Book Review

William Burnham, Peter B. Maggs and Gennady M. Danilenko (eds.)
Law and Legal System of the Russian Federation
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“Words, as is well known, are the great foes of reality.”
Joseph Conrad¹

It may well be that I am the only person to have experienced this book not only as a student assigned weekly readings from its first edition, but also as the teacher making the assignments a few years later from the second edition.² Both experiences were rewarding, and I recommend this third edition from both perspectives.

As a student, I was privileged to study Russian law under the late Professor Gennady Danilenko.³ This was not my first study of Russian law. That introduction I enjoyed as a graduate student in the rooms of the extraordinary Professor Bernard Rudden at Brasenose College, Oxford. Several weeks before the start of those tutorials (held in Hilary Term 1995 and entitled “Soviet and Post-Soviet State and Law”), I received a letter from Professor Rudden, instructing me to begin my “vacation preparation” with “the best books to be read right through (more than once if possible)”. These were identified as Harold Berman’s Justice in the USSR and Ferdinand J. M. Feldbrugge’s Russian Law: The End of the Soviet System and the Role of Law.⁴ More great books followed: Alekseev,⁵ Butler,⁶

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¹ Joseph Conrad, Under Western Eyes (1911), 1.
² I should add that my connection with this book extends deeper than that experience. First, I am thanked in the authors’ acknowledgments. Second, this review was written while Professor Burnham and I were collaborating on an article on the new Russian Criminal Procedure Code. See William Burnham and Jeffrey Kahn, “Russia’s Criminal Procedure Code Five Years Out”, 33(1) Review of Central and East European Law (2008), 1-93.
³ Late Professor of Law, Wayne State University Law School and Senior Research Fellow, Russian Academy of Sciences Institute of State and Law.
⁵ Sergei Sergeevich Alekseev, Struktura sovetskogo prava (Iuridicheska, Moscow, 1975).
Gsovski,7 Hazard,8 Huskey,9 Ioffe and Maggs,10 Johnson,11 Kucherov,12 Sharlet,13 Simons,14 Topornin15 and others. These tutorials occurred little over a year after the adoption of the 1993 Constitution, so Rudden himself frequently supplied copies of the latest legal materials, hot off the newly post-Soviet presses.16

Absent from Rudden's list—and, therefore, from my shelf—was anything remotely resembling what an American law student would recognize as a 'casebook'. That is, I read no volume composed mostly of edited judicial opinions, excerpts from statutes, and references to scholarly works, all spliced together with brief editorial narratives asking (from a student's perspective) infuriatingly open-ended, counter-factual and seemingly unanswerable questions. Of course, the most obvious explanation for this is, again, timing. In 1995, Russian law was a moving target at best, and anyone foolish enough to have engaged in such a project so soon after the collapse of the Soviet Union would have been overtaken by events almost immediately.

Five years later, that was much less the case. When I met Professor Danilenko in 2000, he was teaching Russian law from a single source: the casebook he had published the year before with his colleague, Professor William Burnham.17 By then, enough post-Soviet Russian law had been created, interpreted, and critiqued for a casebook approach to make some sense.18 The first two parts of the Civil Code entered into force in 1995 and

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