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THE LAW EDUCATION IN RUSSIA: HISTORICAL STUDY

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Summary

With the formation of the Russian Empire in the 18th century along with practical jurisprudence came the theoretical study of law. It was carried out in the law departments of imperial universities, and since the 19th century in Lyceums, the Imperial School of Jurisprudence, and the Military Legal Academy as well. The studies were conducted under the Common University Regulations that also determined teaching standards. After 1802, legal education in Russia was controlled by the Ministry of National Education. Its stated task was to train government officials. After the Great October Socialist Revolution in 1917 the purposes, ideological foundations and regulations of legal education changed considerably. In the 1930s the Soviet State founded the Law Institutes. One of them was the Siberian Institute of Soviet Law in Irkutsk, Siberia. Later, it was moved to the city of Sverdlovsk (now Ekaterinburg) in the Urals and was named the Sverdlovsk Law Institute. It is now the Ural State Academy of Law, one of the main institutes of higher legal

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education in Russia. Today the legal education in Russia is actively involved in integration processes including the so-called Bologna Process.

Key Words: Law education, imperial universities, Lyceums, the Imperial School of Jurisprudence, the Sverdlovsk Law Institute, the Ural State Academy of Law.

Historically, it was practical jurisprudence which was the first form of legal knowledge in feudal medieval Russia. Initially monasteries and convents were the primary source of knowledge. As Muscovite Russia became centralized and developed its state machinery, the training of lawyers was conducted by state institutions and namely by their personnel – deacons – thanks to their hard-won wisdom. The practical direction of Russian jurisprudence continued its development during the empire period in the 18th century – by means of legislative commissions and the Senate, and in the 19th century – primarily by the Second Department of the Imperial Chancellery, where M.M. Speransky, a great Russian reformer, used to work.

Theoretical or scientific jurisprudence dates back to 18th century Russia which saw different reforms implemented by Peter the Great. The Imperial Academy of Science was created in Saint Petersburg in the 1720s. This Academy, in cooperation with the university and the gymnasia, planned to teach, alongside with other sciences, “the art of law”, i.e. jurisprudence. This experiment turned out to be unsuccessful. Most foreign professors, who were invited to work at Academy, were representatives of natural sciences. In addition, academic education was not that popular; high society – the nobility – preferred military service. A second attempt to introduce legal education was connected with the establishment of Moscow University in 1755. The first professors in the Law Department were foreigners invited to Russia to teach – G.F. Diltei, K.Langer, Shaden and others. Later, after 1767 such teachers as S.Desnitsky and I.Tretyakov began working in the Law Department after their trip to Europe where they received an education and the title of professor.

In the 19th century legal education becomes more stable; there is a system of educational establishments, and gradually there forms a teaching staff out of “native

Russians". The national legal system is being intensively studied, and scientific schools are developed.

The main distinctive features of the Russian legal education, which determined its path of development, were its "state background" and, consequently, powerful government control as well as a strong interconnection of teaching law and the Science of Law as a field of knowledge. The major (but not the only) places for training lawyers in the 18th to the beginning of the 20th century were the Law Departments of universities, which were established with the means and on the initiative of the imperial state. The training of youth for different kinds of public service was proclaimed to be the aim of education. Both teachers and students were included into the system of class ranks of public service; if you had a diploma it led to definite rights and privileges. At that time extensive legislation concerning education, including legal education, was formed. University Regulations (1755, 1802-1804, 1835, 1863, 1884) which determined the activities of Law Departments served as the basis for that legislation as well as the basis for dividing the history of legal education into definite periods.

We may say that a lawyer in imperial Russia was an official, but he was an official who received fundamental education with serious theoretical, historical and philosophical background.

In the first half of the 19th century Law Departments existed in all newly founded or reorganized universities of the empire – in the universities of Moscow, Kazan, Kharkov, Derpt (currently – Tartusk), Vilensk, Saint Petersburg, and Kiev. They were called moral-political departments (before the Common University Regulations of 1835 came into existence); it demonstrated that the school of natural law prevailed. The period of education there lasted 3-4 years.

The training of lawyers was also conducted by departmental (special-purpose) educational establishments: lyceums. The most famous lyceum was Tsarskoselsky – later called Alexandrovsky - where A.S.Pushkin studied – Jurisprudence School, Auditing School. The peculiarity of the lyceum education was the combination of gymnasium education (1st level) and university education (2nd level). Thus, the Regulation concerning Tsarskoselsky Lyceum (1810) stipulated that it admitted applicants aged 10-12 but they had to submit their certificate of nobility. The aim of establishing lyceums was to train

youths to work in the major branches of public service. Being an establishment under the emperor's protection, the lyceum in terms of its rights and privileges was equal to the university; teachers, students and servants were given class ranks. The juridical part in the training of lawyers included the so-called moral sciences (the basics of the philosophy of law, ethics, public law, civil law, political economy) [2, column 558-583].

The Imperial School of Jurisprudence created in 1835 in Saint Petersburg was a privileged educational establishment for the nobility, the main aim of which was to train officials for higher governmental institutions. Thus, more than 50 graduates of the School were appointed members of the Senate at different times.

In comparison with Law Departments, Lyceums and School of Jurisprudence provided their graduates with higher class ranks within a shorter period of education due to the shortened educational programmes. For that reason there appeared such notions as "privileged" and "non-privileged" lawyers [4, p.67-98].

The legal profession became more important during the bourgeois reforms in the 1860s-1870s. During this period the relations between the public and the authorities changed and universities received so-called autonomy. The preparation and implementation of the judicial reform of 1864, which presupposed the creation of new, independent courts in Russia, required not only a great number of lawyers, but also experts of the new legislation which was based on absolutely different principles. The Common University Regulations of 1863 prescribed for Law Departments a new teaching standard which included Encyclopedia of Law and History of Law, Public Law, Civil Law and Legal Proceedings, Police, Finance and International Law, Political Economy, Statistics and Church Jurisprudence [3, column 926-927].

Particularly important was the institute of candidates to become professors, which was designed to solve the problem of university staff replacement. Young teachers were sent to the leading European scientific educational centres for 1-2 years at the treasury's expense to learn the latest scientific achievements and prepare their dissertations. Consequently, it led to the enrichment of science, and pluralistic views in the approach to studying law.

Along with the historical school of law there also developed positivistic, sociological and psychological schools of law, and the doctrine of natural law was renewed.

During this period there appeared non-state educational establishments with original academic programmes. Among them there were educational establishments which also included departments or classes of law. Non-state higher schools enabled women, who had very limited rights to be admitted to a state higher school, to get higher education. This was the ground for the creation of Higher Women's Courses (Bestuzhev's in Saint Petersburg, prof.Gerje's in Moscow, etc.). In the beginning of the 20th century the major cities of the empire created the so-called people's universities, which also had courses in law.

Non-state educational establishments didn't provide their students with the service rights and privileges of graduates from imperial universities and other educational establishments. With the appearance of the Common Regulations for Imperial Russian Universities of 1884, the Minister of National Education created state trial commissions, including juridical ones, where rights for public service could be confirmed. Thus, Roman and Trade law, Civil Law and Civil Proceedings, Criminal Law and Criminal Proceedings, International Law and Cannon Law, Financial and Police Law became trial subjects in the juridical commission at Kazan University in 1897 [7, p.10-11]. This "control-free" (non-state) school prepared about 1,000 students between 1898-1916.

Within the reform period there appeared an original higher educational establishment which was called the Military Legal Academy. It was formed out of the officers' classes at the Auditing College (1866-1867) and the Military Legal College (1868-1878). This educational establishment was accountable to the Main Military Accounting Department and was under its head's supervision. Unlike other military academies (Nikolaevsk General Staff, Artillery and Engineering), the new academy aimed to provide officers with military legal education within 3 years. This special course was preceded by a 2-year general legal education. The academy enrolled ober-officers with nothing lower than a secondary education who served in the army and in the navy, on the competitive basis. The number of applicants was not large. During a 25-year period a total of 490 officers and 35 officials of military departments graduated from the academy. 80%

out of them began working in military and naval judicial establishments. Special attention was paid to teaching Russian military penal laws (with just a review of foreign military penal legislation), military penal judicial machinery and legal proceedings, and military administrative laws. It contributed significantly to the development of military jurisprudence, which was a rather new branch of the domestic science of law. Such famous jurists as N.A. Nekludov, N.D. Sergeevsky, A.Kh. Golmsten, N.M.Korkunov, and many others, taught at the Academy [6].

At the end of the 19th – beginning of the 20th century legal education in the Russian Empire was highly developed. The methods and methodology of the teachers of law led to powerful discussions (“literary plebiscite”) in the pages of special juridical literature concerning efficient legal education. The discussion focused on the advantages and disadvantages of the traditional lecture system, the ratio of theoretical and practical components in the system of education, the connection of the diploma with public service, etc. Such well-known jurists as V.Gessen, S.Zhivago, L.Petrazhitsky, P.Kazansky, P.Vinogradov, A.Romanovich-Slavatinsky, G. Shershenevich, I. Yanzhul, and others took part in those discussions. One of the most important problems was the problem of politicization of students, but it should be mentioned that “a university matter” in Russia was topical throughout the whole period of reforms, which reflected the collision of interests of the authorities and civil society.

The collapse of the old judicial system after the Russian Revolution in October 1917 made it necessary to train new lawyers. The situation was aggravated by the civil war. Many educational establishments were closed. The collapse of the judicial system of tsarist Russia also affected the level of qualification of future lawyers. Most professors of the old bourgeois schools refused to cooperate with the Soviet authorities.

The professors of the "old" Russian school didn't fit into the system of the new authorities as they were the representatives of an idealistic world outlook, thus they could not share the Marxist-Leninist doctrine of State and Law.

As a result, the first period of legal education is characterized by two tendencies: 1. invitation of "old school" professors due to the lack of new lawyers; 2.introduction of different short-term courses. The educational syllabus was changed respectively.

Particular importance was given to social and world-outlook sciences. Students studied Biology and Anthropology as the Lombroso theory of born criminals was widespread at that time. Law departments used to have special anthropological study rooms to classify the personality of a criminal by his anthropological qualities.

One of the specific features of that period was a special streaming of future applicants according to their class differences. The privilege to enter a law institute was given to workers and peasants “from the machine and from the wooden plough”.

Due to the lack of professors in law institutes during the early years, Soviet authorities hired workers from the courts, public prosecutor's office, and other law enforcement bodies.

The next period of legal education in the USSR included the creation of departments of the Soviet administration. The government set a goal to train lawyers not only for legal bodies but for administrative structures of the state apparatus as well as, specifically, for the system of Soviets at all levels. This was stipulated in the resolution of the AUCEC (All Union Central Executive Committee) of the RSFSR dated April 20, 1931.

The system of legal education was taking root. The number of students entering law institutes was increasing annually. In 1932 the number of students enrolled was 777; in 1940 it was 4,934. The number of specialists graduating from law institutes increased considerably as well: from 256 graduates in 1932 to 828 graduates in 1940 [11, p.2].

Before the Revolution the main centers of legal education and science were cities such as Moscow, Petrograd, Kiev, Kharkov. The task of the country was to set up such centers in the East. Therefore, on August 1, 1934 [8] the Siberian Institute of Soviet Law (formerly the Law Department of Irkutsk State University) was moved in accordance with the resolution of the Soviet of People's Commissar (PC) of the RSFSR to the city of Sverdlovsk in the Urals.

The foundations for a new center to educate law specialists for the regions of the Urals, Kazakhstan, Siberia and the Far East was being laid. In 1937 the new center of law appeared in the east of the country – the Sverdlovsk Law Institute.

Before the war (in 1938-1939) all country's law institutes introduced a unified educational curriculum, and a four-year period of education was established.

The pre-war years witnessed the development of students' science in the country's law institutes. The first students' scientific societies began to appear. In the Sverdlovsk Law Institute the first scientific society appeared in September 1931, by 1936 there were 4 scientific societies. During the first semester (1940-1941) at the Moscow Law Institute 67 scientific reports were read; in Saratov, 32. The Kharkov Law Institute had been publishing students' scientific works since 1939.

The brightest students, who participated in the work of scientific societies, later on became postgraduate students and then professors. In 1941 the country had 242 graduate lawyers (excluding scientific research institutes). Before the war the major centers of law education were the Moscow, Leningrad, Kharkov and Sverdlovsk Law Institutes. In 1941 the law institutes of the USSR had 27 Doctors and 102 Candidates of Law [11].

Before the war the number of law students totalled 12,000, and annual graduation amounted to 3,000 graduates.

The Great Patriotic War was a serious challenge to legal education and science. Many professors and students were called up for active military service, and many of them volunteered. For instance, in 1941 out of 293 students at the Sverdlovsk Law Institute, 260 were female students. During the last year of the war there were 37 male students; 35 of them were disabled soldiers [9].

The war affected the training of scientific and pedagogical specialists, the number of graduate lawyers having been reduced to a third in comparison to the pre-war period.

Therefore, shortly after the war analyzing the situation in legal education the government of the country issued the decree of the Central Committee of the All-Union Communist Party (of the Bolsheviks) "On the expansion and improvement of legal education in the country". That document intended to increase from 1947 the number of first-year students in law departments of universities to 2,500 students and to 3,500 in law institutes; in 1947-1949 to open new law departments in state universities in Rostov, Kharkov, Odessa, Central Asia and Byelorussia; to increase the number of graduate students to 200 students in a wide range of law majors; and to introduce new curricula.

Other measures were undertaken to improve the qualification of law specialists as well, in particular, to expand the system of correspondence teaching of law students.

It must be said that in the years to come the government continuously paid attention to the development of higher education, including legal education and science. In 1981-1984 the USSR had four law institutes: Sverdlovsk, Saratov, Kharkov and All-Union Correspondence Law Institute (AUCLI). The Sverdlovsk Law Institute enrolled more students than any other. In addition, during the given period there were more than 40 law departments at state universities.

Not only the quantity of law students but the quality of legal education significantly changed. Many outlying higher educational establishments created their own scientific boards, providing the opportunity to accept Candidate's and even Doctor's theses for defense. In 1981 in the USSR 16,700 people received a diploma of higher education in law, and another 26,800 people received further legal education diplomas [5, p.414].

The new social political and economic conditions of the development of a new state, the Russian Federation, created and made urgent a number of new problems for higher education on the whole, and legal education, in particular.

Entrepreneurship and the market economy led to the creation of a new non-state form of legal education. The years 1992-1994 were the first steps of non-state education in Russia. At present, non-state educational establishments teach most educational levels according to the Law on Education (except scientific pedagogical specialists of higher qualification at the level of after-higher additional vocational training).

Thus, the system of legal education in Russia incorporates: 1) state establishments of higher education and departments; 2) municipal educational establishments; 3) non-state establishments of higher education and departments [10, p.75].

Prior to Perestroika the state had complete control over the educational process. But in July 1992 (Law of the Russian Federation on Education dated July 10, 1992) higher educational establishments were given more independence and self-government. They gained the right to independently distribute state-budget funds, employ personnel, and distribute wages, rises in wages and bonuses. Paid legal educational services and the profit gained are to directly meet the needs of the establishments.

At the same time the Law says that the state reserves the right to inspect any educational establishment in the territory of Russia "as a means of supervision" (item 7 Art.30 Law on Education in RF).

The next step to improve legal education in Russia was the Decree of the President of Russia dated August 22, 1995 "on elaboration of the conception of law reform in Russian Federation". The main aim of the president's decree is "to consolidate the system of legal education and science".

Instead of the dogmatic Marxist theory on society and state development there appeared a new approach to the Humanities. The curricula included natural scientific studies as well as mathematics and computer science.

What ideas served as the foundation of the new law? They can be classified as follows:

- a) regulation of the status of subjects of non-state education;
- b) regulation of relations between non-state educational establishments and bodies of state power and local self-government of the Russian Federation supervising education;
- c) creation of equal competitive economic, legal, organizational, and other conditions for state educational establishments, as well as for non-state educational establishments (first of all, by means of equal access to state budget allocations);
- d) legal defense of the rights of the educational service clientele [1, p.14].

Society needs lawyers, therefore, the state allowed the creation of non-state legal establishments. These are the objective requirements of the present situation.

By 1995 almost 90 non-state legal establishments had received a licence to teach law. In December 1993 the State Committee of Higher Education issued a state standard of Bachelor (four years of study), major 521400 "jurisprudence" for non-state educational establishments with paid services. At present, a number of the largest non-state establishments successfully train lawyers at all levels of education: Bachelor - Specialist - Master.

The largest non-state legal establishments and departments are united in the Association of non-state establishments on a regional as well as national scale.

Naturally, non-state establishments compete with state educational establishments. But this is good as applicants are provided with equal conditions and the option to choose among a variety of schools.

In 2003 the Russian Federation joined the so-called Bologna process – the process which was initiated to create a common educational space in all European countries. The

process began in 1999 with the signing a special declaration in Bologna, Italy. This declaration stipulated the main aims which led to the comparison and, as a result, the harmonization of higher education systems in the countries of Europe. Its aims are supposed to be achieved by 2010. These aims are to introduce generally understandable comparative qualifications in the sphere of higher education, to change to a two-layer system of education (the bachelor and the master), to introduce a system of assessment of labour-output ratio (of courses, programmes, loading) in terms of credits and the reflection of the academic programme as an appendix to the diploma, to increase the mobility of students and teachers, to generally recognize the qualifications and documents in the sphere of higher education, to provide a certain autonomy for higher educational establishments. There are some additional aims as: to increase the competitive ability of European education, to realize its social role and provide its availability, to develop the system of additional education (“education throughout the whole life”).

Contemporary Russian legal education is also included in this modernization.

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