**Liberalism and the Law in Late Imperial Russia**

David Feest, *Ordnung schaffen: Bäuerliche Selbstverwaltung und Obrigkeit im ausgehenden Zarenreich (1834-1889)* [*Making Order: Peasant Self-Administration and the Authorities in Late Tsarist Russia*] (Wiesbaden: Harrassowitz Verlag, 2018), pp. 358

Stefan B. Kirmse, *The Lawful Empire: Legal Change and Cultural Diversity in Late Tsarist Russia* (Cambridge: Cambridge University Press, 2019), pp. 341

Vanessa Rampton, *Liberal Ideas in Tsarist Russia: From Catherine the Great to the Russian Revolution* (Cambridge: Cambridge University Press, 2020), pp. 229

No less than by revolution, Russian history is haunted by the spectre of roads not taken. Historians of late Imperial Russia might seek to avoid teleological shadows cast by 1917, but the denouement of revolutionary collapse and violent civil war inevitably looms on the horizon of all attempts to explain what became of the Great Reforms. Why did the 1860s apparently fail to deliver the promise, cherished by Russian liberals, of a law-bound, constitutional order underpinned by individual rights and representative government, which would integrate the peasantry and the non-Russians into a cohesive and stable society and withstand the dislocations of rapid modernisation and ultimately of the First World War? And what did liberals themselves make of the opportunities afforded to them during the turbulent decades before 1917? Were they the hapless victims of historical forces beyond their control or the authors of their own political failure? Taken together, David Feest’s *Ordnung schaffen*, Stefan B. Kirmse’s *The Lawful Empire* and Vanessa Rampton’s *Liberal Ideas* offer a series of fresh yet interlocking perspectives on the prospects for social and political stability and constitutionalism in late Imperial Russia.

Feest’s *Ordnung schaffen* traces the impact of attempts by governmental and landowning elites to modernise the Russian countryside by removing practices they saw as “contradictory and irrational.” (2) Central to this endeavour was the production of new forms of knowledge about peasant society that would facilitate the integration of the peasantry into the wider administration and economy of the empire. Feest scrutinises the interplay among peasants, landowners and state officials in Riazan province from the 1830s to the 1890s. Tapping an impressive range of regional archives, legal publications and administrative reports, hepaints a sombre picture of how the bid to break down intermediary barriers between the peasantry and the state, and to rationalise rural life, failed in the decades that spanned the emancipation of the serfs.

At the heart of Feest’s account lies the ambiguous nature of the peasant commune itself: part institution of self-governance; part adjunct of state power. While some historians have argued that the village communes remained fundamentally autonomous and resistant to state-led change, others have emphasised that they did acquire the characteristics of state institutions, not least in the ways they were recognised as legal bodies.[[1]](#footnote-1) *Ordnung schaffen* challenges the implied binary posited by these views of the commune and argues for the need to acknowledge that both characteristics and roles of the village commune “existed in parallel, competing with each other or assuming different forms of symbiosis.” (34). The result was that the commune in both the pre- and (especially) post-Emancipation era was a highly ambiguous institution into which different actors – state officials, landowners and the peasantry themselves – all inscribed their own agendas. These agendas conflicted because they were premised on incommensurate ideas of rationality; reformers strove for universal standards and a statistical “capture” of information that would facilitate policy-making. The peasantry, by contrast, prized local knowledge and was wary of emissaries from central government instructing them how to manage their affairs. And with good reason. Feest argues that elite visions of the peasantry were shot through with fixed assumptions about the peasant commune that paid scant regard to the highly diverse manifestations of the institution. Even within Riazan province, which Feest takes as a case study broadly representative of European Russia, the communes differed enormously, from the heavily forested regions to the north of the River Oka in which the peasants lived mainly from trade and handcraft to the southern black soil regions in which most were engaged in farming.

This diversity was ill-understood by the reformers themselves were guided more by their own fixed conceptions of the commune. Some reformers viewed the commune through the rose-tinted spectacles of Slavophilia as a bastion of moral unity; others of a more sceptical disposition saw it as an expression of rural backwardness. In drafting the terms of the emancipation decree, the reformers sought to preserve the integrity of the commune as the basic unit of rural organisation and, in so doing, ended up isolating it from the rest of the rural administration. There were, of course, points of contact between the commune and state officials such as Justices of the Peace, but these were too superficial and intermittent to break down the barriers between peasant self-governance and state administration that emancipation had served to consolidate rather than remove.

Key to the administrative reforms of rural life were new forms of knowledge that endeavoured to establish universal norms for the distribution of tax and other burdens among the rural population. The problem documented by Feest is that what made sense from the altitude of central-government administrators made little sense in the localities in which the reforms were implemented. The maintenance of Russia’s notoriously dreadful road network was a case in point. Attempts by state officials and protagonists from the newly-minted zemstvos to improve the roads relied heavily on clarifying the costs of road repairs and ensuring a transparent and equitable distribution of those costs among the peasants of a particular district. Zemstvo officials attempted to recodify road maintenance from a “natural duty” to a financial obligation, reflecting a move towards the monetisation of the rural economy that, Feest argues, had been discernible for decades. But when it came to the gathering of objective information about the state of the roads and the consequent calculations of their maintenance costs, official claims to objectivity and transparency were a “pure fiction”. The “zemstvo conducted precise calculations on the basis of imprecise figures.” (247) with the result that, for many peasants, the costs of road repair only increased, something which in their eyes discredited the zemstvos as a whole.

Peasant scepticism towards the reforms and a disinclination to open up the village to the interventionist impulses of the zemstvos and state authorities were grounded not in superstitious parochialism but in a sober calculation that such interventions usually implied more costs than benefits for the peasants themselves. Recalling the arguments put forward by Yanni Kotsonis in his ground-breaking *Making Peasants Backward*, Feest shows how officials dismissed peasant resistance to the reforms as a manifestation of their “low moral standing,” confirming long-held official views of the peasants as primitive and irrational (74).[[2]](#footnote-2) Besides, peasant resistance itself served to impede the processes of differentiation that were unfolding in the village both before and after the Great Reforms, with the paradoxical result that the reforms only hampered the emergence of the rural citizen.

The unintended consequences of the attempted reform of the countryside strayed markedly from the ambitions of its authors. Instead of binding peasant society to the state administratively, culturally and economically, the bluntness of the one-size-fits-all approach to administrative policies served to alienate peasants from the state.[[3]](#footnote-3) The stakes here could not have been higher. The violent rural unrest that engulfed the empire in 1905 was a direct result of not only enduring impoverishment and isolation but also the state’s own failure to invest the peasants in the post-emancipation governance of the countryside. The reforming bureaucrats of St. Petersburg had hoped to forge an ever-closer integration of the peasantry into the governing apparatus of the state. Yet their efforts at modernisation were fundamentally misconceived and served to entrench social exclusion and segmentation.

*Ordnung schaffen* is a judicious and nuanced work, but at key junctures Feest sidesteps the implications of his own argument. Was reform of the village doomed from the outset, skewed by elite mythologies of the peasantry? Or was the real problem the failings in the state’s regime of knowledge? To borrow from James Scott, the tsarist state might have begun to “see like a state,” but it still didn’t see clearly enough to enact the kinds of sweeping reforms of rural Russia that it envisaged. Was it primarily a question of time? That is, did the counter reforms of the 1880s cut short an experiment that would otherwise have fostered an earlier engagement of peasants in the institutions of state? Feest seems to answer that all of these factors came into play, but it is hard to discern in his conclusion which of these villains was the most villainous of the piece.

Like Feest’s *Ordnung schaffen*, Stefan B. Kirmse’s excellent *Lawful Empire* emerged from the Humboldt University’s Collaborative Research Centre “Representations of Changing Social Order”. It presents, however, a strikingly different interpretation, namely one of the Great Reforms’ successes in steering the empire towards a stable and constitutional settlement. If peasants were one vital constituency that reformers hoped to integrate into the institutions of the state, the national minorities were another. Kirmse focuses on the introduction of the modern court system in Crimea and Kazan, regions that were viewed as occupying a liminal position between the “developed” metropole and the “underdeveloped” periphery.[[4]](#footnote-4) They retained, Kirmse observes, “the cultural heterogeneity characteristic of peripheries while gradually merging with the core in both popular imagination and administrative practice.” (26) Both, moreover, boasted large non-Russian, predominantly Muslim Tatar populations. Accessing a rich body of primary sources from regional archives in Kazan and Simferopol to contemporary newspapers, memoirs and legal reports, Kirmse offers a fascinating account of the fortunes of non-Russians in the post-reform legal order and the enduring pluralism and pragmatism with which the tsarist regime responded to the challenges of governing a multi-ethnic, multi-confessional empire.[[5]](#footnote-5)

The “brainchild of a new class of enlightened jurists and bureaucrats” (5), the judicial reform was intended to serve the interests not merely of justice but also those of integration by creating what Kotsonis has termed a “new intimacy with the state.”[[6]](#footnote-6) (13) With their splendid buildings and travelling judges, the courts created a new civic space in which the tsar’s subjects– and in Crimea and Kazan, Tatar subjects– engaged directly with individuals, symbols, oaths and portraits of the tsar that represented the autocracy as the arbiter of social and moral life. The courtrooms were “sites where the established hierarchies and distinctions – religion, estate and rank – faded into the background.” (167) Attire and etiquette were two areas in which a new reformed culture was visible in the elevated position of the jurors who were treated with equal respect regardless of their social rank. Muslim Tatars came to hold positions of responsibility in the new legal system, serving as lawyers, jurors and surrogate judges. They wore culturally specific items of clothing, including embroidered skullcaps, and took their oaths in their native languages and “in accordance with the dogmas and rituals of their faith.” (164)

*Lawful Empire* shows how Muslims in Kazan and Crimea became drawn into the workings of the new courts. True, there were few Muslim Justices of the Peace or lawyers in late Imperial Russia, but there were many more informal legal practitioners who assisted large numbers of Muslim petitioners and litigants in drawing up the necessary court documents in Russian. One of the most notable forms of minority participation in the new courts, however, was jury service. Drawing on jury lists in Kazan Province in the late 1870s and early 1880s, Kirmse calculates that between 10 and 30 percent of the jurors identified with Tatar language and culture” (177); in Crimean districts they exceeded 30 percent. That these percentages for jury service were substantially lower than the overall percentage of Tatars in the provinces Kirmse argues was not a result of ethnic or religious exclusion but because knowledge of Russian was a requirement for jury members to be able to follow the case. (178)

When they fell victim to crime, Tatar peasants, like other subjects of the tsar, had two avenues of redress open to them. The first was to turn to the community and its practices of *samosud* (self-administered justice); the second was to turn to the courts.[[7]](#footnote-7) The police and the state courts proved an indispensable resource for individuals who found themselves distant from their own communities and for those whose claims had been denied by their fellow villagers. Muslim Tatars accessed the legal system when relatives or the local forms of redress were not likely to help them, such as in cases of bride kidnapping. Foreshadowing Jane Burbank’s study of the peasant *volost’* courts in the revolutionary interregnum from 1905 to 1917, Kirmse finds that boundaries between formal and informal justice were far more porous than historians have tended to believe.[[8]](#footnote-8) Petitions and lawsuits initiated by Muslim Tatars in both Kazan and Crimea “reveal an awareness of the existing legal possibilities and an eagerness to explore and exploit these possibilities.” (278) On the basis of his analysis of the courts, Kirmse argues that it is difficult to overstate the radicalism and the significance of the reforms. All imperial subjects were “made equal before the law”, even if the rural population still relied on peasant-run village courts to adjudicate minor disputes and offences. The new courts were, in the words of Jörg Baberowski, “Russia’s first constitution.”[[9]](#footnote-9)(8)

Kirmse challenges the binary model of legal culture that historians of Russia have used for decades. According to this viewpoint, Russia’s reformers inhabited a world of Enlightenment-inspired universal laws while the bulk of the population of the empire remained stuck within a separate legal consciousness that was rooted in traditional norms, whether social, moral and religious. Not so, Kirmse argues: “different understandings of justice coexisted” and were indeed united in part by a moralisation of crime in late imperial Russia that informed both popular understandings of offences and the legal statutes that governed the operation of the new courts (63).[[10]](#footnote-10) Legal ignorance was rarely seen by contemporaries to be a problem; educated juries acquitted more confessed criminals than did uneducated juries. The real problems bedevilling the operation of the courts, Kirmse argues, were less a rolling clash of legal cultures and more – echoing Feest’s analysis of the limited information-gathering powers of the state – the empire’s perennial weaknesses in resourcing its own governmental institutions. Poorly paid and overworked scribes and officials took bribes and in so doing undermined the operation of impartial institutions. These arguments lead Kirmse to a central paradox: “while the empire ruled through difference, equality and uniformity became ever more pronounced in the state-dominated legal sphere and its expanding institutions.” (74) This ambiguity speaks to the quandary in which the empire remained stuck: “it never managed to reconcile the need to modernise and give voice, the need to improve administrative efficiency and the need to promote difference and domination over disenfranchised subject populations.” (73)

If Feest stresses the enduring gulf between the state and the peasants in the administration of local affairs, Kirmse argues that legal culture was a key area in which the integration of national and religious minorities enjoyed success. Feest’s book, though it impresses with its forensic treatment of broad range of primary sources, ultimately sits within familiar set of arguments about the long-term causes of the Russian Revolution. The misguided reforms of the peasant commune thus come to reflect a wider failure of the Great Reforms as a framework for the transformation of the empire into a stable constitutional state underpinned by the rule of law and for the cultivation of a modern citizenry invested in the institutions of the state. In *The Lawful Empire*, the terms of this argument are refreshingly inverted. The legal reforms made considerable headway in drawing religious and ethnic minorities into the wider culture of the state; they struck a sustainable balance between the demands of universalism and those of particularism and showed a marked preference for accommodation over confrontation.[[11]](#footnote-11) In the decades between the early 1860s and the mid 1890s, the Empire experienced outside the cities a relatively peaceful and stable modernisation. Revolution is, Kirmse argues, “certainly thinkable as something that skilful actors brought about in parts of the empire after 1900 *despite* the relative stability of the previous decades, rather than because of underlying problems.” (29) Constitutionally speaking, as the Russian Empire entered the twentieth century, everything was to play for.

Enter Russia’s liberals. Where do they stand within these histories that appear to offer contrasting diagnoses, and what went wrong or right on the road to constitutionalism and legality in the post-emancipation era?[[12]](#footnote-12) From a very different vantage point onto the shifting tides of late tsarist political and legal culture, Rampton’s *Liberal Ideas in Tsarist Russia* explores how, confronted with the social, cultural and economic cleavages of late Imperial Russia, Russian thinkers struggled to elaborate a conception of liberalism “that might redress economic inequality and restore social cohesion in a divided country.” (3) Liberalism’s internal contradictions – its commitments to justice and its commitments to order – were acutely laid bare amidst the political instability and yawning gulf between the haves and have-nots of the late nineteenth and early twentieth centuries.[[13]](#footnote-13) How a succession of thinkers wrestled with the conundrum of liberalism in a political landscape ostensibly so inhospitable to the flourishing of liberal ideas and politics, from constitutional government to the rule of law, is the focus of this incisive and compelling study.

Liberal thinkers sought to navigate an often-torturous path between the competing claims of individual freedom and social justice. Rampton draws on Isaiah Berlin’s celebrated essay “Two Conceptions of Liberty” to highlight the tension between “negative freedom’s” claims of untrammelled individual liberty and “positive freedom’s” claims on the kinds of collective organisation and action that enables individual autonomy and choice.[[14]](#footnote-14) Liberals everywhere have grappled with these competing understandings of freedom, but in late Tsarist Russia their irreconcilability appeared at its most intractable.[[15]](#footnote-15) As the Populist Nikolai Mikhailovskii declared in 1880, “freedom is a great and tempting thing, but we do not want [political freedom, freedom of conscience, freedom of speech, and so on] if, as in Europe, it only increases our longstanding debt to the people.” (56) Individual freedom could never trump the demands of social justice. But, as Rampton also points out, “liberal support for democracy in Russian was tempered by widely held fears about whether or not the peasantry was ready to perform its civic duties, and endorse the liberties that liberals valued.” (23) The state remained for many an unappealing but necessary rampart against the forces of disorder and disintegration.

*Liberal Thought in Tsarist Russia* sweeps across more than a century of Russian intellectual history, from the first awakenings of liberal thought in the late eighteenth century to the blame game of liberals in political emigration in the 1920s, but the book’s centre of gravity lies in the decades between the Great Reforms and the Russian Revolution. Rampton’s early chapters detail the ways in which Russian liberal thinkers sought to adapt key features of liberal thought – individual rights, the rule of law, representative government, civil liberties – to Russian conditions. Yet in the absence of actual political opportunities at the national level, their political discussion retained a somewhat speculative character.[[16]](#footnote-16) (Rampton mentions the zemstvos as a recruiting ground for the Liberation Movement but says little about what their experience of local politics contributed to liberals’ understanding of the possibilities in national politics.) In 1905, all that changed when the Revolution catapulted philosophers, academics and journalists into the thick of the political action. Rampton’s most compelling chapters examine how the establishment of the Duma Monarchy forced liberals to confront how their ideas could be translated into practical politics amid the revolutionary crisis engulfing the empire.

Should liberals endorse revolutionary terrorism as a legitimate instrument of struggle against a tyranny? Was the violence of the state a necessary bulwark against the forces of violent disorder and civil conflict? For Rampton, the answer to these questions changed over time, as the horror of the Bloody Sunday massacre of unarmed demonstrators in the capital on 9 January 1905 gave way to mounting revulsion at the seemingly limitless and purposeless revolutionary violence erupting from below. Initially, liberals were convinced that the autocracy had to go, and many thought by any means necessary. The future leader of the Constitutional Democrats (Kadets) Pavel Miliukov declared in May 1905 that “all means are now legitimate against the terrible threat latent in the very fact of the continued existence of the present government.” (95) The Kadets adopted a position of “no enemies on the Left” and equivocated about revolutionary terror.[[17]](#footnote-17) But, increasingly, they re-appraised the order that the state provided as a compelling moral good that should itself compete with the moral good of individual freedom. Kadet politicians came to believe that if the capacity of the state to “maintain social order and fulfil its normal functions is threatened, the very existence of rights and freedoms was jeopardized.” (101)[[18]](#footnote-18)

Rampton is keen to defend the liberal parties of the Duma Monarchy from the charge – often levelled – that they compromised on their own core values to the extent that they can no longer be regarded as liberals (quite what contemporary Western liberals made of them is not something Rampton addresses). She maintains that if we “conceive of liberalism as a compromise between conflicting values, there is no *a priori* reason for the Kadets and their various splinter parties to be disqualified.” (109) Perhaps not, but negative conceptions of freedom underwent something of a mauling in the decade before the First World War. Many liberals (there was a minority of diehards) found themselves revising long-cherished beliefs rooted in laissez-fair doctrines and natural law theory in favour of more aggressive forms of state interventionism.

Perhaps the most testing issue was land reform. Would Russian liberals cling to the inviolability of individual property rights? Or would they come to accept that concessions to the social inequalities in the empire were the necessary precondition of social and political cohesion? The Kadets believed that the “autonomy and dignity” of a substantial proportion of the Russian population could only be ensured by large-scale land redistribution. Yet enacting this meant overriding their commitment to the negative freedom of the landowners, whose assets had been established and long defended by the arbitrary power of the autocracy. For the Kadet Pavel Novgorodtsev, the “rights of the individual person (*prava chelovecheskoi lichnosti*), human dignity, and freedom eliminate the idea of inalienable property rights, replacing it with the principle of public legal regulation of acquired rights…” (99) This view became party policy at the opening of the First Duma, when the Kadets called for the expropriation of the landed gentry, the crown and the church (thereby hastening the dissolution of the Duma itself). When push came to shove, then, the Kadets were ready to adjust key tenets of traditional liberal thought to the social and economic realities of the empire.

This was not, of course, true of all the thinkers whom Rampton places within the liberal camp. Not everyone was quite so ready to jettison longstanding commitments to negative freedom. The publication of the *Landmarks* collection of essays in 1909 caused a storm of controversy with its denunciation of the destructive utopianism of the revolutionary left, its defence of the rule of law, and its emphasis on negative liberty and limits on the exercise of state power. Yet Rampton argues that the contributors to the volume, several of whom championed what Frances Nethercott has termed “a religiously inspired view of man and culture”, also stand within the liberal tradition.[[19]](#footnote-19) *Landmarks* and the debate surrounding it demonstrate, for Rampton, “liberalism’s blurred boundaries and the shifting, transitory forms it can assume.” (129) In her account, everyone whose political inclinations plausibly fell somewhere between the reactionary defence of autocratic prerogatives and the millenarianism of the radical left was essentially a “liberal”, a category so capacious as to be not especially helpful.

What Rampton characterises as “tensions” before 1917 erupted into full-blown antagonism in the bitter decades of recrimination in political emigration that followed liberalism’s defeat in 1917. Liberals of a more traditional cast such as Vasilii Maklakov excoriated the leadership of the Kadets for its equivocation on revolutionary terror and charged Miliukov personally with having “pushed Russia with increased energy into the abyss of revolutionary chaos.” (110)[[20]](#footnote-20) But Rampton is keen to stress that the post-revolutionary rancour cannot efface a considerable degree of pre-revolutionary consensus about the need to balance competing moral goods in a series of imperfect trade-offs and compromises. Neither can the clarity of hindsight from the 1920s obscure the fact that in the turbulent years between 1905 and 1917 “there was no easy solution that was both morally viable and tactically expedient to the liberal dilemma.” (109)

And it is precisely the agonistic nature of liberal thought in this period – its indefatigable wrestling with the rival claims of negative and positive freedom, order and democracy, against a backdrop of crisis, violence and tumult – that still speaks to liberalism’s timeless predicament. As Rampton points out, “the muted attractiveness of liberal principles in the post-Soviet period illustrates the significant challenges for liberal sympathisers there.” She cites a dialogue between the writers Mikhail Shishkin and Grigory Chkhartishvili (Boris Akunin) in July 2013 in which the former posed the perennial Russian question in the following terms: “What is to be done? What should you do today if, on the one hand, you do not want to become part of a criminal structure – and the entire state and life in Russia has become one huge criminal structure – and, on the other hand, you do not want to launch a revolution?” (189) Such a question, Rampton implies, might have been posed by any number of liberal thinkers who found themselves in the eye of the revolutionary storm in 1905.

The Great Reforms were a knot of contradictions; as Feest and Kirmse show, they both fostered and impeded the emergence of a unified citizenry invested in the structures of a modern state; both furthered and obstructed the liberal dream of a constitutional order. The liberals of the late Imperial period can resemble Macbeth’s poor player who “struts and frets his hour upon the stage, and then is heard no more.” They waged a doomed struggle for both order and justice in a society that was not only pitted against state but also divided against itself by cleavages that seemed to be widening rather than closing. Yet as Rampton shows, their earnest and anguished grappling with the acute dilemmas of the early twentieth century resonate to this day in the pursuit of liberal politics in Russia and around the globe. The great legacy of the Russian liberals was not to have secured political victory as the old order collapsed but to have remorselessly probed the frailties of their own creed within the maelstrom of politics itself.

1. See, for example, the contrasting perspectives contained in the following: Boris Mironov, “The Peasant Commune after the Reforms of the 1860s”, in Ben Eklof and Stephen Frank (eds.), The World of the Russian Peasant: Post-Emancipation Culture and Society (Boston: Unwin Hyman, 1990): 7-44; Franziska Schedewie, *Selbstverwaltung und sozialer Wandel in der russischen Provinz: Bauern und Zemstvo in Voronez, 1864-1914* (Heidelberg: Universitätsverlag, 2006); Corinne Gaudin, Ruling Peasants: Village and State in Late Imperial Russia (DeKalb, Il: Northern Illinois University Press, 2007); I. A. Khristoforov, Sud’ba reformy. Russkoe krest’ianskoe v pravitel’stvennoi politike do i posle otmeny krepostnogo prava (1830-1890-e gg.) (Moscow: Sobranie, 2011); Boris B. Gorshkov, Peasants in Russia from Serfdom to Stalin: Accommodation, Survival, Accommodation (London: Bloomsbury, 2018). [↑](#footnote-ref-1)
2. Yanni Kotsonis, Making Peasants Backward: Agricultural Cooperatives and the Agrarian Question in Russia, 1861-1914 (New York: St. Martin’s Press, 1999) [↑](#footnote-ref-2)
3. See the contrasting arguments put forward by Kotsonis: “‘No Place to Go’: Taxation and State Transformation in Late Imperial and Early Soviet Russia”, Journal of Modern History, vol. 76, no. 3 (September 2004): 531-577; “‘Face-to-Face’: the State, the Individual, and the Citizen in Russian Taxation, 1863-1917”, Slavic Review, vol. 63, no. 2 (2004): 221-46. [↑](#footnote-ref-3)
4. On the wider impact of the legal reforms, see Alexander K. Afanas’ev, “Jurors and Jury Trials in Imperial Russia”, in Ben Eklof, John Bushnell and Larisa Zakharova (eds.), Russia’s Great Reforms, 1855-1881 (Bloomington, Ind.: Indiana University Press, 1994): 214-30; Jörg Baberowski, Autokratie und Justiz. Zum Verhältnis von Rechtsstaatlichkeit und Rückständigkeit im ausgehenden Zarenreich, 1864-1914 (Frankfurt am Main: Klostermann, 1996). [↑](#footnote-ref-4)
5. On the tsarist government’s policies towards the religious minorities, see Paul W. Werth, The Tsar’s Foreign Faiths: Toleration and the Fate of Religious Freedom in Imperial Russia (Oxford: Oxford University Press, 2014). [↑](#footnote-ref-5)
6. Kotsonis, “Face-to-Face”, 222. [↑](#footnote-ref-6)
7. See also Gareth Popkin, “Code versus Custom: Norms and Tactics in Peasant Volost’ Court Appeals, 1889-1917”, Russian Review, vol. 59, no. 3 (2000): 408-24. [↑](#footnote-ref-7)
8. Jane Burbank, Russian Peasants Go to Court: Legal Culture in the Countryside, 1905-1917 (Bloomington, Ind.: Indiana University Press, 2004); Gaudin, Ruling Peasants [↑](#footnote-ref-8)
9. Jörg Baberowski, “Law, the Judicial System and the Legal Profession”, in Dominic Lieven (ed.), The Cambridge History of Russia, vol. 2: Imperial Russia, 1689-1917 (Cambridge: Cambridge University Press, 2006): 344. [↑](#footnote-ref-9)
10. See here also Girish N. Bhat, “The Moralization of Guilt in Late Imperial Russian Trial by Jury: The Early Reform Era”, Law and History Review, vol. 15, no. 1 (Spring 1997): 77-113. [↑](#footnote-ref-10)
11. Jane Burbank, “An Imperial Rights Regime: Law and Citizenship in the Russian Empire”, Kritika: Explorations in Russian and Eurasian History, vol. 7, no. 3 (Summer 2006): 397-431. [↑](#footnote-ref-11)
12. For an excellent survey of recent work on the history of Russian liberalism, see Randall A. Poole, “Nineteenth-Century Russian Liberalism: Ideals and Realities”, Kritika: Explorations in Russian and Eurasian History, vol. 16, no. 1 (Winter 2015): 157-81. [↑](#footnote-ref-12)
13. See here Judith E. Zimmerman, “Russian Liberal Theory, 1900-1917”, Canadian-American Slavic Studies, vol. 14, no. 1 (Spring 1980): 1-20; Laura Engelstein, “Combined Underdevelopment: Discipline and the Law in Imperial and Soviet Russia”, in idem. Slavophile Empire: Imperial Russia’s Illiberal Path (Ithaca: Cornell University Press, 2009): 13-32; Daniel Beer, Renovating Russia: The Human Sciences and the Fate of Liberal Modernity, 1880-1930 (Ithaca: Cornell University Press, 2008). [↑](#footnote-ref-13)
14. Isaiah Berlin, “Two Concepts of Liberty” (1958), in Liberty: Incorporating Four Essays on Liberty, ed. Henry Hardy (Oxford: Oxford University Press, 2002): 166-217. [↑](#footnote-ref-14)
15. Alan Ryan, The Making of Modern Liberalism (Princeton, NJ: Princeton University Press, 2012) [↑](#footnote-ref-15)
16. See here Anton Fedyashin, Liberals Under Autocracy: Modernization and Civil Society in Russia, 1866-1914 (Madison: Wisconsin University Press, 2012). [↑](#footnote-ref-16)
17. Melissa K. Stockdale, ‘Politics, Morality and Violence: Kadet Liberals and the Question of Terror, 1902-1911’, Russian History, vol. 22, no. 4 (Winter 1995): 455-80 [↑](#footnote-ref-17)
18. Here, Rampton echoes the arguments made by other scholars of Russian liberalism, including Melissa K. Stockdale, Pavel Miliukov and the Quest for a Liberal Russia (Ithaca: Cornell University Press, 1997); K. I. Shneider, Mezhdu svobodoi i samoderzhaviem: Istoriia rannego russkogo liberalizma (Perm’: Permskii gosudarstvennyi natsional’nyi issledovatel’skii universitet, 2012) [↑](#footnote-ref-18)
19. Frances Nethercott, “Russian Liberalism and the Philosophy of Law”, in Gary Hamburg and Randall Poole (eds.), A History of Russian Philosophy, 1830-1930: Faith, Reason and the Defence of Human Dignity (Cambridge: Cambridge University Press): 252. [↑](#footnote-ref-19)
20. Mikhail Karpovich, “Two Types of Russian Liberalism: Maklakov and Miliukov”, in Ernest J. Simmons (ed.), Continuity and Change in Russian and Soviet Thought (Cambridge, MA: Harvard University Press, 1955), pp. 129-43. [↑](#footnote-ref-20)