41) - characterize the hero's resentment consciousness, when illusions become the source and cause of falsification of values. The phenomenology of the hero's delusion is the basis of the philosophy of crime and punishment.

The hero's division of people into "trembling creatures" and "entitled" becomes an expression of the "inner limitlessness of striving" (Scheller, 1999) and a consequence of the "abolition of the once substantial and value-qualitative conditionality of striving" (Rozanov, 1990). However, interpreted in sociology as a progressive principle, the "desire to overcome

the "bar", to set the "record" as the main motive - becomes a sign of Raskolnikov's "powerlessness" in ontological and religious sense in Dostoevsky's concept, which confirms the philosophical character of "powerlessness" as one of the manifestations of "downward-looking life".

Raskolnikov's helplessness is caused by his awareness of the aesthetic difference between Napoleon's crime and his own and the conclusion: "Fear of aesthetics is the first sign of powerlessness!" (489). Merezhkovsky draws attention to the exposure of Raskolnikov's "aesthetic" husk, which "exposes the question of the hero's criminality" and determines the complete identity of Napoleon and Raskolnikov's crimes for the symbolist writer [5, 188]. Raskolnikov's doubts and despair become an expression of powerlessness: "Is it really so, is it all so?" (37). But it is not his own crime that the hero doubts, is it crime in general? The resentment nature of Raskolnikov's consciousness explains the "extreme tension between the impulse of revenge, hatred, envy and their manifestations on the one hand, and impotence on the other, leading to the critical point where these affects take the 'form of resentment'" (Scheller, 1999).

In such an irrational interpretation of the law, one can see the novelist's justification for the crime. The justification lies in the sociological quality of life, which has reached a critical point in the stratification of the masses. Thus in the life of the old money-lender there are attributes of a generally miserable life. For example, giving the impression of being feeble-minded, Lizaveta makes a living selling rags.

The hero's lack of regret manifests itself in a chain of demonstratively cynical judgements. The cynicism of Raskolnikov's reasoning concerns not only the right of the great, but also "slightly out of touch people" who are capable of saying something new and therefore "must by nature necessarily be criminals" (240).

The analysis of the concept of "sentimental consciousness" in the context of the "mean man" / "mean" value consciousness opposition undertaken in this paper expands the gallery of

criminals by including, in addition to Raskolnikov as the main "ideologist" and implementer of the theory of right as a right to crime, Sonya Marmeladova, Luzhin, Svidrigailov, the old procuress Alyona Ivanovna, the sister Dunya, who is ready to sacrifice her marriage to Luzhin for her brother, etc. In fact, such an understanding of "resentment consciousness", treating crime not so much in criminal terms as in ethical terms, as a conflict between delusion and illusions of a value nature, isolates the role of punishment for a crime. Attention to "powerlessness" in the ontological and religious sense - as the cause of crime - makes Mereshkovsky's idea of Dostoevsky's novel as a book of repentance without repentance relevant to us. In the work of the Christocentric Dostoevsky, the heroes are granted, if not forgiveness in the literal sense of the word, at least a spiritual awakening.

By projecting this understanding onto Dostoyevsky's translation of different morals, we are able to interpret crime in an ethical sense as a conflict of values in Raskolnikov's mind. Therefore, the imitation of Napoleon the ruler of the world, unconditional and high, gives rise to illusory values in the hero, making his consciousness resentful.

## FINDINGS AND CONCLUSION

The multidimensionality of the irrational is clarified in the ethical categories of freedom/conscience, individual morality and sentimental consciousness. The nature of Raskolnikov's resentment consciousness, based on the imitation of Napoleon, led to the elevation of illusions about law to the status of value concepts. The philosophy of crime and punishment resulted from the phenomenology of the hero's delusion, his "powerlessness" in the ontological and religious sense. The reason for Raskolnikov's impotence is the "aesthetic" difference between the two crimes, the idol and the hero of the novel. The irrational in the nature of law and the paradoxical nature of Raskolnikov's Bonapartism lies in the dichotomy of 'mean man' / 'mean' value consciousness.

The consideration of law in terms of rationality made it possible to discern in the classification

of heroes according to the principle of resentment consciousness the variation of duality, the specificity of the mortal code. Interpretation of death from the perspective of physical and metaphysical determinism complements the phenomenology of crime with a view of "consciousness" as a "mean" value consciousness. Examining the philosophy of crime and punishment from the perspective of "resentment consciousness" reveals the paradoxical nature of Bonapartism as the source of the Russian idea of law. This is the ethical nature of crime, accentuating the hero's delusion and explaining the inevitability of repentance, and at the same time excluding repentance.

## Final Not

<sup>1</sup> The text of Dostoevsky's novel is cited in Dostoevsky F. Crime and Punishment. M.: EXMO, 2020. - 672 p.

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