

Gautam, Lena: *Recht und Ordnung. Mörder, Verräter und Unruhestifter vor spätszarischen Kriminalgerichten 1864–1917*. Wiesbaden: Harrasowitz Verlag 2017. ISBN: 978-3-447-10819-5; IX, 256 S.

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Lena Gautam's book, based on the dissertation defended at the Humboldt University of Berlin in October 2015, is a welcome addition to the growing field of research on the social and cultural history of crime and law in late Imperial and early Soviet Russia.¹ It focuses on the introduction of courts in the Russian Empire following the 1864 legal reform and explores the reactions of the extremely heterogeneous imperial population to this juridical innovation.

The book consists of an introduction, six individual chapters, a rather long and thought-provoking conclusion, and a short epilogue. The first chapter sets the scene for a reader who might not be quite familiar with the peculiarities of the mid-19th century Russian history and describes the Imperial legal system on the eve of the legal reform that took place in the early 1860s.

The second chapter, entitled 'The New Order', describes the particularities of this 'liberal' reform that is traditionally considered as one of the major accomplishments of Emperor Alexander II (1818–1881, reigned 1855–1881). Importantly, however, it also notes the continuation of the pre-reform 'legal pluralism' beyond 1864, describes the various legal exceptions that made it possible, and discusses the often significant ramifications of this situation.

The third chapter, 'Representations of Law', deals with the main protagonists of the new legal system, the lawyers, and their views on the rule of law, the social order, and the role of the juridical profession itself. Of particular interest here is the relatively short section on the 'spatial representations' of the courtroom as 'the temple of Themis'. Drawing on a rich collection of visual sources reproduced in the book, Gautam skillfully demonstrates

how these 'spatial representations' reflected and reinforced cornerstone principles of the new legal system (pp. 66–74). This analysis has wider implications and should indeed be practiced more often in the cultural history of crime and law.²

Three further chapters are devoted to the in-depth analysis of the case studies that demonstrate the various sides of the post-reform courts. Chapter 4 examines the functioning of the Russian criminal justice system in the extraordinary situation of the cholera epidemic in the Saratov province (1892–1893). It describes the social implications of this public health emergency and the challenges that this 'dis-order' posed for the imperial legal system.

Chapter 5 describes the introduction of scientists such as criminal anthropologists and psychiatrists as expert witnesses in the criminal process. Focusing in particular on the 1909 criminal case from the city of Kherson in southern Ukraine, it explores the contested role of this emerging professional group and the application of new scientific theories in the criminal justice setting.

Finally, the sixth chapter turns to the political uses of criminal law. Focusing on the 1909 much-publicized *cause célèbre* of the former director of the Russian Police Department Aleksei Lopukhin, Gautam explores the entanglements of the legal process within the wider political framework of the late Imperial political system in the years leading to the Great War. The chapter uses this famous case to strengthen the book's argument about the proliferation of ideas about the rule of law and legal procedure in the Russian legal culture of that turbulent period. It further stresses that these ideas were by no means restricted to the

¹Jörg Baberowski, *Autokratie und Justiz. Zum Verhältnis von Rechtsstaatlichkeit und Rückständigkeit im ausgehenden Zarenreich, 1864–1914*, Frankfurt am Main 1996; Jane Burbank, *Russian Peasants Go to Court: Legal Culture in the Countryside, 1905–1917*, Bloomington, IN 2004; Sharon A. Kowalsky, *Deviant Women: Female Crime and Criminology in Revolutionary Russia, 1880–1930*, DeKalb, IL 2009; Louise McReynolds, *Murder Most Russian: True Crime and Punishment in Late Imperial Russia*, Ithaca, NY 2013.

²For a brilliant application of a similar approach in a different legal context, see Marianna Muravyeva, *Emotional Environments and Legal Spaces in Early Modern Russia*, *Journal of Social History* 51 (2017), pp. 255–271.

liberal public.

In the concluding section, entitled 'New Law – New Order? Changing Law, Power and Order', Gautam brings together the threads from the preceding individual chapters and seeks to reassess the results of the 1864 legal reform and its influence on the late Imperial social order. In doing so, she does an excellent job in locating and interrogating the points of tension between the 'liberal' spirit of the new Russian legal system and the largely unchanged autocratic nature of imperial politics. Emphasizing the proliferation of Russian legal consciousness beyond the educated elites, Gautam offers an innovative interpretation of the larger shifts in political participation and civic involvement in revolutionary Russia.

The author provides a very effective and persuasive argument throughout the book, and the only issue arises toward the end of it. While Gautam seems to suggest in a rather short epilogue that the 1917 Revolution and in particular the Bolshevik takeover effectively meant 'the end of the Russian reform justice' (p. 218), it would definitely be interesting to at least consider the influence of the new institutions and the strength of the post-reform legal ethos across the revolutionary divide.³

This observation, however, should not overshadow the significance of the book's contribution. It provides a highly original view on the cultural history of law in late Imperial Russia and contains many observations that would be useful also for historians working on the topics outside of this jurisdiction. It relies on an impressive range of primary and secondary sources from across the Russian Empire (while maintaining a nuanced attention for the peculiarities of local legal developments) and covers a large chronological period. It is recommended to everyone interested in Russia/Eastern Europe, cultural history of law, and the history of legal reforms.

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³ Cf. Jörg Baberowski, Das Justizwesen im späten Zarenreich 1864–1914: Zum Problem von Rechtsstaatlichkeit, politischer Justiz und Rückständigkeit in Russland, in: *Zeitschrift für neuere Rechtsgeschichte* 13 (1991), pp. 156–172; Tatiana Borisova, The Legitimacy of the Bolshevik Order, 1917–1918: Language Usage in Revolutionary Russian Law, *Review of Central and East European Law* 37 (2012), pp. 395–419; Tatiana Borisova / Jukka Siro, Law between Revolution and Tradition: Russian and Finnish Revolutionary Legal Acts, 1917–18, *Comparative Legal History* 2 (2014), pp. 84–113. For a broader context, see also Daniel Beer, *Renovating Russia: The Human Sciences and the Fate of the Liberal Modernity, 1880–1930*, Ithaca, NY 2008; Matthias Neumann / Andy Willimott (eds.), *Rethinking the Russian Revolution as Historical Divide*, Abingdon 2017.