ON THE ORIGINS OF INTERNATIONAL LEGAL EDUCATION IN THE SOVIET UNION: THE KRAVCHENKO SYLLABUS

by

W. E. BUTLER (London)

The origins of public international law as a branch of learning in the Soviet Union are still regrettably obscure. Accounts of higher education in the immediate aftermath of the October 1917 Revolution suggest that the general situation was extremely chaotic. The first educational reform instituted by the new revolutionary government was to make university learning accessible to all, irrespective of their social status. University courses, including international law, continued to be taught throughout 1918 essentially as they had been before the Revolution. The Moscow law faculty reportedly was closed at the end of 1918. In many places “Workers’ Faculties” (rabfak) were formed during 1919–20 to provide a secondary educational teaching on a Marxist basis for students of proletarian background who aspired to enter university. In March 1919 university law faculties in the RSFSR were abolished and replaced by faculties of social sciences (FON) offering lectures in law, history, and in some instances, international law.

Even instruction in Soviet law was no easy matter. “Positive law,” one jurist wrote, “was in an episodic state”, and the material requisites to process the

1. O pravilakh priema v vysshie uchebnye zavedeniiia, August 2, 1918, SU RSFSR (1918), no. 57, item 632. The drafts and legislative history of this decree are discussed in Dekrety sovetskoi vlasti, II (1964), pp. 137–138.


The situation differed at various universities, depending on the local situation. The Kazan law faculty, for example, did not function for some months in 1918, but teaching commenced late that year and continued until the law faculties were closed. See D. I. Fel’dman (ed.), Fakul’tet na kotorom uchilsia Lenin (ocherki), (Kazan 1970), p. 106.

3. These were intended to accelerate the enrollment of students of proletarian and peasant backgrounds, for the reform of August 1918 had not in and of itself produced a marked change in the composition of student bodies. See SU RSFSR (1919), no. 45, item 443.

4. Legal education was discussed extensively in the RSFSR People’s Commissariat for the Enlightenment. The decree abolishing the law faculties referred to the complete obsolescence of their instructional plans, the failure of these plans to conform to scientific methodology, and the need for qualified workers in Soviet institutions. In an article on the decree M. N. Pokrovskii wrote that “the science of law was an attractive jacket which concealed the enslavement of hundreds of millions by tens of thousands . . . of course, for socialist Russia all such 'sciences' are completely useless”. The Statute on Social Science Faculties of March 3, 1919, specifically designated that the history of international law and relations should be taught. The decree, statute, and Pokrovskii’s article appear in Narodnoe prosveshchenie, nos. 23–25, 31 (1919) and are summarized in Fel’dman, note 2 above, pp. 106–107. For more details on the period, see A. F. Shebanov, Iuridicheskie vysshie uchebnye zavedeniia (Moscow 1963), pp. 32–48.
“rich raw materials of the law” were completely lacking. When in Autumn 1921 the class principle was fully applied to university admissions, the departure of most of the pre-revolutionary teaching staff caused an acute personnel shortage, a problem aggravated by a strong student preference for small seminars rather than lectures.

With the commencement of the New Economic Policy, accompanied by the codification of many branches of Soviet law and a need for trained jurists, more formal standards and procedures in legal education were required. The faculties of social sciences were officially abolished in 1924 (though some continued to operate until 1926) and their legal sections were superseded by Faculties of Soviet Law formed at the I Moscow University, Saratov, Irkutsk, and eventually Leningrad. Law in these faculties was a four-year course of study, and in Moscow at least international law was offered to second-year students. By 1927 all four faculties taught international law.

Although Isaev gives the impression that the birth or rebirth of international legal studies in the Soviet Union dates from the mid-1920s, there are indications that the study of international law was never completely snuffed out. A bibliography, concededly incomplete, of Soviet writing on the social sciences (including law) during the Civil War years (1918–20), co-edited by an international lawyer, listed some twenty items in the section on international law, including a substantial textbook by N. A. Zakharov and a curious pamphlet by V. V. Telesnin, Chto takoe mezdunarodnoe pravo? (1918). With the cession of economic blockade by the Entente Powers and a normalization of diplomatic and commercial links with the West, consular law became a matter of some urgency for Soviet plenipotentiary representatives. In 1923 the Red Army Military Academy published the first edition of Konsul’skoe pravo in a mimeographed edition of fifty copies. A transcript of Iu. V. Kliuchnikov’s lecture to the same institution delivered on February 29, 1924, and devoted to the Permanent Court of International Justice suggests that a regular course on public international law may have been offered by the Academy. By this time E. A. Korovin had produced his pioneering Mezdunarodnoe pravo perekhodnogo vremeni with a somewhat defensive introduction justifying his work to Soviet diplomats who, he said, had to know and defend Soviet positions in terms of international law whether or not they approved of the latter.

Of considerable interest for insight into this period of Soviet international legal history are two outlines for courses on public international law, one pub-

5. See M. M. Isaev, O vyshhem iuridicheskom obrazovanii RSFSR, Sovetskoe pravo, no. 6 (1927), pp. 111–112.
6. Ibid., pp. 116–118. In 1927 Moscow University enrolled forty students in the international division of the faculty.
8. N. A. Zakharov, Kurs obshechestvennego mezdunarodnogo prava (Petrograd 1918). The author was a lektor at the Practical Oriental Academy in Petersburg. His text was completed and prepared for publication in early 1917.
10. Iu. V. Kliuchnikov, Stenogramma lektii professoora Kliuchnikova po mezdunarodnomu pravu (Moscow 1924). Only fifty copies were printed.