In popular imagination, Russian law is an oxymoron, a view promoted by western and Russian commentators who regard corruption, criminality, and lawlessness as endemic to Russian life. But in the Russian Federation, law is at work: the legal profession is burgeoning and caseloads of Russian courts have grown yearly since the early 1990s. Lawmaking is a function of the government: laws are voted on, issued, and published. Laws are the subject of discussion in the press and other media. In this course we will explore the curious gap between the widespread notion of Russia's lawlessness and the reality of law's presence in Russian life. Our goals are to understand how Russian law has functioned over the course of Russian history as well as in recent times and to attain a more global perspective on the concept of "rule of law."

This course will be conducted as a seminar. Classes will have two parts: 1) discussions based on readings in the history and practices of Russian law, and 2) workshops based on analysis of documents and exploration of research and writing strategies. Students will write several short commentaries -- on laws, articles, and documents -- and a research paper based on one Russian law or legal issue. Students will have wide latitude in their choice of workable topics, defined in consultation with the instructor and class members. Coordinating with the interests of participants in the class, students will put together relevant readings and identify original sources for their topics. Classes and required readings will be in English, but students are encouraged to use Russian or other languages relevant to the topic of their inquiries.

Our discussions will focus on the following kinds of materials: scholarly works on Russian law from the 16th century to the present, individual laws in translation, fiction and films with legal components, discussions of law on social media, and theoretical perspectives on rule of law.

Written Assignments:
All assignments are to be posted on the NYU Classes site under the appropriate "forum."
Bring a paper or other version of your assignment to class for discussion.

January 31, before class: Find and post an article concerning law in Russia.
February 7, before class: A very brief (1 paragraph) description of a topic you would like to research.
February 10, Friday: One-page description of your paper topic.
February 14, before class: A short commentary (2 paragraphs) on a Russian law.
February 21, before class: A very short paper -- 1 to 2 pages -- of commentary on one of the articles we have read.
March 3, Friday: A document analysis (2 pages) of a document related to your research. Post your analysis with an image of the document. If you cannot post an image, put a paper copy of the document in instructor's mailbox.
March 9, Thursday: Preparatory materials for your research project: a) a prospectus for the paper (1-2 pages); b) a bibliography on the topic; c) an annotated list of primary sources.
March 25, Saturday: Revised list of primary and secondary sources.
April 1, Saturday: Progress report (1-2 pages).
April 18, before class: Draft paper posted on NYU Classes site. Bring two paper copies to class, one for instructor and one for the designated student reader. 

No final paper will be accepted unless the first draft is submitted on time. The seminar is a collective project and adherence to a common schedule is essential to its success.

April 25, before class: Comments (1 page) on another student's paper posted on the NYU Classes site. Return the paper copy with your mark-ups to the paper writer.

May 5, Friday: Final paper, between 10 and 15 pages long, double spaced, with normal one-inch margins, and single-spaced footnotes. Post the paper on the NYU Classes site, and deliver two paper copies to the instructor's mailbox by 4:00 pm. No extensions beyond this date.

Class Discussions and Reports:
   Students are expected to participate actively in discussions of the readings and others' work. Students will present their work informally throughout the term and make a final formal report at the end of the semester on the research paper.

Readings:
   The readings are listed under each class session. Most readings are posted on the NYU classes site under the rubric, "Resources: Readings and Documents." Some copies of documents will be distributed in class, as indicated on the syllabus.

   There is one book to purchase: This is Williams, Robert C. Ruling Russian Eurasia: Khans, Clans, and Tsars. Malabar: Krieger Publishing Company, 2000. It is available at the bookstore and on reserve at Bobst library. Cited as RRE in the syllabus.

   A list of recommended readings is posted on NYU classes under "Resources: Readings and Documents." Consult with the instructor for more readings associated with your research interests.

Evaluation Policy:
   Students are expected to participate actively in discussions and to hand in papers on the due date. Incompletes are not allowed. For the final grade, roughly even weight will be given to class participation (including presentations related to the seminar paper) and the written assignments.

Instructor's Office, Office Hours, Telephones, Email:
Office: Room 603, KJCC, 53 Washington Sq. South
Office hours: Mondays, 1:00 to 2:00 pm
Telephone: (Office) 212-998-8628, (Home) 212-337-1408
E-mail: jane.burbank@nyu.edu
Mailbox: History Department, 4th Floor, KJCC
Russia: The Rule of Law in Question  
FRSEM-UA 549, Spring 2017  
Tuesdays, 9:30-12:00, Bobst LL143  
Professor Jane Burbank

Schedule of Course Meetings, Due Dates, Readings

January 24  
Introductory meeting (please prepare to stay until 12:15)  
Film: Andrei Zviagintsev, "Leviathan," 2014

January 31  
The post-Soviet law on rehabilitation of victims of political repression  
Readings:  
Document:  
Interview of Maya Rudolfovna Levitina, in Cathy Frierson, Silence Was Salvation: Child Survivors of Stalin’s Terror and World War II in the Soviet Union (New Haven: Yale University Press, 2015), Chapter 9, "I have dreamed my entire life, for me this would be a great joy to find my relatives," pp. 190-235.  
Workshop: Russian law in the media  
**Before class:** Locate an article from a newspaper or social media that concerns law in Russia and post it on the NYU Classes site. Prepare to present your interpretation of this article in class.

February 7  
Debates on Russian law:  
Readings:  
Kathryn Hendley, "Conclusion: Rethinking the Role of Law in Russia," excerpt from Kathryn Hendley, Everyday Law in Russia (Cornell University Press, 2017).  
Document:  
Regulations Governing Natives of Siberia, July 22, 1822, in RRE, pp. 179-182.  
Workshop: Ideas for research papers  
**Before class:** Post a paragraph about your suggested topic on the NYU Classes site  
Make an appointment during this week to consult with the instructor about your paper topic. Locate primary sources for your topic.  
**Friday, February 10:** One-page description of your paper topic posted on NYU Classes site
February 14  Legal process in the Grand Princedom of Moscow and Imperial Russia
Readings:
Brewer Aljona, "Iz poslushania Ego Velichestva ne vykhodim, a ostat'sia nesoglasny" » The perceptions of law, justice and a "just authority" in the petitions of Russian peasants in the second half of the eighteenth century, Cahiers du monde russe 53 no. 1 (2012): 41-64.
Documents:
Laws posted by students, see below
Workshop: Discussion of laws, paper topics and sources
11:15 to 12:15: Consultation with librarian at Bobst Library
Before class: Locate the text of a Russian law related to your research, post it on NYU classes with a short (2 paragraphs) commentary

February 21  Law for all in imperial Russia?
Readings:
Documents:
Catherine the Great's law on tolerance, June 17, 1773.
Catherine’s Manifesto Annexing the Crimea, 1783, RRE, pp. 175-176.
Workshop:  Discussion of laws and their relation to projects
Before class: Post on the NYU Classes forum a very short paper -- 1 to 2 pages -- of commentary on one of the articles we have read, including the possible ways this article might relate to your research paper.

February 28  At court in imperial Russia
Readings:
Jane Burbank, "The Incredible Life of the Township Court: Law in Spite of Itself," manuscript.
Anton Chekhov, "The Culprit/Malefactor" [Zloumyshlennik], 1885, many editions
Document:
Alexander II's Emancipation Manifesto, 1861, RRE, pp. 199-204.
Workshop:  Document analysis: Court cases in Kazan Province
Documents provided by instructor in class

Friday, March 3:  Document analysis (2 pages) of a document related to your research.
Post the document and your analysis on the NYU Classes forum
March 7  Legal reform and legal access in imperial Russia
Readings:
Tatiana Borisova, "The Taming of Law in the Autocratic Empire: Legal
Techniques and the People," manuscript.
Stefan Kirmse, "Law and Empire in Late Tsarist Russia: Muslim Tatars Go to
RRE: Chapter 7, “Reform and Revolution,” part 2, pp. 77-90.
Document:
“The Fundamental Laws of Imperial Russia” (1906), RRE, pp. 231-234.
Workshop: Composing a Prospectus

Thursday, March 9: Prospectus for paper with bibliography and annotated list of primary
sources posted on NYU Classes site

March 14  No class, spring break

March 21:  Law and revolution
Reading:
Jane Burbank, "Lenin and the Law in Revolutionary Russia," Slavic Review 54,
no. 1 (Spring 1995): 23-44.
Aaron B. Retish, "Everyday Law in the Soviet Countryside, the 1920s," manuscript.
RRE: Chapter 8, “Soviet Russia,” part 1, pp. 91-96.
Workshop: Compiling a bibliography

Saturday, March 25: Your updated list of primary and secondary sources posted on NYU
Classes site

March 28  Continuities, changes, trajectories
Reading:
William Pomeranz, "The Procuracy from Peter the Great to Vladimir Putin: The
Indispensable Institution," manuscript.
Tatiana Iu. Borisova, "The Legitimacy of the Bolshevik Order, 1917-1918:
Language Usage in Revolutionary Russian Law," Review of Central and
Document:
Workshop: Reports on preliminary findings and research problems

Saturday, April 1: Progress report (1-2 pages) posted on NYU Classes site
April 4  Soviet law: Domestic and international
   Reading:
   Yoram Gorlizki, "Theft under Stalin: a property rights analysis," Economic
   Francine Hirsch, "The Soviets at Nuremberg: International Law, Propaganda, and
   the Making of the Postwar Order," American Historical Review 113 Issue
   3 (June 2008): 701-730.
   Document:
   Constitution of the USSR, 1936, chapter 1, esp. article 5 and chapter 10, esp.
   article 131.
   Workshop: Making an Argument

April 11  Law in the Russian Federation
   Reading:
   Kathryn Hendley, "Justice in Moscow?," Post-Soviet Affairs (2015) DOI:
   10.1080/1060586X.2015.1091564.
   Cathy A. Frierson, "The Decline of the Russian Federation's Commitment to
   Victims of Soviet Political Repression: The Law 'On Rehabilitation of
   Victims of Political Repression' of 1991: A Twenty-Year Review of
   Implementation," manuscript.
   Document:
   The Constitution of the Russian Federation, Chapter 7: On Judicial Power
   Workshop: Presenting a paper

April 18  Law in Russian film: an example
   Film: Alexei Balabanov, "Brat" [Brother], 1997
   Before class: Post your draft paper on NYU Classes site.
   In class: Hand in draft paper in two paper copies, one to instructor, one to a
designated student reader
   Work on your paper revisions and your presentation

April 25  Student presentations
   Before class: Post your comments on another student's paper on the NYU
   Classes forum. The copy of the paper with your mark-up is to be returned to
   the paper writer in class or earlier.
   Work on your paper revisions and your presentations

May 2  Student Presentations

Friday, May 5: Final paper due. Post the paper on NYU Classes site and put two paper
copies in instructor's mailbox by 4:00 pm