

FALL 2018
UNIVERSITY OF TORONTO
DEPARTMENT OF POLITICAL SCIENCE

JRA 2337H
GOVERNMENT, LAW AND POLITICS IN RUSSIA

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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 asterisk. 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 19 (electronically); and a research paper: 12-15 pp. due December 21. Papers should be delivered electronically, but you should retain a printed copy as backup. One-page proposals for paper topics must be submitted for approval by November 16. 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fall into three categories: articles accessible in the library's electronic resources; book chapters, articles and unpublished materials collected in the course Reader (available for purchase at the Copy Place, 720 Spadina Avenue, Suite 100); books held on reserve in the libraries of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).

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*. Electronic.

*Harold Berman, *Justice in the USSR*, Part 2 (Or in Reader, chapters 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 the Trinity College Library, the Criminology Centre Library, and Robarts Library.

Peter H. Solomon, Jr., "Law and Courts in Authoritarian States," *International Encyclopaedia of Social & Behavioral Sciences*, 2nd edition, 2015, 13: 427-34, on line; Tamir Moustafa, "Law and Courts in Authoritarian Regimes," *Annual Review of Law and Social Sciences*, 10 (2014), 281-99..

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

Peter Solomon, ed., *Reforming Justice in Russia, 1864-1996: Power, Culture, and the Limits of Legal Order*.

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*; *idem*, "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; *idem*, 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*; Sergei Antonov, *Bankrupts and Usurers of Imperial Russia: Debt, Property, and the Law in the Age of Dostoevsky and Tolstoy*

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*; Tatiana Borisova, "Public Meaning of the Zasluch Trial: Law, Politics and Gender," *Russian History*, 43:3-4 (2016), 221-244,

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*; Jeffrey Hardy, *The Gulag after Stalin: Redefining Punishment in Khrushchev's Soviet Union, 1953-1964*; 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.

Rhiannon Dowling, "Soviet Women in Brezhnev's Courts: 'The Case of Two Boys', Gender, and Justice in Late Soviet Russia," *Russian History*, 43:3-4 (2016), 245-74.

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*, chapters. 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*.

James Heinzen, *The Art of the Bribe: Corruption under Stalin, 1943-1953*.

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), 111-117. 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](https://www.industrydocuments.ucsf.edu/docs/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. Putin, the Courts, and the Administration of Criminal Justice

*Peter H. Solomon, Jr., "Post-Soviet Criminal Justice: The Persistence of Distorted Neo-inquisitorialism," *Theoretical Criminology*, 19:2 (2015), 159-78. 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.

*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.

*Ella Paneyakh, “Faking Performance Together: Systems of Performance Evaluation in Russian Enforcement Agencies and Production of Bias and Privilege,” *Post-Soviet Affairs*, 30:2-3 (2014), 115-136. Electronic.

*Alena Ledeneva, “Telephone Justice in the Global Age: From Command to Signal,” chpt. 5 of *Can Russia Modernize?* Electronic.

William E. Pomerantz, “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., “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); Solomon, “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, “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); 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); 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;

Peter H. Solomon, Jr., “Plea Bargaining Russian Style,” *Demokratizatsiya*, 20:3 (Summer 2012), 282-99; Ekaterina Moiseeva, “Plea Bargaining in Russia: the role of defence attorneys and the problem of asymmetry,” *International Journal of Comparative and Applied Criminal Justice* (2016), 1-22; Solomon, “Understanding Russia’s Low Rate of Acquittal: Pretrial Screening and the Problem of Accusatorial Bias,” *Review of Central and East European Law*, 40:1 (2015), 1-30.

“Law Enforcement and the Courts in Russia: Studies from the Institute for the Rule of Law of European University at St. Petersburg,” special issue of *Russian Politics and Law* edited by Peter Solomon and Vadim Volkov, 54:2-3 (March-June, 2016), including: “The Practical Logic of Judicial Decision-Making: Discretion under Pressure and Compromises at the Expense of the Defendant,” by Ella Paneyakh; “The Courts and the Law Enforcement System: the Price of Compromise,” by Mikhail Pozdniakov; “Investigators in Russia: Who Creates Practice in the Investigation of Criminal Cases?” by Kirill Titaev and Maria Shkliaruk; “The Contribution of Migrants to Crime in Russia: Evidence from Court Statistics,” by Aryna Dmitrevna. For the many publications of the Institute, both scholarly and policy oriented, go to its rich website, www.enforce.ru. One especially important report is E.L. Paneakh, et al. “Obvinitel’nyi uklon v ugovnom protsesse: faktor prokurora”. www.enforce.ru click on “Analiticheskie zapiski”.

“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); Jeffrey Kahn, “Report on the Verdict against M.B. Khodorkovsky and P.L. Lebedev,” *The Journal of Eurasian Law*, 4:3 (2011), 321-411.

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; "Russia and European Human Rights" Special issue, *Review of Central and East European Law* 37 (2012); Lisa McIntosh Sundstrom, "Russian NGOs and the European Court of Human Rights: A Spectrum of Approaches to Litigation," *Human Rights Quarterly*, 36 (2014), 844-68. 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.

Katlijn Malfliet and Stephen Parmentier, eds., *Russia and the Council of Europe: 10 Years After*,

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*; Ekaterina Khodzhaeva and Yulia Shesternina, "Strategies and Tactics of Criminal Defenders in Russia in the Context of Accusatorial Bias," *Russian Politics and Law*, 54:2-3 (March-June 2016).

Kathryn Hendley, "Reforming the Procedural Rules for Business Litigation in Russia: To What End?" *Demokratizatsiya*, 11:3 (Summer 2003), 363-380; Hendley "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; Kathryn Hendley, "Assessing the Role of the Justice-of-the-Peace Courts in the Russian Judicial System," *Review of Central and East European Law*, 37 (2012), 1-30; and Hendley *Everyday Law in Russia*.

Kathryn Hendley, "Resisting Multiple Narratives of Law in Transition countries: Russia and Beyond," *Law & Social Inquiry*, 40:2 (Spring 2015), 531-52; See also her "Selected Publications of Kathryn Hendley," <https://law.wisc.edu/profiles/pubs.php?iEmployeeID=143>

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, *Politicized Justice in Emerging Democracies: A Study of Courts in Russia and Ukraine*.

Marina Kurkchiyan and Agnieszka Kubal, eds., *A Sociology of Justice in Russia* (Cambridge 2018).

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

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

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 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*.
 Tom Ginsburg and Tamir Moustafa, *Rule by Law: The Politics of Courts in Authoritarian Regimes*.

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/

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

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)

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.

Rossiskaia iustitsiia (formerly *Sovetskia 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 new 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 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-Plius, 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 (<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 and www.crimpravo.ru. Reports on court trials in the regions are found at www.sudinform.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 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 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 Kiebusinski, Slavic Resources Coordinator and Head, Petro Jacyk Central and East European Resources Centre.