Soviet Law and \textit{Perestroika} Revisited

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\textbf{Introduction}

In the spring of 1982, when I taught Soviet law for the first time, the USSR was muddling through. Its political fulcrum, the Politburo, was a stumbling gerontocracy coping with a stagnant economy, a losing war in Afghanistan, and restless East European satellites. Brezhnev’s death the same year did little to energize the leadership: both his successors, Iurii Andropov and Konstantin Chernenko, were dead by early 1985. Almost magically, an aged and ailing leadership devoid of ideas was removed from the seat of power in Moscow.

In March 1985, a comparatively youthful newcomer took center stage: he was the new Party General Secretary Mikhail Sergeevich Gorbachev. There were a few hopeful signs: the plain-spoken British Prime Minister Margaret Thatcher, who had met Gorbachev early on, was impressed, exclaiming that he was a “man with whom she could do business”.


\textit{Perestroika} Revisited

A quarter century has passed since Mikhail Sergeevich and his cohorts in 1986 launched a broad-based legislative agenda for invigorating or even reforming the lagging Soviet economy. The Party’s upper echelon received the reforms with seemingly mixed feelings: so long as Gorbachev’s reformist program showed promise of success, there were celebrants who welcomed an end to Brezhnev stagnation; staunch conservatives, on the other hand, seemed fearful of navigating uncharted waters.
Western reaction was less critical. The media, however disbelieving they may have been, certainly applauded Soviet reformist pronouncements absent Cold-War rhetoric. Intrigued by mouthings of glasnost’ and rule of law, Sovietologists organized to dissect whatever lawyer Gorbachev’s perestroika had to offer. This chapter purports to track early perestroika (1986-1987), by scrutinizing both the Gorbachev approach and Western reactions to it. Critical to the latter was the unprecedented interaction between Western and Soviet scholars, the first instance in which Soviet legal scholars were invited and accepted an invitation to participate in an international conference. By doing so they may inadvertently have made perestroika/glasnost’ a vehicle for lessening Cold-War tensions. This chronicle of scholarly interaction in the past, undeniably anecdotal and unabashedly subjective, seems a crucial link to theme of the Ninth Aleksanteri Conference—‘Cold War Interactions Reconsidered’—and to this volume.\(^2\)

The Gorbachev roadmap for modernizing Soviet society, originally packaged in thirty-eight legislative measures, began with the 10 September 1986 resolution of the Presidium of the USSR Supreme Soviet and the USSR Council of Ministers\(^3\) and read as follows:

**RESOLUTION OF THE PRESIDIUM OF THE USSR SUPREME SOVIET AND THE USSR**

[...]


   A USSR law on the procedure for public discussion and voting on major issues of national life and on the public discussion of draft decisions by local Soviets. 1987.


   Normative acts on enhancing the role of workers’ and office employees’ meetings, expanding the range of issues on which labor collectives’ decisions are final, creating labor collectives’ councils at the enterprise level and gradually expanding the extent to which certain categories of enterprise managers are elected. Second quarter of 1987.

   Normative acts on expanding the range of issues that can be decided by state agencies only with the participation or preliminary consent of appropriate public organization and on granting these organizations rights in a number of instances to halt the implementation of administrative decisions. 1986-1987.

2 This conference was held at the University of Helsinki, Finland, in late October 2009.