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fall into three categories: articles accessible in the library’s electronic resources; book chapters, articles and unpublished materials collected in the course Reader (available for purchase at the Copy Place, 720 Spadina Avenue, Suite 100); books held on reserve in the libraries of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.


Mirjan Damaska, The Faces of Justice and State Authority.

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


Ernst Frankel, The Dual State.


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**


*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.


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


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 Zasulich 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.


Harold Berman, Justice in the USSR, Chapter 1.


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


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


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


Evgeniia Evel’son, Sudebnye protsessy po ekonomicheskim delam.


5. Governance Soviet Style: Formal and Informal Institutions


*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,
6. **Law and Politics before and under Gorbachev**


*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.


**“What Should a Law-Governed State Be?” *Soviet Law and Government* (Summer, 1989).**


Arkady Vaksberg, The Soviet Mafia


7. Judicial Reform under Yeltsin


8. **Putin, the Courts, and the Administration of Criminal Justice**


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


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


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


9. **Resolving Business Disputes: Courts and Alternatives**


*Peter H. Solomon, Jr., “The Unexpected Demise of Russia’s High Arbitrazh Court and the Politicization of Judicial Reform,” *Russian Analytical Digest*, no.147 (April 17, 2014). Electronic (three pages).*


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


10. **Putin, Law and Constitutional Development**

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


11. **The Constitutional Court and Administrative Justice**


12. Russian Justice in Comparative Perspective


R Kathryn Hendley, Everyday Law in Russia. Electronic.


Kim Lane Scheppele, “Constitutional Renewal Must be Done by Hungarians for Hungarians,” A conversation. Hungarian Spectrum (2012), http://hungarianspectrum.wordpress.com/2012/07/12/constitutional-renewal-must-be-done-by-hungarians-


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*/
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):


2. Comparative Materials (listed alphabetically)

George Cole, ed., *Criminal justice: Law and Politics*
Barton Ingraham, *Political Crime in Europe.*
Herbert Jacob, et al., *Courts, Laws, and Politics in Comparative Perspective.*
John Merryman, *The Civil Law System*, (2nd ed.).
Herbert Packer, *The Limits of the Criminal Sanction.*
David Rothman, *Conscience and Convenience.*
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.


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.


*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.


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*


*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.**


*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).
Biuleten normativnykh aktov ministerstv SSSR (ceased as of 1992).
Sravnitelnoe 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, 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

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 retnszi
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 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.


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.sartracecc.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 Kiebuzinski, Slavic Resources Coordinator and Head, Petro Jacyk Central and East European Resources Centre.