

Syllabus/Programme

Law in Lawless State

Elena Lukyanova, Maria Voskobitova

When & Where:	Thursdays, 18:00 CET	Online on Off University Moodle
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Hosted by:	Humboldt University with 6 ECTS Certification*
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Department	Institute of Social Sciences
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How to count your Off university course towards credit?

Successful completion of a course at Off University is certified by the host university. This means that you are able to use these credits at any university in the EHEA in a programme you are enrolled in, or you may count this as previous knowledge in a future study programme. In order to be sure that you can transfer the credits, we suggest you get written confirmation by your home university's students' office. And if you are not enrolled in any university programme: You are very welcome to join! All our courses are free of charge and open to anyone: students, scholars, activists.

Description:

The course "Law in a Lawless State" examines the gradual transformation of law, legal institutions, and governance in contemporary Russia. It considers law through the lens of democratic backsliding, authoritarian legalism, the erosion of the rule of law, and the impact of war on legal and political institutions during the last 5 years. Through interdisciplinary analysis by leading scholars and practitioners, students will critically assess how law operates in an increasingly restrictive political environment. They will also explore what this reveal about state power, governance, and civic space in Russia today. The course focuses on recent and ongoing developments, providing participants with an evidence-based understanding of how constitutional reform, legislation, judicial institutions, human rights, electoral processes, media regulation, federalism, and criminal justice have changed in response to broader political developments.

In a period of heightened geopolitical tensions and profound shifts in European security, understanding Russia's legal and political system is increasingly important for European audiences. Russia's domestic developments shape regional stability, human rights conditions, international law, migration, sanctions policy, and relations between European institutions and neighboring states, making informed analysis essential for policymakers, civil society actors, legal professionals, educators, and engaged citizens alike. Combining legal, political, and socio-historical perspectives, the course is designed for participants seeking a nuanced, up-to-date understanding of the role of law in Russia's evolving political system and of the broader implications for democracy, human rights, European security, and the international legal order.

Digital Self Defense

Our platform is dedicated to spread knowledge threatened by authoritarian and right-wing populist regimes and to put measures in place that enable people to practice digital self-defense.

We encourage all users to sign up for the platform anonymously and respect others' preferences for staying anonymous. **Please do not force anyone to share personal information or take screenshots of others without their knowledge.**

The courses take place on Off University's Moodle. The platform includes an encrypted video-call option, a cloud storage, as well as a messaging system. We would like to remind all users that communication with other users outside of the platform (i.e. e-mail, Instagram, Facebook, Whatsapp or other video conferencing tools) may put them at risk.

Timeline of the Course Schedule

Week 1	Students begin identifying areas of interest for their final project.	Introduction to the course. Instructions over the final projects and presentation of it.
Week 2		
Week 3		
Week 4	Students reviewing relevant readings, legislation, case law, and other sources related to their chosen topic.	Submitting themes for the final projects.
Week 5		
Week 6		Feedback and further research.
Week 7		
Week 8		
Week 9	Students develop the structure and evidence supporting their reform proposal.	
Week 10		Mid-term check in.
Week 11		
Week 12		
Week 13		
Week 14	Students finalize their projects.	
Week 15		
Week 16	Students present their reform proposal during the webinar.	Course Evaluation

Aimed Outcomes

A general understanding of:

- **The transformation of Russia's constitutional and legal system since 1991**, including the development of key state institutions, constitutional amendments, federalism, and the relationship between formal legal rules and political practice.
- **The evolution of rights, freedoms, and political participation in post-Soviet Russia**, including electoral processes, political parties, freedom of expression and assembly, the legal profession, and the role of law in the consolidation of authoritarian governance.
- **Russia's interaction with international and European legal frameworks**, including the relationship with the Council of Europe and the European Court of Human Rights, and the use and misuse international law in Russia's domestic and foreign policy.

The skills to be gained upon active participation:

- **Analyze and critically assess** legal and constitutional developments in Russia in their broader political and historical context, including the gap between formal legal rules and their practical implementation.
- **Interpret and compare** Russian legal and institutional developments from international and European perspectives, including in relation to constitutionalism, the rule of law, democracy, human rights, and Russia's international obligations.
- **Conduct evidence-based analysis and develop arguments** using primary and secondary sources, critically engaging with different academic and expert perspectives and presenting findings in written and oral form.

Course components

The methodology includes:

- **Lectures** by academics, legal practitioners, human rights experts, and political analysts, providing diverse perspectives on Russia's legal and political transformation;
- **Required and recommended readings**, including academic publications, legislation, court decisions, and expert and human rights reports;
- **Class discussions and guided debates** based on lectures, readings, and case studies;
- **Comparative analysis** of Russian developments in relation to European and international standards and practices;
- **Student research and presentations**, culminating in a **final reform proposal** addressing a specific area of Russia's legal or institutional system.

The final grade for the course will be based on the following:

Active participation and attendance at webinars – 30%;
Engagement with the assigned reading materials – 20%;
Final reform proposal and presentation – 50%.

All written work must be original, properly referenced, and comply with academic integrity standards.

Organization of the course

Focus/Topic of the week & Reading List

Week 1: Introduction to the course. Lecturer: Maria Voskobitova. (English/Russian)

- Purposes of the course and its applicability to European Studies and International Relations.
- The historical mapping of the course.
- Overview of course structure.
- Methodology and expectations.

Reading list:

Е.Лукьянова, И.Шаблинский. (2018) Авторитаризм и демократия. М., Мысль. URL: <https://freeuniversity.pubpub.org/aid>

Week 2: Legal Profession and Legal Education in Russia. Lecturer: Maria Voskobitova (English/Russian)

- Overview of the legal profession in Russia: judges, advocates, prosecutors, law enforcement, and the legal services sector.
- Development of legal education in Russia over the past 35 years.
- The role of clinical legal education and international moot court competitions.
- The place and influence of the legal profession in Russian society and the state.

Reading materials:

International Commission of Jurists. (2014). *Appointing the judges: procedures for selection of judges in the Russian Federation. Mission Report*. URL: <https://www.icj.org/wp-content/uploads/2014/11/RUSSIA-Selecting-the-judges-Publications-Reports-2014-Eng.pdf>

International Commission of Jurists. (2015) *Towards a Stronger Legal Profession In the Russian Federation. Mission Report*. URL: <https://www.icj.org/wp-content/uploads/2015/11/Russia-Towards-a-Stronger-Legal-Profession-Publication-2015-Eng.pdf>

Voskobitova, M., Shepeleva, O. & Gutnikov, A. (2013). *Legal Education in Russia: Historical Overview and Current Reforms*. In *Legal Education in Asia*, ed. Shuvro Prosun Sarker. The Hague: Eleven International Publishing, pp. 139–155. (will be provided)

Olga Shepeleva, Asmik Novikova. (2014) *The Quality of Legal Education in Russia: Stereotypes and Real Problems*. *PILnet*. (will be provided)

О роли и состоянии юридического образования и конституционно-правовой науки в условиях авторитарного правления. - Палладиум (журнал Свободного университета - Free University Journal). 2023. № 7. С. 145-163. – 0, 5 п.л. URL: <https://freeuniversity.pubpub.org/pub/p7-501/release/1?readingCollection=2b3ac641>

Week 3: Constitutional transformation - from Soviet constitution to 2020 constitutional model. Lecturer: Elena Lukyanova (Russian)

- The drafting and adoption of the 1993 Russian Constitution: key features and challenges. The Constitution's "birth defects."
- Extra-constitutional methods of authoritarian transformation of constitutional order.
- The erosion of constitutional protection.
- The authoritarian transformation of electoral legislation.
- The changing role of Parliament.

Reading materials:

Е. Лукьянова. Основной Закон. Конституционная теория и российская практика. Rīga: Brīvā Universitāte, 2026. – 288 С. URL: <https://freeuniversity.press/books/oz/>

Week 4: Transformation of legislation on political parties, elections, referendum and freedom of assembly. Lecturer: Elena Lukyanova (Russian)

- The development of the first post-Soviet legislation on political parties and freedom of assembly.
- The transformation of political party legislation under Putin.
- The development of enforcement practices restricting political competition.
- Changes to referendum legislation that effectively prevents referendums from being held.
- Administrative and coercive measures restrict or prevent political public assemblies.

Reading materials:

Закон и справедливость. Еще раз о неправовых законах по следам Густава Радбруха. – Палладиум (журнал Свободного университета - Free University Journal). 2022. № 6. С. 67-79. – 0,6 п.л. // <https://freeuniversity.pubpub.org/pub/p6-04/release/1?readingCollection=6acd4f89>

Week 5: Limiting «freedom of word» and expression and media rights. Lecturer: Ilya Shablinsky, (Russian)

- Overview of the relevant legislation
- Administrative pressure on specific media outlets and information resources.
- The "corridor of freedom": its scope and gradual narrowing.
- The elimination of the remaining space for media freedom.

Reading materials:

Е.Лукьянова, И.Шаблинский. (2018) Авторитаризм и демократия. М., Мысль. URL: <https://freeuniversity.pubpub.org/aid>

Week 6: The Sad Fate of the Separation of Powers: Withered Shoots. Lecturer: Irina Alebastrova, (Russian)

- The concept of separation of powers and the branches of government.
- The adoption and rejection of the separation of powers in Russian history and contemporary governance.

Reading materials:

Краснов М.А., Шаблинский И. Г. Российская система власти: треугольник с одним углом. — М.: Институт права и публичной политики, 2008 URL: <https://publications.hse.ru/books/82226785>

Ходорковский М. Как убить дракона. 2023 (глава 19, а также главы 5, 8, 9, 15) <https://dragonbook.khodorkovsky.com/book/2023-Kak-Ubit-Drakona-Mikhail-Khodorkovsky.pdf>

Week 7: Transforming constitutional justice. Lecturer: Ekaterina Mishina, (English)

- The Soviet Committee of Constitutional Supervision and its key role in the declining Soviet state.
- Description of the RSFSR law of the Constitutional Court (1991);
- What happened in 1993 : Russian Constitutional Court and its Chief Justice Valery Zorkin;
- the 1994 Federal Constitutional Law on the Constitutional Court of the RF;
- “Tumanov’s Court”: change of public perception of the Constitutional Court;
- Amendments to the FCL on the Constitutional Court and gradual politicization of the Constitutional Court;
- Changes in the relationship with the European Court of Human Rights;
- Constitutional amendments of 2020 and further politicization of the Constitutional Court of Russia.

Reading materials:

ФКЗ «О Конституционном суде Российской Федерации» 1994 г. URL: https://www.consultant.ru/document/cons_doc_LAW_4172/

Т.Г.Морщакова. Судья вне зависимости. Серия «90-ые: личности в истории», 2025.

П. Баренбойм, Е. Мишина Уроки конституционного кризиса. Москва 2020. URL: https://asnis.ru/wp-content/uploads/2020/06/Uroki-konstitutsionnogo-krizisa-2020_kniga.pdf

Week 8: Russian Judicial System: post-Soviet transformation. Lecturer: Ekaterina Mishina, (English)

- Specific features of Soviet courts and Soviet judicial mentality.
- The Concept of Judicial Reform of the RSFSR (1991).
- Biggest achievements and failures of Russian judicial reform.
- Judicial counter-reform.
- 2014: a hostile takeover of the Highest Arbitrazh Court of Russia.
- Constitutional amendments of 2020 : a point of no return for Russian courts and judges.

Reading materials:

Абросимова Е.Б. Очерки российского судоустройства: реформы и результаты. Москва, 2009.
Горбуз А.К., Краснов М.А., Мишина Е.А., Сатаров Г.А. Трансформация российской судебной власти. Опыт комплексного анализа. СПб, «Норма», 2010. URL: https://norma-spb.com/sites/default/files/Sudebnaya_transformacia.pdf

Kathryn Hendley, Peter H.Solomon. The judicial system of Russia. Oxford University Press, 2023.

“The Long Shadows of the Soviet Past: A Picture of Judicial Reforms in the Transition Era”
Moscow, Liberal Mission Foundation, 2020, 196 p. URL: https://liberal.ru/wp-content/uploads/legacy/files/articles/7689/The_Long_Shadows_of_the_Soviet_Past_final.pdf

“Birth defects” of the Russian Constitution, constitutional amendments and the 2020 constitutional counter-reform”. Brīvā Universitāte . Published on: Jan 05, 2024 DOI: <https://doi.org/10.55167/d3ed71e07436>

Week 9: “Foreign agents” and “undesired organizations” as internal and external enemies of Putin’s Russia. Lecturer: Ekaterina Mishina, (English)

- Concept of enemies in Soviet and post-Soviet Russia.
- 2012: initial “foreign agents” legislation.
- FARA (USA) and Russian “foreign agents” legislation.
- Russian Constitutional Court on “foreign agents”.
- Further development and application of “foreign agents” legislation.
- “Undesirable organizations” : analysis of initial normative concept and case law.
- “Foreign agents” legislation and “undesirable organizations” legislation as signs of re-Sovietization of Putin’s Russia.

Reading materials:

Establishing the rule of law. In “The Transition Project: Plan for Russia’s Transition for Democracy, Peace and Prosperity”. URL: <https://thinktank.4freerussia.org/transition-project/the-transition-project/>

Е. Мишина. Штрихи к портрету врага в российском нормотворчестве 2010 – 2020гг. Советские истоки. URL: <https://freeuniversity.pubpub.org/pub/p6-11/release/1>

Week 10: Russia’s Use and Misuse of International Law. Lecturer: Gleb Bogush, (English)

- Russian approaches to international law: Is there a distinctively Russian approach?
- International law in the Russian legal system: Its status and application.
- Russia’s engagement with selected areas of international law: The use of force, international humanitarian law, human rights, international economic law, and the law of the sea.
- Russia and international courts and tribunals: Engagement, contestation, and (non) compliance.

Reading materials:

- Lauri Mälksoo, *Russian Approaches to International Law* (Oxford University Press, 2015).

- ‘Russia’, in Anne van Aaken et al. (eds), *The Oxford Handbook of International Law in Europe* (Oxford University Press, 2024).
- ‘Russia’, *Max Planck Encyclopedia of Public International Law*.

Week 11: Evolution of Human Rights in Post-Soviet Russia. Weaponization of human rights in Russian war of aggression. Lecturer: Dmitry Dubrovsky, (English)

- Human rights in post-Soviet Russia.
- From minority protection to geopolitical claims.
- Weaponization of human-rights and genocide discourse.
- Lawfare, memory politics, and historical victimhood.

Reading materials:

Csergő, Z., Kallas, K. & Kiss, T. (2025). “Kin-State Intervention and the Securitization-Minority Policy Nexus: Hungarians and Russian-Speakers in Central and Eastern Europe.” *Journal of Global Security Studies*, 10(1), ogae035. URL: <https://academic.oup.com/jogss/article/10/1/ogae035/7848762>

Stoeckl, K. & Uzlaner, D. (2026). “The Russian Orthodox Church and the Moralism International in Times of War: Ruptures and Continuities in Russia’s Traditional Values Agenda.” *Journal of Church and State*, 68(3), csag023. URL: <https://academic.oup.com/jcs/article/68/3/csag023/8739861>

Dubrovskiy, D. & Rebrova, I. (2026). “(Re)inventing Genocide: Legal and Political Implications of the ‘Genocide of Soviet People’ in (Post-)Soviet Russia.” *The Russian Review*. DOI: 10.1111/russ.70195. URL: <https://onlinelibrary.wiley.com/doi/10.1111/russ.70195>

Week 12: Russia and the European Court of Human Rights. Lecturer: Maria Voskobitova, (English)

- Russia and the Council of Europe
- The impact of ECtHR case law on Russian legislation and legal practice
- After Russia’s expulsion from the Council of Europe

Reading materials:

Country Profile. European Court of Human Rights. URL: https://www.echr.coe.int/documents/d/echr/CP_Russia_ENG

Week 13: Destiny of Russian federalism. Lecturer: Elena Lukyanova (Russian)

- Was the USSR a federation? The constitutional model and the realities of Soviet federalism.
- The “parade of sovereignties” in post-Soviet Russia and the constitutional model of federalism.
- Extra-constitutional centralisation under Putin and the erosion of the role of the constituent entities of the Federation.

- The future of Russian federalism after Putin.

Reading materials:

Е. Лукьянова. Основной Закон. Конституционная теория и российская практика. Rīga: Brīvā Universitāte, 2026. – 288 С. URL: <https://freeuniversity.press/books/oz/>

Week 14: Elections without a choice. Lecturer: Dmitry Oreshkin (Russian)

- From elections to electoral authoritarianism.
- Manipulation of electoral legislation and political competition.
- Elections and the future of political transformation.

Reading materials:

Maximum Security Elections. How Russian Elections Became Non-Elections, and What to Do About It? A Political-Legal Investigation with Elements of Mathematics. Elena Lukyanova, Evgeniy Poroshin (with the participation of Sergey Shpilkin, Andronik Arutyunov, and Ekaterina Zvorykina) translated by Patrick Murphy. — Rīga: Brīvās Universitātes izdevniecība, 2024. — 362 pp. // <https://freeuniversity.pubpub.org/maximum-security-elections>

Week 15: Specific features of the Russian prison system Lecturer: Anna Karetnikova (Russian)

- The evolution and legacy of the Russian penitentiary system
- Penitentiary legislation and prisoners' rights
- Prison subculture and informal hierarchies
- The prison system since the full-scale invasion of Ukraine

Reading materials:

Omel'chenko, E. L., Garifzyanova, A. R. & Pallot, J. (2024). "Humiliation, shame and torment": Continuity and change in the statuses and power hierarchies in the post-Soviet prison system. URL: <https://journals.sagepub.com/doi/10.1177/26326663241257360>

Week 16: Evaluation. Presenting of reform proposals.