

**FALL 2016**  
**UNIVERSITY OF TORONTO**  
**DEPARTMENT OF POLITICAL SCIENCE**

**JRA 437H/2337H**  
**GOVERNMENT, LAW AND POLITICS IN RUSSIA**

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Class Time: W 12-2  
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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; Putin and Medvedev'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, 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, marked with an asterix. 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 18 (electronically); and a research paper: 12-15 pp. due December 23. Papers should 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 18. The grade for the seminar will be 15% for the review essay; 25% for class participation and 60% for the research paper.

Readings fall into four categories: articles accessible in the library's electronic resources; book chapters, articles and unpublished materials collected in the course Reader (available for purchase at the Copy Place, 720 Spadina Avenue, Suite 100); books held on reserve in the libraries of Trinity College, the Criminology Centre, and Robarts (the Merryman, topic 2) and one book to be purchased at the University of Toronto Bookstore (Ledeneva, [How Russia Really Works](#)).

**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 (Or in Reader, chpts 5 to 7, first part, and 7-8 from *Justice in Russia*.)

\*John Merryman, *The Civil Law Tradition*, chapters 1-7, 12, 15, 17-18. On reserve at Trinity College Library, the Criminology Centre Library, and Robarts Library.

Peter H. Solomon, Jr., "Law and Courts in Authoritarian States," *International Encyclopedia of Social & Behavioral Sciences*, 2nd edition, 2015, 13: 427-34, on line.

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*; Wortman, "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; Wortman, Review of Anatolii Remnev, *Samoderzhavnoe pravitelstvo*, in *Kritika* (2012).

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*; Ekaterina Pravilova, *A Public Empire: Property and the Quest for the Common Good in Imperial Russia*.

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*.

Ana Siljak, *Angel of Vengeance: The Girl Who Shot the Governor of St. Petersburg and Sparked the Age of Assassination*.

Jane Burbank, *Russian Peasants Go to Court: Legal Culture in the Countryside, 1905-1917*.

### 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*, 11:4 (1985), 293-311. Electronic.

\*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 Evel'son, *Sudebnye protsessy po ekonomicheskim delam*.

Miriam Dobson, *Khrushchev's Cold Summer: Gulag Returnees, Crime and the Fate of Reform after Stalin*; Marc Elie and Jeffrey Hardy, "Letting the Beasts Out of the Cage: Parole in the Post-Stalin Gulag, 1953-1973," *Europe-Asia Studies*, 67:4 (2015), 579-605; Brian Lapierre, *Hooliganism in Khrushchev's Russia: Defining, Policing, and Producing Deviance during the Thaw*; Peter Solomon, "Understanding the History of Soviet Criminal Justice: The Contribution of Archives and Other Sources," *The Russian Review*, 74 (July 2015), 401-18.

## 5. Governance Soviet Style: Formal and Informal Institutions

\*Graeme 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*, chpt. 1 and 3 first part (73-86)..

\*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 on Politics* (December 2004), 725-740. Electronic.

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*.

Yoram Gorlizki, "Too Much Trust: Regional Party Leaders and Local Political Networks under

Brezhnev," *Slavic Review*, 69:3 (Fall 2010).

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.

## 6. Law and Politics before and under Gorbachev

\*Gordon Smith, *The Soviet Procuracy and the Supervision of Administration*, chapters 3-4..

\*Konstantin Simis, *USSR: The Corrupt Society*, chapters 4 and 7—in the Reader. Chapters 5 and 6 also recommended for insight into the second economy and its relationship to law. There are two copies of the book in Robarts and another at Downsview.

\*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). Also 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*; Robert Hornsby, *Protest, Reform and Repression in Khrushchev's Soviet Union*.

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* (1997).

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

\*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 See also Kathryn Hendley, "Legal Development in Post-Soviet Russia," *Post-Soviet Affairs*, 13:3 (July-Sept. 1997). Electronic. [128.104.94.54/m/ndqyz/legal\\_devmt.pdf](#)

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

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; Todd Foglesong, "Who Has the Body? Judicial Review of Arrest and Pretrial Detention in Russia," *Wisconsin International Law Journal*, 14:3 (1996.);

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 and Administrative Justice

\*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 (Electronic), 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).

\*Alexei Trochev, "Suing Russia at Home," *Problems of Post-Communism* (Sept-Oct 2012), 18-34.

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

Alexander Vereshchagin, *Judicial Law-Making in Post-Soviet Russia* (with case studies on labour law and joint stock companies); William Pomerantz and Max Gutbrod, "The Push for Precedent in Russian's Judicial System," *Review of Central and East European Law*, 37:1 (2012), 1-30; Carla Thorson, *Politics, Judicial Review and the Russian Constitutional Court*.



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.

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.

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?*

Andrea Chandler, "Citizenship, Social Rights and Judicial Review in Regime Transition: the Case of Russia," *Democratization* (2013).

Peter H. Solomon, Jr., "Judicial Power in Russia: Through the Prism of Administrative Justice," *Law and Society Review*, 38:3 (2004), 549-582; Kathryn Hendley, "Suing the State in Russia," *Post-Soviet Affairs*, 18:2 (2002), 122-47.

## 9. Resolving Business Disputes: Courts and Alternatives

\*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 Kurkchiyan, eds., *Economic Crime in Russia*.

\*Jordan Gans-Morse, "Threats to Property Rights in Russia: From Private Coercion to State Aggression," *Post-Soviet Affairs*, 228:3 (2012), 263-95.

\*Alena Ledeneva, *How Russia Really Works: The Informal Practices that Shaped Post-Soviet Politics and Business*, chapters 1 (on informal practices) and 7 (on post Soviet *tolkachi*), and skim 5 (on shadow barter) and 6 (on double accountancy).

\* Tatiana Kyselova, "Dualism of Ukrainian Commercial Courts: Exploratory Study," *Hague Journal on the Rule of Law*, 6 (2014), 178-201.

Thomas Firestone, "Criminal Corporate Raiding in Russia," *The International Lawyer*, 42:4 (Winter 2008), 1207-29; Firestone, "Armed Injustice: Abuse of the Law and Complex Crime in Post-Soviet Russia," *Denver Journal of International Law and Policy* 38 (2009); Vadim Volkov, et al., "Proizvol'naia aktivnost pravookhranitelnykh organov v sfere borby ms ekonomicheskoi prestupnostiu: Analiz statistika." St. Petersburg: Institut problem pravoprimeneniia. [www.enforce.ru](http://www.enforce.ru) Click on "Analiticheskii zapiski". E. Novikova, ed., *Rule of Law in Russia: Issues of Implementation, Enforcement and Practice* (Moscow, 2010)—on law and business; Michael Rochlitz, "Corporate Raiding and the Role of the State in Russia," *Post-Soviet Affairs* 30:2 (2014), 89-114; Anton Kazun, "Violent Corporate Raiding in Russia: Preconditions and Protective Factors," *Demokratizatsiya*, 23:4 (fall 2015), 459- .

Richard Sakwa, *Putin and the Oligarch: The Khodorkovsky-Yukos Affair*; and *The Quality of Freedom: Khodorkovsky, Putin, and the Yukos Affair*.

Thane Gustafson, *Wheel of Fortune: The Battle for Oil and Power in Russia*.

Peter H. Solomon, Jr., "Criminalization, Decriminalization, and Post-Communist Transition: The Case of the Russian Federation," in *Building Justice in Post-Transition Europe: Processes of Criminalisation within Central and East European Societies*, edited by Kay Goo, dall et al.

Marina Zaloznaya, "Organizational Cultures as Agents of Differential Association: Explaining Variation in Bribery Practices in Ukrainian Universities," *Crime, Law, and Social Change*, 58:3 (2012), 295-320; 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; G.A. Satarov, ed., *Rossiiskaia korrupsitsiia: uroven struktura, dinamika: Opyt sotsiologicheskogo analiza* (2013)..

Stanislav Markus, *Property, Predation, and Protection: Piranha Capitalism in Russia and Ukraine* (2015).

Andrei Yakovlev, "'Black Cash' Tax Evasion in Russia: Its Forms, Incentives and Consequences at Firm Level," *Europe-Asia Studies*, 53:1 (2001), 33-55.

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*; A. Dmitreva, K. Titaev, and I. Chetverikova, "The State and Business at Arbitrazh courts," *Russian Politics and Law*, 54:2-3 (March-June, 2016).

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Andrew Jack, *Inside Putin's Russia: Can there be Reform Without Democracy?*

Graeme Gill and James Young, eds., *Routledge Handbook of Russian Politics and Society*.

Ben Judah, *Fragile Empire: How Russia Fell in and out of Love with Vladimir Putin*  
 Daniel Treisman, *The Return: Russia's Voyage from Gorbachev to Medvedev*  
 Arkady Ostrovsky, *The Invention of Russia: From Gorbachev's Freedom to Putin's War*

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*.

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

William Butler, *Russian Law* (3rd ed., 2009); and Peter Maggs, Olga Schwartz, and William Burnham, *Law and Legal System of the Russian Federation* (6<sup>th</sup> ed., 2015)

Hiroshi Oda, *Russian Commercial Law* (2<sup>nd</sup> 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*)

*Demokratizatsiya: The Journal of Post-Soviet Democratization*

*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*

*Journal of Eurasian Law*

*Nationalities Papers*

*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*

## 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*

*Russian Law Journal* (on web)

## 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; ceased 2014)

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

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

*Sravnitelnoe konstitutsionnoe obozrenie* (until 2005 *Konstitutsionnoe pravo:vostochnoevropeskoe Obozrenie*; journal of constitutional law and politics, broadly construed).

*Sud'ia* (journal for judges published by the Judicial Department, ceased 2010; ask instructor).

*Sud'ia RF* (started in 2011; ask instructor).

*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).

*Politicheskie issledovaniia* or *POLIS* (political science journal).  
*Sotsiologicheskie issledovaniia* or *SOTsIS* (sociology journal).

*Novaia gazeta; Vedomosti; 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.

*RFE/RL Russia Report* (weekly news summary); and *RFE/RL Belarus, Ukraine, and Moldova Report* (weekly news summary).

*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.

*Russian Analytical Digest.* Each issue of two to three articles focuses on a theme related to current Russian politics. On web.

*Ponars Policy Briefs.* Short studies of issues in current Russian politics. On Ponars website.

*Institute of Modern Russia,* website (and list serve) provides critical analyses of current events in Russia, including of legal developments (often by Ekaterina Mishina). This is a project of Mikhail Khodorkovsky's son Pavel.

*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](mailto: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.

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 former 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](http://gazeta.ru), [strana.ru](http://strana.ru), [polit.ru](http://polit.ru), [vesti.ru](http://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](http://www.sudrf.ru)) and of the Agency for Judicial and Legal Information (<http://rapsinews.ru>) also lead you to press coverage of the courts.

For Russian language scholarly and press materials on criminal law and policy, see [www.sartraccc.ru](http://www.sartraccc.ru) and [www.crimpravo.ru](http://www.crimpravo.ru). Reports on court trials in the regions are found at [www.sudinformat.ru](http://www.sudinformat.ru) and for the sharp analytical reports of the Institute for the Rule of Law at European University in St. Petersburg [www.enforce.spb.ru](http://www.enforce.spb.ru). For criminal statistics on the work of the justices of the peace, district courts, and regional courts, go to the website of the Judicial Department: [www.cdep.ru](http://www.cdep.ru) and hit "statistika".

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.