



IS THERE LIFE AFTER WIKO? TATIANA BORISOVA

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Coming to Wiko was a great honor for me. I realized this already before I arrived, gradually, when I saw how colleagues of mine in law, history, and legal history all over the world reacted to the news that I had been selected as a Fellow. It was precisely their reaction that made me nervous: Do I really deserve it? I noticed that for some of my colleagues my theme became much more exciting after they learned that it had been “approved” for

a Wiko Fellowship. And thinking back after this year, I must admit that after the Fellowship my theme became much more exciting for me. This is an absolutely great result of my Wiko year for my research and I am very thankful for this.

Since work-life balance is always hard to manage, especially with kids, I need to underline how wonderful it was that Wiko did everything possible to accommodate my family, who came with me. I had three boys aged from 5 to 38 to take care of in a new country. Wiko assistance in terms of family support was absolutely excellent: school, kindergarten, and even sports activities were taken care of by wonderful Andrea Bergmann. Our family's landing in Berlin was very easy, thanks to the staff. Afterward, doctors, visas, and every possible issue were handled easily with the help of Vera Pfeffer, Nina Kitsos, Funda Erdogan, Lena Witkowski, and Yonca Erdogan.

Our family routine started smoothly in Berlin and so did my academic life. Jane Burbank, who was a leader of our Focus Group "Russia: The Rule of Law in Question", was already a good colleague and friend of mine. We discussed our activities within the project a long time in advance, so everything was planned and scheduled. Working with Jane meant that the project was under control, and it was so enjoyable. The deadlines were self-imposed upon discussion; they were workable and we met all of them and did everything that we planned within the project.

Looking back, I must fairly admit that we did a lot. Wiko's organizational and intellectual support was an essential prerequisite for the success of our activities. Katharina Biegger, Thorsten Wilhelmy, Daniel Schönplflug, and Vera Kempa, without your support we would not have been able to do so much. First, we hosted four workshops, with very packed and ambitious programs. Second, we held an open reading seminar. Third, we organized a work-in-progress seminar meeting for the members of our broader Focus Group, Naoko Matsumoto, Masha Shklyaruk, Constanța Vintilă-Ghițulescu, and Botakoz Kassymbekova, who enriched our project with regional and disciplinary diversity. Over the course of four international workshops, a regular seminar, and numerous informal meetings, our project brought together interdisciplinary scholars of Russian law from all over the world.

Below I will summarize some insights that our project brought to my research. Before doing this, I would like to acknowledge the contribution of wonderful colleagues and friends who voluntarily joined our discussions on a regular basis: Daniel Schönplflug, Gertrude Lübbe-Wolff, Dieter Grimm, Hassan Jabareen, Thorsten Wilhelmy, Rina Rosenberg, Christoph Menke, and Andrii Portnov, along with the aforementioned

members of the working group and our non-Wiko seminar participants Alex Oberländer and Nancy Ries. Their interest in a challenging field of Russian law and their openness to testing new ideas were very encouraging in our search for a new agenda of studies in Russian law. Last but not least, I need to emphasize the input of my dear colleague and friend Jane Burbank. Many insights from my Wiko year appeared in my discussions with Jane. I will use “I” in the following sections, while in many cases I actually think of “we”. I look forward to when our co-authored article is finalized and published.

An important part of the project was the idea to think of Russian law in terms of long-term trajectories. We aimed to determine continuities and breaks in the development of what can be called the Russian legal tradition. This approach was new to me, since my work to date has ranged widely across 19th- and early 20th-century Russian urban legal traditions. My previous work has focused particularly on the history of making and using law during reforms and revolutions in late Imperial and early Soviet Russia.

The project made it clear to me that my timeframe should be reconsidered; and the longer the scope of a researched period is – the more interesting the results are. This was the most inspiring result of our four workshops, which we decided to organize thematically, not chronologically. By bringing together scholars of the last four centuries of Russian legal history, we had great discussions on continuities in legal ideas and practices from a long-term perspective.

The variety of perspectives presented at our workshops and seminar made us think about our own approach. If there should be a tag for it, I think our approach can be called the cultural history of Russian law. In my view, a cultural perspective on Russian law must encompass the legal imagination of elites, the political structures of the state and its leadership, and the usages of law by ordinary people. It was during my Wiko year that I realized that, in my work, I actually examine all three of these dimensions.

My Russian Ph.D. dissertation in History (2005) was devoted to the poorly researched theme of how Russian law was made in the last years of the Russian Empire, 1905–1917. In particular, I examined the books of laws that guided the daily life of public officials and laypeople. My research questioned the “expert opinions” of eminent Russian law professors and legal practitioners of that time on the defects of Russian law and courts. I showed that professional discussions on legal practices in late Imperial Russia were influenced by the political aspirations of the actors. For generations, Russian legal scholars emphasized the autonomy of Russian law. My research shows something quite different,

namely that political ideas and language borrowed from Europe transformed the legal imagination of Russian elites.

At Wiko, I revised my perspective on the “originality” of Russian law. It was extremely fruitful to discuss Russian law in Germany, where, for historical reasons, discussions of law are highly normative. The issue of normativity and the “missing” parts of Russian law, as highlighted by some scholars in our discussions, made me think that the “legal imagination” of the elites should be considered a special field of the Russian legal tradition. This insight was very important for completing my Ph.D. in Law (in English), in which I considered the process of the professionalization of Russian law in 1800–1918. I defended it at the University of Turku, Finland, in December 2016.

At Wiko, I decided to transform the two dissertations into a book, *The Taming of Russian Law, 1800–1918*. The idea of the book is to concentrate on features that made imperial legal practices sustainable across moments of radical political change. The most important of these features were, on the one hand, the legislator’s adherence to existing rules and, on the other hand, easy access to the sources of law and inclusive legal procedures that allowed laypeople to make use of the legal system. The book will argue that easy access to justice was an essential part of the political regime in Imperial Russia and one that survived even the revolutionary changes of the new Soviet state.

In addition to my work on this book, I also read for my new project inspired by my interest in the revolutionary break of 1917 in the Russian legal tradition. The project is devoted to the history of the private ownership of firearms in Russia from the early 19th century through Stalin’s purges. In this book, I explore the radical shift from the permissive mode of tsarist regulations of private arms to their radical ban by the Bolsheviks. I aim to go beyond the political and legal issues and to consider the technological and economic aspects of arms availability, as well. The central research question is how (and whether) people in rural and urban Russia actually complied with the law on private firearms. This is a project I will need a long time to work on, but I am happy that I have made some steps in this direction too.

Coming to Wiko, I was hoping to hide in my study in order to read and write. I am happy that in addition to this I met fantastic people from whom I learned a lot. Our Fellows in the arts, Anda Rottenberg and Michael Jarrell, were generous in sharing their arts with us. I am very grateful to you for your enlightening friendship. Also, meeting Fellows in science was amazing and challenging in the sense that their pioneering work questions the basic concepts operating in social science and the humanities. Victoria Braithwaite,

Paula Droege, Daniel M. Weary, Tim Caro, Richard O. Prum, and Tina Kretschmer made me think of concepts of suffering, the lie, and beauty. In terms of the borders of language, cognition, and the mind, Peter Gärdenfors, Dorit Bar-On, Luc Steels, and Holger Diessel were so insightful.

I particularly enjoyed that we had a wonderful group of fellow historians, who were just absolutely great to talk and listen to: Jane Burbank, Lauren Clay, Fred Cooper, Lorraine Daston, Ibrahima Diop, Luca Giuliani, Michael D. Gordin, Barry Flood, Leor Halevi, Daniel Jütte, Naoko Matsumoto, Erika Milam, Andrii Portnov, Jonathan Sheehan, Daniel Schönplflug, Michael P. Steinberg, Barbara Stollberg-Rilinger, Felicita Tramontana, Ralph Ubl, and Constanța Vintilă-Ghițulescu. I owe all of you a debt of gratitude for your examples and support. Erika Milam has to be mentioned twice here, since our “writing group”, which was actually just two of us, was really inspiring for me in many respects.

Our happy Wiko year would have been impossible without the friends that my family and I made: Martin and Johanna von Koppenfels and their children Charlotte, Heinrich, and Moritz; Anda Rottenberg; Michael D. Gordin and Erika Milam; Daniel Cefai and his daughter Salomea; Michael and Pia Jarrell and their daughters Chiara and Saskia; Constanța Vintilă-Ghițulescu, Ion Ghițulescu, and their daughter Ilinca; Victoria Braithwaite and her son Mathew Reed; Daniel Weary and Johanne Mongrain; Barry Flood and Srinu Padmanabhan; Leor Halevi and Lauren Clay and their children Joshua, Nathaniel, and Naomi; Dorit Bar-On and Keith Simmons; Jonathan Sheehan and Cynthia De Nardi; Peter Gärdenfors; Barbara Vinken and Anselm Haverkamp; Christoph Menke and Petra Eggers; Hassan Jabareen and Rina Rosenberg; and, certainly, Jane Burbank and Fred Cooper – you all made our Wiko year so special!

Coming back to my title question “Is there life after Wiko?”, I am glad to admit: yes, there is life after Wiko. Moreover, it is significantly better than before-Wiko life. But the best life a scholar may dream about is *in* Wiko. I will finish with my congratulations to current Fellows and heartfelt thanks to all the people and institutions whose work and goodwill make it possible for Wiko to function on an everyday basis.

Selected publications of 2015–2016

“Public Meaning of the Zasluch Trial 1878: Law, Politics, and Gender.” *Russian History*. 43, 4 (2016): 24–47.

“Neobkhdimaia oborona obshchestva: iazyk suda nad Zasluch.” (The necessary defense of society: the language of the Zasluch trial.) *Novoe Literaturnoe Obozrenie* (New Literary Observer) 135 (2015): 101–119.

“Michael David-Fox: Crossing Borders: Modernity, Ideology, and Culture in Russia and the Soviet Union.” *Laboratorium: Russian Review of Social Research* 8 (2016): 188–191.

Selected presentations of 2015–2016

“Taming the Laws and Legislators in Late Imperial Russia.” Humboldt-Universität zu Berlin, May 11, 2016.

“The Taming of Law in the Autocratic Empire.” Tuesday Seminar, Wissenschaftskolleg zu Berlin, May 3, 2016.

“Codification of Law and Political Challenges of 1905 Revolution.” Workshop “Law-making and Law-interpreting: Russia, 17th to 21st Centuries”, Wissenschaftszentrum Berlin für Sozialforschung/Wissenschaftskolleg zu Berlin, February 4–5, 2016.

“The Public Meaning of the Zasluch Trial, 1878.” Workshop “Everyday Law in Russia: 17th to 21st Centuries”, Wissenschaftskolleg zu Berlin, October 1, 2015.