

FALL 2010
UNIVERSITY OF TORONTO
DEPARTMENT OF POLITICAL SCIENCE

POL 437H/2337H
GOVERNMENT, LAW AND POLITICS IN RUSSIA

Instructor: Professor Peter Solomon
Office: Room 126N, Munk Building
Telephone: 946-8943, or 781-4745 between 7 and 8:30 p.m.
E-Mail: peter.solomon@utoronto.ca
Class Time: W 2-4
Office Hours: W 1-2, and by appointment

This seminar will explore government, law and politics in Russia, with special attention to the reform of law and courts in the post-Soviet period. This subject will be examined in historical and comparative perspectives and will be used to cast light on such larger questions as the nature of Soviet and Russian government, the role of informal institutions, and the politics of post-communist transition. More concretely, the seminar will consider the place of law in the Soviet system; judicial reform, constitutionalism, and legal regulation of the economy in post Soviet Russia; Vladimir Putin's efforts to strengthen law and the courts; cultural obstacles to legal order, and patterns of legal transition in other post-communist countries. Related issues include the state of human rights in Russia; the impact of the European Court of Human Rights; organized crime; clientelism, patrimonialism, and corruption; and the role of the media in shaping legal culture.

This will be a reading and discussion seminar. All students will be expected to prepare the set of required readings each week. In addition, students will deliver brief oral reports on both required and supplementary readings. Written requirements include: a short review essay discussing two or more readings (5 pages), due October 21; and a research paper: 12-15 pp. for undergraduates, due December 15, and 15-20 pp. for graduates, due December 31. Papers may be delivered electronically, but be sure to retain a printed copy as backup. One page proposals for paper topics must be submitted for approval by November 17. The grade for the seminar will be 15% for the review essay; 25% for class participation and 60% for the research paper.

1. Introduction: Legal Orders and Systems (first session)

Roberto Unger, *Law in Modern Society*, pp. 47-86; 155-192.

Rachel Kleinfeld, "Competing Definitions of the Rule of Law," in *Promoting the Rule of Law Abroad: In Search of Knowledge*, edited by Thomas Carothers.

Brian Tamanaha, *On the Rule of Law: History, Politics, Theory*.

Randall Peerenboom, "A Government of Laws: Democracy, Rule of Law, and Administrative Law Reform in China," in *Debating Political Reform in China. Rule of Law vs. Democratization*, edited by Suisheng Zhao (Armonk: Sharpe, 2006).

Jose Maria Maravall and Adam Przeworski, eds. *Democracy and the Rule of Law*. Cambridge: Cambridge University Press, 2003.

Mirjan Damaska, *The Faces of Justice and State Authority*.

Martin Shapiro, *Courts: A Comparative and Political Analysis*, chapter 1.

Jose Toharia, "Judicial Independence in an Authoritarian Regime: The Case of Contemporary Spain," *Law and Society Review*, 9:3 (Spring, 1975), 475-496.

Judicial Independence: The Contemporary Debate, ed. by Simon Shetreet and Jules Deschenes, esp. chapter 52.

Ernst Frankel, *The Dual State*.

Mark J. Osiel, "Dialogue with Dictators: Judicial Resistance in Argentina and Brazil," *Law and Social Inquiry*, 20:2 (Spring, 1995).

Randall Peerenboom, *China's Long March toward Rule of Law*; Hualing Fu, "Putting China's Judiciary into Perspective: Is It Independent, Competent, and Fair?" in *Beyond Common Knowledge: Empirical Approaches to the Rule of Law*, ed. Erik Jensen and Thomas Heller.

Harold Berman, *Law and Revolution: The Formation of the Western Legal Tradition*; *Law and Revolution II: The Impact of the Protestant Reformation on the Western Legal Tradition*.

2. **Legacies: Authoritarianism, Tsarism, Civil Law Tradition**

*Peter H. Solomon, Jr., "Courts and Judges in Authoritarian Regimes," *World Politics*, 60:1 (October 2007, first part (122-129)).

*Peter H. Solomon, Jr., "Judicial Power in Authoritarian States: the Russian Experience," in Tom Ginsburg and Tamir Moustafa, eds, *Rule by Law: The Politics of Courts in Authoritarian Regimes*.

*Harold Berman, *Justice in the USSR*, Part 2.

*John Merryman, *The Civil Law Tradition*, chapters 1-7, 15-17, 19.

George Yaney, *The Systematization of Russian Government*, introduction, chapter 6.

Peter Solomon, ed., *Reforming Justice in Russia, 1864-1996*.

William Wagner, "Tsarist Legal Policies at the End of the Nineteenth Century: A Study in Inconsistence," *Slavonic and East European Review* (July, 1976).

Richard Wortman, *The Development of Legal Consciousness in Russia*; "Russian Monarchy and the Rule of Law: New Considerations of the Court Reform of 1864," *Kritika: Explorations in Russian and Eurasian History*, 6:1 (Winter 2005), 145-170.

Olga Crisp and Linda Edmonston, (eds.), *Civil Rights in Imperial Russia*.

William Wagner, *Marriage, Property and the Struggle for Legal Order in Late Imperial Russia*, chap. 1; Michele Marrese, *Noblewomen and the Control of Property in Russia, 1700-1861*.

Jorg Barberowski, "Law, the Judicial System, and the Legal Professions," *Cambridge History of Russia*, edited Maureen Pierre, 2006.

John Atwell, "The Russian Jury," *Slavonic and East European Review* (Jan. 1975).

Sergei. M. Kazantsev, *Istoriia tsarskoi prokuratury* and "The Judicial Reform of 1864 and the Procuracy in Russia," in Peter Solomon (ed.) *Reforming Justice in Russia, 1864-1996: Power, Culture and the Limits of Legal Order*.

Jonathan Daly, *Autocracy under Siege: Security Police and Opposition in Russia, 1866-1905*.

3. **Courts and Judges under Lenin and Stalin: Revolutionary Politics vs. the Urge to Rule**

*Peter H. Solomon, Jr., *Soviet Criminal Justice under Stalin*, Introduction, chapters 1, 4, and 9.

*Peter H. Solomon, Jr., "The Bureaucratization of Criminal Justice under Stalin," in Solomon, ed. *Reforming Justice in Russia, 1864-1996: Power, Culture and the Limits of Legal Order*.

Harold Berman, *Justice in the USSR*, Chapter 1.

Jane Burbank, "Expectations of Legality: Lenin's Idea of Law and Society," *Slavic Review* 54:1 (Spring, 1995).

Stephen F. Cohen, "Bolshevism and Stalinism," in Robert Tucker, ed., *Stalinism*, and in Cohen, *Rethinking the Soviet Experience*.

Peter H. Solomon, Jr., "Soviet Penal Policy, 1917-1934: A Reinterpretation," *Slavic Review* (June 1980).

Soviet Legal Philosophy, trans. by Hugh Babb (contains selections from Pashukanis, Stuchka, Vyshinsky, etc.); Piers Beirne and Robert Sharlet, eds., *Pashukanis: Selected Writings on Marxism and Law*; Beirne, ed., *Revolution in Law*.

Paul Hagenloh, *Stalin's Police: Public Order and Mass Repression in the USSR, 1926-1941*.

Glenn Morgan, *Soviet Administrative Legality*; John Hazard, *Settling Disputes in Soviet Society*; Eugene Huskey, *Russian Lawyers and the Soviet State*; Robert Sharlet, "Stalinism and Soviet Legal Culture," in Tucker, ed., *Stalinism*.

Julie Cassiday, *The Enemy on Trial: Early Soviet Courts on Stage and Screen*.

Oleg Khlevnyuk, "The Objectives of the Great Terror, 1937-1938," in *Soviet History, 1917-53, Essays in Honour of R. W. Davies*; David Shearer, "Crime and Social Disorder in Stalin's Russia: A Reassessment of the Great Retreat and the Origins of Mass Repression," *Cahiers du Monde Russe*, 39:1-2 (January-June, 1998), 119-148; Robert Thurston, "Fear and Belief in the USSR's 'Great Terror': Response to Arrest, 1935-1939," *Slavic Review* (Summer 1986), and comment and reply; see also, Thurston, *Life and Terror in Stalin's Russia, 1934-1941*.

Arch Getty, ed., *Stalinist Terror*, especially essays by Getty, Manning and Fitzpatrick; Roy Medvedev, *Let History Judge*, 5-7, 9-10. (chapters in first edition); Robert Conquest, *The Great Terror* (2nd Edition).

V.P Popov, "State Terror in Soviet Russia, 1923-1953," *Russian Politics and Law*, 32:3 (May-June 1994); J. Arch Getty et al., "Victims of the Soviet Penal System in the Pre-War Years: A First Approach on the Basis of Archival Evidence," *The American Historical Review* 98:4 (Oct. 1993); Oleg Khlevniuk, *The History of the Gulag: From Collectivization to the Great Terror*.

4. Courts and Criminal Justice in the Post-Stalin USSR

*Harold Berman, *Justice in the U.S.S.R.*, chapter 2.

*Dina Kaminskaya, *Final Judgement: My Life as a Soviet Defense Attorney*, Part 2.

*George Ginsburgs, "The Soviet Judicial Elite: Is It?" *Review of Socialist Law* (1986).

*Eugene Huskey, "The Politics of the Soviet Criminal Process: Expanding the Right to Counsel in Pretrial Proceedings," *American Journal of Comparative Law*, 34:1 (Winter 1986), 93-112. Electronic.

Peter H. Solomon, Jr., "The Case of the Vanishing Acquittal: Informal Norms and the Practice of Soviet Criminal Justice," *Soviet Studies*, (October 1987); "Soviet Politicians and Criminal Prosecutions: The Logic of Intervention," in Miller (ed.), *Cracks in the Monolith*; Yoram Gorlizki, "Political Reform and Local Party Interventions under Khrushchev," in Solomon, *Reforming Justice in Russia, 1864-1996*.

Eugene Huskey, "The Limits to Institutional Autonomy in the Soviet Union: The Case of the *Advokatura*," *Soviet Studies*, (April 1982), pp. 200-227; Robert Rand, *Comrade Lawyer*; Yuri Luryi, "The Right to Counsel in Ordinary Cases in the USSR," in *Soviet Law After Stalin*, I (1977), pp. 105-118.

George Feifer, *Justice in Moscow*, chapters 1-5, 8-9, 12.

Marianne Armstrong, "The Campaign Against Parasites," in Juviler and Morton, eds., *Soviet Policy-Making*, pp. 163-182; Leon Lipson, "Hosts and Pests: The Fight against Parasites," *Problems of Communism* (March-April 1965), pp. 72-81; Russell E. Burford, "Getting the Bugs Out of Socialist Legality: The Case of Joseph Brodsky and a Decade of Soviet Anti-Parasite Legislation," *American Journal of Comparative Law*, 22 (1974), pp. 465-508; Sheila Fitzpatrick, "Social Parasites: How tramps, idle youth, and busy entrepreneurs impeded the Soviet march to communism," *Cahiers du Monde Russe*, 47: 1(2006), 377-408..

G.P. van den Berg, "The Soviet Union and the Death Penalty," *Soviet Studies*, 35, no. 2 (April 1982), pp. 154-174.

Berman and Spindler, "Soviet Comrades Courts," *Washington Law Review*, 38 (1963), 842-910; Yoram Gorlizki, "Delegalization in Russia: Soviet Comrade's Courts in Retrospect," *American Journal of Comparative Law*, 46:3 (Summer 1998), 403-425; Gordon Smith, "Popular Participation in the Administration of Justice in the Soviet Union: Comrades Courts and the Brezhnev Regime," *Indiana Law Journal*, 49 (Winter 1974), pp.238-252; Brian LaPierre, "Private Matters or Public Crimes: The emergence of Domestic Hooliganism in the Soviet Union, 1939-1966", in Lewis Siegelbaum, ed., *Borders of Socialism: Private Spheres of the Soviet Union*.

Evgeniia Evelson, *Sudebnye protsessy po ekonomicheskim delam*.

5. Governance Soviet Style: Formal and Informal Institutions

*Graham Gill, "The Soviet Mechanism of Power and the Fall of the Soviet Union," in Nils Rosenfeldt, et al, eds, *Mechanisms of Power in the Soviet Union*, 3-22.

*Joseph Berliner, *Factory and Manager in the USSR*, chpts.10 and 12.

*Alena Ledeneva, *Russia's Economy of Favours: Blat, Networking and Informal Exchange*, chpts. 1 and 3.

*Eugene Huskey, "Government Rulemaking as a Brake on Perestroika," *Law & Social Inquiry*, 15:3 (Summer 1990), 419-432. Electronic.

*Gretchen Helmke and Steven Levitsky, "Informal Institutions and Comparative Politics: A Research Agenda," *Perspectives in Politics* (December 2004), 725-740.

Yoram Gorlizki and Oleg Khlevniuk, *Cold Peace: Stalin and the Soviet ruling Circle, 1945-1953*, chpt.2.

Jerry F. Hough, *The Soviet Prefects: The Local Party Organs in Industrial Decision-Making*.

Stephen Shenfield, "The Struggle for Control over Statistics," in James Millar, ed., *Cracks in the Monolith*.

Sheila Fitzpatrick, *Everyday Stalinism: Ordinary Life in Extraordinary Times: Soviet Russia in the 1930s*, chpt.4.

James Millar, "From Utopian Socialism to Utopian Capitalism," *Problems of Post-Communism*, 42:3 (May-June, 1995).

T.H. Rigby, *Lenin's Government*, chapters 9, 12, 15.

G.P. van den Berg, "Elements of Continuity in Soviet Constitutional Law," in William Butler, ed., *Russian Law: Historical and Political Perspectives*.

6. Law and Politics before and under Gorbachev

*Gordon Smith, *The Soviet Procuracy and the Supervision of Administration*, chapters 3-5.

*Konstantin Simis, *USSR: The Corrupt Society*, chapters 4-7.

*Peter H. Solomon, Jr., "Gorbachev's Legal Revolution," *Canadian Business Law Journal*, 17 (1990), electronic.

*"What should a Law-Governed State Be?" *Soviet Law and Government* (Summer, 1989).

*Harold J. Berman, "The Rule of Law and the Law-Based State (Rechtsstaat)," *The Harriman Institute Forum*, 4:5 (May, 1991), and in Barry (ed.), *Toward the "Rule of Law" in Russia?*

Yuri Feofanov, "A Return to Origins: Reflections on Power and Law," *Soviet Law and Government*, 29:3 (Winter, 1990-91); Feofanov and Donald Barry, *Politics and Justice in Russia: Major Trials of the Post-Stalin Era*;

Nicholas Lampert, "Law and Order in the USSR: The Case of Economic and Official Crime," *Soviet Studies*, 36:3 (1984), 366-385, AND *Whistleblowing in the Soviet Union*; Fridrikh Neznansky, *The Prosecution of Economic Crimes in the USSR, 1954-1984*; Peter H. Solomon, Jr., "Soviet Politicians and Criminal Prosecutions," (cf. #7).

Arkady Vaksberg, *The Soviet Mafia*

Gordon Smith, "Procuratorial Campaigns Against Crime," in D. Barry, ed., *Soviet Law after Stalin*, pp. 143-167.

Dina Kaminskaya, *Final Judgment*, part three; Rudolph Tokes (ed.), *Dissent in USSR*; Robert Sharlet, "Dissent and its Repression in the Soviet Union," *Current History*, Oct. 1977 and 1980; Sidney Bloch and Peter Reddaway, *Russia's Political Hospitals*; Theresa Smith, *No Asylum: State Psychiatric Repression in the Former U.S.S.R.*; Amy Knight, *The KGB*.

Konstantin Simis, "The Making of the New Soviet Constitution: Conflict over Administrative Justice," *Soviet Union*, 6, 2, pp. 203-208; Donald Barry, "The Development of Soviet Administrative Procedure," in *Soviet Law After Stalin*, 3, pp. 1-24; Robert Sharlet, *The New Soviet Constitution of 1977: Analysis and Text*.

Peter H. Solomon, Jr., "Reforming Criminal Law under Gorbachev: Crime, Punishment and the Rights of the Accused," in D. Barry ed., *Toward the "Rule of Law" in Russia?*; Peter H. Solomon, Jr., "Legality in Soviet Political Culture: A Perspective on Gorbachev's Reforms," in Lampert and Rittersporn, eds., *Stalinism and After*.

Valerii Savitskii, "Democratization in the USSR: Toward the Freedom of the Individual through Law and Courts," *Criminal Law Forum*, 2:1 (Autumn, 1990), and "Selected Problems of Judicial Reform Criminal Justice and the Protection of Individual Rights in the USSR," *ibid.*, 2:(Winter 1991).

Eugene Huskey, "Between Citizen and State: The Soviet Bar (Advokatura) under Gorbachev," *Columbia Journal of Transnational Law*, 28:1 (1990).

Peter B. Maggs, "Enforcing the Bill of Rights in the Twilight of the Soviet Union," *University of Illinois Law Review*, 1991:4; Hubert Hausmaninger, "The Committee of Constitutional Supervision of the USSR," *Cornell International Law Journal* 23 (1990) and "From the Soviet Committee of Constitutional Supervision to the Russian Constitutional Court," *ibid.*, 25 (1992).

Peter H. Solomon, Jr., "The USSR Supreme Court: History, Functions and Future Prospects," *American Journal of Comparative Law*, 38:1 (1990).

7. Judicial Reform under Yeltsin

*Peter H. Solomon, Jr, "Courts in Russia: Independence, Power and Accountability," in A. Sajo (ed), *Judicial Integrity* (2004), 225-252.

*Peter H. Solomon, Jr. and Todd S. Foglesong, *Courts and Transition in Russia: The Challenge of Judicial Reform*, chapter 7.

*Gordon Smith, "The Struggle over the Procuracy," in Solomon, *Reforming Justice in Russia*.

*Stanislaw Pomorski, "In a Siberian Criminal Court," *East European Constitutional Review*, 11:1/2 (Winter/Spring 2002), 114-117. Electronic.

Eugene Huskey, "Russian Judicial Reform after Communism," in Peter Solomon, ed., *Reforming Justice in Russia, 1864-1996*; "The Conception of Judicial Reform in the RSFSR," *Statutes and Decisions*, 30:2 (1994); Peter H. Solomon, Jr., "The Limits of Legal Order in Post-Soviet Russia," *Post-Soviet Affairs*, 11:2 (1995), updated version in manuscript (Spring 1997).

Sarah Reynolds, "The Revival of the Jury in Russia," in Solomon, *Reforming Justice in Russia*; Stephen Thaman, "The Resurrection of Trial by Jury in Russia," *Stanford Journal of International Law*, 31:1 (1995).

Todd Foglesong, "Who Has the Body? Judicial Review of Arrest and Pretrial Detention in Russia," *Wisconsin International Law Journal*, 14:3 (1996); Stanislaw Pomorski, "Justice in Siberia: A Case Study of a Lower Criminal Court in the City of Krasnoyarsk," *Communist and Post Communist Studies*, 34:4 (2001), 447-478.

Valery Savitskii, "Will There be a New Judicial Power in the New Russia?" *Review of Central and East European Law*, 1993, no. 6.

Eugene Huskey, "The State-Legal Administration and the Politics of Redundancy," *Post-Soviet Affairs*, 11:2 (April-June, 1995).

Pamela Jordan, *Defending Rights in Russia: Lawyers, the State, and the Legal Reform in the Post-Soviet Era* (2006); Jordan, "The Russian Bar (Advokatura) and the State in the 1990s," *Europe-Asia Studies*, 50:5 (July 1998), 565-91; Jordan, "Russian Lawyers as Consumer Protection Advocates, 1992-1995," *The Parker School Journal of East European Law*, 3:4-5 (1996), 487-517.

Frances Foster, "Izvestiia as a Mirror of Russian Legal Reform: Press, Law and the Crisis in the Post-Soviet Era," *Vanderbilt Journal of Transnational Law*, 26:4 (1993).

Anthony Olcott, *Russian Pulp: The Detektiv and the Way of Russian Crime*.

8. The Constitutional Court

*Herman Schwartz, *The Struggle for Constitutional Justice in Post-Communist Europe*, chpt.5.

*David Remnik, "The Trial of the Old Regime," *The New Yorker*, Nov. 30, 1992, OR *Lenin's Tomb*, part 5.

*Alexei Trochev, "Between Authoritarianism and Territorial Disintegration: Judicial Vision of Russian Federalism," unpublished, 2006.

*Alexei Trochev, "Competing for Judge-Made Law: The Politics of Intra-Judicial Conflicts in Russia and the Czech Republic," unpublished (2003).

Alexander Vereshchagin, *Judicial Law-Making in Post-Soviet Russia*.

William Burnham and Alexei Trochev, "Russia's War between the Courts: The Struggle over the Jurisdictional Boundary between the Constitutional Court and Regular Courts," *American Journal of Comparative Law*, 55:3 (2007), 381-453; Peter Krug, "Departure from the Centralized Model: The Russian Supreme Court and Constitutional Control" *Virginia Journal of International Law* 37 (1997):725-787, OR "Russia's Departure from the Centralized Model of Constitutional Control," unpublished paper (1997); William Pomerantz, "The Russian Constitutional Court and the Birth of Russian Federalism," *Parker School Journal of East European Law*, 4:4 (1997), 401-443.

Robert Sharlet, "The Russian Constitutional Court: the First Term," *Post-Soviet Affairs* 9:1 (1993); AND Sharlet, "Russian Constitutional Crisis: Law and Politics under Yeltsin," *ibid.*, 9:4 (1993).

Alexei Trochev, Judging Russia: The Role of the Constitutional Court in Russian Politics, 1990-2006.

Yuri Feofanov, "The Establishment of the Constitutional Court in Russia and the Community Party Case," *Review of Central and East European Law*, 1993, no. 6; Mark F. Brzezinski, "Toward 'Constitutionalism' in Russia: The Russian Constitutional Court," *International and Comparative Law Quarterly*, 42 (July 1993); "Neobychnoe delo: Konstitutsionnyi sud i sudba KPSS," *Svobodnaia mysl*, 1993, no. 2; "The Jurisprudence of the First Russian Constitutional Court," *Statutes and Decisions*, 30:3-6.

"The Russian Constitutional Court Revisited," *Statutes and Decisions*, 31:4 and 5 (1995), contains the 1994 law on the constitutional court and selected decisions for 1995.

Andrei Rakhmilovich, "The Constitutional Court of the RF: Recent Cases on Protecting the Freedom of Thought and Speech and Related Matters," *Review of Central and East European Law*, 22:2 (1996); Frances Foster, "Freedom without Problems: the Russian Judicial Chamber on Mass Media," *Parker School Journal of East European Law*, 3:2 (1996); and Foster, "Information and the Problem of Democracy: The Russian Experience," *American Journal of Comparative Law*, 44:2 (Spring 1996); Peter B. Maggs, "The Russian Constitutional Court's Decision on Residence Permits and Housing," *Parker School Journal of East European Law*, 2:4-5 (1995).

Donald Barry, "Decision-making and Dissent in the Russian Federation Constitutional Court" in Roger Clark, et al., eds, *International and National Law in Russia and Eastern Europe*; Robert Sharlet, "Russia's Second Constitutional Court: Politics, Law, and Stability," in Victoria Bonnell and George Breslauer, eds., *Russia in the New Century: Stability or Disorder?*

9. Resolving Business Disputes: Courts and Alternatives

*Kathryn Hendley, "Legal Development in Post-Soviet Russia," *Post-Soviet Affairs*, 13:3 (July-Sept. 1997). Electronic.

*Barbara Zschoch, "Tax Fraud in Yaroslavl's Small Enterprises: Techniques, Causes, Cures," unpublished (1998).

*Vadim Volkov, "Organized Violence, Market Building, and State Formation in Post-Communist Russia," in Ledeneva and Kurkchyan, eds., *Economic Crime in Russia*.

*Vadim Volkov, "The Selective Use of State Capacity in Russia's Economy: Property Disputes and Enterprise Takeovers, 1998-2002," in *Creating Social Trust in Post-Socialist Transition*, ed. Janos Kornai, et al.

*Alena Ledeneva, *How Russia Really Works: The Informal Practices that Shaped Post-Soviet Politics and Business*, chaps 1 and 7.

Thomas Firestone, "Criminal Corporate Raiding in Russia," *The International Lawyer*, 42:4 (Winter 2008), 1207-29; Vadim Volkov, et al., "Proizvol'naia aktivnost pravookhranitelnykh organov v sfere borby s ekonomicheskoi prestupnostiu: Analiz statistika." St. Petersburg: Institut problem pravnoprimeneniia. www.enforce.ru Click on "Analiticheskii zapiski".

Richard Sakwa, *The Quality of Freedom: Khodorkovsky, Putin, and the Yukos Affair*

Andras Sajo, "How the Rule of Law Can Facilitate the Spread of Sleaze: Corruption, Clientelism and the Future of the Constitutional State in Eastern Europe," *East European Constitutional Review*, 7:2 (1998), 37-46.

Marina Zaloznaya, "When Bribery is Normal but Bribing is Not: Using Organizational Theory to Understand the Variation in the Bribery Practices within a Pervasively Corrupt Society," unpublished, 2009; Ella Paneakh, *Pravila igry dlia russkogo predprinimatelia*; Alena Ledeneva, "Corruption in Postcommunist Societies in Europe: A Reexamination," *Perspectives on European Politics and Society*, 10:1 (April 2009), 69-86.

Andrei Yakovlev, "'Black Cash' Tax Evasion in Russia: Its Forms, Incentives and Consequences at Firm Level," *Europe-Asia Studies*, 53:1 (2001), 33-55; Svetlana Glinkina, "The Shadow Economy in Contemporary Russia," *Russian Politics and Law* (March-April, 1996). "A Group Portrait of the Gangsters Inside Russian Business," *Russian Politics and Law*, 35:4 (1997).

Katherina Pistor, "Supply and Demand for Contract Enforcement in Russia: Courts, Arbitration and Private Enforcement," *Review of Central and East European Law*, 22:1 (1996); Paul Rubin, "Growing a Legal System in the Post-Communist Economies," *Cornell International Law Journal*, 27:1 (1994); Rubin, "Promises, Promises: Contracts in Russia and Other Post-Communist-Economies," *Shaftesbury Papers*, II; Rubin, *Contracts in Russia and Other Post-Communist Economies*; Andrew Barnes, *Owning Russia: the Struggle over Factories, Frames and Power*.

Kathryn Hendley, "Remaking an Institution: The Transition in Russia from State *Arbitrazh* to Arbitrazh Courts," *American Journal of Comparative Law*, 46:1 (Winter 1998); Hendley, "Legitimizing Judicial Institutions: Russian Economic Courts in Transition," unpublished (1998); Hendley, "How Russian Enterprises Cope With Payments Problems," *Post-Soviet Affairs*, 15:3 (July-September, 1999); Hendley, "Beyond the Tip of the Iceberg: Business Disputes in Russia," in Peter Murrell, *Assessing the Value of Law in Transition Economies*.

Peter Kahn, "The Russian Bailiffs System and the Enforcement of Civil Judgements," *Post-Soviet Affairs*, 18:2 (April-June 2002); Solomon and Foglesong, *Courts and Transition*, chpt.8; Gilles Favarel-Garrique, "The Public-Private Enforcement of Judicial Decisions in Russia," unpublished paper 2010.

Jeffrey Sachs and Katherina Pistor (eds.), *The Rule of Law and Economic Reform in Russia*.

Stephen Handelman, *Comrade Criminal: The Theft of the Second Russian Revolution*; Phil Williams, ed., *Russian Organized Crime: The New Threat?*; Special issue of *Demokratizatsiya*, 2:3 (Summer, 1994) on organized crime; Aleksandr Gurov, *Krasnaia mafia*; Fredrico Varese, *The Russian Mafia: Private Protection in a New Market Economy*; Caroline Humphrey, *The Unmaking of Soviet Life: Everyday Economies after Socialism*, 1, 4-6; Anton Oleinik, *Organized Crime, Prison and Post-Soviet Societies*; Serguei Cheloukhine, "The Roots of Russian Organized Crime: From old-fashioned Professionals to the Organized Criminal Groups of Today," *Crime, Law and Social Change*. 50 (2008), 353-374.

Vadim Volkov, *Violent Entrepreneurs: the Use of Force in the Making of Russian Capitalism*; Volkov, "Violent Entrepreneurship in Post-Communist Russia," *Europe-Asia Studies*, 51:5 (July 1999); Volkov, "Between Economy and the State: Private Security and Rule Enforcement in Russia," *Politics and Society*, 28: (Dec.2000), 483-507; Volkov, "The Political Economy of Protection Rackets in the Past and the Present," *Social Research*, 67:3 (Fall 2000), 709-

Richard Lotspeich, "Crime in the Transition Economies," *Europe-Asia Studies*, 47:5 (1995), "Criminal Russia," *Russian Politics and Law* (July-Aug. 1995); Victor Sergeev, *The Wild East: Crime and Lawlessness in Post-Communist Russia*; Anton Oleinik, *Organized Crime, Prison, and Post-Soviet Societies*; Anna Politkovskaya, *Putin's Russia*, 145-193 ("How to Misappropriate Property with the Connivance of the Government"); Ethan Burger, "Following Only Some of the Money in Russia," *Demokratizatsiya*, 17:1 (Winter 2009), 41-72..

10. Putin, Law and Constitutional Development

*The Constitution of the Russian Federation (December 1993).

*Elena Chebankova, "Adaptive Federalism and Federation in Putin's Russia," *Europe-Asia Studies*, 60:6 (August 2008), 993-1015. Electronic.

*Tomila Lankina, "President Putin's Local Government Reform," in *The Dynamics of Russian Politics*, ed. Peter Reddaway and Robert Orttung, eds. (2005).

*James Richter, "Putin and the Public Chamber," *Post-Soviet Affairs*, 25:1 (2009), 39-65. Electronic.

*Alena Ledeneva, *How Russia Really Works: The Informal Practices That Shaped Post-Soviet Politics and Business*, chpts. 2 and 3 (on black PR and kompromat).

Richard Sakwa, "The Dual State in Russia," *Post-Soviet Affairs*, 26:3 (July-Sept 2010), 185-206.

Alexei Trochev and Peter H. Solomon, Jr., "Courts and Federalism in Putin's Russia," in *ibid*.

Leonid Polishchuk, "Legal Initiatives in Russian Regions: Determinants and Effects," in Peter Murrell, ed., *Assessing the Value of Law in Transition Economies*; Polishchuk, "Legal Foundations of Federal States: Flexible or Rigid: Canadian Experience and Russian Dilemmas," in Peter Solomon, ed., *Making Federalism through Law: Canadian Experience and Russian Reform under Putin*.

Jeffrey Kahn, "The Federal Reforms of Vladimir Putin," in Kahn, *Federalism, Democratization, and the Rule of Law in Russia*.

Andrei Medushevsky, "Power and Property in Russia: The Adoption of the Land Code," *EECR*, 11:3 (Summer 2002), 105-118; and Thomas Remington, "Russia's Federal Assembly and the Land Code," *ibid.*, 99-104; Stephen Wegren and Vladimir Belenkiy, "The Political Economy of the Russian Land Market," *Problems of Post-Communism*, 45:4 (July-August 1998), 56-66; Wegren "Observations on Russia's New Agricultural Land Legislation," *Eurasian Geography and Economics*, 43:8 (2002); Wegren and Belenkiy, "Change in Land Relations: The Russian Land Market," David O'Brien and Stephen Wegren, eds., *Rural Reform in Post-Soviet Russia* (2002); Wegren "Russia's New Land Legislation," (preprint: National Council for Eurasian and EE Research, 2003).

Robert Sharlet, "The Politics of Constitutional Amendment in Russia," *Post-Soviet Affairs*, 13:3 (1997); Sharlet, "Putin and the Politics of Law in Russia," *Post-Soviet Affairs*, 17:3 (2001), 195-234.

Alexei Trochev, "Less Democracy, More Courts: A Puzzle of Judicial Review in Russia," *Law and Society Review*, 38:3 (2004), 513-545.

Peter H. Solomon, Jr., ed., *Making Federalism through Law: Canadian Experience and Russian Reforms under Putin* (CREES, 2003); Solomon, ed., *The Dynamics of "Real Federalism": Law, Economic Development, and Indigenous Communities in Russia and Canada* (CREES, 2004). Solomon, ed., *Recrafting Federalism in Russia and Canada: Power, Budgets, and Indigenous Governance* (CREES, 2005); Solomon, ed., *New Actors in Northern Federations: Cities, Mergers, and Aboriginal Governance in Russia and Canada*, (CERES, 2006).

Elena Chebankova, "The Evolution of Russia's Civil Society under Vladimir Putin: Grounds for Optimism or a Cause for Concern?" *Perspectives on European Politics and Society*, 10 (Summer 2009).

11. Putin, the Courts, and the Administration of Justice

*Peter H. Solomon, Jr., "Realizing Judicial Independence and Accountability under the Russian Constitution of 1993," published in Russian in *Konstitutsionnyi Vestnik*, 2008, no.1 (19), 180-191 (unpublished in English).

*Peter H. Solomon, Jr. "The Criminal Procedure Code of 2001: Will It Make Russian Justice More Fair?" in *Ruling Russia: Crime, Law and Justice in a Changing Society*, ed. William Pridemore (2005).

*Alexei Trochev, "All Appeals Lead to Strasbourg? Unpacking the Impact of the European Court of Human Rights in Russia," *Demokratizatsiya*, 17:2 (Spring 2009), 145-178. Electronic.

*Kristi O'Malley, "Not Guilty Until the Supreme Court Finds You Guilty: A Reflection on Jury Trials in Russia," *Demokratizatsiya*, 14:1 (Winter 2006), 42-58. Electronic.

*William E. Pomeranz, "Legal Reform through the Eyes of Russia's Leading Jurists: the *Vlast* Debate on the Russian Judiciary," *Problems of Post-Communism*, 57:3 (May 2010), 3-10. Electronic.

Peter H. Solomon, Jr., "Putin's Judicial Reform: Making Judges Accountable as Well as Independent," *East European Constitutional Review*, 11:1/2 (Winter/Spring 2002), 117-124. Electronic.
Solomon, "Judicial Power in Russia: Through the Prism of Administrative Justice," *Law and Society Review*, 38:3 (2004), 549-582; Solomon, "Threats of Judicial Counterreform in Putin's Russia," *Demokratizatsiya*, 13:3 (Summer, 2005), 325-345. Revised and enlarged version in Kathryn Hendley, ed., *Remaking the Role of Law: Commercial Law in Russia and the CIS*. Huntington, New York: Juris Publishing, 2007; Solomon, "Assessing the Courts in Russia: Parameters of Progress under Putin,"

Demokratizatsiya, 16:1 (Winter 2008); Solomon, "President Medvedev and the Courts: the Start of a New Era?" in J.R. Black and Michael Johns, eds, *From Putin to Medvedev: Continuity or Change?*, eds J.L. Black & Michael Johns.

"The Judicial System of the Russian Federation: A System-Crisis of Independence," Report prepared by Russian Axis (see www.russianaxis.org); *Michael Chernyi v. Oleg Deripaska* Decision of the High court of Justice, Queen's Bench Division, Commercial Court (UK) of 3 July 2008 by Mr. Justice Christopher Clarke; "Allegations of Politically-Motivated Abuses of the Criminal Justice System in Council of Europe Member States", Report of the Parliamentary Assembly of the Council of Europe (June 2009).

Anton Burkov, *The Impact of the European Convention on Human Rights on Russian Law: Legislation and Application in 1996-2006*. See also Peter Krug, "Strasbourg Review: Russia and the European Court of Human Rights," (unpublished, 2003), and Krug, Peter. "Internalizing European Court of Human Rights

Interpretations: Russia's Courts of General Jurisdiction and New Directions in Civil Defamation Law." *Brooklyn Journal of International Law* 32:1 (2006), 1-65; Philip Leach, "Strasbourg's Oversight of Russia: An Increasingly Strained Relationship," *Public Law* (winter 2007), 640-654; Angelika Nussberger, "The Reception Process in Russia and Ukraine," in *A Europe of Rights: The Impact of the ECHR on National Legal Systems*, edited by Helen Keller and Alex Stone Sweet. For an update, check the website of the European Court of Human Rights, in particular its latest annual report, for data on Russian cases at the Court

Pamela Jordan, "Criminal Defense Advocacy in Russia under the 2001 Criminal Procedure Code" *American Journal of Comparative Law*, 53:1 (winter 2005), 157-188; Eugene Huskey, "Speedy, Just and Fair: Remaking Legal Institutions in Putin's Russia," in Wolfgang Danspeckgruber, ed., *Perspectives on the Russian State in Transition*.

Kathryn Hendley, "Suing the State in Russia," *Post-Soviet Affairs*, 18:2 (April-June 2002), 122-147; Hendley, "Reforming the Procedural Rules for Business Litigation in Russia: To What End?" *Demokratizatsiya*, 11:3 (Summer 2003), 363-380; Hendley, Kathryn. "Assessing the Rule of Law in Russia." *Cardozo Journal of International and Comparative Law* 14:2 (2006), 347-391.

Peter H. Solomon, Jr., "Justice of the Peace Courts in Russia," *Demokratizatsiya*, 11:3 (Summer 2003), 381-397.

Alexei Trochev, "Judicial Selection in Russia: Towards Accountability and Centralization," in Kate Malleson and Peter Russell, eds., *Appointing Judges in an Age of Judicial Power* (2006).

Maria Popova, "Watchdogs or Attack Dogs? The Role of Russian Courts and the Central Election Commission in the Resolution of Electoral Disputes," *Europe-Asia Studies*, 58:3 (May 2006), 391-414.

Pamela Jordan, "Does Membership Have its Privileges?: Entrance into the Council of Europe and Compliance with Human Rights Norms," *Human Rights Quarterly*, 25 (August 2003); J.D. Kahn, "Russia's 'Dictatorship of Law' and the European Court of Human Rights," *Review of Central and East European Law*, 2004, no.1.

Peter H. Solomon, Jr., and Pamela Ryder-Lahey, *Model District Courts in Action: Achievements and Lessons in a Russian-Canadian Collaboration*.

Basmannoe pravosudie: uroki samooborony. Posobie dlia advokatov (Prochti i peredai drugomu).

Galina Eniutina, "Korrupsiia v sudebnykh organakh," unpublished monograph (2002), available from instructor.

E.L. Paneakh, et al. "Obvinitel'nyi uklon v ugovnom protsesse: faktor prokurora". St. Petersburg: Institut problem pravoprimereniia. www.enforce.ru click on "Analiticheskie zapiski".

William Burnham and Jeffrey Kahn, "Russia's Criminal Procedure Code Five Years Out," *Review of Central and East European Law*, 33:1 (2008), 1-94; Stephen C. Thaman, "Jury Trial and Adversary Procedure in Russia: Reform of Soviet Inquisitorial Procedure or Democratic Window-Dressing?" in *Russia and its Constitutional: Promise and Political Reality*, edited by Gordon Smith and Robert Sharlet (2008), 141-180; Thaman, "The Nullification of the Russian Jury: Lessons for Jury-Inspired Reform in Eurasia and Beyond," *Cornell International Law Journal*, 40:2 (Spring 2007), 357-428.

Peter H. Solomon, Jr., "The Reform of Policing in the Russian Federation," *Australian and New Zealand Journal of Criminology*, 38:2 (2005), 30-40; Thomas Gerber and Sarah Mendelson, "Public Experiences of Police Violence and Corruption in Contemporary Russia: A Case of Predatory Policing?" *Law and Society Review*, 42:1 (2008), 1-44.

Peter H. Solomon, Jr., "Criminalization, Decriminalization, and Post-Communist Transition: The Case of the Russian Federation," unpublished (2010); Lauren McCarthy, "Beyond Corruption: An Assessment of Russian Law Enforcement's Fight against Human Trafficking." *Demokratizatsiya* 18:1 (Winter 2010), 5-27; Alexandra Orlova, "The Russian 'War on Drugs' A Kinder, Gentler Approach?" *Problems of Post-Communism* (January-February, 2009), 23-34; Peter H. Solomon, Jr., "Improving Criminal Law in the Russian Federation: Business Crimes and Humanization," unpublished in English (2010).

.

12. Legal Culture, the Demand for Law, and Rational Bureaucracy

* Kathryn Hendley, "Rewriting the Rules of the Game in Russia: The Neglected Issue of the Demand for Law," *East European Constitutional Review*, 8:4 (Fall 1999), 89-95, and comment by Pistor. Electronic.

* Marina Kurkchiyan, "The Illegitimacy of Law in Post-Soviet Societies," in *Law and Informal Practices: The Post-Communist Experience*, ed. Denis Galligan and Marina Kurkchiyan.

* Alena Ledeneva, "Telephone Justice in Russia," *Post-Soviet Affairs* 24:4 (December 2008), 324-350. Electronic.

* Eugene Huskey, "The Politics of Civil Service Reform in Russia," *Problems of Post-Communism* (July 2003). Electronic.

* Peter H. Solomon, Jr., "Law in Public Administration: How Russia Differs," *Journal of Communist Studies and Transition Politics*, 24:1 (March, 2008). Electronic.

Peter H. Solomon, Jr., "The Accountability of Judges in Post-Communist States: From Bureaucratic to Professional Accountability," in Anya Seibert-Fohr, ed., *Judicial Independence in Transition: Strengthening the Rule of Law in the OSCE Region* (forthcoming).

Caroline Humphrey, "Dirty Business, 'Normal Life', and the Dream of Law," in Ledeneva and Kurkchian, eds., *Economic Crime in Russia*.

Mikhail Krasnov, "The Rule of Law," in *Between Dictatorship and Democracy*, ed. Michael McFaul.

Kathryn Hendley, "Are Russian Judges Still Soviet?" *Post-Soviet Affairs*, 23:3 (July-Sept., 2007), 240-274; Kathryn Hendley, "Telephone Law and the Rule of Law: The Russian Case," *Hague Journal on the Rule of Law*, 1:2 (Sept 2009), 241-62..

Ilian Cashu and Mitchell Orenstein, "The Pensioners' Court Campaign: Making Law Matter in Russia," *EECR*, 10:4 (Fall 2001), 67-71, and reaction by Kathryn Hendley, "'Demand' for Law in Russia--A Mixed Picture," *ibid.*, 72-77.

William M. Reisinger, "Legal Orientations and the Rule of Law in Post-Soviet Russia," in Sally J. Kenney, et al., eds., *Constitutional Dialogues in Comparative Perspective*; James Gibson, "Russian Attitudes toward the Rule of Law," in *Law and Informal Practices: The Post Communist Experience*, ed. Galligan and Kurkchian.

Dinamika pravosoznaniia naseleniia Rossii: Otchet po itogam sotsiologicheskogo issledovaniia. AND other materials from the INDEM studies of attitudes toward the courts in Russia (2007-2009).

Sredstva massovoi informatsii i sudebnaia vlast v Rossii (problemy vzaimodeistviia. Otnosheniia mezhdu sudebnoi vlastiu i SMI v usloviakh konstitutsionnoi demokratii (10-11 iunია 2000 goda). Stenograficheskii otchet

Alena Ledeneva, *Russia's Economy of Favours: Blat, Networking and Informal Exchange*; Stephen Lovell and Alena Ledeneva, eds. *Bribery and Blat in Russia: Negotiating Reciprocity from the Middle Ages to the 1990s*, especially Volkov, "Patrimonialism versus Rational Bureaucracy: On the Historical Relativity of Corruption;" Caroline Humphrey, "Rethinking Bribery in Contemporary Russia," in *The Unmaking of Soviet Life: Everyday Economies after Socialism*.

Creating Social Trust in Post-Socialist Transition, ed. Janos Kornai et al; *Building a Trustworthy State in Post-Socialist Transition*, ed. Janos Kornai and Susan Rose-Ackerman; William L. Miller, et al., *A Culture of Corruption? Coping with Government in Post-Communist Europe*; Stephen Kotkin and Andras Sajo, eds., *Political Corruption in Transition: A Sceptic's Handbook*; Anna Grzymala-Busse, "Political Competition in the Post-Communist State: Rethinking the Determinants of State Corruption," (unpublished 2004); Ivan Krastev, *Shifting Obsessions: Three Essays on the Politics of Anticorruption*.

Robert Brym and Vladimir Gimpelson, "The Size, Composition, and Dynamics of the Russian State Bureaucracy in the 1990s;" *Slavic Review*. 63:1 (Spring 2004), 90-112; Eugene Huskey, "From Higher Party Schools to Academies of State Service: The Marketization of Bureaucratic Training in Russia," unpublished (2002); A.V.Obolonskii, *Biurokratiia dlia XXI veka: Modeli gosudarstvennoi sluzhby*; Fond INDEM, *Diagnostika Rossiiskoi Korruptsii: Sotsiologicheskii Analiz*.

Vladimir Gel'man, "The Unrule of Law in the Making: the Politics of Informal Institution Building in Russia," *Europe-Asia Studies*, 56:7 (Nov., 2004), 1021-58; "Post-Soviet Transitions and Democratization: Towards Theory-Building," *Democratization*, 10:2 (Summer 2003), 87-104.

Marina Kurkchian. "Russian Legal Culture: An Analysis of Adaptive Response to Institutional Transfer" *Law & Social Inquiry* 34:2 (2009) 337-364.

Bill Bowring, "Russia and Human Rights: Incompatible Opposites?" *Gottingen Journal of International Law* 1 (2009), 257-278.

13. Post-Communist Legal Development: Comparative Perspectives and Foreign Assistance (extra session, optional for undergraduates)

*Michal Bobek, "The Fortress of Judicial Independence and the Mental Transitions of Central European Judiciaries," *European Public Law*, 14:1 (2008), 100-127. Electronic.

*Daniela Piana, "The Power Knocks at the Courts' Back Door: Two Waves of Postcommunist Judicial Reforms," *Comparative Political Studies* 42:6 (June 2009). Electronic.

*Maria Popova, "Be Careful What You Wish For A Cautionary Tale of Post-Communist Judicial Empowerment," *Demokratizatsiya*, 18:1 (Winter 2010), 56-73.

*Alexei Trochev, "Meddling with Justice: Competitive Politics, Impunity, and Distrusted Courts in Post-Orance Ukraine," *Demokratizatsiya*, 18:2 (Spring 2010), 122-147.

*Peter H. Solomon, Jr., "Improving Russian Justice with Foreign Assistance: Model Courts and the Tactical Approach," *Governance*, 23:3 (July 2010), 437-62. Electronic.

Maria Popova, "Political Competition as an Obstacle to Judicial Independence: Evidence from Russia and Ukraine," unpublished 2009.

Bruno Schonfedler, "Judicial Independence in Bulgaria: A Tale of Splendour and Misery," *Europe-Asia Studies*, 57:1 (January 2005), 61-92. Electronic.

Dimitry Kochenov, *EU Enlargement and the Failure of Conditionality: Pre-accession Conditionality in the Fields of Democracy and the Rule of Law* (2008), especially chapters 3, 5, and 6; Antoneta Dimitrova, "Administrative Reform in Central and Eastern Europe: Extracting Civil Services from Communist Bureaucracies," in *Private and Civil Law in the Russian Federation*, edited William Simons (2009).

Hollis Dickerson, "Judging the Judges: The State of Judicial Reform in Eastern Europe on the Eve of Accession," *International Journal of Legal Information*, 32:3 (2004), 539- ; Daniel Smilov, "EU Enlargement and the Constitutional Principle of Judicial Independence," in *Spreading Democracy and the Rule of Law? The Impact of EU Enlargement on the Rule of Law, Democracy and Constitutionalism in Post-Communist Legal Orders*, edited by Wojciech Sadurski, et al., 313-334; *A Europe of Rights: The Impact of the ECHR on National Legal Systems* (2008).

Daniela Piana, *Judicial Accountabilities in the New Europe: From Rule of Law to the Quality of Justice*; Ramona Coma and J.M. De Waela, eds. *Judicial Reform in Central and East European Countries* (2007); Jiri Prihan, et al., eds. *Systems of Justice in Transition: Central and East European Experiences since 1989; Monitoring the EU Accession Process: Judicial Independence* (Open Society Institute, 2001); *Monitoring the EU Accession Process: Judicial Capacity* (Open Society Institute, 2002); Erhard Blankenburg, "'Legal Culture in Five Central European Countries,'" Scientific Council for Government Policy of Netherlands, Working Document #111.

Michal Bobek, "Quantity or Quality? Reassessing the Role of Supreme Jurisdictions in Central Europe," *American Journal of Comparative Law*, 57 (2009), 33- ;Herman Schwartz, "Eastern Europe's Constitutional Courts," *Journal of Democracy* (October 1998), 100-118; Schwartz, *The Struggle for*

Constitutional Justice in Post-Communist Europe; Mathew Hartwig, "The Institutionalization of the Rule of Law; The Establishment of Constitutional Courts in the East European Countries," *American University Journal of International Law and Policy*, 7:3 (Spring, 1992); Mark Brzezinski, *The Struggle for Constitutionalism in Poland*, esp. Chpts. 5-7; Spencer Zifzak, "Hungary's Remarkable, Radical Constitutional Court," *Journal of Constitutional Law in Eastern and Central Europe*, 3:1 (1996), 1-56; Laszlo Solyom and Georg Brunner, eds., *Constitutional Judiciary in a New Democracy: The Hungarian Constitutional Court*; Catherine Dupre, *Importing the Law in Post-Communist Transitions: the Hungarian Constitutional Court and the Right to Human Dignity*; Woiciech Sadurski, ed., *Constitutional Justice, East and West: Democratic Legitimacy and Constitutional Courts in Post-Communist Europe in Comparative Perspectives*.

Robert Sharlet, "Legal Transplants and Political Mutations: The Reception of Constitutional Law in Russia and the Newly Independent States," *East European Constitutional Review*, 7:4 (Fall 1998); "What Role for the West? Promoting Legal Reform in the Former Soviet Union," *Russian and Eastern Europe Law Forum*, Yale Law School, April 1999.

Hans van Zon, "Neo-Patrimonialism as an Impediment to Economic Development: The Case of Ukraine," *Journal of Communist Studies and Transition Politics*, 17:3 (Sept.2001), 71-95; Todd Foglesong and Peter Solomon, *Crime, Criminal Justice and Criminology in Post-Soviet Ukraine* (National Institute of Justice, 2001); Kataryna Wolczuk, *The Moulding of Ukraine: The Constitutional Politics of State Formation*; "Judicial Reform Index for Ukraine" Volume 2 (CEELI, December 2005).

Francis Neate and Holly Nielsen, eds. *The World Rule of Law Movement and Russian Legal Reform* (Moscow, 2007).

REFERENCE

1. Background Readings

A. On Russia (for criminology/law students):

Sheila Fitzpatrick, *The Russian Revolution*
 Mary McAuley, *Soviet Politics 1917-1991*
 James Millar, *The ABC's of Soviet Socialism*
 David Remnik, *Lenin's Tomb; and Resurrection: The Struggle for a New Russia*
 Eugene Huskey, *Presidential Power in Russia*.
 Thane Gustafson, *Capitalism Russian-Style*.
 Archie Brown, ed., *Contemporary Russian Politics*.
 Andrew Jack, *Inside Putin's Russia: Can there be Reform Without Democracy?*

B. On Criminal Justice (for Russia hands):

Lawrence Friedman, "History, Social Policy and Criminal Justice," in *Social History and Social Policy*, ed. David Rothman and Stanton Wheeler, pp. 203-235.
 Leon Radzinowicz and Joan King, *The Growth of Crime: The International Experience*, esp. chapters 5-8.
 Charles Silberman, *Criminal Violence, Criminal Justice*, esp. chapters 7-11.

2. Comparative Materials (listed alphabetically)

- Harold Berman, *Law and Revolution: The Formation of the Western Legal Tradition*.
- J.M. Beattie, "Administering Justice without Policy: Criminal Trial Procedure in Eighteenth-Century England," in *The Maintenance of Order in Society*, ed. Rita Donelan, pp. 12-22.
- W.G. Carson, "Symbolic and Instrumental Dimensions of Early Factory Legislation: A Case Study in the Social Origins of the Criminal Law," in *Crime, Criminology and Public Policy*, ed. Roger Hood, pp. 107-138.
- George Cole, ed., *Criminal justice: Law and Politics*
- Marian Damaska, *The Faces of Justice and State Authority: A Comparative Approach to the Legal Process*.
- Douglas Hay, "Property, Authority and the Criminal Law," in *Albion's Fatal Tree*, ed., Hay et al., pp. 17-63; and John Langbein, "Albion's Fatal Flaws," *Past and Present*, No. 98, pp. 96-129.
- Barton Ingraham, *Political Crime in Europe*.
- Herbert Jacob, et al., *Courts, Laws, and Politics in Comparative Perspective*.
- Otto Kirchheimer, *Political Justice* and "Politics and Justice," in *Politics, Law and Social Change: Selected Essays of Otto Kirchheimer*, pp. 403-427.
- John Langbein, "The Criminal Trial Before the Lawyers," *University of Chicago Law Review*, 45:2 Winter 1978), pp. 263-316.
- John Merryman, *The Civil Law System*, (2nd ed.).
- Herbert Packer, *The Limits of the Criminal Sanction*.
- David Rothman, *Conscience and Convenience*.
- George Rusche, "Labour Market and Penal Sanction," *Crime and Social Justice*, 10 (Fall-Winter 1978), pp. 2-8; Rusche and Kirchheimer, *Punishment and Social Structure*.
- Martin Shapiro, *Courts: A Comparative Analysis*, chapters 2-3.
- Roberto Unger, *Law in Modern Society*.

3. Materials on Soviet/Post-Soviet Law

Law in Eastern Europe, a continuing series of volumes published in Holland under the auspices of the Documentation Office for E.E. Law, University of Leiden. Includes translations of codes and statutes, collections of essays, and monographs by Western commentators.

John N. Hazard and A. Weissberg, *Materials on Soviet Law* (1950). A textbook which includes translations of case reports from the Stalin era.

Hazard, Schapiro and Maggs, *The Soviet Legal System* (last edition, 1977). Published in three editions, this text also features translations of case reports. Since each edition replaces some of the materials of the former ones with more recent examples, all offer something distinctive.

William Butler, ed., *Soviet Legal Bibliography*. Harvard University Law School Library, 1965.

Bulletin on Current Research in Soviet and East European Law, edited by Yuri Luryi and Peter Solomon. Published three times a year, the *Bulletin* provides full coverage of new English-language materials on Soviet and East European law and justice, broadly defined.

William Butler, *Soviet Law*; Ger P. Van den Berg, *The Soviet System of Justice: Figures and Policy*; William Butler, ed., *Basic Documents of the Soviet Legal System* (various editions).

Igor Kavass, *Soviet Law in English: Research Guide and Bibliography, 1970-1987*.

Kavass, *Gorbachev's Law: A Bibliographic Survey of English Writings on Soviet Development, 1987-1990*; Kavass, *Demise of the Soviet Union: A Bibliographic Survey of English Writings on the Soviet Legal System 1990-1991*; Kavass, *Law in Russia and the Other Post-Soviet Republics: A Bibliographic Survey of English Language Literature, 1992-1995*; Kavass, *Law in Russia and the Other Post-Soviet Republics: A Bibliographic Survey of English language Literature, 1996-2001*.

Donald Barry, ed., *Toward the 'Rule of Law' in Russia?*

Lucy Cox, "Materials on Russian Federation Law in English: A Selection of Sources--Updates" (2003). www.llrx.com/features/russian2.htm/

William Butler, *Russian Law* (2nd ed., 2003); and William Burnham, Peter Maggs, and G.M. Danilenko *Law and Legal System of the Russian Federation* (3rd ed., 2005)

Hiroshi Oda, *Russian Commercial Law* (2nd ed., 2007).

4. Selected Journals in the Soviet/Post-Soviet Field

A. Western Scholarship

Central Asian Survey

Communist and Post-Communist Studies (formerly *Studies in Comparative Communism*)

Demokratizatsiia

East European Constitutional Review (ceased fall 2003).

Europe-Asia Studies (Soviet Studies)

Journal of Communist Studies and Transition Politics

Journal of Constitutional Law in Eastern and Central Europe

Nationalities Papers

Columbia Journal of East European Law (Parker School Journal of EE Law)

Problems of Post-Communism (Problems of Communism)

Post-Communist Economies (Communist Economies and Economic Transformation)

Post-Soviet Affairs (Soviet Economy)

Religion, State and Society (Religion in Communist Lands)

Review of Central and East European Law (Review of Socialist Law)

Russian History

Russian Review

Slavic Review

Sudebnik

B. Translating or Summarizing Soviet and Post-Soviet Writings

Current Digest of the Post-Soviet (formerly *Soviet*) *Press*. (A weekly and comprehensive survey of the major newspapers and some journals, well-indexed.)

Russian Education and Soviet (formerly *Soviet Education*)

Russian Politics and Law (formerly *Soviet Law and Government*)

Russian Social Sciences Review (formerly *The Soviet Review*)

Sociological Research (formerly *Soviet Sociology*)

(A series of quarterly or monthly journals translating articles and books by Soviet Scholars.)

Statutes and Decisions: The Laws of the USSR and its Successor States: A Journal of Translations.

Transition: Change in Post-Communist Society (replaced *Transition*) (Events and Issues in the former Soviet Union and East-Central and Southern Europe). Replaced *RFE/RL Research Report* and *Report on the USSR*. Died in 1999.

United States Foreign Broadcast Information Service (FBIS), (1) *Daily Report, Central Eurasia* and (2) *Report Central Eurasia* (both on reserve: Periodical RR). From 1996, on the Internet only through *World News* connection (see Electronic Sources).

C. Russian newspapers and journals in English

Moscow News (also available on the web)

New Times

Kommersant Weekly

D. Russian/Soviet Publications

Gosudarstvo i pravo (formerly *Sovetskoe gosudarstvo i pravo*); the leading academic journal for political and legal analysis.

Zakonnost (formerly *Sotsialisticheskaia zakonnost*); journal of the procuracy.

Rossiiskaia iustitsiia (formerly *Sovetskaia iustitsiia*); journal of Ministry of Justice and Supreme Court (ceased 2004 and resumed in late 2005).

Biulleten (Vestnik) Verkhovnogo Suda SSSR (published the guiding explanations of the Supreme Court, a key source of judicial policy) (ceased 1992).

Biulleten Verkhovnogo Suda RF (today's Supreme Court RF publication).

Vestnik Konstitutsionnogo Suda RF (journal of the Constitutional Court RF).

Vestnik Vysshego Arbitrazhnogo Suda RF (journal of the High Arbitrazh Court of the RF)

Khoziaistvo i pravo (journal of the Council of Ministers).

Biulleten normativnykh aktov ministerstv SSSR (ceased as of 1992).

Sravnitel'noe konstitutsionnoe obozrenie (until 2005 *Konstitutsionnoe pravo: vostochnoevropeiskoe Obozrenie*; journal of constitutional law and politics, broadly construed).

Sud'ia (journal for judges published by the Judicial Department).

Rossiiskaia gazeta (newspaper of the President that publishes laws, decrees and some regulations).

Zakon (monthly journal on business and economic law).

Chelovek i zakon (popular journal).

Pravovedenie (academic).

Nezavisimaia gazeta; Kommersant; Izvestiia; Rossiiskaia gazeta; Novaia izvestiia (some daily newspapers that cover legal and political issues).

E. Émigré Publications

Consult *Abstracts of Émigré Periodical Literature* for references to and descriptions of articles on law, government, dissent, civil rights, etc. in the USSR appearing in a wide variety of émigré journals and newspapers published in the USA, Europe, and Israel.

5. Bibliographical

Paul Horecky. *Basic Russian Publications* (1962); and *Russia and the Soviet Union: A Bibliographic Guide to Western Language Publications* (1965).

Hoover Institution. *Guide to Russian Reference Books*. Ed. Karol Michael. In 5 volumes.

Sheila Fitzpatrick and Lynne Viola, eds., *A Researcher's Guide to Sources on Soviet Social History in the 1930s*.

Half a Century of Soviet Serials, 1917-68: A Bibliography and Union List of Serials Published in the USSR. Compiled by Rudolph Smits.

Knizhnaia letopis

Ezhegodnik knig

Letopis zhurnalnykh statei

Letopis gazetnykh statei

Letopis retsenzii

Library of Congress, *Cyrillic Union Catalogue* (NY 1963) microprint edition: U.S. Library Holdings known to Library of Congress as of 1956.

New York Public Library, *Dictionary Catalogue of the Slavonic Collection* (Boston, 1959).

Steven Grant. *Scholars' Guide to Washington, D.C. for Russian, Central Eurasian, and Baltic Studies*, 3rd edition (Kennan Institute for Advanced Russian Studies, 1994).

Sources of Support for Russian and Soviet Studies. (Kennan Institute, 1979).

6. Electronic Sources

RFE/RL Newslines ended May 2008). Provided daily news summaries for countries of the former USSR and Eastern Europe. Now available in the electronic archive at Radio Free Europe.

World News Connection, Central Eurasia Service. Provides a large database of materials translated from newspapers of Russia and other post-Soviet countries, with many additions daily. Available through the University of Toronto Library electronic service. Go to University of Toronto Library's "Catalogues and Databases"; hit "other bibliographical databases"; then, hit "World News Connection" and "Connect Now"; on arrival, agree to the copyright conditions and then search by region and specifically Central Eurasia.

Johnson's List. Provides (in its "short version", request it) two transmissions a day, each with ten to twelve articles on Russia from the press worldwide, translations, communications and discussions from list subscribers (mainly Russian-hands). To subscribe, send a message to djohnson@cdi.org Say that you are a student and would appreciate receiving the list free of charge. (There is no fixed fee, but many of us send a token contribution each year.) There is also a weekly version.

Petro Jacyk Central and East European Resources Centre (University of Toronto), homepage. Includes connections to many different services relating to Russia, etc., including texts of newspapers in Russian. For Russian materials you will need to install the appropriate fonts. Enter through University of Toronto homepage, university resources, websites, Petro Jacyk Resource Centre.

University of Pittsburgh, Russian and East European Studies, homepage. More of the same. The address is <http://www.pitt.edu/~cjp/rees.html>

If you desire guidance to reference materials or readings in Russian, please consult the instructor.

Note that there are many Russian language web sites, including those operated by the Supreme Court, the Constitutional Court, and the High Arbitrazh court and many lower courts, as well a number of legal servers (Garant, Konsultant-Plus, Kodeks) and news services (e.g. gazeta.ru, strana.ru, polit.ru, vesti.ru).

Many government agencies, in the centre and the regions, maintain useful web sites. For guidance, see Alexei Trochev, "Russian Legal Reform on the Web," *Bulletin on Current Research in Soviet and East European Law*, in two parts: Feb.2002 (for news sites, databases, draft laws, law journals on the net) and June 2002 (for the websites of various courts, including regional and local). The websites of the court computer system (www.sudrf.ru) and of the Agency for Judicial and Legal Information (www.asi-tass.ru) will also lead you to press coverage of the courts.

The University of Toronto subscribes to two of the Westview databases on post soviet press, Russian Central Newspapers and Baltic and CIS Newspapers. These are searchable databases using both Cyrillic and transliterated keywords. Here is some basic information about them:

1. Russian Central Newspapers (UDB-COM).* A database offering over 60 daily and weekly newspapers published in Moscow and Saint Petersburg from 1983, with the majority of titles from 1997 to the present.

The Universal Database of Russian Newspapers (UDB-COM) provides comprehensive coverage of national news, current events, economic developments and cultural events in Russia. Official sources (/Rossiiskaia gazeta/, /Krasnaia zvezda/, ITAR-TASS), independent media and partisan publications are all represented on this database, thus offering a wide array of opinions and perspectives. Several English-language newspapers including the notable /Moscow Times/, widely read by the international community in the Russian capital, constitute an important part of the database.

2. Baltic and CIS Newspapers (UDB-CIS).* A database providing access to over 30 daily and weekly newspapers from 1997 to the present.

The Universal Database of CIS and Baltic Newspapers includes a number of authoritative periodicals published in Central Asia, the Caucasus and Baltic states. The sources are in Russian and in English, and cover various issues of domestic and international importance. AP-Blitz, an information agency, offers its daily news line /Tajikistan News in Brief/. Another important publication from the same region is /The Times of Central Asia/, a business weekly published in Bishkek (Kyrgyzstan). Kazakhstan, Belarus and Turkmenistan are represented with official newspapers while Ukraine, Moldova and Latvia are represented with the most popular business titles. There are also newspapers from Lithuania, Georgia, Armenia, and Azerbaijan.

*To access these databases:

- 1) Search UTL Catalogue by the title "Russian Central Newspapers UDB-COM" or "Baltic and CIS Newspapers (UDB-CIS)." Click the "online" link and then connect to the resource; or
- 2) Select the "All e-resources" tab from the UTL homepage. Search the title "Russian Central Newspapers" or "Baltic and CIS Newspapers." Click on the link; or
- 3) Visit the PJRC's Resources Guide at <http://link.library.utoronto.ca/MyUTL/guides/index.cfm?guide=pjrc>. Click on "Databases and Indexes" from the table of contents; or
- 4) Search for individual newspaper titles in either the UTL Catalogue or in All e-resources.

For more information on the databases and other sources, electronic and hard copy, please consult Ksenya Kiebuszinski, Slavic Resources Coordinator and Head, Petro Jacyk Central and East European Resources Centre.