

ANTON CHEKHOV'S *HOME* AND A *VISIT TO FRIENDS*: THE DICHOTOMY BETWEEN THE PERSONAL AND THE PROFESSIONAL, OR THE LAWYER SUBJECTIFIED AND OBJECTIFIED

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I. INTRODUCTION

Like any other great writer, Anton Chekhov dealt with some of the most pressing and poignant themes of human existence from which the lawyer, for all his learning and training, is not immune—love, loss, pain, joy, suffering, victory, sorrow, and death.¹ We know that from Chekhov's humble beginnings on the Sea of Azov,² this son of a grocer from Taganrog³ went on to be-

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1. Vladimir Kataev, *If Only We Could Know! An Interpretation of Chekhov* 162 (Harvey Pitcher ed. & trans., Ivan R. Dee 2002).

2. D.S. Mirsky, *Chekhov*, in *Anton Chekhov's Short Stories* 291 (Ralph E. Matlaw, ed., W.W. Norton & Co. 1979). Prince Mirsky, who wrote a highly opinionated history of Russian literature in 1926, treated Chekhov none too kindly:

But Gorky, Kuprin, and Bunin, to name but the foremost of those who regarded him as their master, can hardly be recognized as his pupils. Certainly no one learned from him the art of constructing his stories. . . . Russian fiction is quite free from any trance [sic] of Chekhov's influence. . . . In Russia, Chekhov has become a thing of the past—of a past remoter than even Turgenev, not to speak of Gogol or Leskov.

Id. at 300–301. Mirsky could not have been more purblind had he tried to be. It is Chekhov who has survived, at least to Western readers, over the likes of Nikolai Leskov or Alexander Kuprin. So why Mirsky's breezy dismissal of Chekhov as a second-rate author? Perhaps the prince was simply exhibiting the prejudices of his aristocratic upbringing, or had he begun to pander to the yen for "socialist realism" which rendered Stalinist fiction so dreadfully orthodox and prosaic in very short order after 1924? At all events, it is clearly Mirsky and not Chekhov who is today in need of exhumation.

3. Robert Payne, *The Image of Chekhov* xvii (Alfred A. Knopf 1979).

come a renowned story teller and compassionate medical doctor who died at forty-four and left behind some 240 stories, which he approved for his *Collected Works*,⁴ as well as some of the most influential plays ever to hit the world stage.⁵ More on his extraordinarily short but fruitful life later.⁶ But what precisely does Dr. Chekhov say to the *lawyer*?⁷

This Article analyzes two of Chekhov's stories—one from 1887 and the other from 1898—not from the perspective of the universal themes of human existence, but from the more focused perspective of a dilemma peculiar perhaps to the learned professions⁸—namely the challenges posed by the need to integrate the

4. This Chekhov-approved edition appeared in ten volumes between 1899 and 1902. Anton Chekhov, *The Undiscovered Chekhov: Forty-Three New Stories* xvii (Peter Constantine trans., Seven Stories Press 1998) [hereinafter Constantine]. The thirteen-volume edition translated by Constance Garnett and first published between 1916 and 1922 remains the most compendious collection in English of the stories of Chekhov. This edition was reissued by The Ecco Press beginning in 1984. Anton Chekhov, *The Tales of Chekhov: The Darling & Other Stories* vol. 1 (Constance Garnett trans., The Ecco Press 1984). Although not considered faultless, Garnett's translations are still the benchmark by which other translations are measured, even those that are considered superior, such as Ronald Hingley's collection in *The Oxford Chekhov*, vols. 1–9 (Ronald Hingley trans., Oxford U. Press 1964–1980). See e.g. Simon Karlinsky, *Anton Chekhov's Life and Thought: Selected Letters and Commentary* ix (Simon Karlinsky ed., Simon Karlinsky & Michael Henry Heim trans., U. Cal. Press 1973) (commenting on Constance Garnett's talent as a translator in spite of her occasional misreading). A Russian edition of Chekhov's works published before 1922 contained, in addition to the 240 stories which the author himself approved, 196 other pieces of short fiction. Constance Garnett, *Translator's Note*, in Anton Chekhov, *The Tales of Chekhov: Love & Other Stories* vol. 13 (Constance Garnett trans., The Ecco Press 1987). A systematic Russian edition appeared in 1929, and then an authoritative critical edition was published in Moscow between 1944 and 1951. *Id.* at 306. By 1886, as Chekhov was turning from comic to serious writing, he had already published “over four hundred short stories and vignettes in popular magazines, as well as two books of stories, with a third in the making.” Constantine, *supra* n. 4, at ix.

5. Mention *The Seagull*, *Uncle Vania*, *The Three Sisters*, or *The Cherry Orchard*, and anyone with a pretension to culture would blush to show his or her ignorance. Or at least such would be the assumption of anyone who, like this Author, grew up in the pre-post-literate world.

6. See *infra* Part II (providing a background and assessment of Chekhov's life).

7. It is refreshing to point out Chekhov's remark that “[t]he only difference between doctors and lawyers is that lawyers merely rob you, whereas doctors rob you and kill you, too.” BBC World Service, *Learning English—Moving Words*, <http://www.bbc.co.uk/worldservice/learningenglish/movingwords/quotefeature/chekhov.shtml> (accessed July 11, 2009). Well, perhaps “refreshing” is not the right word, but it is gratifying nonetheless, given the greater esteem in which doctors are usually held compared to lawyers.

8. This is not the time or place to tender a discussion of Chekhov's view of the relationship between the medical and legal professions. Suffice it to say that the present Article is part of a larger project on the significance of Chekhov's stories to the legal profession, and that a later piece of the project may well pick up the theme here dropped somewhat

personal and the professional aspects of life.⁹ After all, the lawyer as lawyer is *doppelganger* to the lawyer as mother, father, sister, brother, son, daughter, friend, or lover. Notwithstanding Rudyard Kipling's adjuration that "never the twain shall meet,"¹⁰ it is perhaps more accurate to say that "never the twain shall part." The lawyer can no more separate personal considerations from his professional life than can anyone else. Nor, this Article maintains, is it possible for the attorney to divorce her professional concerns from her personal life.

In the two stories to be discussed, *Home* and *A Visit to Friends*, Chekhov gives us two lawyers who, without being consciously aware of it, struggle to accommodate their personal and professional lives, but who do so in intriguingly opposite ways. In *Home*, the lawyer reconciles his two opposing selves by shifting from the impersonal and the professional to the personal and emotional through a process of "subjectification." In *A Visit to Friends*, on the other hand, the attorney harmonizes the two sides of his character by shedding his subjectified younger self and becoming more detached, objective, and "professional" as he grows older. Chekhov offers up the story of these two attorneys trying to reconcile the two aspects of their lives without choosing between them,¹¹ and he does so in an uncritical¹² manner that surely reso-

abruptly, namely the connection between doctors and lawyers.

9. A good example of what this Author means by the phrase "the dilemma of the professions," which Chekhov poses without solving, can be found in James Fenimore Cooper's *The Pioneers*, where Judge Marmaduke Temple must attempt to render justice to the lawbreaker, Natty Bumppo, who has just saved the judge's daughter's life. James Fenimore Cooper, *The Pioneers* 275–286 (Lightyear Press 1984). Judge Temple struggles with indifferent success to set aside his personal feelings while trying Bumppo for shooting a deer out of season, resisting a search warrant, and assaulting an officer of the law. *Id.* at 275–286.

10. See Rudyard Kipling, *The Ballad of East and West*, in *The Works of Kipling* 3 (The Macmillan Co. 1898) ("Oh, East is East, and West is West, and never the twain shall meet, / Till Earth and Sky stand presently at God's great Judgment Seat; / But there is neither East nor West, Border, nor Breed, nor Birth, / When two strong men stand face to face, tho' they come from the ends of the earth!").

11. One of the most modern and lasting traits of Chekhov's fiction is that the author poses problems without purporting to solve them. Kataev, *supra* n. 1, at 165. There is no *deus ex machina* in Chekhov's stories, only human beings in a muddle. See Charles Dickens, *Hard Times* 244 (E.P. Dutton & Co. 1907) ("Ah, Rachael, aw a muddle! Fro' first to last, a muddle!" says the dying Stephen Blackpool).

12. Chekhov's objectivity at the time of the two stories under analysis here has been noted. See e.g. Donald Rayfield, *Understanding Chekhov: A Critical Study of Chekhov's Prose and Drama* xiii (U. Wis. Press 1999) ("Between 1887 and 1896, the narrator is usu-

nates with the modern reader, lawyer or not. And in the process the author gives us some salubrious (though perhaps unintended) advice on how to balance these dual aspects of our own lives that may help us to answer that all-important question of what, exactly, Chekhov has left us that is so much worth having.

At the outset it is perhaps helpful to clarify just exactly what this Author means by the terms “subjectified” and “objectified.” As they pertain to the stories analyzed in this Article, the two concepts refer primarily to the attitude of the point-of-view characters, Bykovsky in *Home* and Podgorin in *A Visit to Friends*, toward the world in general and toward other persons, principally close friends and relatives. The “subjectified” attitude, which Prosecutor Bykovsky adopts over the course of the story, is characterized by feelings, an emphasis on the closeness of relationships, and a striving to understand the emotional and psychological make-up and perspective of the other party to those relationships—in Bykovsky’s case his son Seryozha. “Objectification” emphasizes attributes that are the polar opposites of those indicative of “subjectification.” This term refers to the main character’s penchant toward aloofness, detachment, emotional distance, and a careful weighing and realistic appraisal of the costs and benefits of a relationship. For example, in *A Visit to Friends* the lawyer Podgorin stays several steps removed, emotionally and psychologically, from his friends the Losevs. As a result, he manages to avoid becoming swept up in their hopelessly compromised financial and personal affairs. It is not the contention of this Article that the lawyer is by nature necessarily inclined toward either “subjectification” or “objectification,” although the practice of law does tend to extol the objective aspects of life. Nor, following Chekhov, is it the mission of this Article to choose between the two approaches. Both are part and parcel of what it means to be human, after all. And Anton Chekhov, throughout the body of his dramatic and narrative work, gives us memorable characters who are above all else compellingly human. Even the lawyers.

ally suppressed and a chief protagonist fills the stories not only with his personality, but also with his language, his attitudes and mannerisms. In the last period [i.e., 1897–1903] the narrator reappears, to set scenes, lament, reflect and enlarge, but is always dependent on the protagonists, expressing only more effectively what they sense.”). For an interesting discussion of Chekhov’s nonjudgmental attitude toward religious and sexual matters, which locate him as one of the true “moderns,” see Karlinsky, *supra* n. 4, at 13–22.

II. CHEKHOV'S "AUTOBIOGRAPHOBIA": A BRIEF
LIFE AND ASSESSMENT¹³

Anton Chekhov was born in 1860, the year before the serfs were emancipated by Czar Alexander II.¹⁴ Chekhov's grandfather was a serf who amassed sufficient wealth to buy his freedom and that of his family.¹⁵ Had he not been able to do so, Chekhov the writer would have been a serf himself.¹⁶ It is interesting to note that, unlike other major Russian writers of the nineteenth cen-

13. See Susan Sontag, *Back Cover*, in Anton Chekhov, *The Tales of Chekhov: The Witch & Other Stories* vol. 6 (Constance Garnett trans., The Ecco Press 1987). "Chekhov did not write about himself (in a letter he mentions his 'autobiographobia') . . ." This is not strictly true, but it is fair to say that the autobiography he did provide was decidedly puckish:

Do you need my biography? Here it is. In 1860 I was born in Taganrog. In 1879 I finished my studies in the Taganrog school. In 1884 I finished my studies in the medical school of Moscow University. In 1888 I received the Pushkin Prize. In 1890 I made a trip to Sakhalin [Island] across Siberia and back by sea. In 1891 I toured Europe, where I drank splendid wine and ate oysters. In 1892 I strolled with V.A. Tikhonov at [Shcheglov's] name day party. I began to write in 1879 in *Strekoza*. My collections of stories are *Motley Stories*, *Twilight*, *Stories*, *Gloomy People*, and the novella "The Duel." I have also sinned in the realm of drama, although moderately. I have been translated into all languages with the exception of foreign ones. However, I was translated into German quite a while ago. The Czechs and Serbs also approve of me. And the French also relate to me. I grasped the secrets of love at the age of thirteen. I remain on excellent terms with friends, both physicians and writers. I am a bachelor. I would like a pension. I busy myself with medicine to such an extent even that this summer I am going to perform some autopsies, something I have not done for two or three years. Among writers I prefer Tolstoy, among physicians—Zakharin. However, this is all rubbish. Write what you want. If there are no facts, substitute something lyrical.

Ltr. from Chekhov to Vladimir A. Tikhonov dated February 22, 1892, translated in Anton P. Chekhov, *Do You Need My Biography?*, in *Reading Chekhov's Text* 19 (Robert Louis Jackson ed. & trans., Northwestern U. Press 1993). As Jackson points out, the physician mentioned in the letter is Grigorii A. Zakharin, who was a professor of medicine at Moscow University and one of Chekhov's teachers. *Id.* at 231. For an important and fascinating discussion of the influence of Zakharin and his "scientific method" on Chekhov's life as a writer, which enabled the author to "think like a doctor" when writing his plays and stories, see Kataev, *supra* n. 1, at 91–98. This scientific method approach to literature is perhaps most prominently displayed in the short story *A Nervous Breakdown*, Chekhov's homage to his contemporary, the writer Vsevolod Garshin. *Id.* at 68–69; Karlinsky, *supra* n. 4, at 113–114 n. 10 (referring to the story in its alternative translation as *An Attack of Nerves*). *A Nervous Breakdown* may be found in Anton Chekhov, *The Tales of Chekhov: The Schoolmistress & Other Stories* vol. 9, 19 (Constance Garnett trans., The Ecco Press 1986) [hereinafter Garnett, *The Schoolmistress*].

14. Karlinsky, *supra* n. 4, at 4; Payne, *supra* n. 3, at xvii.

15. Payne, *supra* n. 3, at xvii; Mirsky, *supra* n. 2, at 291.

16. Payne, *supra* n. 3, at xvii.

tury such as Pushkin, Tolstoy, and Turgenev, Chekhov came from a distinctly plebeian background.¹⁷ This may help to account for the wide range of his work. Although Chekhov was a highly successful medical doctor with sufficient affluence to purchase an estate at Melikhovo, fifty miles outside Moscow, and to help support his parents and siblings,¹⁸ he seems never to have forgotten his roots. He was able to write with equal sensitivity and perspicacity about peasants, doctors, lawyers, judges, actresses, landowners, prostitutes, and gentry.¹⁹ Chekhov seems to have moved with fluency in a number of disparate worlds.

Chekhov's parents were simple folk.²⁰ His father, the grocer, was a stern, religious disciplinarian who failed in his business ventures.²¹ His mother was "the daughter of a cloth merchant, a quiet, beautiful woman, very gentle with the six children, five boys and a girl, born of the marriage."²² Chekhov's childhood, according to Robert Payne, "was neither happy nor unhappy, but curiously somber. Life revolved around the [grocery] shop and the church."²³

17. In the story *At a Country House*, the character Rashevitch remarks to his friend Meier that Pushkin, Lermontov, Turgenev, and Tolstoy were all aristocrats. Anton Chekhov, *The Tales of Chekhov: The Chorus Girl & Other Stories* vol. 8, 176 (Constance Garnett trans., The Ecco Press 1985). Rashevitch mistakenly asserts that the writer Ivan Goncharov was also an aristocrat, but Meier corrects him and points out that Goncharov was a merchant. *Id.*

18. Mirsky, *supra* n. 2, at 292.

19. A good example of the range of Chekhov's understanding of character is the story *On Official Business*, where three of the main characters are the social-climber examining magistrate Lyzhin, the old peasant village constable Loshadin, and the wealthy landowner Von Taunitz. Throughout the story Lyzhin struggles to understand Loshadin and the sufferings of the peasant class in rural Russia, but ultimately only Von Taunitz is able to comprehend the humble constable in spite of his aristocratic roots. Chekhov suggests that this understanding is the result of the pain which Von Taunitz has suffered through the untimely death of his wife. See Garnett, *The Schoolmistress*, *supra* n. 13, at 155 (appearing under the title *On Official Duty*).

20. Mirsky, *supra* n. 2, at 291.

21. Indeed, Chekhov's father had to flee Taganrog to escape debtor's prison, leaving the young Chekhov behind to finish his schooling. Payne, *supra* n. 3, at xx.

22. *Id.* at xvii.

23. *Id.* The commonly accepted view that an author's childhood and personal history inevitably find their way into his writing may well hold true in the case of someone like Dickens, but it is difficult to prove when it comes to Chekhov. See e.g. Edgar Johnson, *Charles Dickens: His Tragedy and Triumph* vol. 2, 678–690 (Simon & Schuster 1952) (noting some of the autobiographical elements in *David Copperfield*). In addition, Vladimir Kataev has pointed out that many readers fail to distinguish Chekhov's point of view as author from the points of view of his various narrators. Kataev, *supra* n. 1, at 262–263. This is a critical distinction to keep in mind. In *The Head-Gardener's Story*, for example, is

Chekhov finished his schooling in Taganrog after his parents left for Moscow, and he began writing in earnest by at least the age of twelve.²⁴ Many of his early stories were comic and ephemeral, related to the events of his childhood and his later years studying medicine.²⁵ Indeed, it was while he was studying to be a doctor at Moscow University that he began, at his brother Aleksandr's suggestion, to submit stories to the Moscow humor magazines for "five kopecks a line."²⁶ Once under the sway of Alexei Suvorin,²⁷ Chekhov's literary career flourished. In 1886–1887 he moved away from "the tyranny of the comic papers"²⁸ and started to write serious literature.²⁹ In 1888, Chekhov began to publish in

it Chekhov who feels that hardened criminals, even murderers, should be pardoned because to condemn a man to death renders the society that dooms him as savage and brutal as the murderer, or is this merely the viewpoint of the gardener who narrates the story? See Garnett, *The Schoolmistress*, *supra* n. 13, at 269–276 (providing an English translation of *The Head-Gardener's Story*). It is perhaps most important to keep the difference in mind in Chekhov's "religious" stories, such as *The Bishop* and *Saintly Simplicity*, where it is quite clear that the dying priest in the first and the proud father of the lawyer in the second are deeply religious men. Yet, as for the writer himself, "what is clearly evident from Chekhov's works, the opinions he expressed, and the recollections of his contemporaries . . . [is] that Chekhov was devoid of religious feeling." Kataev, *supra* n. 1, at 262. Chekhov's view of doctors and lawyers is equally susceptible to misconstruction. *Saintly Simplicity* may be found in Avrahm Yarmolinsky, *The Unknown Chekhov: Stories and Other Writings* 87 (Funk & Wagnalls 1954). *The Bishop* may be found in Anton Chekhov, *The Tales of Chekhov: The Bishop & Other Stories* vol. 7, 3 (Constance Garnett trans., The Ecco Press 1985) [hereinafter Garnett, *The Bishop*].

24. Payne, *supra* n. 3, at xx–xix.

25. *Id.* at xix.

26. Rayfield, *supra* n. 12, at 7. It was during this time that Chekhov rose under the wing of the influential publisher Alexei Suvorin, editor of Moscow's largest daily paper, *New Times*, to whom he submitted much of his early work. Mirsky, *supra* n. 2, at 291. Suvorin limited the young Chekhov to 100 lines per story, and although Chekhov must have chafed as a result, writing under such severe length limitations forced him to master the art of telling a story quickly and precisely. This pithiness was to stand him in good stead. As the eminent British novelist J.B. Priestley has pointed out,

Chekhov has a genius—and it *is* genius, not simply an experienced writer's trick—for . . . [the] maximum of effect created by the smallest possible means He could do more with fifty words than most of his contemporaries could do with five hundred. He is the master in language of the swift impressionistic sketch or the powerful drawing with most of the lines left out.

J.B. Priestley, *Anton Chekhov* 67–68 (Intl. Profiles 1970) (emphasis in original). Alas that such could be said of the average lawyer!

27. Karlinsky, *supra* n. 4, at 54.

28. Mirsky, *supra* n. 2, at 292.

29. Mirsky divided Chekhov's literary career into two phases, before and after 1886. *Id.* at 294. Once he was able to free himself from the comic papers, Chekhov developed "a new style." *Id.* at 295. This style moved away from garrulous plot-centered narratives to profound studies of character and theme. Payne sees elements of the later, character-

the *Northern Herald*, a prestigious literary periodical edited by the poet Alexei Pleshcheyev.³⁰ After winning the Pushkin Prize later that year,³¹ his career as a writer was assured.

With sad irony, along with literary fame came the beginning of “[d]isease and [s]elf-[d]estruction.”³² Chekhov once famously wrote that he considered medicine his wife and literature his mistress,³³ but it was quite clear that he was a faithful husband to his chosen career.³⁴ The constant presence of illness and death in his daily practice took its toll on his health, as did his trip to Sakhalin Island in 1890 to observe and report on the conditions of the prisoners there. Ultimately he contracted tuberculosis, possibly from one of the peasants he treated gratis.³⁵ Gravely ill, he spent the winter of 1897–1898 in Nice,³⁶ then moved to Yalta in the fall of 1898 in hopes of benefiting from that seaport’s mild climate.³⁷ The moves were of no avail, unfortunately. Just six years later, at the age of forty-four, Chekhov was dead.³⁸

oriented approach as early as 1882, in the story *Green Scythe*. Payne, *supra* n. 3, at xxii. *Green Scythe*, translated by Payne, may be found in the *Image of Chekhov*. *Id.* at 27.

30. Karlinsky, *supra* n. 4, at 95 n. 1. Karlinsky later remarked about “Chekhov’s spectacular ascent as a serious writer after he began publishing in *Northern Herald* . . .” *Id.* at 119 n. 1.

31. Rayfield, *supra* n. 12, at 60.

32. *Id.* at 58. This is the heading of Chapter 5 in Rayfield’s study, which he dates from 1888, the year of the Pushkin Prize. *Id.* at 58–71.

33. *Id.* at 6. Tolstoy, for whom Chekhov had great esteem and respect, once opined that “Chekhov would have been a better writer if he had not been so good a doctor.” Payne, *supra* n. 3, at xxx.

34. Payne goes on to note that “Chekhov himself regarded his medical training as the salvation of himself as a writer.” He points out that even after Chekhov settled at Melikhovo “he was unable to escape from medicine. He built a clinic and attended the peasants from miles around, usually forgetting to charge them any fees.” *Id.* at xxx–xxxi. Payne also relates how Chekhov decided to become a doctor in the first place:

He was fifteen when he caught a chill while bathing, and peritonitis set in. For a few days his life was despaired of. A German doctor who attended him during his convalescence told him about a doctor’s life; and from wanting to be a clown [Chekhov had visions of becoming a comedian when he began to write at about the age of twelve] he changed direction and determined to be a doctor. A few words from an obscure German doctor changed his whole life.

Id. at xx.

35. Karlinsky, *supra* n. 4, at 292 (noting that “[b]y 1897 Chekhov had had tuberculosis for at least ten years without realizing it”).

36. *Id.* at 305.

37. *Id.* at 321.

38. *Id.* at 475. “Chekhov died in Badenweiler, Germany, in the early morning hours of July 2, 1904.” *Id.* By then, in addition to his tuberculosis, he had contracted emphysema. *Id.* at 444.

Perhaps the greatest measure of the influence of a writer who has been dead for more than a hundred years comes from the impressions that his successors in the literary craft retain of him. If that is the case, the impact of Anton Chekhov has been profound indeed. In the words of Cynthia Ozick, author of the Puttermesser stories:³⁹

“Chekhovian.” It’s clear that this adjective had to be invented for the new voice Chekhov’s genius breathed into the world—elusive, inconclusive, flickering; nuanced through an underlying disquiet, though never morbid or disgruntled; unerringly intuitive, catching out of the air vibrations, glittering motes, faint turnings of the heart, tendrils thinner than hairs, drift.⁴⁰

Or as the great Irish short story writer William Trevor, himself a master of the form Chekhov perfected for Russia, has said:

Chekhov noticed that there was something the novel could not do: inspired, he fashioned the art of the glimpse. The blustering nineteenth-century novel had seized upon the heroics and plot patterns that for so long had distinguished the fiction of the European myths; after Chekhov, the short story at its best reflected a view of life in which the mundane and what appeared to be the inconsequential never ceased to matter. Truth, like a hard beam of light, was the new storyteller’s favorite instrument, shredding the very skin of the characters it scrutinized.⁴¹

Trevor’s point about truth bears emphasis as this Article proceeds to examine the stories *Home* and *A Visit to Friends*.⁴² A prominent Chekhov critic has noted that the “trademark” of a Chekhov story is that it “shows a variety of human efforts, all relating to a single, inalienably human process—the search for ‘real

39. For a depiction of Puttermesser’s trials and tribulations as a lawyer, see Cynthia Ozick, *Puttermesser: Her Work History, Her Ancestry, Her Afterlife*, in Thomas Morawetz, *Literature and the Law* 47, 48–59 (Vicki Been et al. eds., Aspen Publishers 2007).

40. Cynthia Ozick, *Back Cover*, in Anton Chekhov, *The Tales of Chekhov: The Wife & Other Stories* vol. 5 (Constance Garnett trans., The Ecco Press 1985).

41. William Trevor, *Back Cover*, in Anton Chekhov, *The Tales of Chekhov: Love & Other Stories* vol. 13 (Constance Garnett trans., The Ecco Press 1987).

42. Consult *infra* Part III for additional information.

truth.”⁴³ This “real truth” is unknowable; it is the constant search for it that counts.⁴⁴ In the process of depicting characters on the path to the unattainable “real truth,” Chekhov, “[m]ore than any other writer before or since, . . . was the poet and investigator of a specific range of experience: making sense of life, orienting oneself within it, choosing a course of action or a way of behaving.”⁴⁵ This Article will attempt to demonstrate how two very successful lawyers, Bykovsky in *Home* and Podgorin in *A Visit to Friends*, struggle with the desire to make sense of their lives and choose a course of action that will accomplish this all-pervasive personal goal. It will then show how their chosen profession influences their quest in opposite ways.⁴⁶ This search for personal fulfillment is the goal of most, if not all, of Chekhov’s later characters, but the poignancy of the struggle *for the lawyer* is of greatest interest here.⁴⁷

43. Kataev, *supra* n. 1, at 164.

44. *Id.* at 164–165. Kataev goes on to note that there are three components to Chekhovian “real truth”: completeness, universal significance, and fairness. *Id.* at 166–167. This third component may be of particular interest to the lawyer, but must be left for discussion another day.

45. *Id.* at 163.

46. *See infra* nn. 87–102, 156–170 and accompanying text (highlighting Bykovsky’s struggle with the “subjective” view and Podgorin’s destiny to remain wary and “objectified”).

47. Perhaps the physician’s struggle for personal fulfillment was most poignant to Chekhov as he wrote about them. A good example of such a story is *An Unpleasantness*, in which a frustrated zemstvo doctor strikes a subordinate and then agonizes over the legal and professional problems which ensue. Yarmolinsky, *supra* n. 23, at 137–160.

III. THE LAWYER SUBJECTIFIED AND OBJECTIFIED

A. Home⁴⁸

1. The Story⁴⁹

One day Prosecutor Yevgeny Petrovitch Bykovsky returns home after a session of the circuit court to find the governess of his only child, seven-year-old Seryozha, in sore distress.⁵⁰ The governess has discovered Seryozha smoking tobacco, which he has pilfered from his father's desk,⁵¹ and now it is up to the father to determine how to punish his son and to convince him that smoking and unauthorized "expropriation" of another's property are wrong.⁵² The prosecutor's task is complicated in two ways. First, he is not convinced that smoking itself is wrong, and so he is troubled by the seeming "law of social life" that "the less an evil [is] understood, the more fiercely and coarsely it [is] attacked."⁵³ Second, the more trenchant problem for Bykovsky is that the malefactor is his own son.

[I]n school and in court, of course, all these wretched questions are far more simply settled than at home; here one has to do with people whom one loves beyond everything, and love is exacting and complicates the question. If this boy were not my son, but my pupil, or a prisoner on his trial, I

48. Chekhov wrote two stories with the title *Home* or *At Home*. Vladimir Golstein, "Doma": *At Home and Not at Home*, in *Reading Chekhov's Text* 74, 74 (Robert Louis Jackson ed. & trans., Northwestern U. Press 1993) [hereinafter Golstein]; Rayfield, *supra* n. 12, at 192. The one under discussion here, *Doma*, was written in 1887. Golstein, *supra* n. 48, at 74. The other, *V Rodnom Uglu*, was written in 1897. Rayfield, *supra* n. 12, at 192. This latter story concerns a woman who returns to an estate she has inherited and which she remembers fondly from her childhood. *Id.* Her ideals quickly crumble under the harsh influence of her grandfather and aunt, and she ultimately capitulates to their manipulations by "marr[ying] a man she despises." *Id.* The 1897 story appears in Anton Chekhov, *The Tales of Chekhov: The Duel & Other Stories* vol. 2, 259 (Constance Garnett trans., The Ecco Press 1984).

49. The translation is by Constance Garnett in Anton Chekhov, *The Tales of Chekhov: The Cook's Wedding & Other Stories* vol. 12, 65 (Constance Garnett trans., The Ecco Press 1986) [hereinafter Garnett, *The Cook's Wedding*].

50. *Id.*

51. *Id.*

52. *Id.* at 68–69. Seryozha has committed the further sin of lying about the number of times he has smoked. *Id.* at 68.

53. *Id.* at 66.

should not be so cowardly, and my thoughts would not be racing all over the place!⁵⁴

Bykovsky starts to question his son much as he might interrogate a “prisoner on his trial,”⁵⁵ and the result is a dismal failure. He first appeals to logic, rationality, and the legal distinction between *meum* and *tuum* in property law, but Seryozha, not surprisingly, is bewildered by his father’s approach and fails to grasp the fine distinctions of the law.⁵⁶ Next, Bykovsky tries to convey his disapproval of Seryozha’s behavior by an appeal to pedagogy, ethics, and morality with an equally fruitless result.⁵⁷ The prosecutor is now frustrated by his inability to get through to Seryozha, but then he suddenly realizes that to communicate effectively with his son, he must “think like a child,” not as a lawyer or educator:

He [Seryozha] has a little world of his own in his head, and he has his own ideas of what is important and unimportant. To gain possession of his attention, it’s not enough to imitate his language, one must also be able to think in the way he does. . . . That’s why no one can take the place of a mother in bringing up a child, because she can feel, cry, and laugh to-

54. *Id.* at 73.

55. *Id.* at 68–75.

56. *Id.* at 68–70; see Golstein, *supra* n. 48, at 74–81 (examining Bykovsky’s unsuccessful resort to legal and pedagogical methodology, and his successful use of the literary method).

57. Garnett, *The Cook’s Wedding*, *supra* n. 49, at 70–73; Golstein, *supra* n. 48, at 76. Chekhov apparently feels that the legal and pedagogical methods may not be all that different, in that both lawyer and teacher try to convey their meaning through an appeal to logic: “The modern teacher, taking his stand on logic, tries to make the child form good principles, not from fear, nor from desire for distinction or reward, but consciously.” Garnett, *The Cook’s Wedding*, *supra* n. 49, at 71. Perhaps the educational and legal systems *do* part company, however, on the invocation of fear:

From these fearful countenances I see great blessing come to my citizens; for if you kindly honor the Kindly Ones, always and greatly honor them, you shall live for all time with land and city straight in its justice—and all shall see it as such.

Aeschylus, *The Eumenides*, in *The Oresteia* 134, 170 ll. 990–996 (David Grene & Wendy Doniger O’Flaherty trans., U. Chicago Press 1989). The excerpted speech is part of Athena’s warning to the citizens of Athens to respect the role of the Furies in the new legal system, which she has just established at the court of the Areopagus. The *Kindly Ones* are the Furies. *Id.*

gether with the child. One can do nothing by logic and morality.⁵⁸

The problem for Bykovsky, namely how he can effectively relate to his son, is all the more urgent because the prosecutor is a widower.⁵⁹ Ultimately, he solves his problem by invoking “the literary or artistic method”—he recites a simple fairy tale to Seryozha about a kingdom that falls into ruin when the king’s son dies from consumption brought on by smoking.⁶⁰ The story shocks the boy, and he immediately resolves to give up tobacco.⁶¹ Impressed at how quickly the literary method has succeeded where the legal and pedagogical methods have failed, Bykovsky is nonetheless perturbed by the thought that “morality and truth [must] never be offered in their crude form, but only with embellishments, sweetened and gilded like pills”⁶² Still, he now recognizes that many of life’s lessons are best learned through the arts, remembering that even *he* in his younger days “had gathered an understanding of life not from sermons and laws, but from fables, novels, poems.”⁶³ Yet the story ends ambiguously. After Seryozha is packed off to bed, the reader is left with the impression that the

58. Garnett, *The Cook's Wedding*, *supra* n. 49, at 72.

59. “He [Seryozha] was most likely thinking now of death, which had so lately carried off his mother. . . . Death carries mothers . . . off to the other world, while their children . . . remain upon the earth.” *Id.* at 71.

60. *Id.* at 76–77; see Golstein, *supra* n. 48, at 77–81 (analyzing how the father ironically misses the significance of the fairy tale to his son). The tale resonates with Seryozha because of his identification with the plight of a person who loses a close loved one, much as he himself has lost his mother. Golstein, *supra* n. 48, at 78. Seryozha decides to renounce smoking because he can empathize with the old king and thus with the situation *his* father would be in if *he* were to die like the son in the fairy tale. *Id.* at 78–79. Yeygeny Bykovsky remains deluded as to the true meaning of the fairy tale he has narrated, although Golstein does not seem to suggest a reason for this delusion beyond the fact that Bykovsky has simply not connected adequately with Seryozha as a father. *Id.* at 79. Thus, it is Golstein’s theory that until Bykovsky learns to relate to his only son as a *parent*, he cannot truly be deemed to be “At Home.” See Garnett, *The Cook's Wedding*, *supra* n. 49, at 65 (translating the title *Doma* as “Home”); but see Rayfield, *supra* n. 12, at 45, 192, 278 (translating the title *Doma* as “At Home” and the title of *V Rodnom Uglu* as “At Home”). It is this Author’s contention that Bykovsky’s difficulty in communicating with his son is largely the product of a *professional* impediment, namely the lawyer’s bias toward objectivity and detachment. Before Bykovsky can become sufficiently “subjectified” to relate to Seryozha, this impediment must be removed. See *infra* nn. 87–98 and accompanying text (noting Bykovsky’s struggle to subjectify himself as a result of his profession).

61. Garnett, *The Cook's Wedding*, *supra* n. 49, at 77.

62. *Id.* at 77–78.

63. *Id.* at 78.

next day Bykovsky may well not be “At Home” for his child again.⁶⁴

At first blush this story would seem to be simply a paean to the arts—Chekhov’s tract on the superiority of the artistic over the scientific (i.e., the legal or medical) or pedagogical method, written perhaps on a day when he found his mistress more fetching than his wife.⁶⁵ This is certainly true at the level of craft, for the story deftly illustrates the superiority of third-person close narration over the omniscient narrator so prevalent in much of nineteenth century fiction.⁶⁶ But the fairy tale recited by Bykovsky works primarily because it appeals to the child’s feelings rather than his logic. Thus the contrast between the literary and legal methods could not be more stark.⁶⁷

Additionally, the story is a good example of Vladimir Kataev’s point that Chekhov’s best characters are on a constant search for the “real truth.”⁶⁸ Bykovsky tries to make sense of life, to orient himself in a complex and confusing world, the world of his own child. He tries to choose a course of action that is appropriate for

64. *Id.*

65. *See supra* n. 33 and accompanying text (noting Chekhov’s analogy of medicine as his wife and literature as his mistress).

66. Chekhov skillfully alternates between Bykovsky’s and Seryozha’s very different points of view throughout the story. The story is told in third-person close narration. *See e.g.* Janet Burroway, *Writing Fiction: A Guide to Narrative Craft* 256–263 (6th ed., Longman 2003) (comparing the differences among the first person, second person, third person, omniscient, limited omniscient, objective, and opaque points of view in narrative fiction). Close narration is a hallmark of character-driven fiction, and refers to the fact that the author writes from the mind and heart, the thoughts and feelings of his or her point of view character or characters, rather than merely observing them objectively from the outside, as in omniscient or third-person distant narration. *See id.* at 256–258; Oakley Hall, *The Art and Craft of Novel Writing* 35–36 (Writer’s Dig. Books 1989). The modern trend in creative writing is away from plot-centered to character-driven fiction: “The argument is made that fiction, if it is to possess truth as art, cannot follow an imposed scheme, but must take character and the search for psychological truth as its subject matter.” Hall, *supra* n. 66, at 60–61.

67. As the poet David Bergman once informed this Author, character-driven fiction, to be effective, must pose and answer three essential questions: (1) What is a character feeling? (description of emotion); (2) Why is the character feeling that way? (motivation); and (3) What is the character doing about his or her feelings? (action). David Bergman to James D. Redwood, Conversation at the Kenyon Review Writers Workshop (Gambier, Ohio) (July 2, 1999). Because modern fiction concentrates first and foremost on the character’s feelings and motivations rather than on his or her actions, it can be said to be character-driven: the characters drive the plot rather than the reverse. In this sense Chekhov’s fiction was quite forward-looking.

68. *See supra* text accompanying nn. 43–45 (noting that the “trademark” of Chekhov’s characters is their search for “real truth”).

his son and for himself in order to resolve the difficulties posed by Seryozha's disturbing behavior.⁶⁹ Bykovsky's struggle to be "at home"—to reconcile his own *laissez faire* attitude toward smoking with the need to instill in his son a proper sense of its dangers—coupled with his longing to connect with the boy by choosing the right method to convey to him both love and meaning are emblematic of the second half of Chekhov's literary career.⁷⁰ As we know, Bykovsky will not be able, ultimately, to capture the "real truth,"⁷¹ and tomorrow he may not be "at home" again.⁷² But Chekhov has made his point—it is Bykovsky's quest that matters, not the discovery of that elusive real truth.

Yet there is an additional characteristic of the story of particular interest to the lawyer that forms the subject of the discussion that follows: the difficulty of, yet necessity for, "subjectifying" the professional attorney if he is to be effective or relevant in his personal life outside the courtroom and the law office. Yevgeny Petrovitch Bykovsky perfectly exemplifies the lawyer grappling with this dilemma.

2. The Lawyer Subjectified

The first thing to note about Prosecutor Bykovsky and his family is that they appear to be quite affluent. Bykovsky is presented to the reader as a busy and successful attorney. So busy that at the beginning of the story he asks the governess the age of

69. Kataev, *supra* n. 1, at 163.

70. *Id.* at 163–168; Mirsky, *supra* n. 2, at 294 (dividing Chekhov's literary career into two periods—before and after 1886—*Home* was written at the very beginning of the second phase, in 1887). Chekhov himself described his goals as a writer in the following terms:

I am neither liberal, nor conservative, nor gradualist, nor monk, nor indifferentist. I would like to be a free artist and nothing else, and I regret God has not given me the strength to be one. I hate lies and violence in all of their forms. . . . Pharisaism, dullwittedness[,] and tyranny reign not only in merchants' homes and police stations. I see them in science, in literature, among the younger generation. That is why I cultivate no particular predilection for policemen, butchers, scientists, writers[,] or the younger generation. My holy of holies is the human body, health, intelligence, talent, inspiration, love[,] and the most absolute freedom imaginable, freedom from violence and lies, no matter what form the latter two take. Such is the program I would adhere to if I were a major artist.

Ltr. to Alexei Pleshcheyev (Oct. 4, 1888), in Karlinsky, *supra* n. 4, at 109.

71. Kataev, *supra* n. 1, at 164–165.

72. See Golstein, *supra* n. 48, at 81 (finding that because Bykovsky "refuses to face the true reason behind the success of his story," he is not yet "at home").

his son.⁷³ He also returns from work exhausted—“such light and discursive thoughts as visit the brain only when it is weary and resting began straying through [Bykovsky’s] head”⁷⁴

And the evidence of the Bykovskys’ affluence, etched with Chekhov’s inimitable touch—precise in description but often ambiguous⁷⁵ in meaning—accumulates as the story proceeds. The family has a governess, to begin with, and a separate nursery.⁷⁶ Seryozha wears a velvet jacket.⁷⁷ He has toy horses and pictures, and his father calls him “spoilt.”⁷⁸ The boy’s Uncle Ignat used to play the violin,⁷⁹ and Seryozha appears to be familiar with orchestras.⁸⁰ Two people in the apartment two floors above them play scales at the beginning of the story, although they have ceased doing so by the end.⁸¹ The Bykovskys have a cook. A man with a hurdy-gurdy and a girl who dances to his music come into their yard while Seryozha and the governess⁸² are having dinner: the suggestion is that they are hoping to be paid for their music.⁸³ Pianos in the house, the uncle and his violin, Seryozha “depict[ing] the sounds of an orchestra”⁸⁴—such things are not the

73. Garnett, *The Cook’s Wedding*, *supra* n. 49, at 65. It is unclear whether this is merely a rhetorical question or whether Bykovsky is, in fact, too immersed in his work to remember his son’s age. Much in Chekhov remains unstated, implied. *See infra* n. 75 (noting that Chekhov’s ambiguity poses a challenge to interpreters). Nevertheless, the disengaged protagonist that Chekhov gives to us is credible only if he is truly ignorant of Seryozha’s age. *See Burroway*, *supra* n. 66, at 122–127 (commenting on credibility, complexity, and change in fictional characters).

74. Garnett, *The Cook’s Wedding*, *supra* n. 49, at 67.

75. Chekhov wrote with a very light pen rather than with a blunter instrument, which poses a challenge for the interpreter. Much remains implied. Chekhov was a master of the modern technique of “show, don’t tell”: “Don’t tell me the moon is shining; show me the glint of light on broken glass.” BBC World Service, *supra* n. 7. Nowhere does Chekhov *tell* us that the Bykovskys are upper class or wealthy, but the accumulation of little details makes the point evident. *See Ozick*, *supra* n. 39 (commenting that “we have come to think of Chekhov mainly as a writer of hints and significant fragments. . . [.]” and taking exception to this proposition by calling it “an odd misdirection”). Cynthia Ozick nevertheless points out that Chekhov’s “new voice” was “elusive, . . . flickering . . . nuanced . . . catching out of the air vibrations, glittering motes, faint turnings of the heart, tendrils thinner than hairs. . . .” Ozick, *supra* n. 39. This is the description of subtle, implied writing indeed.

76. Garnett, *The Cook’s Wedding*, *supra* n. 49, at 67.

77. *Id.* at 68.

78. *Id.* at 69.

79. *Id.* at 70.

80. *Id.* at 74.

81. *Id.* at 67, 78.

82. But not, significantly, Bykovsky himself, who was presumably still at work.

83. *Id.* at 72.

84. *Id.* at 74.

hallmark of the lower orders. Finally, at one point Seryozha asks his father why porters stand by doors,⁸⁵ and the very posing of the question intimates that the child does not come from the class from which porters typically spring.⁸⁶

This affluence comes at a price, however. One commentator has suggested that Bykovsky's failure "to take upon himself the emotional demands of domestic life" can be attributed to "the inadequacies of lawyers . . . who fulfill their responsibilities in a formal manner."⁸⁷ More is involved than mere formalism, however. Chekhov suggests that it is Bykovsky's chosen profession, a paradigmatically *objective* one, that gets in the way of his entering the *subjective* world of his child in a manner that will enable him to convey the message he wishes about the perils of smoking:

But we think too much, we are eaten up by logic. . . . The more developed a man is, the more he reflects and gives himself up to subtleties, the more undecided and scrupulous he becomes, and the more timidity he shows in taking action. How much courage and self-confidence it needs, when one comes to look into it closely, to undertake to teach, to judge, to write a thick book. . . .⁸⁸

It is intriguing to note the linking here of education, law, and the arts. As noted earlier,⁸⁹ the story expresses the ultimate view that the important lessons of life are best taught not by the law or the educational system, but through the artistic method. Yet the paragraph excerpted above is an apt description of the law—a profession guided in large part by *logic*—much, perhaps too much, *reflection and thought*,⁹⁰ *subtleties*, *scruples*, and the sometimes debilitating *indecision*⁹¹ that comes from looking at both sides of a

85. Garnett, *The Cook's Wedding*, *supra* n. 49, at 74.

86. Neither, of course, did his father, who at one time reminisces about the fact that his mother used to bribe him with money and sweets to keep him from smoking. *Id.* at 71.

87. Golstein, *supra* n. 48, at 235 n. 6. Golstein suggests that Bykovsky's "dry formality," which leads him to rely so heavily on legal arguments in his initial efforts to dissuade Seryozha from smoking, is the product of his career as a public prosecutor, but he goes no further in his discussion of Bykovsky's profession. *Id.* at 75.

88. Garnett, *The Cook's Wedding*, *supra* n. 49, at 75.

89. See *supra* nn. 54–56, 59–62 and accompanying text (synopsizing the story *Home*).

90. "Yond Cassius has a lean and hungry look, He thinks too much: Such men are dangerous." William Shakespeare, *Julius Caesar*, in *The Ben Greet Shakespeare for Young Readers and Amateur Players* 27 (Doubleday 1912). Was Cassius a lawyer, one wonders?

91. Would Shakespeare have had Hamlet dabble in the law if he had lived and grown

question to such an extent that action becomes paralyzed. The passage also comes at an extremely important point in the narration because the story, to the extent it involves a change in the main character,⁹² shows us Bykovsky's struggle to subjectify himself, a process that his profession causes him to resist.⁹³

[I]t struck Yevgeny Petrovitch as strange and absurd that he, an experienced advocate, who spent half his life in the practice of reducing people to silence, forestalling what they had to say, and punishing them, was completely at a loss and did not know what to say to the boy.⁹⁴

Bykovsky is truly flummoxed, struck by Seryozha's subjective (il)logic.⁹⁵ His resistance breaks down, allowing him to create and recite the absurd⁹⁶ fairy tale, which will strike the right chord

bored with the practice of being kingly?

92. Good fiction on the modern model requires a change in the character over the course of the story. See Burroway, *supra* n. 66, at 126–127 (instructing beginning writers that “change” in characters enhances believability).

93. As already noted, the change may not be permanent. See *supra* n. 64 and accompanying text (implying that Bykovsky will revert to his old ways).

94. Garnett, *The Cook's Wedding*, *supra* n. 49, at 72–73.

95. What is meant by the “il” in parenthesis is that Seryozha follows a certain logic of his own that is a mystery to his father, but which is not in its nature illogical. While half-listening to his father's attempts to get him to see the dangers of smoking, Seryozha begins sketching a crude picture of a house guarded by a soldier whom the boy has drawn to be larger than the house itself. *Id.* at 73–74. When Bykovsky points out to his son how ridiculous it is that the man is taller than the house, Seryozha simply replies that if he had not drawn the soldier so big, the viewer would not have been able to see his eyes. *Id.* at 74. Bykovsky fails to grasp Seryozha's logic here, but then a hallmark of the prototypical Chekhov story is its depiction of “human noncommunication and disconnectedness.” Kataev, *supra* n. 1, at 169. It is thus not surprising that Bykovsky fails to “see” the soldier at Seryozha's level.

Vladimir Golstein has commented on the great emphasis that Seryozha, who has already lost his mother, places on the need to protect his father from harm and himself from further loss. Golstein, *supra* n. 48, at 78. Golstein maintains that the central message of the fairy tale that Bykovsky recites for the boy, which is ironically lost on the speaker but not the listener, is that the prince must stay alive to keep his father and the kingdom safe from ruin. *Id.* This is why Seryozha decides to give up smoking. Garnett, *The Cook's Wedding*, *supra* n. 49, at 77. Golstein points out that because the boy is obsessed with protection, “he draws a house and next to it a soldier with a bayonet. . . .” Golstein, *supra* n. 48, at 78. However, Golstein fails to point out the significance of the fact that the soldier is *larger* than the house. A “supersized” guard is much better able to protect the house than a man of ordinary dimensions; presumably for Seryozha his imagined soldier would also be greater than any potential threat.

96. At the end of the story Bykovsky is still skeptical of the value of pleasant, sugar-coated fictions in conveying important lessons, signaling that the next day he will probably return to his role as the successful, “objectified” public prosecutor. Garnett, *The Cook's*

with his son, only when he allows his subjective feelings free rein at last.

The prosecutor felt the child's breathing on his face, he was continually touching his hair with his cheek, and there was a warm soft feeling in his soul, as soft as though not only his hands but his whole soul were lying on the velvet of Seryozha's jacket. He looked at the boy's big dark eyes, and it seemed to him as though from those wide pupils there looked out at him his mother and his wife and everything that he had ever loved.⁹⁷

Chekhov appears to believe that the lawyer should never fear the injection of the personal into the professional. Nevertheless, Bykovsky's resolution of the conflict between the two has something ironic about it—"[l]ike most people engaged in practical affairs, he did not know a single poem by heart, and could not remember a single fairy tale, so he had to improvise."⁹⁸ The crafting of the fairy tale by pure improvisation is an activity that could not be more subjective, and Chekhov describes the artist, not the lawyer here:

[H]e heaped up all kinds of innocent nonsense and had no notion as he told the beginning how the story would go on, and how it would end. Scenes, characters, and situations were taken at random, impromptu, and the plot and the moral came of itself as it were, with no plan on the part of the storyteller.⁹⁹

Wedding, *supra* n. 49, at 77–78. But he does rather interestingly acknowledge that it has become increasingly necessary for him to make (fairy-tale-inclusive) “speech[es]” to his juries in order to sway them. *Id.* at 78. He has apparently come to realize that the “dry formality” of a purely legal argument works no better with a jury than it does with his own son. See Golstein, *supra* n. 48, at 75 (finding Seryozha in need of love rather than rationality and formalism). If in the future Bykovsky were to inject the literary or artistic method into his practice in the courtroom, then perhaps his “subjectification” would be more than temporary, and what he has learned in his personal life “At Home” would carry over into his professional life as well. *But see infra* nn. 101–102 and accompanying text (noting how Chekhov indicates that the change is probably just ephemeral).

97. Garnett, *The Cook's Wedding*, *supra* n. 49, at 74–75.

98. *Id.* at 75.

99. *Id.* at 75–76. As at least one commentator has pointed out, Chekhov in this passage seems to be describing self-consciously his own method of working. Ronald L. Johnson, *Anton Chekhov: A Study of The Short Fiction* 21 (Gordon Weaver ed., Twayne Publishers 1993). This is not mere “improvisation,” as Chekhov calls it; it is also good writing.

But it must have gone sorely against the grain with Prosecutor Bykovsky to be forced to rely on such a paltry technique to convey his meaning to his son. Lawyers are, after all, perhaps the quintessential “control freaks”—premeditated, over-prepared, with every base covered in advance, every arcane point thoroughly canvassed and researched, checked and counterchecked, every “i” dotted, and every “t” crossed. No stone is left unturned in shoring up an argument, nor is a single comma in a brief ever allowed to wander from its assigned place. Nothing is left to chance. To do otherwise would be unthinkable. Such may be the order of the day inside the courtroom, the milieu in which Bykovsky moves with greatest ease. But Chekhov indicates that this is not the proper way to be “At Home.”¹⁰⁰ Only through the process of “subjectification” brought about by the improvised fairy tale has the lawyer learned to shed the trappings of his profession and relate to his son on a satisfying and effective emotional level. Yet Chekhov intimates that the change may not last. At the end of the story Bykovsky laments that “man has had this foolish habit [of reciting fables, novels, and poems] since the days of Adam.”¹⁰¹ Although he acknowledges that such creations may “serve a purpose,” he still considers them to be “deceptions and delusions.”¹⁰² The reader is thus left to wonder whether Bykovsky will be “at home” again tomorrow.

Garnett, *The Cook's Wedding*, *supra* n. 49, at 76. Many authors have little or no idea when they begin a piece how it will end, and it has often been said that stories find themselves through revision. See *e.g.* Burroway, *supra* n. 66, at 398 (“It might seem dismaying that you should see what your story is about only after you have written it.”). Free writing often dominates first and even later drafts. *Id.* at 4–5.

100. See Rayfield, *supra* n. 12, at 45, 278 (translating *Doma* as “At Home”).

101. Garnett, *The Cook's Wedding*, *supra* n. 49, at 78.

102. *Id.*

B. *A Visit to Friends*¹⁰³

If *Home* involves the evolution of the lawyer from the objective to the subjective, Chekhov's later story,¹⁰⁴ *A Visit to Friends*, gives us movement in the opposite direction. What starts out (largely in flashback) as the lawyer subjectified ends up as the lawyer objectified. As Chekhov prepares to close out his writing life, the attorney in his stories has come full circle.

103. The story is also known by the title *All Friends Together*. Johnson, *supra* n. 99, at 84. The Russian title is *U Znakomykh*. Rayfield, *supra* n. 12, at 283. The translation used here is by Avrahm Yarmolinsky. Yarmolinsky, *supra* n. 23, at 209–231.

104. This work was written during the height of Chekhov's "later phase," in 1898, when he also wrote his profoundly influential "Little Trilogy," consisting of the stories *The Man in a Case*, *Gooseberries*, and *About Love*. See Kataev, *supra* n. 1, at 211–221 (providing an interesting analysis of the three works). By this date, Chekhov's tuberculosis was clearly quite debilitating, and he wrote very little fiction after that, although three of the last stories, *The Lady with the Dog* (1899), *The Bishop* (1902), and *The Bride* (1903) are considered among his greatest. Notwithstanding his illness, Chekhov was hard at work on drama as well. The later period is when he produced his four greatest plays: *The Seagull* (1896), *Uncle Vania* (1897), *The Three Sisters* (1901), and *The Cherry Orchard* (1904). The "Little Trilogy" of stories may be found in Chekhov, *The Wife & Other Stories*, *supra* n. 40, at 249–302. *The Bishop* was mentioned earlier. Garnett, *The Bishop*, *supra* n. 23, at 3. *The Lady with the Dog* may be found in Anton Chekhov, *The Tales of Chekhov: The Lady with the Dog & Other Stories* vol. 3, 3 (Constance Garnett trans., The Ecco Press 1984). *The Bride* appears in Anton Chekhov, *The Tales of Chekhov: The Schoolmaster & Other Stories* vol. 11, 47 (Constance Garnett trans., The Ecco Press 1986) (appearing under the title *Betrothed*) [hereinafter Garnett, *The Schoolmaster*].

1. *The Story*¹⁰⁵

One day in early summer Misha Podgorin, a successful Moscow attorney, receives a letter from an old friend, Tatyana Alexeyevna Losev, complaining that Podgorin has not come to see her and her family at their estate outside Moscow, Kuzminki, for

105. *A Visit to Friends* was written for the magazine *Cosmopolis*, an international journal published in four languages in Paris and St. Petersburg. Karlinsky, *supra* n. 4, at 313–314 nn. 1–2. Chekhov wrote the story at the express desire of *Cosmopolis*'s editor, Fyodor Dmitrievich Batyushkov, a leading Russian literary scholar and promoter of comparative literature studies. *Id.* at 313–314 nn. 1–2. Chekhov was apparently unhappy with the piece, however, for he left it out of his *Complete Works* when they were collected for publication between 1899 and 1902. Rayfield, *supra* n. 12, at 206. Rayfield speculates that Chekhov's dissatisfaction with the story may have stemmed from the fact that he wrote it in France and "had considerable annoyance over the proofs . . ." *Id.* The author may also have been embarrassed by the close resemblance between some of the main characters and a family he knew in Babkino that was facing financial ruin at the time. *Id.* Chekhov himself suggests another reason for his distaste for *A Visit to Friends* in the following letter:

The other day I was struck by the conspicuous advertisement on the first page of *New Times* announcing the publication of *Cosmopolis* with my story "On a Visit" in it. In the first place, my story is called "A Visit with Friends," not "On a Visit." In the second, that kind of publicity turns my stomach. Besides, the story itself is far from conspicuous; it's the kind that can be turned out one a day.

Ltr. from Anton Chekhov to Alexei Suvorin (Feb. 16, 1898), in Karlinsky, *supra* n. 4, at 315. The letter goes on to describe Chekhov's increasing discomfort with the infamous Dreyfus Affair, over which Chekhov and Suvorin were soon to quarrel. *Id.* at 315–317. In the letter Chekhov praises the efforts of Emile Zola to raise consciousness both in France and elsewhere about the injustice of *l'affaire*, as it came to be known. *Id.* at 316. Then he goes on to speak with admiration of the "social work" of his great contemporary in Russian letters, Vladimir Korolenko, whom Karlinsky describes as follows: "[i]n Chekhov's lifetime and during the first two decades of the twentieth century, Vladimir Korolenko amassed a record as a one-man Civil Liberties Union that could stand comparison to that of Voltaire." *Id.* at 318 n. 7.

Korolenko is relevant for present purposes for another reason. In a famous conversation with Chekhov, Korolenko expressed his amazement at the astonishing facility with which his fellow author wrote. (Chekhov had apparently never heard of the term "writer's block," only "writer's cramp." See e.g. Constantine, *supra* n. 4, at ix. ("Write as much as you can!! [sic] Write, write, write till your fingers break!" This advice, which Anton Chekhov sent . . . in a letter in 1886, was the motto by which he lived and worked.)) Chekhov reportedly laughed at Korolenko's remark, picked up an ashtray lying on the table between them, and told his friend that if he wanted a story entitled *The Ashtray*, he could have it the next morning. *Id.* at xiii. Chekhov's comment to Korolenko and his dismissal of *A Visit to Friends* as the kind of story "that can be turned out one a day" perhaps account for his reluctance to include the tale, great though it is, in his collected works. His modesty also comes through in his distaste for self-promotion.

It should be noted, finally, that the mutual admiration which Chekhov and Korolenko entertained for each other was shared by the literary world at large. When Chekhov split the Pushkin Prize in 1888, the other recipient of the award was Vladimir Korolenko. Rayfield, *supra* n. 12, at 48.

quite some time.¹⁰⁶ In the letter, Tatyana, whom Podgorin remembers from his youth as the girl “Tanya” or “Ta,” urges the lawyer to pay them a visit, and the letter is co-signed by Varvara Pavlovna (“Varya” or “Va”), a childhood friend of the Losevs.¹⁰⁷ The note initially evokes fond memories of a dozen years earlier, when Podgorin enjoyed “the long talks, the gay laughter, the flirtations, the evening walks, and the flower gardens of girls and young women who were then staying at Kuzminki”¹⁰⁸ But then Podgorin’s pleasant reminiscence comes to an end.

But at the time he had been only a student, and they marriageable girls. He had been considered a mere boy. And now, although he was already an established lawyer and his hair was beginning to turn gray, they still called him Misha, thought of him as a young man[,] and declared that he had not lived.¹⁰⁹

He realizes that “[h]e loved them dearly, but it would seem rather as memories than in actuality.”¹¹⁰

The dissolution of Podgorin’s romantic flashback is in large part attributable to his “de-subjectification” or “objectification,” the reverse of the process by which Prosecutor Bykovsky momentarily pierces the veil of objectivity which has kept him from understanding Seryozha.¹¹¹ Podgorin was at one time practically engaged to Ta’s sister Nadezhda (“Nadya” or “Na”), whom he tutored in the “good old days” at Kuzminki,¹¹² but he feels nothing for her now. And he also lucidly sees through the motive for Tanya’s letter.

The present was scarcely real to him, was incomprehensible and alien. Alien also was this short, playful letter. Much

106. Yarmolinsky, *supra* n. 23, at 209.

107. *Id.* At the time of the story Va is a medical doctor, and *A Visit to Friends* is one of a number of narratives that Chekhov wrote that contains both lawyers and doctors. Other prominent stories with members of both professions are *On Official Business*, *An Unpleasantness*, and *A Nervous Breakdown*. See *supra* n. 13 and *infra* n. 113 (discussing *A Nervous Breakdown*); *supra* n. 19 (discussing *On Official Business*); *supra* n. 47 and *infra* n. 120 (discussing *An Unpleasantness*).

108. Yarmolinsky, *supra* n. 23, at 209.

109. *Id.* at 210.

110. *Id.*

111. Consult Part III(A)(2) for additional information.

112. Yarmolinsky, *supra* n. 23, at 213.

time and effort must have gone to composing it, and as Tatyana was writing it, her husband, Sergey Sergeich, must have been standing behind her. The Kuzminki estate had become Tatyana's property six years ago when she was married, but this Sergey Sergeich had already succeeded in ruining it, and now every time payment to the bank or on a mortgage fell due, they turned to Podgorin, as a lawyer, for advice. Besides, they had already tried to borrow from him twice. Apparently, now too they wanted money or advice from him.¹¹³

113. *Id.* at 210. In many ways *A Visit to Friends* can be said to be a sophisticated reworking of an earlier Chekhov story, *Other People's Misfortune*, which laments the decline of the landowning gentry and the distressed condition of their estates brought about by bad luck, bad advice, or bad behavior. *Other People's Misfortune* is published in Yarmolinsky's *The Unknown Chekhov: Stories and Other Writings*. *Id.* at 107–113. The story was written in 1886, right at what Mirsky considered to be the turning point in Chekhov's career. *See supra* n. 29 (describing Chekhov's two phases of writing); *see also* Karlinsky, *supra* n. 4, at 441 (“[T]he situation of a family about to be evicted from its home reappears in a number of Chekhov's stories from ‘The Late-Blooming Flowers’ of 1882 and ‘Other People's Misfortune’ of 1886 to ‘A Visit to Friends’ of 1898.”). What is fascinating about *Other People's Misfortune* is that one of the main characters, Stepan Kovalyov, is a somewhat pompous, recent law school graduate who rather obliviously and insensitively ignores the plight of the old couple who are forced to sell their estate to him and his wife. Perhaps Kovalyov can be considered one of Chekhov's “objectified” lawyers. Chekhov's other major law student, Vassilyev in *A Nervous Breakdown*, is the personification of the lawyer “subjectified.”

Yarmolinsky contrasts *A Visit to Friends* with *Other People's Misfortune* by observing that in the latter work, “the sad predicament of the Mikhailovs, faced with the loss of their patrimony, is treated with compassion, [whereas] no sympathy is wasted on the similarly circumstanced family of gentlefolk in [*A Visit to Friends*].” Yarmolinsky, *supra* n. 23, at 16. Yarmolinsky thus views *A Visit to Friends* as primarily “[a] tale of disenchantment that mixes melancholy with scorn” *Id.* at 17. Yarmolinsky overreads the issue of sympathy in *Other People's Misfortune*, however, at least where Kovalyov himself is concerned. Although it is true that Verochka, the lawyer's wife, shows compassion toward the old couple who must sell their family home because they have fallen on hard times, her husband does not. *Id.* at 110–113. In fact, he is quite eager to boot them out and arrogantly criticizes them for their poor management of the property, convinced that *he* would have done a much better job of it himself:

Of course, I'm sorry for them [Kovalyov says to his wife], but it's their own fault. Who forced them to mortgage the estate? Why have they neglected it so? We really oughtn't to be sorry for them. If one were to work this estate intelligently, introduce scientific farming . . . raise livestock, one could make a very good thing of it here But these wasters—they've done nothing He is probably a drunkard and a gambler—did you see his mug?—and she is a woman of fashion and a spendthrift. I know those characters!

Id. at 112 (ellipsis in original). It should be noted that nowhere in *Other People's Misfortune* does Chekhov give us any evidence that the Mikhailovs are in fact the “wasters” that Kovalyov considers them to be.

Although Podgorin realizes that he “[is] no longer drawn to Kuzminki, as he used to be,”¹¹⁴ still he finds himself desiring to make the trip:

The fact that he hadn't been to see the Losevs for a long time lay like a weight on his conscience, . . . [a]nd . . . he overcame his reluctance and decided to go to Kuzminki for a stay of two or three days, and then be free from any sense of obligation at least until the following summer.¹¹⁵

The trip turns out to be a disaster.

Sergey Sergeich and Nadya eagerly await Podgorin's arrival by train “just beyond the forest,”¹¹⁶ as though lurking in ambush, and Podgorin is struck unpleasantly by his first glance at his former intended:

Whether she was beautiful or not Podgorin could not tell, for he had known her since childhood and he took her for granted. She wore a white dress, open at the neck, and the sight of her long, white, naked throat was strange to him and affected him disagreeably.¹¹⁷

His guides conduct him to the house, where his unpleasant impressions are only heightened by contact with Ta, Losev's wife, and Va, the doctor. Podgorin quickly learns that Kuzminki is to

Yarmolinsky is right, however, to suggest that the sympathy which Verochka feels for the Mikhailovs would have been utterly lost on Misha Podgorin. And *A Visit to Friends* is a much profounder study of character, both the lawyer's and that of the other actors in the eviction drama that serves as the plot focus of both works. Indeed, by the time of *A Visit to Friends*, Chekhov had moved well beyond the plot-centered stories of the early period. Some of them, like *An Incident at Law* (1883) and *The Village Elder* (1885), were little more than crude, O. Henryesque attempts to tack on an ironic twist at the end that would pack a pleasing punch for the readers of the various humor magazines that put the bread and butter (or salt, to be perhaps more accurate) on the table for Chekhov and his family in his formative writing years. By the 1890s the stories are uniformly dominated by character and theme. The story *Late Blooming Flowers* may be found in Anton Chekhov, *Anton Chekhov: Stories of Women* 253 (Paula P. Ross trans., Prometheus Bks. 1994) (appearing under the title *Too Late the Flowers*). *An Incident at Law* appears in Anton Chekhov, *Anton Chekhov: Early Stories* 14 (Patrick Miles & Harvey Pitcher trans., Macmillan Publg. Co., Inc. 1994) [hereinafter Miles & Pitcher]. *The Village Elder* may be found in Yarmolinsky, *supra* n. 23, at 79.

114. Yarmolinsky, *supra* n. 23, at 210.

115. *Id.* at 211.

116. *Id.* at 212.

117. *Id.*

be sold to meet the Losev's financial obligations and that Podgorin has indeed been asked to visit so that the Losevs and Varya can prevail upon him to devise a "lawyer's trick" to save the estate.¹¹⁸ Podgorin is put off by their unsubtle machinations, and perhaps even more so by the flaws that he notices in all of his friends. Ta lives in a dream world and is ridiculously overprotective of her worthless husband and commonplace children.¹¹⁹ Va is a morose, frazzled physician whose goals and ambitions have been frustrated by life.¹²⁰ Na is a clinging, calculating schemer who seeks to entrap him into marriage again so that he and his resources can come to their rescue.¹²¹ And Sergey Sergeich is a pathetic, maudlin, self-pitying weakling who tries to wheedle money out of him while hypocritically hiding behind a phony façade of idealism to excuse his own shortcomings.¹²² By the end of the story, Chekhov has effectively convinced the reader that the subjective cata-racts that may have skewed Podgorin's perception of his friends in the past have been largely removed by the subsequent sharp surgical practice of the law. The attorney no longer harbors the illusions he formed of these people in his youth, and he can now analyze them with the clear objective eye of the realist.¹²³

118. *Id.* at 214–215.

119. *Id.* at 213–214.

120. It is interesting to note a parallel between Varvara Pavlovna in *A Visit to Friends* and Grigory Ovchinnikov, the frustrated doctor who strikes a subordinate in *An Unpleasantness*, which dates from 1888. Chekhov describes Varya thusly:

Heavy, monotonous work and the constant concern with other people's affairs, her fretting about other people had been a strain on her, and had aged her prematurely, and Podgorin, looking now at her sad face, already faded, thought that not Kuzminki, not Sergey Sergeich, but she herself who was so concerned about them, was in need of help.

Id. at 221. And this is how Ovchinnikov views his job as a zemstvo doctor in a busy local hospital: "I work day and night, I get no rest, I'm needed here more than all these psychopaths, bigots, reformers, and all the other clowns taken together! I've made myself sick with work, and what I get instead of gratitude is to have my salary thrown in my teeth!"

Id. at 154. One wonders here whether Dr. Chekhov is speaking about himself.

121. *Id.* at 221–223, 228–229.

122. *Id.* at 224–226.

123. As will be argued later, Podgorin's acquaintance with the "pretty ugly affairs" of the daily practice of law accounts in large part for his objectification. See Yarmolinsky, *supra* n. 23, at 215 (describing the two sides of Podgorin); *infra* nn. 162–174 and accompanying text (analyzing Podgorin's character). Like Bykovsky, Podgorin views the persons in his life through this objective lens; unlike Bykovsky, who then learns to subjectify himself in his dealings with his son, Podgorin remains objective in his dealings with Va and the Losevs. Or rather, the subjectified Podgorin of twelve years earlier (in flashback) has become incorrigibly objectified by the time of the main narrative.

Two poignant examples of this occur toward the close of the piece when Podgorin manages to avoid an engagement with Nadya for the second time in his life. The first example occurs in the Losevs' drawing room, where Ta is playing the piano. Podgorin becomes immediately entranced: "her playing vividly brought back the past, when in this very drawing room there was playing, singing[,] and dancing late into the night, with the windows open, and the birds in the garden and on the river singing, too."¹²⁴

Because he has a corn on his foot, Podgorin borrows a pair of Sergey Sergeich's slippers, and the symbolic clothing of his feet is quickly apparent to him: "strange to say, in slippers he felt like one of the family, a relative ('like a brother-in-law' flashed through his mind) and he grew even gayer."¹²⁵ He hovers on the brink of action: "Kuzminki was saved! It was a simple matter: all that was needed was to think up something, dig up a law, or . . . marry Nadya . . ."¹²⁶ Podgorin almost succumbs as he watches Nadya twirl round and round the drawing room to Ta's music. But the objective influence is too strong in him: "suddenly remembering that he could do nothing for these people, nothing at all, he fell silent like one stricken with guilt."¹²⁷ The romantic mood quickly passes. He sits "mute, cross-legged, with his feet in another man's slippers,"¹²⁸ and the Losevs, realizing also "that nothing could be done, . . . [fall] silent, too."¹²⁹

Later that night, after reluctantly agreeing to "loan" Sergey Sergeich one hundred roubles,¹³⁰ Podgorin enters the Losevs' garden, which is awash in the stuff of which romantic clichés are built. There is a gothic-like tower with a balcony and a conical roof from which "rose a tall spire topped by a black weather-vane."¹³¹ Podgorin climbs up to the balcony and peers out over "the broad fields, flooded with moonlight."¹³² Suddenly he hears

124. Yarmolinsky, *supra* n. 23, at 223.

125. *Id.*

126. *Id.*

127. *Id.*

128. *Id.*

129. *Id.* at 223–224.

130. *Id.* at 225.

131. *Id.* at 227.

132. *Id.* at 228.

footsteps below him, and Na appears, calling after the Losevs' dog. She looks up and does not see Podgorin, but his presence is apparent: "she was smiling, and her pale face, lighted by the moon, seemed happy."¹³³

Watching her, Podgorin, the cold-eyed realist schooled in the "pretty ugly affairs" of the law,¹³⁴ plumbs her mind and motive immediately: "[s]he stood and waited, hoping that he would either come down or call her to him, and that he would finally propose to her, and they would be happy in this still, beautiful night."¹³⁵ But it was not to be.

As for him, he was ill at ease, he shrank together, he froze, . . . and he was vexed, and could only reflect that here in the country, on a moonlit night, with a beautiful, enamored, dreamy girl so near, his emotions were . . . little involved . . . —clearly this fine poetry meant no more to him. . . . All this was dead: trysts on moonlit nights, slim-waisted figures in white, mysterious shadows, towers[,] and country houses¹³⁶

Podgorin does not come down from the tower, nor does he call her up to him. After a moment Nadya moves off, and Podgorin watches a white spot gradually fade into the distance.¹³⁷ Not knowing what he will say to his friends after this, and dreading three more days of awkwardness and boredom, he decides to return to Moscow early the next morning. Podgorin is unfazed: "[s]everal times, as he was driving off, he looked back at the wing in which he had spent so many happy days, but his heart was unmoved and he did not grow melancholy."¹³⁸ Safely back in his apartment, he notices the note that he received from Ta and Va the previous day. Again, Podgorin is unfazed: "[t]en minutes later he was at his desk, working, and without a thought of Kuzminki."¹³⁹

133. *Id.*

134. *Supra* n. 123 (construing Podgorin's acquaintance with "pretty ugly affairs" as the reason for his objectification).

135. Yarmolinsky, *supra* n. 23, at 228–229.

136. *Id.* at 229.

137. *Id.*

138. *Id.* at 230.

139. *Id.* at 231.

Is Podgorin a man in search of the “real truth?”¹⁴⁰ Is he trying to “mak[e] sense of life, [orient himself] within it, choos[e] a course of action or a way of behaving”?¹⁴¹ The process of seeking out the “real truth” involves, for Chekhov, a character’s painful journey in which “illusion after illusion is shattered and rejected, and the falsity of various general and individual ideas is revealed.”¹⁴² In this regard it appears as though Podgorin is typically Chekhovian. His illusions about the Losevs and their motives are forever shattered by his return to Kuzminki as he comes to realize the falsity of their romantic, “moonlit,” or “moonstruck” notions of love, marriage, and friendship. Perhaps it can be said that the lawyer has chosen a “negative” course of nonaction over action by failing to propose to Nadya. Yet at the end of the story Chekhov implies that Podgorin has also taken the “positive” step of deciding that he will never again return to Kuzminki.¹⁴³ Additionally, it is also clear that Podgorin yearns to make sense of life, to orient himself within it, and to find a new way of behaving. In the tower scene, for example, the attorney imagines how life might be different and better for him.

And now, sitting here in this tower, he would have preferred a good display of fireworks or a procession in the moonlight, or to have . . . some other woman, who, standing there on the embankment where Nadezhda was standing, would speak of something absorbing, novel, having no relation to love or happiness, or if she did speak of love, it would be a call to a new kind of life, exalted and yet reasonable, a life on the threshold of which we live and of which we sometimes have a premonition. . . .¹⁴⁴

140. See Kataev, *supra* n. 1, at 164 (finding “the search for real truth” as the “trade-mark of Chekhov’s stories”).

141. *Id.* at 163.

142. *Id.* at 164.

143. Kataev points out that Chekhov’s general conclusions on human existence may be either negative, as when he asserts that no one can know “real truth,” or affirmative, as when he asserts that the search for real truth is a necessary part of the quest for a meaningful life. Kataev, *supra* n. 1, at 168. Kataev goes on to state that Chekhov’s stories form a harmonious whole consisting of both affirmations and negations that work together and that help to give his characters their complexity. *Id.* at 168–170.

144. Yarmolinsky, *supra* n. 23, at 229.

Podgorin, like Bykovsky, is indeed on the path to the “real truth,” although neither of them will ultimately achieve it. Bykovsky will not understand his son tomorrow, and Podgorin will never see his friends again. But as in *Home*, here it is Podgorin’s choice of profession that is of most interest to the “legal” reader, but from a different perspective. In *Home*, Bykovsky’s objective training in the law has blinded him to the (subjective) feelings and yearnings of his son, although he does learn to “subjectify” himself through the process of reciting the fairy tale to Seryozha and thereby comes to understand him for at least one evening. In *A Visit to Friends*, however, Misha Podgorin understands his friends only too well: that same objective experience allows him to read their motives and sentiments all too clearly, and it enables him to resist their advances and return to his successful practice in Moscow relatively unscathed. Bykovsky is the lawyer subjectified. Podgorin is the lawyer objectified.

2. *The Lawyer Objectified*

Podgorin as a student was a dyed-in-the-wool romantic. His memories of the Losevs as he reads Tatyana Loseva’s letter urging him to come visit them and the first walk he takes with his old friends in the garden at Kuzminki make this manifest.¹⁴⁵ At one point the strolling party stops, and Varya begins to recite a poem by Nekrassov¹⁴⁶ that was popular in her youth. She stops in the middle of her recitation, however, having forgotten the next lines. But she has stirred a memory with Podgorin that momentarily moves him: “It was the old Varya, Varya the student, and as he listened to her Podgorin thought of the past and recalled that as a student himself he had known many fine poems by heart

145. *Id.* at 209–210, 216–218.

146. Nikolai Nekrassov (1821–1878) was the renowned “civic poet” of Russian peasant life. Karlinsky, *supra* n. 4, at 95 n. 1; see 8 *The New Encyclopedia Britannica* 587–588 (15th ed. 1994) (reporting that in addition to his work as a poet, Nekrassov was the publisher, after 1846, of the literary magazine *The Contemporary*, founded by Pushkin, and later of the magazine *Notes of the Fatherland*). The Nekrassov poem which Varya and Podgorin recite is *The Railway* (1864), which decried the sufferings and huge loss of life sustained by the Russian serfs during construction of the Moscow-Saint Petersburg Railway between 1842 and 1851. Nicholas Nekrassov, *Poems by Nicholas Nekrassov* 188–193 (Juliet M. Soskice trans., Scholarly Resources 1974).

and had liked to recite them.”¹⁴⁷ Podgorin then goes on to help her complete the poem.

Scenes like this indicate that the lawyer's emotional antennae have been aroused by his visit to the Losevs, yet Podgorin is no longer the man of his youth and he is repelled by the rather foolish and futile romantic notions to which his friends have succumbed. He is fully aware of these notions, as shown when he is greeted at the edge of the forest by Sergey Sergeich and Nadya upon his arrival at Kuzminki.

She took his arm, laughed abruptly without any reason, and gave a light, joyous cry, as though suddenly struck by some pleasant thought. The field of flowering rye, motionless in the still air, the forest lit by the sun, were beautiful, and it seemed as though Nadezhda had noticed it just now, as she walked beside Podgorin.¹⁴⁸

It must be remembered that here, as in all the other scenes, including, importantly, the climactic moonlight scene by the tower,¹⁴⁹ we are in Podgorin's point of view, not Chekhov's.¹⁵⁰ It is what Podgorin observes and reflects upon that propels the plot. Although he is clearly sensitive to the romantic setting in which the drama with the Losevs plays out, his ability to detach himself from that setting and look lucidly and impartially at the schemes and foibles of his friends determines the ultimate outcome, namely his escape from the marriage snare that they have prepared for him.¹⁵¹ Professional objectivity keeps him from falling into their trap.

147. Yarmolinsky, *supra* n. 23, at 217. This forms an interesting contrast with our other lawyer protagonist. In *Home*, Chekhov tells us that, while struggling to come up with an appropriate fairy tale to teach Seryozha about the dangers of smoking, “[l]ike most people engaged in practical affairs [Bykovsky] did not know a single poem by heart, and could not remember a single fairy tale, so he had to improvise.” Garnett, *The Cook's Wedding*, *supra* n. 49, at 75. The main theory of this Article is that Bykovsky's creation and recounting of the fairy tale to Seryozha “subjectifies” him, at least for a time, and renders him susceptible to the child's feelings and romantic notions, while Misha Podgorin in *A Visit to Friends* remains stubbornly “objectified.”

148. Yarmolinsky, *supra* n. 23, at 212.

149. See *supra* nn. 130–137 and accompanying text (reviewing the moonlight scene by the tower in detail).

150. See *supra* n. 66 (mentioning that the third-person close point of view is a very modern one).

151. See *supra* n. 67 (noting that in modern fiction the character drives the plot, not the

Podgorin is also attuned to Varya's faded romanticism.

Like Tatyana, she took pleasure in weddings, births, baptisms, lengthy conversations about children, she liked terrifying novels with happy endings; when she took up a newspaper it was to read only about fires, floods[,] and public ceremonies. She was dying to have Podgorin propose to Nadezdha, and were it to happen, she would burst into tears.¹⁵²

And he sees through Sergey Sergeich's pose of friendship and idealism to the real motive which has induced his invitation to Kuzminki: "And please, stop imagining that you're an idealist. You are as much of an idealist as I am a turkey. You are just an unthinking loafer and nothing else."¹⁵³

What has made Podgorin such a clear-eyed realist that he ignores Varya's advice not to run away from his happiness, but to "[t]ake it while it offers itself to you freely . . ."?¹⁵⁴ Although attracted by Nadya, what makes him hesitate at the sight of the beautiful, twenty-three year old woman waiting for him at the foot of the tower?

White, pale, slim, very lovely in the moonlight, she was longing for caresses. Her continual dreams of happiness and love had wearied her, she could no longer hide her feelings, and her whole posture, the brilliance of her eyes, her fixed, blissful smile, betrayed her sweet thoughts. As for him, he was ill at ease, he shrank together, he froze¹⁵⁵

Most commentators attribute Podgorin's "disengagement" (literally) from Nadya and his other friends at Kuzminki to his desire to avoid becoming sucked into the downdraft of their hopelessly entangled financial affairs¹⁵⁶ and his yearning for a new life. He is dismayed by their stifling, decadent existence, and

reverse).

152. Yarmolinsky, *supra* n. 23, at 221.

153. *Id.* at 225–226.

154. *Id.* at 223.

155. *Id.* at 229.

156. *See e.g.* Johnson, *supra* n. 99, at 84–85 (explaining Podgorin's motives for failing to propose to Nadya). This Author wishes to point out that the strained metaphor in the text is his own, and Johnson should not take the blame for it.

paralyzed as a result.¹⁵⁷ His inability to act, to seize “life” when it is offered to him, is viewed as a paradigm of the weak Chekhovian “hero” of the later plays and stories—“[t]he dream of the future, which captivates Podgorin . . . , blinds this hero . . . to the present and makes him impotent. He is not saved by his prescience of ‘new forms’; he is damned by his ‘inability to take.’”¹⁵⁸

Yet there is more at stake than that. Just as Chekhov’s choice of career for his protagonist in *Home* was significant,¹⁵⁹ so too is it here. Podgorin is a hard-crusted attorney whose views of life are now decidedly unromantic: “Podgorin himself drank, sometimes rather heavily, took up with all kinds of women, but indolently, coldly, without enjoyment, and he was disgusted when in his presence others gave themselves over to that sort of thing passionately”¹⁶⁰

It is his status as a lawyer that counts. This is something that has been noted apparently only once, by an attorney.¹⁶¹ Chekhov seems to make a point of it, however.

There were two men in him. As a lawyer he occasionally had to deal with pretty ugly affairs. At court and with clients he behaved haughtily and spoke his mind bluntly. With casual acquaintances he could be rather cutting. But with intimates or friends of long standing he was exceedingly delicate, shy[,] and sensitive, and could not speak harshly. A tear, a

157. *Id.* at 84–85; Karlinsky, *supra* n. 4, at 19–20; Yarmolinsky, *supra* n. 23, at 17 (“Discernible here is the note—muffled, it is true—that is heard now and then in Chekhov’s later work. . . . It is the motif of revolt. It bodes not only yearning for a renewal of life, but the rejection of compromise, the breaking away from a stuffy, confining existence ruled by stupidity and injustice.”).

158. Rayfield, *supra* n. 12, at 207.

159. See *supra* nn. 87–96 and accompanying text (noting the significance of Bykovsky’s objective role as a lawyer as the reason for his inability to subjectively relate to his child).

160. Yarmolinsky, *supra* n. 23, at 211. Podgorin’s objective realism reminds the reader of Dickens’ Jagers in *Great Expectations* (1861), or Anthony Trollope’s Chaffinbrass in *The Three Clerks* (1858), *Orley Farm* (1862), and *Phineas Redux* (1872), although fortunately not the venal Tulkinghorn in *Bleak House* (1853).

161. See Daniel J. Kornstien, *Anton, Can We Talk?* 216 N.Y. Law. J. 28, 2 col. 3 (Aug. 8, 1996) (noting that “two different persons” constitute Misha Podgorin). The two personalities of Podgorin’s character will be analyzed shortly. Interestingly, at the end of his short piece Kornstien comments, “Chekhov has not yet been discovered by the growing law and literature movement. It is only a matter of time.” *Id.* The present Article is an effort in that direction.

sidelong glance, a lie, or even an unseemly gesture was sufficient to make him flinch and lose his self-possession.¹⁶²

At first it may appear that we are to take this description of Podgorin at face value, for he does hem and haw when his friends ask him for his help as a lawyer to extricate them from their problems: “[a]nd this conversation about the estate placed him in a very awkward position. He was used to having all thorny and unpleasant questions settled by judges or jurymen, or simply by some statute. But when a matter was put up to him personally for decision, he was lost.”¹⁶³ Although as the story progresses Podgorin indeed vacillates with the women and appears somewhat pusillanimous when he hands over his money to Sergey Sergeich, he certainly cannot be said to be “exceedingly delicate” or unable to “speak harshly” with the man who is the cause of all their troubles.

“Look at yourself in the mirror,” Podgorin continued, “you’re no longer young, soon you will be an old man, it’s high time for you to come to your senses, to realize who you are and what you are. All your life you’ve done nothing, all your life—this idle, puerile chatter, these airs, these affectations—aren’t you fed up with all this, aren’t you sick of it all? It’s painful to be with you! And so dreadfully boring!”¹⁶⁴

This is not the mere rant of a man who is rebelling, who is yearning for a new life, or who is crippled by inaction. This is a successful, worldly-wise attorney who has had to deal with some “pretty ugly affairs”¹⁶⁵ and who is not at all taken in by either the studied irresponsibility or the pathetic stratagems of his friends. The fact that Chekhov does not specify these prior ugly affairs is irrelevant, for the story does not center on plot or derive its mean-

162. Yarmolinsky, *supra* n. 23, at 215.

163. *Id.* at 216. And Varya has already made no secret about why they have all urged Podgorin to make “A Visit to Friends”: “You are a lawyer, Misha,’ said Varya, ‘you know how to turn a trick, and it’s your business to advise us what to do.” *Id.* at 215. Given Varya’s “challenged” ethics here, it is somewhat ironic when she later tries to scold Podgorin into action by stating, “You must rescue Sergey Sergeich. . . . It is your moral duty.” *Id.* at 219.

164. *Id.* at 226.

165. *Id.* at 215.

ing from what goes on in Podgorin's daily practice of law.¹⁶⁶ It is his *character* that matters, although that character cannot be separated from those same "ugly affairs" that have fine-tuned the lens through which he now sees, and sees *through*, the Losevs and their wives. He sizes up their motives with devastating accuracy, even while he reads the letter asking him to come to them.¹⁶⁷ And his first encounter with the entire group in Tatyana's room at Kuzminki says it all.

166. This is contrary to stories such as *An Incident at Law* or the great early work *The Malefactor*. In *An Incident at Law*, the great eloquence and power of persuasion of the attorney for an accused felon impel the defendant to confess his guilt. Miles & Pitcher, *supra* n. 113, at 16. Thematically, the story is a forerunner of the 1886 tale *Strong Impressions*, in which a lawyer's rhetorical skills persuade an enamored lover to break off his engagement with a woman on whom he dotes. See Garnett, *The Schoolmaster*, *supra* n. 104, at 127 (providing an English translation of *Strong Impressions*). The lawyer stops his friend from jilting his fiancée at the last moment, however, by misaddressing the farewell letter that the friend has written to the young woman. *Id.* at 133. Both of these stories indicate that Chekhov was fascinated by the persuasive abilities of the lawyer. And both end with an ironic plot twist.

In *The Malefactor* (1885), one of Chekhov's greatest problem pieces on law and justice, an ignorant peasant is accused of having willfully endangered human life by removing nuts used to tie down train rails and utilizing them as sinkers to weigh down his fishing lines. See Miles & Pitcher, *supra* n. 113, at 45–46 (providing an English translation of *The Malefactor*). Although admitting that he pilfered the nuts and fished with them, the peasant, Denis Grigoryev, denies that he ever intended to harm anyone. *Id.* at 46–47. The exasperated examining magistrate who questions him claps him into jail, however, because even if it could be said that Grigoryev lacked the requisite *mens rea* to commit a crime, he still violated a provision of the Penal Code that imputed knowledge to the defendant of the prospect of injury from the mere fact of causing willful damage to the railway. *Id.* at 47–48. From the knowledge that removing the nuts might cause a derailment, intent to cause such an accident could be inferred. The story raises important class issues as well as issues relating to guilt and innocence. A large part of the story's power comes from the fact that it is a study in character and theme and not an ironic plot-twister.

Chekhov's assessment of *The Malefactor* provides insight into his views both of justice and the artistic method:

Clearly the peasant has endangered the lives of hundreds of people traveling on the trains. Chekhov tells the story without taking sides, amused by the confrontation of the baffled peasant and the armed might of justice, uninterested as always in the political implications of his stories. [Maxim] Gorky relates that a lawyer made a special visit to Chekhov to determine whether Denis Grigoryev was guilty or innocent in the eyes of his creator. The lawyer made a long speech about the necessity of punishing those who damaged state property and asked Chekhov what he would have done to the prisoner if he were the judge.

"I would have acquitted him," Chekhov replied. "I would say to him: 'You, Denis, have not ripened into a deliberate criminal. Go—and ripen!'"

Payne, *supra* n. 3, at xxv–xxvi. It is perhaps worth noting that Anton Chekhov may have had a finer sense of *mens rea* than the lawyer who visited him.

167. See *supra* text accompanying n. 113 (displaying Podgorin's knowledge of the reason for his invitation).

He knew that in addition to friendly reproaches, jokes, laughter, which so keenly reminded him of the past, there would also be an unpleasant conversation on the subject of promissory notes and mortgages—that was unavoidable—and it occurred to him that it would be best to have the business talk at once, without delay, to put it behind them and then go out into the open, to the garden¹⁶⁸

Would not a man unacquainted with the “ugly affairs” of life be blinded by the smooth manipulations of old friends whom he has not seen for some time, particularly those of his young, beautiful, and charming erstwhile intended as she loiters, dreamily and intentionally, at the foot of a romantically moonlit midnight tower, just waiting for him to say the word? But, as mentioned earlier,¹⁶⁹ “all that was gone, above all, youth was gone; and, furthermore, all this [laughter, clamor, bright carefree faces, trysts on still moonlit nights] was probably fascinating only in retrospect. . . .”¹⁷⁰ Podgorin is a man now stripped of all fantasies and romantic notions, a work in prose rather than verse. And unfortunately for the Losevs, the blatantly crass injection of mercenary motives into their melodramatic campaign to woo him turns that campaign into just another of those “pretty ugly affairs” with which he is already so familiar in his professional life. This is why he is able to slip back to Moscow without more than a moment’s thought about whether his abrupt abandonment of his friends will either hurt or offend them. Podgorin has the thick skin of the objectified realist. And it takes him a mere ten minutes to adjust to life back in his office, a life that will be forever devoid of the Losevs and their problems. Podgorin exhibits no regret that this is so. In fact, the reader is convinced that the lawyer is relieved to be able to dispense with his friends so easily. To Podgorin “subjectification” would be a trap for the unwary. But if nothing else, Podgorin is ever wary and “objectified.” And destined to remain so.

In the end he thus forms an interesting contrast to Prosecutor Bykovsky. The two lawyer protagonists of Chekhov’s stories

168. Yarmolinsky, *supra* n. 23, at 214.

169. See *supra* text accompanying n. 136 (highlighting Podgorin’s change of heart about Na).

170. Yarmolinsky, *supra* n. 23, at 210.

have evolved differently. Bykovsky becomes subjectified, at least for a time, as he comes to understand the emotional needs of his son and learns to fulfill them, whereas Podgorin manages to shed the skin of his youthful romantic subjectivity and look at the predicament of his friends in the cold hard light of objective reason. In both works, Chekhov gives us attorneys struggling to reconcile the professional and the personal. He does not judge them¹⁷¹ as they embark on their quest for the elusive “real truth”¹⁷² of life, which for them must in part consist of the recognition that the professional and the personal are inextricably intertwined. But he does show us that the desired reconciliation may often move the seekers after that truth in totally opposite directions.

IV. CONCLUSION

Perhaps we are now in a better position to answer the question posed at the beginning of this Article: what is it exactly that Anton Chekhov says to the lawyer? This is important because, as another author has put it, “Chekhov is one of the few indispensable writers . . . [as] an artist of our moral maturity.”¹⁷³ Do the two stories, *Home* and *A Visit to Friends*, give us a clue as to why this might be so?

Both stories portray practitioners of the law caught up in a very human dilemma—how to reconcile their professional upbringing and training with the demands of the person. The attorney is, after all, taught to apply reason and logic to the solution of problems lest otherwise those solutions become, or at least appear to be, arbitrary and irrational. Lawyers are supposed to see legal issues through the lens of objectivity, supposedly the best means of attaining justice. But that very lens has the tendency to ob-

171. Chekhov's objectivity as a writer and his reluctance to judge his characters have attracted scholarly comment. See e.g. Rayfield, *supra* n. 12, at x–xi (describing Chekhov's unwillingness “to impose an authorial interpretation on his reader . . .” and pointing out “the absence . . . of any moral or spiritual directive in his work”). Vladimir Kataev has also observed that “Chekhov was not setting out . . . to support any opinion his characters might express or course of action they might choose, nor was he taking sides in their conflicts or trying to solve any of the ‘specialized’ problems at the center of their arguments and reflections.” Kataev, *supra* n. 1, at 161; see Payne, *supra* n. 3, at xxv–xxvi (providing Robert Payne's discussion of the story *The Malefactor*).

172. Kataev, *supra* n. 1, at 164.

173. Sontag, *supra* n. 13.

scure, and perhaps debilitate the lawyer in his search for the “real truth,”¹⁷⁴ and all too often the attorney who attempts to solve the conundrums of personal life through the legal lens may do nothing more than “see through a glass, darkly.”¹⁷⁵ In both *Home* and *A Visit to Friends*, the protagonists struggle to balance the personal and the professional. In the former story, the prosecutor succeeds, for a brief time, in subjectifying his personal life to meet the emotional demands of his seven-year-old son, while in the latter story, the lawyer draws back from his hopelessly compromised friends and views them objectively and dispassionately. Chekhov presents us with two very similar attorneys coming to diametrically opposed solutions to the problem of reconciling the professional and the personal, and he does so in his own inimitable way:

But even when his characters strike us as unwholesome, or exasperating, or enervated, or only perverse . . . we feel Chekhov’s patience, his clarity, his meticulous humanity; there isn’t a grain of malevolence or spite. Chekhov is . . . quintessentially a writer who has flung his soul to the side of pity, and sees into the holiness and immaculate fragility of the human spirit.¹⁷⁶

And in illuminating the human spirit so thoroughly in *Home* and *A Visit to Friends*, Chekhov has also given us an invaluable contribution to the literature of the law.

174. Kataev, *supra* n. 1, at 164.

175. I Corinthians 13:12 (King James).

176. Ozick, *supra* n. 40.