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Terrorists on Trial

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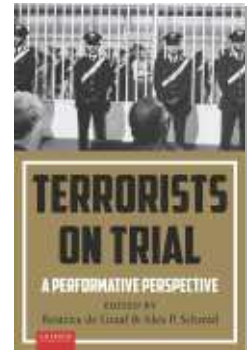
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3. The Trial of Vera Zasulich in 1878¹

Alex P. Schmid

Vera Zasulich's deed opened a new era of revolutionary terror ... it is difficult to imagine the now decisive turn of populism to terror without the Zasulich case. Society seemed to say through the court: yes, it is legitimate and necessary to resort to violence to shake up the autocracy. And the autocracy in turn gave up its last attempts to appease the intelligentsia and observe its own laws in dealing with sedition.

A.B. Ulam (1977)²

3.1. Introduction

Trials sometimes become mirrors of their times, providing a glimpse into the state of a society.³ In the 1870s, Russian society was divided into an educated westernised class (then called 'the intelligentsia'—perhaps 20 per cent of the population) and an illiterate, largely rural majority of 100 million common people, mostly peasants. While 23 million of them had been released from serfdom in 1861, they were still burdened by debts to their former owners; less than one third of Russia's land was in their hands; for many there was not enough land to make a decent living.⁴ Russian government was divided into an autocratic executive (which also controlled the hand-picked Senate) and a judiciary that was, thanks to the reforms of 1864, based on democratic procedures.⁵ By the mid-1870s, Russia also saw the rise of a mass-circulation press that was becoming commercially independent, less constrained by censorship, reflecting and shaping public opinion in the capital of St. Petersburg.⁶ In 1877 and early 1878 Russia was at war with Turkey, initially against the wishes of the Tsar, though the press had pushed him into defending orthodox Christians in the Balkans who suffered from atrocities by the Ottoman empire. The war was costly, both in terms of finances and in terms of casualties, but Russia gained the upper hand and Turkey had to sue for peace in early 1878. Yet the spoils of victory were largely lost by mid-1878 when the Western powers at the Congress of Berlin forced Russia to make what many Russians considered humiliating concessions.⁷

It was against this general background that the assassination attempt by Vera Zasulich on 24 January 1878 and her trial on 31 March 1878 took place. The Zasulich trial has been called ‘the most momentous trial in the history of imperial Russia’.⁸ Zasulich’s assassination attempt on the Governor of St. Petersburg and her acquittal by an independent jury set an example that stimulated the emergence of assassination as a form of ‘vigilante justice’ serving both as punishment and as ‘propaganda by the deed’. At the end of a series of assassinations of government officials, on 1 March 1881, the reformist Tsar Alexander II was assassinated by the People’s Will (*Narodnaya Volya*), a terrorist group led by another woman, Vera Figner. It was a moment when Russian and European history took a decisive turn in one direction at the end of which stood the assassination of Franz Ferdinand, the Austrian heir to the throne. This, in 1914, triggered the First World War which, three years later, would lead to the Russian Revolution. Indeed, to the extent that the emergence of ‘propaganda by the deed’ type terrorism can be linked to a single person and date, the assassination attempt by Vera Zasulich on 24 January 1878 would be a good candidate. While her assault on Governor Fyodor Trepov itself was unsuccessful—the governor survived—her trial made her, thanks to the attention given to this assassination attempt by the mass media, a celebrity and, in the eyes of those inspired by her, a heroine.

In the District Court of St. Petersburg she and, even more so, her defence lawyer ‘out-performed’ the prosecution. On 31 March 1878 the female assassin managed to gain the sympathy of the 18 jurors in the courtroom, captured the imagination of the crowd outside and, thanks to the press, touched a chord with much of the intelligentsia in Russia and beyond. How all this could happen to a shy woman with no personal charisma, a person who was not very confident of herself, is due to a confluence of circumstances in the peculiar historical context of the time. Before we turn to the trial and its judicial, social and political consequences, some historical background is in order for a better understanding.

3.1.1. *What Happened before the Trial*

Tsar Alexander II not only abolished serfdom in Russia in the March 1861, he also introduced a number of other reforms. Among these were judicial reforms that aimed to bring the country’s judicial system more in line with West European standards.⁹ Between 1864 and 1866 a unified court system was created for much of Russia. The judicial reforms also changed the way criminal trials were held. An adversarial criminal justice procedure was introduced, assigning to judges the role of acting as umpires between the defence and the prosecution. The courtroom became the stage where a

defence attorney and the state's prosecutor would confront each other to establish truth and guilt.¹⁰ Judges could, under the new reform scheme, no longer be removed by the government and verdicts by the courts could not be overturned by the executive. Professional advocates made their appearance, court hearings were held in public and juries represented in the first instance civil society and not the government.¹¹ This judicial reform was, however, not complete; a system of administrative justice co-existed with the new system; it allowed police and gendarmes to re-arrest defendants set free by the courts and exile them to the provinces—often Siberia. In addition, certain crimes against the state were excluded from the competence of juries by the new legislation.¹² Nevertheless, some quasi-political crimes, including Vera Zasulich's, were at times dealt with like common crimes.¹³ The great reforms of 1864 had created a wave of expectation about further moves towards democratisation of the autocratic regime. However, after he had survived an assassination attempt in 1866, the reformist zeal of the Tsar declined sharply. The growing unrest among the educated part of the youth was met by the regime with increased repression and would even lead to the abrogation of some of the reforms of 1864.¹⁴

3.1.2. *The Bogoliubov Affair as Cause*

An example of this regression could be seen in the repression of a demonstration held in December 1876 by radical students on the Nevsky Prospect in St. Petersburg. The demonstration was led by Georgi Plechanov (who was later to become the founder of the Russian Social-Democratic Party). While it was meant as a workers' demonstration, most of the 200 to 250 participants were in fact students.¹⁵ The police attacked them within five minutes after the demonstration had begun. A fight developed in which some constables were roughed up by some of the students. General Fyodor Trepov, Governor and police chief of St. Petersburg, arrived on the scene with his mounted police to organise the arrests. Among those arrested was a 24-year-old man who had not even been on the scene; he was picked up in the neighbourhood because one of the policemen thought he recognised him as one of the students who had just fought with the police outside the Kazan Cathedral on the Nevsky Prospect. He gave his name as Arkhip Petrovich Bogoliubov (his real name was Aleksei Stepaniovich Emelianov) and he had a gun in his pocket.

Bogoliubov was one of the thousands of idealistic *narodniki* (populist) youth who, since 1874, had gone 'to the people', trying to incite the peasants to revolt against the owners of the large estates and take their land.¹⁶ Many of these *narodniki* had already been apprehended by the police in 1874 and 1875, not infrequently after being

denounced by the very people they wanted to liberate. Many of these populists were detained for years before they obtained their day in court, where they were charged with revolutionary propaganda. That was also to be the fate of Bogoliubov; but the charges brought against him were different. Based on the false testimony of six police witnesses, he was, in January 1877, sentenced to 20 years' hard labour.¹⁷ He had been charged with resisting the police in the demonstration before the Kazan Cathedral and for having made threats to the life of a police aide. It was a tragic case of mistaken identity. Awaiting transportation to another prison, Bogoliubov was placed in the House of Preliminary Detention, the country's newest and most modern prison in St. Petersburg.¹⁸

Bogoliubov was still there in mid-1877 when General Trepov decided to inspect the House of Detention, after having heard that discipline there had become a problem. Trepov was a hardliner, widely known for taking bribes, often brutal but at times also sentimental.¹⁹ Already in 1861, as police chief of Warsaw, he had ordered his policemen to fire on peaceful Polish demonstrators. After 1866, when the first of some ten attempts on the life of the Tsar failed, Alexander II had become almost paranoid about his personal security. Trepov was made Commandant of the St. Petersburg police where he arranged for a special police section dedicated to the protection of the Tsar.²⁰ Every morning Trepov would report directly to the Tsar about the security situation. He was also in charge of a police section that was investigating political crimes.²¹

Among these political crimes were also the revolutionary activities of the *narodniki*. 770 of these populists had been arrested in the mid-1870s. Some 70 had already died while in detention awaiting trial due to the unhealthy prison conditions. By October 1877, 193 of those arrested were brought to a trial in which Vladislav Zhelekhovskii acted as prosecutor. That *Trial of the 193* came to an end on 23 January 1878. The defendants' impassioned speeches, printed and distributed by the underground press, stirred emotions among revolutionary students and were sympathetically received by much of the reading public. These, mostly idealistic if somewhat naïve youths (overwhelmingly the sons and daughters of the nobility, the clergy, burghers and officials, including even the military) had agitated against the status quo, but most of them had not engaged in violence themselves. That was ultimately also recognised in court: the Senate's court in the end acquitted 153 of the 193 accused and most of the rest appeared at first to get off with light sentences.²²

As mentioned above, on 13 July 1877 the House of Preliminary Detention was visited by the Governor of St. Petersburg, General Trepov.²³ In the courtyard of the prison Arkhip Bogoliubov apparently tried to speak to the Governor but was rebuked.

Later when Trepov passed him again, Bogoliubov failed to tip his cap (something he had done in the first encounter). Trepov was annoyed by this apparent lack of respect and hit him so that the cap flew off his head. This was seen as a humiliating blow by other prisoners who were watching the scene from their cell windows; they began to shout in protest. Angered by this and Bogoliubov's apparent insolence, Trepov ordered that he be flogged with birch rods.

Flogging a political prisoner was, in the view of Russia's intelligentsia, unacceptable. It was also widely considered unlawful—a shameful practice from Russia's bad past. As a form of punishment, it had been abolished by the reforms of 1863. Yet, there were certain exceptions e.g. for soldiers and sailor and people who had lost their civil rights—which included some categories of prisoners. Trepov had, according to his own account, got permission for this particular act of corporal punishment from Konstantin I. Pahlen, the Minister of Justice. To make a stronger case for the punishment he also (falsely) claimed that Bogoliubov had given the other prisoners a sign to riot.²⁴

In the afternoon of 13 July 1877, the acting prison administrator announced that Bogoliubov would be subjected to 'birching' for insubordination, which led to a major disturbance among the prisoners. It lasted 24 hours and 100 extra policemen had to be brought in to quell the riot.²⁵ The Minister of Justice had already approved the flogging when he heard about the initial rioting. The punishment was, in this particular case, apparently covered by law since Bogoliubov had lost his civil rights when the sentence against him (20 years' hard labour—itself unjust because based on mistaken identity) had become legally binding on 24 June 1878.²⁶ Bogoliubov was stripped to his waist and flogged. Rumour had it that he was beaten unconscious but he actually received only 13 of the 25 approved lashes; these he took bravely. Afterwards he was moved to the Lithuanian castle, one of the capital's worst prisons, where prisoners waiting for deportation to distant labour camps were assembled.²⁷ Trepov, possibly feeling sorry about the whole affair, later claimed that he had sent tea and sugar to Bogoliubov's cell. Due to the selective censorship of the press, what the public learned about the whole affair was limited; as a consequence rumours exaggerated both the circumstances and the severity of the flogging. Vera Zasulich had read about Bogoliubov's punishment in *Golos (The Voice)* in late July 1877.²⁸ As a former political prisoner, she became obsessed by this case and decided that this insult to a political prisoner was unacceptable. Without knowing either Trepov or Bogoliubov, she decided to take revenge.²⁹

Here then we find, in an early manifestation, a familiar chain of events leading to terrorism: an outsider identifies him- or herself with a victim (or a victimised group)

incapable of obtaining justice for an alleged or real wrong. He (or she) then decides to take vicarious revenge on the victim's behalf—without being appointed by the victim (group) and without a direct personal grudge against the original wrongdoer. Vera Zasulich decided to act for Bogoliubov against Trepov in order to appeal with her deed to a wider public. She had never personally met either of them.

3.2. The Unsuccessful Assassin

Before we proceed further to the terrorist act and the trial, we have to pause here and look at the personality and the motives of Russia's first female terrorist.

Like Bogoliubov, Vera Zasulich had been an unjustly condemned political prisoner herself and that bond contributed to trigger her fateful deed of 24 January 1878. It was her intent to use the court trial as a platform to bring an act of injustice to the attention of the public.³⁰ However, beyond that, there were other factors that set her on the path to assassination.

She was the daughter of Captain Ivan Zasulich, a despotic person who had been demoted for drunkenness in the army. Vera did not know her father; he died when she was three years old. Her mother, Feoktista, an impoverished woman from the lower nobility, could not afford to bring up all five of her children. Therefore Vera was sent away from home to be raised by wealthier relatives—a fact she deeply resented. Her education was strict, even when she was sent to a private boarding school in Moscow: running and laughing were forbidden and so was the use of Russian. Only German and French could be spoken. The only employment prospect open to a poor girl like her from the gentry was becoming a governess, a house teacher, for children of richer families than her own. It was not something she wanted. Joining the revolutionary movement was a way out—a choice also made by two of her sisters (the third had died). Vera was quite untypical of a revolutionary: shy and introverted, often depressive and at times even suicidal.³¹ Originally very Christian, Vera later lost faith (Vera, in Russian, means 'faith') and became, for a while, a nihilist, which, for her, had more to do with liberation than with destruction—something that Sergei Nechaev had in mind.³² Later she would write in her memoirs:

But the older I grew, the more I became convinced that I was indeed an alien: I didn't belong. No one ever held me, kissed me, or sat me on his knees; no one called me pet names. The servants abused me [...] And then, the distant specter of revolution

appeared, making me equal to a boy; I, too, could dream of 'action', of 'exploits', and of the 'great struggle' [...] I too could join those who perished for the great cause of love [...] I could imagine no greater pleasure than serving the revolution. I had dared only to dream of it, and yet now he [Sergei Nechaev,] was saying that he wanted to recruit me.³³

Nechaev was the author of the *Catechism of a Revolutionary*, a nihilist pamphlet advocating ruthless assassination and shocking terrorism, a break with all conventions and morals that stood in the way of revolution—the end that justified all means. He had written in the *Catechism*:

The Revolutionist is a doomed man. He has no private interests, no affairs, sentiments, ties, property nor even a name of his own. His entire being is devoured by one purpose, one thought, one passion—the revolution. Heart and soul, not merely by word but by deed, he has severed every link with the social order and with the entire civilized world: with the laws, good manners, conventions, and morality of that world. He is the merciless enemy and continues to inhabit it with only one purpose—to destroy it.³⁴

While the majority of the Russian revolutionaries of the 1860s and 1870s were of upper middle class or noble origin,³⁵ Nechaev was the son of a house painter.³⁶ Through his charisma, he managed to gain a following among students when he came to St. Petersburg in 1868. There he set up the secret revolutionary society *People's Revenge* (*Narodnaya Rasprava*).³⁷ Vera Zasulich was two years younger than Nechaev. In 1867 she had found her first employment in Serpukhov, just outside Moscow, as a secretary. Here the future terrorist became an assistant to a Justice of the Peace, an institution introduced by the Judicial Reforms of 1864. The main goal of a Justice of the Peace was, according to the State Council, 'to satisfy this elemental need of administration of justice according to conscience'.³⁸ That stress on 'conscience' rather than merely 'the law' was, as it turned out, to become a crucial element in Zasulich's own trial in 1878.

Zasulich had met Nechaev in January 1869 and, like her two sisters, fell under his hypnotic spell. He declared his love for her (as he probably had done with other women he wanted to recruit). While Vera did not fall for this ruse of his Machiavellian character, she somehow admired his strong personality and agreed to act as a conduit for letters he planned to send from Switzerland to Vladimir Orlov, a fellow revolutionary who could not receive them directly as he was under police surveillance.³⁹ That cost her

dearly. On 30 April 1869, while leaving for a holiday with her mother, she was arrested. Without even being interrogated or charged with a crime, she was first put into a cell in the Lithuanian Castle (a prison outside St. Petersburg) and then in the Peter and Paul Fortress in St. Petersburg. There had been no court hearing of her case; it was a routine administrative detention of a suspect. When Nechaev was extradited from Switzerland and charged with murder, she was brought to the trial to serve as witness. There she admitted to having passed on one of Nechaev's letters, claiming not to know what was in it.

After she had spent almost two years in prison, in March 1871, Minister of Justice K. Pahlen, decided to release her—there was not enough evidence to detain her further. However, the police had, in such cases, the administrative power to send suspects against whom there was not enough evidence into exile without a hearing or trial.⁴⁰ That was what happened to Vera Zasulich. She was exiled to the town of Krestsy. Later she was allowed to move to Kharkov to take a midwife's course which she finished in 1875. However, due to the stigma of police supervision, she could not find employment, although police surveillance had finally been lifted later that year.⁴¹ Two years of prison and four years of exile, and the humiliations and the experience of injustice that accompanied them had scarred Vera; but had not broken her rebellious character. On the contrary, they turned her into a professional revolutionary.⁴² Once free, equipped with false papers, in September 1875 she moved to Kiev. There she joined the 'Southern Rebels', a Bakuninist⁴³ group of some 20 revolutionaries linked to the populist *narodniki*. In Kiev she also met Masha (Maria) Kolenkina with whom she would, three years later, plot a double assassination in St. Petersburg.⁴⁴

During those six years of prison and exile, she had become convinced that social justice in Russia could only be achieved by the violent transformation of the state.⁴⁵ She had also developed a keen sense of injustices suffered by others.⁴⁶ Looking back at this period, in 1883, five years after the infamous deed that brought her fame, she reflected on what had motivated her:

I was a revolutionary, a Populist and, at the same time, always a great skeptic. The substantial points of my views of that time in regard to revolution: the ownership of the products of alien labor, and the authority of man over man are *unjust*, and hence it is right to destroy them, [yet] they will reemerge again and there will appear new destroyers: in no event will it be worse. That the revolutionary intelligentsia perish protesting injustice seemed to me, at the time, the best outcome and an obligatory one. [...].⁴⁷

3.3. The Assassination Attempt on Governor Trepov

By the summer of 1877 Vera Zasulich had joined her mother in St. Petersburg, where she worked in a printing shop and again became involved in revolutionary activities. It was here that she learned about the beating of Bogoliubov. The accounts she heard were exaggerated (e.g. Bogoliubov was not beaten until he lost consciousness, as she believed). Vera apparently hoped that Governor Trepov would be punished, either by the government (since the flogging was in the eyes of many illegal) or by the revolutionaries. While her indignation at Boboliubov's humiliation was shared by many, nobody appeared prepared to do something about it. However, in reality she was not the only one. Alexander Mikhailov, the leader of *Land and Freedom* (*Zemlia I Volia*), a society of revolutionaries linked to the populists, had also decided that the Governor should be 'punished'.⁴⁸ Zasulich was in touch with Mikhailov and must have heard him discuss some plans. Yet apparently she had misunderstood him or, more likely, he had, in the interest of secrecy, not been open with her about his plan to make Trepov 'pay'.⁴⁹ In fact, among the revolutionaries of *Land and Freedom* in Kiev a committee had already been formed; Valerian Osinskii and four comrades were instructed to go to St. Petersburg and take revenge on Governor Trepov.⁵⁰ As it later turned out, there were two more groups planning to 'punish' Fyodor Trepov.⁵¹

As weeks and months had passed since Boboliubov's flogging, Vera Zasulich apparently thought the conspirators she knew had lost their nerve; she and a girlfriend of hers decided to act on their own.⁵² However, both the conspirators from Kiev and Vera Zasulich and her friend Masha Kolenkina first wanted to await the outcome of the so-called *Trial of the 193*⁵³ which had begun in October 1877 and would end on 23 January 1878, one day before Vera Zasulich and her friend planned to act. The two women had decided not only to shoot Trepov but also Vladislav Zhelikovskii, the prosecutor of the *Trial of the 193* as soon as that trial was over. It was thought that a revolver with a short barrel of the English bulldog type would be best for the task; a male friend of Vera acquired one for 21 roubles.⁵⁴

Zasulich knew how to handle a gun. When with the 'Southern Rebels' between 1875 and 1877 and carrying out illegal propaganda among peasants, she had a pistol and practised how to use it in shooting exercises. However, among those 'Southern Rebels' she had been a marginal figure and, like most other women, was not invited to participate in some of the more daring actions. Now, in St. Petersburg, Vera and her comrade Masha decided on a very daring action indeed: two assassinations by two women on one and the same day. They drew lots for who should kill whom. Vera was to target Trepov.⁵⁵ As luck would have it, of the two would-be assassins only one

succeeded in carrying out their plan. On that fateful day in January 1878, prosecutor Zhelekhovskii was not at home and Masha could not achieve her part in their plan to get public attention by a double murder.⁵⁶ Vera was luckier. She made it in time to Governor Trepov's residence where she found herself first in line among a dozen or so petitioners. Under the assumed name of Elizaveta Kozlova she submitted a petition to the Governor for a certificate of good conduct which she allegedly needed in order to obtain a diploma enabling her to work as a governess.

While Trepov wrote something in the margin of her petition, she took the revolver hidden under her cape and managed to fire one shot at the governor. The bullet hit the Governor on the left side of his buttock where it got stuck in the pelvic bone. Rather than firing another shot, Zasluch dropped her weapon on the floor, making no attempt to escape. Asked later for the reason she did not try to flee, she said: 'I am a terrorist, not a murderer!' Trepov whispered: 'I'm wounded.' Yet he did not lose consciousness and would eventually survive this attempt on his life. When arrested on the spot, Vera Zasluch was calm and polite, even helping the police inspector, Alexander Kabat, to tie her on a chair in a room next door.⁵⁷ But she refused to provide any information beyond giving them her (false) name Elizaveta Koslova. However, when asked why she had shot the Governor, she simply said 'for Bogoliubov'.⁵⁸

In the meantime, Trepov was given first aid. With the physicians came well-wishers, including D.A. Miliutin, the Minister of War, and even the Tsar himself.⁵⁹ However, Alexander II was not amused when Trepov told him: 'This bullet might have been meant for you and I was happy to take it for you.'⁶⁰ In a memorandum Trepov dictated while recovering from the shooting, he claimed, however, that he did not know why he had been shot.⁶¹ After her assassination attempt, Elizaveta Koslova's true identity soon became known. The chairman of the District Court in St. Petersburg learned the next day that her real name was 'Usulich' while the Chief of Gendarmes reported that she belonged to the so-called 'nihilists' and that, in the past, she had been detained as a defendant in the trial of Sergei Nechaev.⁶²

The attempted murder was the talk of the town and the news spread with the speed of the telegraph to the capitals of Europe and beyond. Governor Trepov was widely loathed; there was considerable understanding and even sympathy for Vera's attack on him. Some sympathy for Vera Zasluch even reached the highest circles; one Russian general even declared her to be nothing less than a 'model of feminine bravery and self-sacrifice'.⁶³ The underground paper *Free Russian Press* went much further; it declared that Vera Zasluch had fired the shots in the struggle for 'human rights and the establishment of peace and humanity on earth', as well as to show

that ‘tyrants are not almighty’. The paper praised her further as ‘the fearless girl who did not shrink from the awful bloody deed and her own ruin when no other means remained for the defence of the rights of man’.⁶⁴ By that time the revolutionaries had managed to make the flogging of prisoner Boboliubov a *cause célèbre*. Russian’s first female assassin was taken to the same House of Preliminary Detention where, until recently, Bogoliubov had also been imprisoned. There she would have to wait for two months for her trial. She fully expected to pay for her deed with her life.⁶⁵

3.4. Preparation of the Trial

The Minister of Justice, Count Konstantin Pahlen, wanted a fast conviction and was confident of the outcome:

The jurors would deliver a guilty verdict and thereby teach a sobering lesson to the insane, small coterie of revolutionaries; they would show all the Russian and foreign admirers of Vera Zasulich’s ‘heroic exploit’ that the Russian people bow before the Tsar, revere him, and are always ready to defend his faithful servants.⁶⁶

When preparing for the trial of Vera Zasulich, the government had two basic options. If the crime was judged to be ‘political’, the case would go to a Special Committee of the Senate. The *Trial of the 193* had been dealt with there. The alternative was trial by jury, as was the rule for common crimes. Retrospectively, of course, it is clear that a political crime had been committed and that was also clear to most contemporaries. The fact that Zasulich knew neither Trepov nor Bogoliubov personally was indicative of a political crime. However, there were still some speculations floating around that Zasulich was Bogoliubov’s lover and that the shooting of Trepov was the revenge of a mistress whose lover had been wronged.⁶⁷ Such an interpretation would have made it look like a personal rather than political affair. Treating the matter as a crime of moral indignation, an act of personal revenge had, from the Minister of Justice’s point of view, certain advantages. The fact is that by March 1878 the Minister of Justice had decided to have Zasulich tried in a criminal court. Maybe he argued that in the event of a popular backlash against a harsh sentence, anger would not turn against the government but against the jury—a body consisting of representatives of society. Since the case appeared straightforward—there were plenty of witnesses to the attempted murder—there could be little doubt that any jury had to convict the would-be assassin.

One other reason the Minister of Justice might have decided on a trial by jury was that the alternative, trial by the Senate Committee, had not worked as well as he had expected in the recent Trial of the 193. That trial had lasted more than three months and only a minority of some 20 per cent of the accused could, for lack of evidence, be sentenced.⁶⁸ A number of the accused had died in prison through disease or had gone mad and committed suicide while waiting for months and years for their trial. The government wanted to avoid a long trial in the case of Vera Zasulich at all costs. What could go wrong? Minister Pahlen had discussed the case with Alexander Lopukhin, until recently chairman of the St. Petersburg District Court. Anatoli Koni, the newly installed chairman of the court, joined their conversation:

‘Yes, Anatoli Fedorovich [Koni] will handle it for us beautifully.’ ‘Why, is it already so clear?’ [Koni asked]. ‘Oh yes’, Lopukhin answered for Pahlen. ‘Fully. This is a case of personal vengeance, and the jurors will convict her, this is clear as daylight.’ To [Koni’s] surprise, Pahlen, too, made some inherent predictions that the jurors will prove themselves, that they must show severity, etc.⁶⁹

Since Lopukhin had already been informed on 25 January in a telegram from Odessa that there was a police dossier on Zasulich,⁷⁰ he should have known that the case was politically inspired. Nevertheless it was announced on 3 March 1878 that Zasulich would be tried by jury.

Also in March, the Minister of Justice had asked A.F. Koni directly, ‘Can you, Anatoli Fedorovich, guarantee that Zasulich will be convicted?’⁷¹ To his amazement Koni said, ‘No, I cannot! [...] How can I guarantee their [the jury’s] verdict? [...] However, I presume that common sense of the jury will suggest to them a decision that is just and dispassionate. The fact is obvious and it is unlikely the jury will venture to deny it. But I cannot guarantee a conviction!’ ‘You cannot? You cannot?’ Pahlen [replied] agitatedly. ‘In that case, I will report to His Majesty that the chairman cannot guarantee a conviction. I must report this to His Majesty!’ he repeated, with a vague and pointless threat.⁷²

The Tsar himself also tried to exert pressure by expressing his hope to Koni that he would ‘continue to serve successfully’.⁷³ Yet Koni was a man of principle. He had already told the Minister of Justice that ‘the function of a court is not to render service but to pronounce judgment’, reminding Count Pahlen that as President of the Court he, Koni, had to see to it that impartiality was maintained. The Minister called this all ‘theory’. He suggested that Koni phrase the instructions for the jury in such a way that the conviction of the accused was inevitable. He even advised him

to commit some technical violations of the procedural rules of the court so that, in the event that the jury acquitted her, the verdict could be overturned in an appeal court.⁷⁴

How did things look on the side of the accused? Vera Zasulich first wanted to defend herself, yet she was told by her friends that it was important to get her acquitted, not just for herself but for 'the cause'. Her friends had collected money to pay for a good attorney. Peter A. Alexandrov, a defence lawyer who had distinguished himself in the *Trial of the 193*, was chosen. Alexandrov, visiting Vera Zasulich in the House of Preliminary Detention, tried to persuade her to tell the court that she had not wanted to kill Trepov but only intended to fire into the air to alert public opinion to Trepov's treatment of Bogoliubov. She refused. She also did not want to appear in court in the elegant coat Alexandrov had brought to her prison cell so that she would look more like a noble woman when entering the courtroom. However, she did promise not to bite her nails during the trial, something which at that time in Russia was considered a sign of 'evil'.⁷⁵ Defence Attorney Alexandrov was confident that he could obtain an acquittal for Vera Zasulich, and he said as much to his friends before the trial.⁷⁶ Others, on the contrary, thought that a conviction was a foregone conclusion, given the indisputable fact that an attempt at premeditated murder had taken place in front of many witnesses.

Alexandrov's opponent in the trial was Konstantin Kessel, the Deputy Prosecutor of the St. Petersburg District Court. He was not Minister Pahlen's first choice. Before him two more prominent prosecutors had been asked by the Ministry of Justice to serve in this matter but had refused to take on the case. Maybe they thought that there was not much to be gained in defending the widely disliked Governor Trepov; maybe they thought that the case against Zasulich was 'in the bag' since the evidence of the crime was there for all to see. Maybe they were afraid: several prosecutors in the *Trial of the 193* had learned about assassination plans being concocted against them.⁷⁷ Kessel was young and inexperienced. He did not make use of his right to reject members of the jury whom he might consider prejudiced. There was a pool of some thirty jurors available for the case; up to twelve of them could be rejected by the two sides combined. Since Kessel did not make use of his right to do so, Alexandrov made full use of it, rejecting eleven potential jurors. He selected mainly civil servants, plus one artist and one student, in the hope that they would be more impressionable than some merchants on the list of potential jurors he was given. He feared that some of those on the original list of jurors were more likely to cave in under government pressure than others and selected those he thought would be most sympathetic to his arguments.⁷⁸

That such pressure by the government existed was also evident from another remark of the Minister of Justice to Anatoli Koni when the latter, just before the trial, lectured about the impartiality of the judiciary, ‘Yes, justice, impartiality’, the Minister said, ‘but in this damned case the government has the right to expect special services from the court’.⁷⁹ The date of the trial was set for the last day of March 1878.

3.5. What Happened in Court during the Trial

The trial in the St. Petersburg Circuit Court began on 31 March 1878 at 11a.m. It would last eight hours. An hour before the trial the courtroom began to fill. Anatoli F. Koni was the President of the Court. The prosecutor was Konstantin I. Kessel while counsel for the defence was attorney Peter A. Alexandrov. The latter had, in the past, earned his reputation on the other side of the bar as an able prosecutor; indeed he had been one of the prosecutors in the trial of Sergei Nechaev when he was tried and convicted of murder in 1871. However, after a trial in 1875 where Alexandrov had argued for the freedom of the press while he was asked by Minister Pahlen to argue for the opposite, he had changed sides and joined the bar to become a defence attorney.⁸⁰ Alexandrov had just played an outstanding role as defence council in the *Trial of the 193*. One of his colleagues described him as ‘sharp like a razor blade, cold as ice and shining like a hero’.⁸¹ In the impending trial he was to give the performance of his life. The jury consisted, as mentioned before, mostly of low and middle level civil servants.⁸² Since Alexandrov had carefully selected most of them, liberal-minded men were in the majority among the 18 jurors.⁸³

The courtroom was crammed full. The President of the Court had distributed at his discretion 136 of a total of 300 tickets for the seats in the courtroom. They were sold out weeks before the trial began.⁸⁴ Many members of the aristocratic elite of Russia were curious to take a glimpse of someone from Russia’s revolutionary underground. Present were, among other dignitaries, the Imperial State Chancellor, Prince Gorchakov, the War Minister Miliutin, Count Stroganoff, Secretary of State Solsky as well as members of the State Council and senators. They took their seats right behind the judges’ bench. There were many more dignitaries in glittering gold-braided uniforms and high-society ladies loaded with jewels in the gallery. There also were about one hundred members of the legal profession in the room as well as foreign observers. When the trial began, some six hundred people were packed into the courtroom.⁸⁵ Ten members of the press, including F. Dostoyevsky, the writer, had also been admitted. The Minister of the Interior had originally suggested to

the Minister of Justice that press access to the trial be minimised. Yet Count Pahlen thought this inadvisable, arguing that this would lead public opinion to suspect that Vera Zasulich had been unjustly convicted. He hoped that press reports would 'elicit general indignation'.⁸⁶

All the display of rank and name in the seats behind the judges stood in sharp contrast to the defendant, Vera Zasulich. She was simply dressed, had an unassuming appearance and was modest in her manners. One observer saw in her 'pale, emaciated features' traces of 'spiritual suffering and physical deprivations'. Another observer thought that 'She looked almost saintly'.⁸⁷ Vera, then 29 years old, looked much younger. She spoke in a barely audible voice; it was hard to believe that this shy creature could be a threat to society.⁸⁸

Not present at the trial was General Trepov himself. Although almost recovered from the attack by Vera Zasulich, he claimed to be ill that day. It is not clear why Alexandrov, the defence attorney, rather than the prosecutor had originally invited him to appear as witness. Nor is it clear why Trepov had refused to turn up. Probably he was afraid that he would, at least indirectly, also be judged. The fact is that he had already made public appearances, albeit in a wheelchair, telling everybody who wanted to hear it that he had asked for Bogoliubov to be flogged on the orders of Minister Pahlen. Stranger still, he was even reported to have expressed his hope that Zasulich would be acquitted!⁸⁹

The trial began exactly on time, at eleven o'clock. First the indictment was read, recounting the events of 24 January 1878 in the residence of the Governor of St. Petersburg. The charges brought against Vera Zasulich included planning of the assassination in advance and the point blank shooting of General Fyodor F. Trepov with a large-calibre revolver with the intent to deprive him of his life.⁹⁰ The defendant did not deny the crime and responded in a barely audible voice: 'I admit that I shot General Trepov but whether this would result in wounding or killing him was for me a matter of indifference.'⁹¹

The first of four witnesses called by the Prosecutor was Major Fedor Kurneev, Trepov's assistant. He had been present when the shooting took place. He was, at that time, also acting administrator of the House of Preliminary Detention. When Major Kurneev was interrogated by the Prosecutor, it surfaced that he was being investigated (and might be liable for prosecution) over his responsibility for disturbances in the prison which had accompanied the flogging of Bogoliubov. For a moment it looked as if the state admitted that a crime had occurred in the House of Preliminary Detention and that the state itself had been trying to seek and restore justice.⁹² However Alexandrov, the Defence Attorney, quickly followed up on the Prosecutor's

questioning of Kurneev and asked whether he was also responsible for the whipping of Bogoliubov which had occurred under his watch. ‘Oh no’, Kurneev answered (he had only announced the flogging to the prison population, not ordered it himself). That put the blame for the flogging back on Trepov.⁹³ The audience in the courtroom, which by that time had largely taken Vera’s side, was audibly relieved. Another witness presented by the prosecutor was the owner of the shop where the bulldog gun had been bought. Kessel’s pedantic interrogation of this and other witnesses produced nothing that grabbed the audience’s imagination and did little to strengthen the prosecutor’s case.⁹⁴

Prosecutor Kessel’s speech, while lacking passion, was logically compelling, but the public wanted drama, not reason. Kessel spoke for 45 minutes in a monotonous voice. He was handicapped in that he could or would not disclose the political motivation for the deed, the revolutionary background of Zasulich and her links to the nihilist Nechaev. This would have politicised the trial, something which the Minister of Justice had been trying to avoid, portraying her deed as an act of personal revenge.⁹⁵ Strangely, Kessel did not mention Bogoliubov at all.⁹⁶ He reminded the jury that it was not the duty of the court to judge Vera’s motives or to judge whether Trepov, the victim, was guilty or innocent of anything. Nor was the court to adjudicate on the legitimacy of her emotions. She had to be judged solely on the basis of her action. Since she had bought one of the most powerful revolvers, it was clear that she did not expect Governor Trepov to remain alive. ‘Every person’, Kessel said, ‘is free to love or hate whomever they choose, but no one is free to violate another’s rights’.⁹⁷ Kessel depicted Zasulich’s deed as a perverted form of trial, a kind of vigilante justice, arguing that:

Having created her own court, Zasulich joined in her own person the roles of prosecutor, defendant, and judge: she, a young woman, thought it was possible to decree a death sentence, which fortunately she did not succeed in carrying out. I do not think for one minute that you will disagree that every public figure, whoever he may be, has the right to a legal trial and not a trial by Zasulich.⁹⁸

The public was paying little attention to Kessel’s dry reasoning; in fact his voice could barely be heard in the galleries as the people made a considerable noise.

Yet when it was Vera’s turn to explain her case, the courtroom fell dead silent; nobody wanted to miss a word as she spoke with such a thin voice. Her manners were more those of a nun than a terrorist. She did not make any propagandistic speeches like many of those had done who stood accused in the *Trial of the 193*. She did not accuse the

autocracy in her speech. Instead, she emphasised how humanitarian compassion for Bogoliubov had driven her to this deed.⁹⁹ Vera also recalled how, without ever having been judged by a court, she herself had, by administrative order, been condemned to spend years in prison and exile. Then she turned to the event that had triggered her deed.¹⁰⁰ It was, as she explained, an act of protest, a cry for justice:

I waited for some response, [to the flogging incident] but everyone remained silent. [...] There was nothing to stop Trepov, or someone just as powerful as he, from repeating the same violence over and over. I resolved at that point, even if it cost my life, to prove that no one who abused a human being that way could be sure of getting away with it. I couldn't find another way of drawing attention to what had happened. I saw no other way [...] It's terrible to have to lift a hand against another person, but I felt that it had to be done.¹⁰¹

The public took a liking to her as she sobbed quietly while she spoke. As it was clear to everybody in the courtroom that her regret was real, compassion for her grew by the hour.¹⁰² When it was the Defence Attorney's turn, Alexandrov began by saying that he was 'completely in agreement with much of what he [Kessel] said. We differ only in a few, small things.' This understatement was just one of his many rhetorical devices.

The Defence Attorney had, at his own expense, brought four former political prisoners as witnesses. They had been on the scene on 13 July 1878 when Governor Trepov clashed with prisoner Bogoliubov in the court of the House of Preliminary Detention.¹⁰³ (Later the President of the Court was to be blamed for having allowed Alexandrov to present such witnesses whose testimonies had no directly bearing on the crime that had taken place in the Governor's residence.) The sight of these witnesses—pale, thin young students, just acquitted after years in prison for no good reason—created a wave of compassion among the public. These *narodniki* idealists made the prison regime and, by implication, the political system that supported it look arbitrary and cruel.

Alexandrov used their testimonies to evaluate Trepov's behaviour and managed to place Trepov (and Kurneev) in the role of villains. He also lambasted a political system that had for so long allowed the regime and the landlords to flog people. He insinuated that there were still people in high places who felt that it was dangerous to leave Russia without the knout—that instrument of sanction that, in his words, had cemented the social foundations for so long. After giving a brief history of flogging in Russia until 17 April 1863 when 'the rod passed into the realm of history',¹⁰⁴ Alexandrov proceeded to say:

Fifteen year after the abolition of corporal punishment a political prisoner was subjected to the ignominious punishment of whipping [...] The short newspaper accounts of the punishment inflicted on Bogoliubov could not but have an overwhelming impression on Zasulich [...] ‘What terrible torture’, thought Zasulich, ‘what scornful profanation of everything which constitutes the most essential values of an intellectual ... of everyone to whom the sense of honour and human dignity are not foreign ...’ [...] Bogoliubov was for Zasulich a political prisoner, and this word meant everything [...] A political prisoner was for Zasulich the bitter recollection of her own sufferings, of her terrible nervous excitement [...] everlasting thought: ‘[...] When will an end be brought to all this?’¹⁰⁵

Alexandrov then gave a dramatic description of the flogging as it must have appeared in Zasulich’s mind. The audience began to applaud and shout ‘bravo’ at various points in his exposition.¹⁰⁶ He continued:

The fateful question confronted her: ‘Who will stand up for the insulted honour of a defenceless political convict? [...] Who will stand up for the fate of other wretches?’ [...] She expected, finally, a word of justice [...] but justice remained silent. [...] And suddenly, an unexpected thought brightened her mind: ‘Oh, I myself! [...] All is silent around Bogoliubov! A shout is needed’ [...] Instant determination responded to this thought [...] ‘If I commit a crime’, Zasulich thought, ‘the silent question about Bogoliubov’s punishment will arise; my crime will provoke a public trial, and Russia, in the person of her people’s representatives, the jury, will be compelled to pronounce a verdict not on me alone [...] and in the sight of Europe, this Europe which likes to call us a barbarian state, in which the attribute of the government is the knout [...]’

Turning to the jurors, Alexandrov continued:

‘Gentlemen of the jury! It is not for the first time that a woman appears before the court of the people’s conscience in this dock of crime and oppressive moral suffering. [...] Women who have steeped their hands in the blood of their lovers or of their more fortunate rivals, have been here. These women left this place acquitted. These sentences were just, an echo of divine justice, which takes into consideration not only the external side of an action, but also its inner meaning—the real guilt of the accused. These women did bloody, summary justice, they fought for and avenged themselves. But for the first time there appears here a woman who had no personal interest in her crime, who linked her crime with the fight for an idea, for the sake of a man who

was for her no more than a companion in distress. If these reasons for crime prove lighter on a scale of public justice, if she must be punished for the sake of the general welfare, the triumph of justice and public safety—then let your chastising justice take place! Indeed, she may leave this court condemned, but not disgraced, and one may only wish that circumstances which provoke such actions and generate such culprits should not be repeated. [...] However somberly one looks at this deed, in the motives themselves it is impossible not to see an honest and noble impulse.¹⁰⁷

At one point Alexandrov compared the characters of the victim—Trepov—and Zasulich, the perpetrator. At another point, Alexandrov suggested that an acquittal of Zasulich might counteract Russia's reputation abroad as being a nation of barbarians.¹⁰⁸ Alexandrov's speech was a rhetorical masterpiece and, as we shall see, the jury fell into the trap he had laid: judging her on her apparently noble character and unselfish motives—not on the crime she had committed. In his account of what drove Vera Zasulich to her deed, Alexandrov had not stuck fully to the facts.¹⁰⁹ He completely omitted Vera Zasulich's revolutionary past and socialist convictions.¹¹⁰ However, Alexandrov's rhetoric swayed the jury and the public much more than the monotonous speech of the Prosecutor had done. Zasulich herself was so impressed by her defence lawyer's account of her life story that she seemed to re-experience, while he spoke, some of her past agonies in front of jury and public. One eyewitness noted:

[Her] head dropped on her hands, folded on the desk, and, concealing it in a crumpled kerchief, the girl tried to muffle and hide her sobs, but her thin, shuddering shoulders betrayed her. One could hear her sobs here and in the hall. I also wiped the tears that welled in my eyes. I looked behind me at the row of the public and saw the same tears in many an eye.¹¹¹

Alexandrov pleaded with the jurors to judge Zasulich not for the intentions attributed to her by the prosecutor but for what she had actually done, the implication being that she had, after all, *not* killed the Governor.

The public was visibly moved. Here was a woman, herself an innocent victim of the unjust prison system, who identified with another political prisoner so much that she wanted, with her deed, to confront the public with Trepov's misdeed so that in the future such humiliating treatment would no longer be accepted. Dostoyevsky, the writer, whispered to his neighbour in the gallery: 'She should not be convicted, and punishment is inappropriate, superfluous; but one wishes one could say to her "go, and do not do that again".'¹¹²

A.F. Koni, the President of the Court, then asked Zasulich if she wished to have the last word. She declined. A wise decision: it could only have detracted from the profound impression left on public and jurors by the brilliant, two-hour-long speech of her defence lawyer.

The President of the Court then summarised the proceedings of the day, recapitulating the arguments of both Prosecutor and Defence Attorney. He also told the jurors that they should consider themselves ‘the conscience of society’,¹¹³ asking them to answer three questions:

1. Was Zasulich guilty that, wanting to wreak vengeance on Commandant Trepov for his punishment of Bogoliubov and having acquired for this purpose a revolver, on January 24 with deliberate intent, inflicted on the General-Adjutant a wound in the region of the pelvis with a bullet of large calibre?
2. If Zasulich carried out this act, did she intend to deprive Commander Trepov of life? and
3. If Zasulich did intend to deprive Commander Fyodor Trepov of life, did she do everything in her power to attain this objective, given that death did not ensue for reasons that did not depend on her?¹¹⁴

The balanced summing up by the Court’s president which preceded these questions left much of the public—waiting in the corridors for the jury to return—in a gloomy mood. It seemed inevitable that Vera would be convicted.¹¹⁵

The jurors had withdrawn for deliberation for less than half an hour.¹¹⁶ Then they came back. In the words of Koni:

With pale faces, the jurors crowded around the corner of the judges’ table. There was total silence in the court, everyone had bated breath. The foreman of the jurors, an official in the Ministry of Finances, hurried rattled off the question: ‘Is Zasulich guilty of wounding’ ... and then loudly, so that the whole room could hear: ‘No! Not guilty!’¹¹⁷

Then, pandemonium broke out. The President of the Court later recalled:

It is impossible for one who was not present to imagine the outburst of sounds that drowned out the [jury] foreman’s voice and the movement that like an electric shock sped through the entire room. The cries of unrestrained joy, hysterical sobbing, desperate applause, the tread of feet, cries of ‘Bravo! Hurrah! Good girl! Vera! Verochka!

Verochka! merged in one roar both moan and howl. Many crossed themselves; in the upper, more democratic sections for the public, people embraced; even in the places reserved for the judges there was enthusiastic applause.¹¹⁸

Another eyewitness from the audience, Elizabeth Naryshkin-Kurakin, confirmed that ‘The judges, jury, dignitaries and officials grown grey in service, the whole public—everyone was carried away by the mood of the moment. One could not analyse it, but it swept over everyone, without exception, even the soberest of them, in that dramatic moment.’¹¹⁹ Even Chancellor Gorchakov was clapping approvingly in the light of the verdict as did other dignitaries sitting behind the judges.¹²⁰ The President of the Court, turning to Zasluch, made no attempt to calm the courtroom down and simply said ‘You are acquitted.’ Then he told her to go to the House of Temporary Detention and collect her belongings before announcing ‘The session is closed!’¹²¹

The verdict took Zasluch by complete surprise.¹²² Upon hearing that she was acquitted, it was not joy she experienced, but ‘extreme astonishment, immediately followed by a feeling of sadness’, as she later told another, more successful, terrorist.¹²³ She had expected to be hanged and now she was to be free. When asked two hours later whether she was happy she said: ‘Not very.’¹²⁴ That feeling persisted for the rest of her life. She would refer to her attempt to assassinate Governor Trepov as ‘my crime’ and experience much anguish when others tried to imitate her and succeed where she had failed.¹²⁵

3.6. A Miscarriage of Justice?

How could the jurors reach such a decision when the incriminating facts were undisputed, plenty of witnesses to the crime were present and the defendant herself had admitted her crime? There is no simple answer; several elements came together on that day in court. The first element was that Governor Trepov was very unpopular among St. Petersburg society, including amongst the jurors. Another element was this: if a guilty verdict were to have been given by the jury, the consequences for the defendant would have been very serious. Article 9 of the Russian Penal Code, applicable in her case, would have meant a conviction to hard labour for 15 to 20 years. It was unlikely that she would have survived that. It was general knowledge that prisons in Russia were unhealthy; even someone who did not contract tuberculosis or some other deadly disease would, after years of confinement, often go mad or commit suicide.

Aware of this, juries like Zasluch's were typically mild in their verdicts, especially when it came to women.¹²⁶

A third element was perhaps even more crucial: in the Russian legal system, guilt alone was not the only criterion for a sentence. A jury was expected to judge the defendant also according to 'conscience'. Indeed, evidence alone could not prevent acquittal.¹²⁷ The Russian system of justice, established in 1864, allowed the jury to acquit defendants considered guilty and even defendants who had confessed to the crime when the jurors decided that their decision to acquit was based on 'conscience'. An English observer of this trial, Sir Donald Mackenzie Wallace, offered this explanation for the seemingly paradoxical behaviour of Russian juries:

[T]he juries often gave a verdict of 'not guilty' when the accused made a full and formal confession to the court [...] The Russian criminal law fixes minutely the punishment for each category of crimes, and leaves almost no latitude to the judge. The jury knows that if they give a verdict of guilty, the prisoner will inevitably be punished according to the Code. Now the Code [...] is found on conceptions very different from those of the Russian people, and in many cases it attaches heavy penalties to acts which the ordinary Russian is wont to regard as mere peccadillos, or positively justifiable. Even in those cases in which the Code is in harmony with the popular morality, there are many exceptional cases in which *summum jus* is really *summa injuria*. In such cases what is the jury to do? [...] There remains but one issue out of the difficulty—a verdict of acquittal; and Russian juries—to their honour be it said—generally adopt this alternative.¹²⁸

As mentioned before, it did not take the jurors long to reach their verdict. We do not know whether the jury's verdict was unanimous or split. However, if the jury was split evenly in its opinion, a defendant was also acquitted.¹²⁹ The jury had two, perhaps three choices: (i) guilty, (ii) not guilty, and (iii) guilty but deserving leniency. Most of the audience, as well as A.F. Koni, the President of the Court, had hoped for the third outcome as the most likely. The law prescribed the severity of sentences; the jury had no influence on that. Even a lenient sentence would have been severe and might, given the conditions in Russia's prison system, cost Zasluch her life.

Yet the members of the jury were apparently concerned not only about Vera Zasluch's life but also about their own careers and even lives. Since all but two of the jurors were officials working for the government, acquitting the defendant was not without risk of retaliation from their employer. However, if they feared pressure from that side they did not say so. On the contrary, one of the jurors later claimed that he and

his fellow jurors had acquitted Zasluch for fear of assassination by revolutionaries.¹³⁰ This is what he wrote in an anonymous letter to the Tsar, four days after the verdict:

We, the jurors, for all our indignation over [Zasluch's] crime, were compelled to acquit her: 1. From the sense of self-preservation, and 2. To spare the government a scandal incomparably greater than that which, given the weakness of the police, inevitably would have followed a conviction [...] Had we convicted Zasluch then it is not only highly probable that some of us would have been killed at the very entrance of the courtroom, but for sure there would have been killed the prosecutor, the chairman and also, it may be, some prominent guests.¹³¹

Were the jurors intimidated? Were they following their conscience? Were they swayed by the defence lawyer? Were they caught by the mood of the audience in the courtroom? All these elements must have played a role. Today, with a distance in time of more than 135 years, it is impossible to discern what moved them most to reach their astonishing verdict. It had been a day of high drama. One journalist noted two days later:

Only a few hours have passed, but it seems as if years have unfolded before you, as if a long repressed and gathering moral storm broke upon our heads, demanding that we evaluate everything that is good and bad within us, throwing open the doors of your soul and bringing it to an impartial, merciless court. Not one theater can provide you with this kind of drama.¹³²

In a time span of eight hours, Vera Zasluch, the would-be assassin, had become a heroine. Her defender, Alexandrov, had become a star whose brilliant performance was even acknowledged by his adversaries.¹³³ Trepov, the victim of the crime, looked like the real culprit. Kessel, the prosecutor had been out-performed by Alexandrov. The President of the Court, Anatoli Koni, later gave his own private judgment on the outcome of this trial:

The jury's verdict was, perhaps, not correct from the juridical point of view but it was true to moral feeling: it dissented from the dead letter of the law but it resounded the voice of living law; society cannot refuse it sympathy.¹³⁴

However, the consequences of the jury's decision were far-reaching and fatal. More than a century later, with plenty of hindsight, Russian historian Edvard Radzinsky concluded in 2005:

The trial by justice (by liberal rights) won a crushing victory over trial by law. It created a legal precedent for the right to shoot out of your convictions. From this moment of the great humiliation of the law, the clock of the revolution started ticking.¹³⁵

3.7. How the Trial and Its Outcome were Received Outside the Court

Outside the St. Petersburg Courthouse a crowd of thousand or more people (the majority of them women) had been waiting for the outcome of the trial.¹³⁶ Already in the afternoon, the President of the Court had been informed by Alexander Lopukhin, the chief prosecutor of the St. Petersburg Court of Appeals, that the crowd was restless and that disorder could be expected.¹³⁷ There was fear that the jurors might be assaulted by the mob in the event of a conviction.¹³⁸

When the acquittal became known, the crown welcomed it with shouts of joy and applause. The victorious Defence Attorney, Alexandrov, was carried through the streets all the way home on the shoulders of a jubilant crowd.¹³⁹ Emerging from the Courthouse, he told the waiting crowd that Vera Zasulich would soon be released from the nearby remand prison on Shpalernaia Street. However, when the crowd had moved there and Vera Zasulich was not seen for a long time, people got restless and aggressive. Vera had first been taken to her cell where she collected her belongings and had a cup of tea. When leaving, she took with her a candle and a pencil which she thought she might need in a prison cell in case she was re-arrested. That was, after all, what had happened to many of those who had been acquitted in the *Trial of the 193*. This almost happened to her that evening as well. Alexander Lopukhin asked the commander of the remand prison, Fedorov, not to release Zasulich until further written orders arrived. Indeed, one hour before midnight an order from the Tsar was delivered to Fedorov, saying that he commanded that spinster Vera Ivanova Zasulich be taken back to the House of Preliminary Detention until a special instruction was given. Fedorov, however, had by that time, on the authority of Koni, already let Zasulich go, despite Lopukhin's oral request to the contrary. This would soon cost him his post and earn him a week of arrest.¹⁴⁰

One reason Fedorov acted without waiting any longer was that when Vera did not appear for almost an hour, the crowd actually tried to force the gates to liberate her. At that point Fedorov decided to push her through the gate.¹⁴¹ The crowd greeted her enthusiastically and one man lifted her, despite her protests, on his shoulders to shouts of 'Long live Zasulich.'¹⁴² She was marched around in the dense crowd

until a carriage was found by one of the witnesses Alexandrov had summoned to the trial. Vera was then pushed into the carriage and the coachman began heading down Voskresenskii Prospekt. Then a medical student, Grigorii Sidoratskii, jumped on her carriage as a second carriage had come up next to hers. Vera Zasulich already feared that it had been sent to take her back to prison. Apparently Sidoratskii thought the same and began shooting—perhaps to distract attention from Vera so that she could escape, perhaps because he sought martyrdom for himself.¹⁴³ One shot hit a young woman in the arm, and when the student saw blood and heard shouts that he had also wounded Vera Zasulich he apparently lost his mind and shot himself through the temple (which was later erroneously blamed on the police). In the tumult and confusion, Zasulich's carriage sped away. She disappeared from the scene and made it to the apartment of a sympathiser who hid her from the police. It later turned out that the original address she was to be taken to had already been visited by the police with an order to arrest her again.¹⁴⁴

In the meantime, Vera Zasulich had become a European celebrity. At least one newspaper in St. Petersburg came out with an extra edition on the sensational outcome of the trial. Not only St. Petersburg but, thanks to the telegraph, much of Europe was served with the extraordinary news of her acquittal. In the words of Gustave Valbert, a contemporary writing in the *Revue des deux mondes*:

For forty-eight hours Europe forgot everything about peace, war, Bismarck, Lord Beaconsfield, Prince Gorchakov—so as to occupy itself with nothing except Vera Zasulich and the strange judicial adventure of which this unknown woman was the heroine.¹⁴⁵

Many newspapers in the capital, St. Petersburg, gave ample coverage to the outcome of the trial. One of them, the *Telegraph*, even decided to serialise the entire trial proceedings in four instalments.¹⁴⁶ Most newspapers were supportive of the acquittal; some suggested that it might serve as a lesson to the autocratic regime. The *St. Petersburg Register* declared that the verdict was 'the voice of the people'.¹⁴⁷ The *New Times* (*Novoe vremia*) called the jurors' decision 'a verdict of social conscience not against state and law, but in defence of lawfulness and consequently for state and law'.¹⁴⁸ Not just the revolutionaries, but also liberals and even members of the aristocracy celebrated her. Some compared her to William Tell, others to Charlotte Corday or even Jeanne d'Arc.¹⁴⁹

Few voices at that time were critical. Prince V.P. Meshchersky recalled in his memoirs:

The solemn acquittal of Vera Zasulich happened as in a nightmare [...] Nobody could understand how such a frightful mockery of the highest servant under the Tsar and such an impudent triumph of faction could take place in the courtroom of an autocratic empire. The sad and fateful acquittal of Vera Zasulich showed, alas, too eloquently the disposition and mood of the contemporary society. [...] I remember how persons who later, under Alexander III, spoke about this acquittal with loud indignation, had quite forgotten that in 1878 they had joined those dignitaries who had dared to shout 'bravo' when they heard about the acquittal of Vera Zasulich, and lifted their glasses to the victory of justice at home and in their clubs.¹⁵⁰

Much of public opinion in Russia and abroad was overwhelmingly pleased with the verdict, except in some conservative circles. Dimitri Miliutin, the Minister of War who had been watching the trial with his own eyes, later wrote:

The entire public split into two camps [...] Any such case creates rumors and stirs up protest in society, on the one hand against our new legal procedures and especially against the institution of juries, and on the other hand against the arbitrariness and despotism of the administrative authorities.¹⁵¹

Vera Zasulich, hearing about the police's attempts to locate and arrest her, wrote in a letter published four days after her acquittal in the newspaper *Severnyi Vestnik*: 'I am prepared unquestioningly to submit to the judgment of the court, but I am not prepared again to expose myself to endless and indeterminate administrative prosecutions and I am compelled to hide until convinced that I have been mistaken and that I am not threatened by the danger of arrest.'¹⁵²

Zasulich spent the next weeks in hiding, moving from location to location—there was no shortage of people prepared to hide her—until, in late May 1878, she finally decided, disguised as a peasant woman, to leave Russia secretly by train for Switzerland. Vera Zasulich would spend much of her political life in exile, first Switzerland, then France, then Great Britain and then Switzerland again. Her exile was interrupted by at least one brief secret trip to Russia in 1880. Then, in 1905, a general amnesty was proclaimed which allowed her to return legally and permanently to her country.¹⁵³

To go into exile was, for her and for many other revolutionaries, a sign of defeat and not an easy decision to take. Yet the Tsarist regime, rather than accepting the jury's decision and trying to make the best out of it, reacted fiercely—with predictable results. In the words of J. Bergman:

Whatever moral capital the government might have gained from the trial was irrevocably lost in its denouement. If Zasluch had been left alone by the authorities, and Koni applauded by his superiors for his impartiality, the acquittal might have been received as a vindication of the Russian legal system and proof that Russia was evolving at last in the direction of a *Rechtsstaat*. But because the government reacted to the acquittal in ways that made its pretensions to judicial procedure seem hypocritical, it made Zasluch the martyr she would have been if the jury had convicted her, and imprinted her trial in people's consciousness as evidence of its own brutality and hypocrisy.¹⁵⁴

3.8. Conclusion: Long-term Judicial, Social and Political Consequences

3.8.1. Judicial Consequences

Tsar Alexander II was shocked and furious by the trial's outcome.¹⁵⁵ He immediately issued, as mentioned above, a secret order to re-arrest Vera Zasluch.¹⁵⁶ When, after a massive search in the capital, Zasluch could not be found, the government was looking for scapegoats in its own ranks. In the following weeks several heads would roll. On 13 May 1878 Count Pahlen was forced to resign for the 'negligent handling of the Zasluch case', as the Tsar put it.¹⁵⁷ Earlier Pahlen had tried, but failed, to fire Koni.¹⁵⁸ The safeguards of the reform measures of 1864 made Koni's dismissal impossible. Koni had sent a personal apology to the Tsar but had refused to resign.¹⁵⁹ He was transferred to the Civil Chamber and remained disgraced for seven years.¹⁶⁰ Alexandrov, the defence lawyer, was forced to leave St. Petersburg. Kessel, the Prosecutor was also sent to the provinces. Andreevskii and Zhukovskii, the two prosecutors who had earlier refused to take on the assignment to prosecute Zasluch (a task that then went to the less experienced Kessel) were equally punished and resigned.¹⁶¹ For a brief moment the government even considered punishing the jurors for their acquittal of Zasluch; but the idea was soon dropped.¹⁶²

What about Governor Trepov, who had decided to stay at home during this trial? He felt that he had been maligned in the courtroom and by the press, accused of a crime which he felt he had not committed. In a memorandum submitted on 11 April to the Ministry of the Interior, he offered proof that the flogging of a convicted criminal had, in this case, after all been legal according to existing law, citing article and paragraph. Zasluch's assault on him, he said, had nothing to do with the Bogoliubov affair, adding, 'At issue, therefore, is not the security of a single person, but the security

of entire society, the entire state and state authority.’ Trepov also accused Koni of sympathising with the defendant.¹⁶³ The Ministerial Council and the Tsar did not want to act publicly on his memorandum, but Trepov would not take ‘No’ for an answer. Three weeks later he sent another, lengthier memorandum to the Tsar, with copies to other dignitaries, complaining, inter alia, about the democratic tendencies in the courts.¹⁶⁴ But this was to no avail: when he was not publicly rehabilitated he offered his resignation to the Tsar. He was unpleasantly surprised that it was accepted.

Three days after the trial had ended, on 2 April 1878, Count Pahlen submitted a proposal to the State Council to enact a law that would place all assassinations and acts of terrorism under the jurisdiction of military tribunals. On 9 May the new law came into force.¹⁶⁵ From then on, all cases of ‘resistance to the authorities, rebellion, assassination or attempts on the lives of officials’ would be dealt with by military courts.¹⁶⁶ In addition, the Ministry of Justice submitted, on 21 April, new legislation to the State Council which would allow it to supervise the activities of lawyers and give it the authority to prohibit individual lawyers from practising law if their behaviour was judged to be incompatible with their duties.¹⁶⁷

The Prosecutor, Kessel, on 24 April submitted an appeal to the Senate’s Cassation Court, citing seven reasons why the verdict should be dismissed. He suggested that another court outside St. Petersburg should start a new trial of Zasulich. One of the reasons he gave for a re-trial was that in his view the jurors had been influenced by applause from the public and thereby had lost their objectivity. He also complained that the prosecution and defence were not given equal treatment by the President of the Court. On 20 May the Senate decided in Kessel’s favour.¹⁶⁸ It declared the trial of Vera Zasulich on 31 March 1878 invalid and ordered a retrial of the case far away from the capital in the Novgorod Circuit Court.¹⁶⁹ Yet that new trial never took place. When it became known that Zasulich had escaped to Switzerland the Tsar first wanted her extradited (as had happened in the case of Nechaev who also had fled to Switzerland and was extradited in 1872). Yet in the end the Russian government only placed advertisements in foreign newspapers, ordering Vera Zasulich to present herself to the district court in Novgorod.¹⁷⁰ It was a vain gesture; in October 1878 the regime decided to give up the pursuit of Vera Zasulich in court.¹⁷¹ Others than her had to pay a price. Those *narodniki* who had been tried and found guilty in the *Trial of the 193* but had hoped for leniency in an appeal could no longer hope for mercy. Indeed many of those who had been acquitted in that trial were arrested again and sent to the provinces in the usual procedure of administrative detention.¹⁷²

As a consequence of the miscarriage of justice in the case of Vera Zasulich, Russia's legal system, especially the jury part of it, was weakened and some of the reforms of 1864 were in fact undone. The Zasulich case was to remain the only major case where jurors had been given an opportunity to decide on a political crime.¹⁷³

3.8.2. Social and Political Consequences

It is, in this case, difficult to separate social from political consequences. We will therefore look at them together. Everybody agreed that the acquittal of Vera Zasulich was a 'slap in the face' for the autocratic regime.¹⁷⁴ As A. Koni, the President of the Court put it: 'The trial of Zasulich [...] showed the profound dissatisfaction of society with the government and its indifference to the government's fate.'¹⁷⁵ While that might have been true for the capital and major towns like Kiev and Odessa, it was far less true for the countryside where support for the Tsar had not eroded to the same extent as in the cities.

The trial of Vera Zasulich in late March 1878 had coincided with the return of the Tsar from the front. His armies, after a difficult campaign, had been victorious against the Ottoman Empire. The anti-government mood in the capital's press was not what he expected. He was not willing to compromise but wanted to show a firm hand. His reaction to the outcome of the trial of Vera Zasulich therefore meant renewed repression and enlarged police control.¹⁷⁶ A number of measures were taken to prevent a repetition of the events. One of them was that civilians were forbidden to carry weapons.¹⁷⁷ In the light of the backlash, the dreams of liberals for further reforms and a constitution for Russia vanished. Many of them gave up their hope for reforms from this Tsar and many liberals began to move closer to the revolutionaries in the aftermath of 1878.¹⁷⁸

The government also cracked down on universities as many of the revolutionaries were students. 600 students were banned from St. Petersburg, 140 from Kiev, while in Charkov Cossaks were brought in to beat up demonstrating students.¹⁷⁹ Another casualty of the reaction to the Zasulich acquittal was press freedom. Under Tsar Alexander II the universities and the press had both enjoyed considerable freedom by the mid-1870s.¹⁸⁰ The press in St. Petersburg had given maximum coverage to Zasulich's attempt on Trepov's life and, even more so, to the subsequent trial of the would-be female assassin. Several newspapers reprinted in full Defence Attorney Alexandrov's eloquent speech in her defence. Two newspapers were punished for spreading 'false news'; one of them, *Severnyi Vestnik* (*Northern Herald*) had to close down. In its last issue of 4 April 1878 *Severnyi Vestnik* had printed Alexandrov's speech in court

and a letter written by Vera Zasulich from her hideout.¹⁸¹ Since the press had been largely sympathetic to Zasulich and critical of the government, censorship, which had become relaxed in recent years, was strengthened again, although in a haphazard way. A limitation of the freedom of expression was one social consequence of the Zasulich trial, or, perhaps, the press' extensive coverage of it.¹⁸²

The press, reflecting urban public opinion, showed that there was much support for Vera Zasulich in the capital. However, in the provinces, common folk were more conservative. They could not understand how someone who would try to kill a Governor could get away with attempted murder. The people in the countryside, admonished by the Orthodox Church, were by and large still loyal to the Tsar and, by extension, to his servants.

Many political commentators interpreted the outcome of the trial as confirmation of what they wanted to believe. G.V. Plechanov, the father of Russian Marxism, as he would later be called, for instance, wrote with considerable exaggeration and wishful thinking, 'On the 31 of March 1878 the prologue of a great historical drama began for Russia, one can call it the judgment of the people over the government. On this day the split of Russian society from the government was de facto executed.'¹⁸³

The shift from rural propaganda to urban terrorism was inspired, or at least speeded up, by the assassination attempt by Vera Zasulich. Her deed and, even more than that, her trial received extensive coverage in Russia and abroad. It had, in a matter of weeks, a greater propagandistic effect than the work of more than 20,000 *narodniki* in the years from 1874 to 1877. As a consequence, the Russian Socialists themselves split. Some young revolutionaries from the *Land and Freedom* party wanted to continue the approach of the populists who had gone to the people; others wanted to build on the momentum created by Vera Zasulich and go down the terrorist path.¹⁸⁴ The second, violence-oriented group later organised itself into *Narodnaya Volya* (and later evolved into the Socialist-Revolutionary Party). The first, more peaceful, group became known as the *Black Partition* group (and later evolved into the Marxist Social-Democratic Party). This split of the original *Land and Freedom* party was arguably an outflow of the polarisation brought about by Vera Zasulich's assassination attempt and her trial.¹⁸⁵

Zasulich soon found imitators, especially among the revolutionaries who in early 1879 formed *Narodnaya Volya* (*People's Will*).¹⁸⁶ Acting in urban rather than rural surroundings, a series of terrorist assassins from the *People's Will* managed to capture the attention of the press and thereby achieved, at least among the urban educated classes, much bigger propaganda successes than the populists in their rural face-to-face campaigns could ever hope to enjoy. The terrorists were not concentrating on

organising the peasants against the landlords. They were concentrating more on 'disorganisation', the assassination of what were in their eyes the most dangerous or harmful individuals in the government.¹⁸⁷

Vera Zasulich's pivotal role in triggering with her deed and her trial a wave of terrorist assassinations in Russia is widely acknowledged by contemporaries and confirmed by historians.¹⁸⁸ Lev Deich, a fellow revolutionary, claimed, 'Quite rightly Vera Zasulich is celebrated as the founder of the terrorist struggle in Russia.'¹⁸⁹ Sergei Kravchinskii, in 1882, made this judgment of her:

Vera Zasulich was not a terrorist. She was an angel of vengeance, and not of terror. She was a victim who voluntarily threw herself into the jaws of the monster in order to cleanse the honour of the party from a moral outrage. Yet this occurrence gave to the Terrorism a most powerful impulse. It illuminated it with its divine aureola, and gave to it the sanction of sacrifice and of public opinion.¹⁹⁰

Kravchinskii held that Zasulich's assassination attempt on Trepov 'gave such a strong impetus to the [revolutionary] movement, that this step, which otherwise would perhaps have required several years, was taken at a single bound'.¹⁹¹

The new type of revolutionary, modelled after Vera Zasulich as much as after what revolutionaries preferred to see in her, was 'the terrorist'. Kravchinskii described him in these exalted words:

He is noble, terrible, irresistibly fascinating, for he combines in himself the two sublimes of human grandeur: the martyr and the hero. [...] Alone, obscure, poor, he undertook to be the defender of outraged humanity, of right trampled under foot, and he challenged to the death the most powerful Empire in the world, and for years and years confronted all its immense forces. Proud as Satan rebelling against God, he opposed his own will to that of the man who alone, amid a nation of slaves, claimed the right of having a will. [...] And if the people, ill-counseled, say to him 'Be a slave', he will exclaim 'No'; and he will march onward, defying their imprecations and their fury, certain that justice will be rendered to him in his tomb. Such is the Terrorist.¹⁹²

Kravchinskii ('Stepniak') was himself inspired by Vera Zasulich. In the summer of 1878 he assassinated with a dagger General Mezentsev, the chief of the political police (Third Section) in St. Petersburg. He was not the only one who drew inspiration from Zasulich's deed and trial. N.I. Kibalchich, the explosives expert and bomb-maker of

Narodny Volya, whose bomb would kill the Tsar three years later, was also directly inspired by Zaslulich's attempt on Trepov and because of her joined the underground group of urban terrorists.¹⁹³

A whole series of other copycat crimes were triggered by Zaslulich's example and the outcome of her trial: on 23 February 1878 an unsuccessful attempt on the life of an assistant prosecutor Kotljarevskii was made in Kiev by Verian Osinsky; on 25 May 1878 Baron F.E. Geiking, chief gendarme, was assassinated in Kiev; in February 1879 there was the assassination of Governor Dimitri Kropotkin in Khrakov; in March 1879 an unsuccessful attempt on the life of Alexander Drenteln, Mezentsev's successor, was made; on 19 November 1879 a bomb exploded prematurely close to the Tsar's railway carriage as he travelled near Moscow; on 2 April 1879 an assassination attempt by A.K. Soloviev on Alexander II failed; on February 1880 an unsuccessful attempt on the life of Minister of Interior, General Count Loris-Melikov, took place; on 5 February 1880 one hundred pounds of dynamite placed by the carpenter Stephan Khalturin exploded in the Winter Palace under the Tsar's dining room but Alexander II survived; on 1 March 1881 Narodnaya Volya finally managed after six failed attempts to assassinate Tsar Alexander II, with the help of a nitroglycerine grenade.¹⁹⁴

The 'Russian method', as it became known, was soon making its way abroad. It even inspired a number of attempted regicides. Soon after Zaslulich's trial, there were two attempts on the life of William I, the German emperor, one attempt on the Italian King Umberto I in November 1878 and, the month before, in October one on King Alfonso XII of Spain.¹⁹⁵ Without Zaslulich's example and the broad publicity given to her in the press, some of these and other assassination attempts would probably not have occurred. Vera Zaslulich herself felt guilty about this chain of assassinations and, in late 1880, she secretly returned to Russia and tried to persuade the revolutionaries to stop terrorism and refocus on the struggle in the countryside. She came too late and did not succeed; terrorism had become the new mode of political struggle.¹⁹⁶ When, after several failed attempts, the Tsar was killed on 1 March 1881, she was dismayed.¹⁹⁷

She would spend more than 25 years abroad and spoke out repeatedly against the systematic terror of revolutionary organisations from the underground by self-appointed 'heroes'. Her own 'terror', in the case of Trepov, was later described by her as an instinctive reaction to evil acts by government officials: 'When it is impossible to avert villainy perpetrated before one's eyes, then the feeling of revenge becomes the most legitimate social emotion.'¹⁹⁸ After her final return to Russia in 1905 she gave up politics and worked mainly as a translator. Between 1909 and 1919 she lived in the Writer's House in St. Petersburg from where she was evicted by Bolshevik soldiers. She did not survive this eviction and died on 8 May 1919 from pneumonia.¹⁹⁹ The

Russian Revolution—in reality more of a coup d’etat consolidated by Red Terror—had not brought the revolution she had fought for in her youth. She died disillusioned, writing in her last year, ‘The Russia I knew and loved is gone.’²⁰⁰

Let us, after this glimpse into the future, return to the late 1870s and the 1880s. The unfortunate result of the Zasulich trial’s outcome was, as indicated above, the impression prevailing in revolutionary circles that one could get away with murder and be applauded for it by the people. Her trial seemed to give political terrorism a semblance of legitimacy.²⁰¹ Many would-be terrorists thought they had a licence to kill, hoping to get a similar degree of understanding from society as Vera Zasulich had received from her jurors and the press. While Zasulich’s own attempt on Governor Trepov was born out of a personal feeling of moral indignation and a desire to take revenge, those who followed in her footsteps tried to elevate assassination to an impersonal political doctrine. As a Russian counter-terrorist official from the Ministry of the Interior wrote perceptively in the late 1880s:

Encouraged by the success of the first terrorist outbreaks, the devotees of anarchism from then on considered the principle of ‘terror’ as the most propitious mode of action and the most rational slogan for their plots and their agitations. They busied themselves with creating ‘theories’ and ‘systems’, seeking to convince the government and the public of the legitimacy of their crimes. The origin of the terrorist principles is thus explained more logically by consideration of an opportunistic character.²⁰²

The emergence of terrorism as a doctrine—the ‘philosophy of the bomb’—was advanced by the writings of *Narodnaya Volya*. It was born out of the apparent failure of the populists to mobilise the peasants and from the absence of a sizeable urban working class ready to rise against the state. The populist revolutionaries’ inability to mobilise the masses led some of them to have recourse to murderous attacks on government officials.²⁰³ Amplified by the press, the impression was created by spectacular acts of terrorism that there was a sizeable and growing revolutionary movement, willing and able successfully to challenge the state. However, in reality the Russian terrorists were weak—estimates vary from a few dozen to a few hundred at best, with a few hundred (some say thousands) more sympathisers actively supporting their efforts. In a country of hundred million people they were no more than a drop in the ocean. The Tsarist police managed to round up most of them—so much so that the first wave of Russian terrorism, triggered by Vera Zasulich, practically came to an end with the massive crackdown following the assassination of Alexander II on 1 March 1881.²⁰⁴

Deborah Hardy, who studied the origins of Russian Terrorism in the years 1876–1879 concluded:

Terrorism was too often a state of mind. It grew from feeding on its own danger, daring, and heroics. [...] Too many [...] were dominated by their emotional reactions to the magnetism of violence: by their need to act, their drives to become heroes, a strange attraction to martyrdom, their feeling for each other, their fervor about something that was ‘contagious’ or ‘in the air’ or ‘inevitable’. Few of them, according to their memoirs, did much careful analyzing at all, beyond the intricate planning of the next, ever more spectacular and gruesome, terrorist deed. Their ultimate failure to attain their goal [...] became a personal tragedy for many of them.²⁰⁵

That was certainly true for Vera Zasulich. Her search for ‘justice’ for Bogoliubov brought her before a Court of Justice which, despite her crime, showed mercy towards her. Yet by side-stepping the provisions of the law for her crime, the court involuntarily legitimised, at least in the eyes of fellow revolutionaries, others to go and take the pursuit of ‘justice’, as they understood it, into their own hands. The consequences of that decision of 31 March 1878 were far-reaching. Her deed inspired, as mentioned above, the bomb-maker whose bomb killed the Tsar to join ‘The People’s Will’. The killing of the Tsar in 1881 in turn led to pogroms against Jews who were (wrongly) blamed for the conspiracy that led to the assassination. Such pogroms involving murder, rape and plunder would continue until 1884. In 1891, the systematic expulsion of most Jews from Moscow set in. These developments forced many Jews to move to Central and Western Europe. However, anti-Semitism followed them and met them in full force in post-World War I Germany.

There can be no doubt that Zasulich’s crime had consequences that were far-reaching. Some of the consequences are still with us today. Where one wants to draw the line of her ebbing influence is a fascinating question. Yet there can be no doubt that her example set in motion a new model of political violence.

Notes

- 1 I am indebted to Ana Siljak, *Angel of Vengeance. The Girl Who Shot the Governor of St. Petersburg and Sparked the Age of Assassination* (New York: St. Martin’s Griffin, 2008). Another work which was equally helpful is Richard Pipes, ‘The Trial of Vera Z’, *Russian History*, 37:1 (2010),

- pp. 1–68. To a lesser degree, I am also indebted to Jay Bergman, *Vera Zasulich: A Biography* (Stanford: Stanford University Press, 1983) and, indirectly, to Wolfgang Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung* (Munich: Oldenburg, 1977).
- 2 Adam B. Ulam, *In the Name of the People. Prophets and Conspirators in Prerevolutionary Russia* (New York: The Viking Press 1977), pp. 11 and 274.
 - 3 In the words of Ron Christenson: ‘Trials can become interpretative moments for a society.’ Cit. Ron Christenson, *Political Trials in History. From Antiquity to the Present* (New Brunswick: Transaction Publishers, 1991), p. xv.
 - 4 Tim Chapman, *Imperial Russia, 1801–1905* (London: Routledge, 2001), p. 95.
 - 5 Samuel Kucherov, *Courts, Lawyers, and Trials under the Last Three Tsars* (New York: Praeger, 1953), pp. 304–305.
 - 6 Louise McReynolds, *The News under Russia’s Old Regime. The Development of a Mass-Circulation Press* (Princeton: University Press, 1991), p. 73.
 - 7 Anatole G. Mazour, *Russia. Tsarist and Communist* (New York: Van Nostrand, 1962), pp. 302–303.
 - 8 Ulam, *In the Name of the People*, p. 273; Pipes, ‘The Trial of Vera Z.’, pp. 5–6.
 - 9 Cf. Kucherov, *Courts, Lawyers and Trial under the Last Three Tsars*.
 - 10 For an overview of the judicial reforms in Russia see: Peter H. Solomon, Jr. (ed.), *Reforming Justice in Russia, 1864–1996* (Armonk, N.Y.: M.E. Sharpe, 1997).
 - 11 Kucherov, *Courts, Lawyers and Trial under the Last Three Tsars*, pp. 304–305.
 - 12 *Ibid.*, p. 222.
 - 13 Ronald Seth, *The Russian Terrorists: The Story of the Narodniki* (London: Barrie & Rockliff, 1967), p. 55.
 - 14 Pipes, ‘The Trial of Vera Z.’, p. 6.
 - 15 W.E. Mosse, *Alexander II and the Modernization of Russia* (London: English Universities Press, 1958), p. 159.
 - 16 Siljak, *Angel of Vengeance*, p. 167.
 - 17 Some sources cite 15 years.
 - 18 Pipes, ‘The Trial of Vera Z.’, pp. 7–10.
 - 19 Siljak, *Angel of Vengeance*, p. 219.
 - 20 Pipes, ‘The Trial of Vera Z.’, p. 12.
 - 21 Siljak, *Angel of Vengeance*, pp. 110–111.
 - 22 Chapman, *Imperial Russia*, p. 117; McReynolds, *The News under Russia’s Old Regime*, p. 92. Later the Tsar would increase some of the sentences.
 - 23 Bergman, *Vera Zasulich*, pp. 33–34.
 - 24 Pipes, ‘The Trial of Vera Z.’, pp. 15–16.
 - 25 Siljak, *Angel of Vengeance*, p. 181.

- 26 Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, p. 47. However, some participants, including A. Koni, considered the flogging illegal. Cf. Geierhos, p. 49.
- 27 Bogoliubov could not serve out his long sentence: after almost a decade of imprisonment and hard labour he began to show signs of insanity and was sent to a psychiatric ward in Kazan. He died in 1887, back home with his family. Cf. Pipes, 'The Trial of Vera Z.', p. 17.
- 28 Bergman, *Vera Zasulich*, p. 29.
- 29 Siljak, *Angel of Vengeance*, p. 188.
- 30 Bergman, *Vera Zasulich*, p. 43.
- 31 Pipes, 'The Trial of Vera Z.', pp. 18–21 and 78.
- 32 'Our work is destruction, terrible, complete, pervasive, ruthless', was Nechaev's doctrine.—Cit. E. Radzinsky, *Alexander II. The Last Great Tsar* (London: The Free Press, 2005), p. 222.
- 33 Excerpts from Zasulich's memoirs cited in: Barbara A. Engel and Clifford N. Rosenthal, *Five Sisters: Women Against the Tsar. Edited and translated from Russian* (London: Weidenfeld and Nicolson, 1975), p. 73.
- 34 Lemma S.G. Nechaev, Spartacus International (no date), <http://spartacus-educational.com/RUSnechayev.htm>. Retrieved 18 May 2015.
- 35 Siljak, *Angel of Vengeance*, p. 39.
- 36 Matthew Carr. *The Infernal Machine. A History of Terrorism from the Assassination of Tsar Alexander II to Al-Qaeda* (New York: The New Press, 2006), p. 17.
- 37 Matthew Carr. *The Infernal Machine*, p. 18.
- 38 Bergman, *Vera Zasulich*, p. 8n.
- 39 Pipes, 'The Trial of Vera Z.', p. 25.
- 40 Siljak, *Angel of Vengeance*, p. 128.
- 41 Kucherov, *Courts, Lawyers, and Trials under the Last Three Tsars*, p. 217.
- 42 Siljak, *Angel of Vengeance*, p. 150.
- 43 Mikhail Bakunin was a figurehead of European anarchism. He had briefly been associated with Nechaev and had helped him to write the *Catechism of a Revolutionary*. He was an advocate of terrorist 'propaganda by the deed'.
- 44 Pipes, 'The Trial of Vera Z.', pp. 26–27.
- 45 Bergman, *Vera Zasulich*, p. 17.
- 46 Bergman, *Vera Zasulich*, p. 21.
- 47 Vera Zasulich, *Knigi Arkhivy. Avtografy* (Moscow: 1973), pp. 152–143, as cited in Pipes, 'The Trial of Vera Z.', pp. 28–29.
- 48 *Land and Freedom* had been founded in 1876 and pleaded that land be given to the peasants and their redemption payments (from their release from serfdom) should be abolished so that they would be really free. It also hoped to dismantle the autocratic system of

- government. Contrary to many other populists, the members of *Land and Freedom* were tightly organised, with a central committee giving orders to its members. Cf. Chapman, *Imperial Russia*, pp. 117–118.
- 49 Seth, *The Russian Terrorists*, p. 54.
- 50 Pipes, ‘The Trial of Vera Z.’, p. 34.
- 51 Radzinsky, *Alexander II*, p. 276.
- 52 Reports on this aspect are contradictory. An alternative explanation is that Zasulich wanted to free some other conspirators preparing the attack on Trepov, so that they could return to Kiev and liberate a group of prisoners, including a close friend and later lover of Zasulich, Lev Deich. Cf. Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, pp. 40–41.
- 53 The *Trial of the 193* involved students and other intellectuals who had ‘gone to the people’ in 1874 and 1875 to agitate among the peasantry for the overthrow of the government. The authorities arrested altogether some 4,000 of them. Others present at this trial were arrested during demonstrations in 1876. The *Trial of the 193* was the largest political trial in 19th century Russia. It ended in a mass acquittal, with only 40 of the 193 brought to court being sentenced to prison for hard labour. Two of those acquitted would later be involved in the successful assassination of Alexander II.
- 54 Pipes, ‘The Trial of Vera Z.’, p. 35.
- 55 Clark McCauley and Sophia Maskalenko, *Friction. How Radicalization Happens to Them and Us* (Oxford: University Press, 2011), p. 22.
- 56 Siljak, *Angel of Vengeance*, p. 2.
- 57 Anatoly F. Koni, *Sobranie sochinenii: vospominaniia o dele Very Zasulich* (Moscow: Juridičeskaja literatura, 1966), p. 65; cit. Pipes, ‘The Trial of Vera Z.’, p. 39.
- 58 Siljak, *Angel of Vengeance*, p. 8.
- 59 Pipes, ‘The Trial of Vera Z.’, p. 39.
- 60 Siljak, *Angel of Vengeance*, p. 9.
- 61 Pipes, ‘The Trial of Vera Z.’, p. 40. Since Trepov’s memorandum contained a number of inaccuracies (he said that she had offered physical resistance, had refused to surrender the handgun and had tried to shoot him again), not too much credence can be given to this statement.
- 62 Ibid.
- 63 Siljak, *Angel of Vengeance*, p. 10.
- 64 Bergman, *Vera Zasulich*, p. 43; cit. Siljak, *Angel of Vengeance*, p. 11.
- 65 Pipes, ‘The Trial of Vera Z.’, p. 41; Bergman, *Vera Zasulich*, p. 39.
- 66 Koni, *Sobranie sochinenii*, pp. 72–74; as cited in: Bergman, *Vera Zasulich*, p. 40.

- 67 Bergman, *Vera Zasulich*, p. 43.
- 68 Mosse, *Alexander II and the Modernization of Russia*, p. 159.
- 69 Koni, *Sobranie sochinenii*, p. 66, as cited in Pipes, 'The Trial of Vera Z.', p. 41.
- 70 Pipes, 'The Trial of Vera Z.', p. 40.
- 71 Cit. Pipes, 'The Trial of Vera Z.', p. 47.
- 72 Koni, *Sobranie sochinenii*, pp. 69–72.
- 73 Koni, *Sobranie sochinenii*, p. 71; as cited in Bergman, *Vera Zasulich*, p. 41.
- 74 Bergman, *Vera Zasulich*, p. 41.
- 75 Pipes, 'The Trial of Vera Z.', p. 48.
- 76 Siljak, *Angel of Vengeance*, p. 230.
- 77 Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, pp. 74–75.
- 78 Pipes, 'The Trial of Vera Z.', p. 49.
- 79 Samuel Kucherov, 'The Case of Vera Zasulich', *Russian Review*, 11:2 (1952), p. 87.
- 80 Siljak, *Angel of Vengeance*, pp. 227–228.
- 81 V.D. Spasovic, as cited in: Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, p. 50.
- 82 Bergman, *Vera Zasulich*, p. 43.
- 83 Radzinsky, *Alexander II*, p. 277.
- 84 Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, p. 53.
- 85 Siljak, *Angel of Vengeance*, p. 223.
- 86 Cit. Siljak, *Angel of Vengeance*, p. 221.
- 87 Cit. Siljak, *Angel of Vengeance*, p. 224.
- 88 Bergman, *Vera Zasulich*, p. 45; Pipes, 'The Trial of Vera Z.', p. 52.
- 89 Pipes, 'The Trial of Vera Z.', p. 54. Koni claimed later that Trepov told him after the trial that he "thanked God" for the acquittal of Zasulich. Cf. Pipes, p. 71.
- 90 Bergman, *Vera Zasulich*, p. 45.
- 91 Cit. Pipes, 'The Trial of Vera Z.', p. 55.
- 92 The Trepov flogging and the conditions in the House of Preliminary Detention were the subject of some internal investigations but in the end no case was brought against Trepov or Kurneev. Cf. Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, pp. 36–37.
- 93 Siljak, *Angel of Vengeance*, p. 231.
- 94 Siljak, *Angel of Vengeance*, pp. 225–226.
- 95 Pipes, 'The Trial of Vera Z.', p. 67.
- 96 Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, p. 54.
- 97 Cit. Siljak, *Angel of Vengeance*, p. 236.
- 98 Koni, *Sobranie sochinenii*; as cited in Bergman, *Vera Zasulich*, p. 47.

- 99 Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, p. 54.
- 100 Kucherov, *Courts, Lawyers, and Trials under the Last Three Tsars*, p. 214; Siljak, *Angel of Vengeance*, p. 234.
- 101 Ezhov Tsederbaum, *S. Zhenshchina v russkom revoliutsionnom dvizhenii* (Leningrad: 1927), p. 69 as quoted in Engel and Rosenthal, *Five Sisters*, p. 78.
- 102 Siljak, *Angel of Vengeance*, p. 235.
- 103 Siljak, *Angel of Vengeance*, p. 230.
- 104 As quoted in Siljak, *Angel of Vengeance*, p. 239.
- 105 Quoted in: Kucherov, 'The Case of Vera Zasulich', p. 90.
- 106 Kucherov, *Courts, Lawyers, and Trials under the Last Three Tsars*, p. 218.
- 107 Cited in S. Kucherov, 'The Case of Vera Zasulich', p. 92; and in Bergman, *Vera Zasulich*, p. 49.
- 108 Bergman, *Vera Zasulich*, p. 44.
- 109 Bergman, *Vera Zasulich*, p. 42.
- 110 Siljak, *Angel of Vengeance*, p. 229.
- 111 As cited in Pipes, 'The Trial of Vera Z.', p. 58.
- 112 As cited in Siljak, *Angel of Vengeance*, p. 245.
- 113 McReynolds, *The News Under Russia's Old Regime*, p. 93.
- 114 Koni, *Sobranie sochinenii*, p. 157, as cited in Pipes, 'The Trial of Vera Z.', p. 60.
- 115 Siljak, *Angel of Vengeance*, p. 245.
- 116 Sources differ about the time it took the jury to reach its verdict. Michael Burleigh claims that the jury returned already after seven minutes; another source mentions ten, a third, 30 minutes. Cf. Michael Burleigh, *Blood & Rage. A Cultural History of Terrorism* (London: Harper Press, 2008), p. 44.
- 117 Cit. Radzinsky, *Alexander II*, p. 278.
- 118 Koni, *Sobranie sochinenii*, pp. 171–172, as cited in Kucherov, *Courts, Lawyers, and Trials under the Last Three Tsars*, p. 221.
- 119 Cit. Kucherov, *Courts, Lawyers, and Trials under the Last Three Tsars*, pp. 221–222.
- 120 Kucherov, 'The Case of Vera Zasulich', p. 92.
- 121 Siljak, *Angel of Vengeance*, p. 247.
- 122 Stepniak [pseud. for S. Kravchinskii], *Underground Russia: Revolutionary Profiles and Sketches from Life* (London: Smith, Elder & Co, 1883), p. 121.
- 123 Stepniak, *Underground Russia*.
- 124 Pipes, 'The Trial of Vera Z.', p. 61.
- 125 Pipes, 'The Trial of Vera Z.', p. 78.
- 126 Pipes, 'The Trial of Vera Z.', p. 47.
- 127 *Ibid.*, p. 45.

- 128 Donald Mackenzie Wallace, *Russia. Vol. II* (London: Cassell, Petter & Galpin, 1912), p. 597, as cited in Pipes, 'The Trial of Vera Z.', p. 46.
- 129 Pipes, 'The Trial of Vera Z.', pp. 45–47.
- 130 Bergman, *Vera Zasulich*, p. 44n.
- 131 Cit. Pipes, 'The Trial of Vera Z.', p. 62.
- 132 G. Gradovskii, *Golo* [*The Voice*] (2 April 1878), as cited in Siljak, *Angel of Vengeance*, p. 222.
- 133 Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, p. 55. Alexandrov's defence of Zasulich was translated into several languages.
- 134 Koni, *Sobranie sochinenii*, p. 180, as cited in Pipes, 'The Trial of Vera Z.', p. 61.
- 135 Radzinsky, *Alexander II.*, p..
- 136 Pipes, 'The Trial of Vera Z.', p. 53.
- 137 Siljak, *Angel of Vengeance*, p. 215.
- 138 Pipes, 'The Trial of Vera Z.', p. 60.
- 139 Kucherov, *Courts, Lawyers, and Trials under the Last Three Tsars*, p. 222.
- 140 Pipes, 'The Trial of Vera Z.', p. 63.
- 141 Siljak, *Angel of Vengeance*, p. 251.
- 142 Bergman, *Vera Zasulich*, p. 57.
- 143 Deborah Hardy, *Land and Freedom. The Origins of Russian Terrorism, 1876–1879* (Westport, Conn.: Greenwood Press, 1987), p. 61.
- 144 Pipes, 'The Trial of Vera Z.', pp. 65–66; Bergman, *Vera Zasulich*, pp. 51–52.
- 145 *Revue des Deux Mondes* (1 May, 1878) as quoted in Bergman, *Vera Zasulich*, p. 54.
- 146 Siljak, *Angel of Vengeance*, p. 254.
- 147 *Ibid.*, p. 255.
- 148 McReynolds, *The News under Russia's Old Regime*, p. 93.
- 149 Ulam, *In the Name of the People*, p. 270.
- 150 Cit. Kucherov, *Courts, Lawyers, and Trials under the Last Three Tsars*, p. 223.
- 151 Cit. Bergman, *Vera Zasulich*, p. 53.
- 152 Cit. Pipes, 'The Trial of Vera Z.', p. 65.
- 153 Pipes, 'The Trial of Vera Z.', p. 68.
- 154 Cit. Bergman, *Vera Zasulich*, p. 54.
- 155 Radzinsky, *Alexander II.*, p. 280.
- 156 Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, p. 64.
- 157 Cit. Kucherov, 'The Case of Vera Zasulich', p. 96.
- 158 Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, p. 67.
- 159 Siljak, *Angel of Vengeance*, p. 258.
- 160 Vera Zasulich entry in: <http://yqyq.net/27244-Vera-Zasulich.html>. Retrieved 5 January 2011.

- 161 Kucherov, 'The Case of Vera Zasulich', p. 96; Pipes, 'The Trial of Vera Z.', pp. 71–72.
- 162 Pipes, 'The Trial of Vera Z.', p. 72.
- 163 Pipes, 'The Trial of Vera Z.', p. 70.
- 164 Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, p. 71.
- 165 Siljak, *Angel of Vengeance*, 258; Kucherov, 'The Case of Vera Zasulich', p. 93.
- 166 Mosse, *Alexander II and the Modernization of Russia*, p. 160.
- 167 Kucherov, *Courts, Lawyers, and Trials under the Last Three Tsars*, p. 269.
- 168 Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, pp. 64–65.
- 169 Bergman, *Vera Zasulich*, p. 57.
- 170 Pipes, 'The Trial of Vera Z.', p. 67.
- 171 Siljak, *Angel of Vengeance*, p. 256.
- 172 Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, pp. 43–44.
- 173 *Ibid.*, p. 70.
- 174 Mosse, *Alexander II and the Modernization of Russia*, p. 161.
- 175 Koni, *Sobranie sochinenii*, p. 247, as cited in Pipes, 'The Trial of Vera Z.', p. 69.
- 176 The level of repression was, compared with what was to come after the end of the Romanovs, minor. *Narodnaya Volya* listed, for the last four years of Alexander II, 22 executions for 'political' crimes and some 160 sentences of forced labour to be served in Siberian camps. F.L. Ford, *Political Murder. From Tyrannicide to Terrorism* (Cambridge: Harvard University Press, 1985), p. 227.
- 177 Pipes, 'The Trial of Vera Z.', p. 70.
- 178 Stepniak, *Underground Russia*, p. 40.
- 179 Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, p. 86.
- 180 Chapman, *Imperial Russia*, p. 121.
- 181 Pipes, 'The Trial of Vera Z.', pp. 72–73.
- 182 McReynolds, *The News under Russia's Old Regime*, pp. 93–96.
- 183 Cit. Geierhos, *Vera Zasulich und die russische revolutionäre Bewegung*, p. 79.
- 184 Peter Lavroff, in "Preface", Stepniak, *Underground Russia*, p. ix.
- 185 Chapman, *Imperial Russia*, p. 118; Pipes, 'The Trial of Vera Z.', p. 74.
- 186 Chapman, *Imperial Russia*, p. 118.
- 187 *Ibid.*, p. 48.
- 188 Ulam, *In the Name of the People*, p. 11.
- 189 Lev Deich, 'Valerian Osiunsky', in: *Hard Labor and Exile, LIV* (Moscow: 1929), p. 27, as cited in Ulam, *In the Name of the People*, p. 275.
- 190 Stepniak, *Underground Russia*, p. 38.
- 191 *Ibid.*, p. 42.
- 192 Stepniak, *Underground Russia*, pp. 42 and 44–45.

- 193 Hardy, *Land and Freedom*, pp. 61–62.
- 194 Engel and Rosenthal, *Five Sisters*, p. xxix; Siljak, *Angel of Vengeance*, pp. 275–276; Ford, *Political Murder*, p. 227.
- 195 Radzinsky, *Alexander II*, pp. 280–281.
- 196 Siljak, *Angel of Vengeance*, pp. 302–303.
- 197 Hardy, *Land and Freedom*, pp. 61–62.
- 198 Vera Zasulich. *Iskra* [*The Spark*] (3 April 1901) as cited in Pipes, ‘The Trial of Vera Z.’, p. 76.
- 199 In a note to Zinoviev, the chief of Communist Petrograd, Lenin called the eviction a ‘disgrace’; but neither he nor Zinoviev took action to reverse it.—Pipes, ‘The Trial of Vera Z.’, pp. 81–82.
- 200 Cit. Pipes, ‘The Trial of Vera Z.’, p. 311.
- 201 Bergman, *Vera Zasulich*, p. 57.
- 202 Cf. *Chronique du mouvement socialiste en Russie, 1878–1887* (St. Petersburg: Imp. Officielle du Ministre de l’Interieur, 1890), p. 29, as cited in Hardy, *Land and Freedom*, p. 156.
- 203 Walter Laqueur, *Terrorism* (London: Sphere Books, 1978), p. 46.
- 204 Laqueur, *Terrorism*, p. 54.
- 205 Hardy, *Land and Freedom*, pp. 163–164.