Book Review

Ferdinand Feldbrugge (ed.), *Russia, Europe, and the Rule of Law*, in William B. Simons (ed.), *Law in Eastern Europe*, No.56
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This volume is comprised of a selection of papers on legal subjects presented at the VII World Congress of the International Council for Central and East European Studies (ICCEES) in Berlin in 2005. Like most collections of this kind, the chapters cover a wide range of subjects. As a brief discussion of the contents will indicate, unifying themes are not in abundance. Ten of the twelve chapters, including editor Feldbrugge’s “Afterword”, deal exclusively or mostly with Russia.

Gordon Smith, long a student of law in Russia, opens the volume with an examination of the procuracy during the Putin years. Against the backdrop of general developments in law, Smith turns to what he calls the “three faces of Vladimir Putin”: “tough cop”, “closet communist” and “Putin the jurist”. He avers that the latter, the progressive aspect of Putin’s attitude toward law, “has largely been ignored by Western commentators and the media”.

Smith includes in his discussion examples of Putin’s apparent commitment to liberal legal reform. Yet one has to wonder—particularly in light of the conclusions reached in other parts of this volume—whether the words of the Russian president represent much more than political rhetoric.

Susan Heuman’s “Law, Citizenship, and the Rights of Non-Russian Nationalities, Past and Present”, is largely an historical analysis of the subject that emphasizes the continuities characterizing the concept of citizenship over time. Two chapters deal with the Russian Constitutional Court. A study by Anders Fogelklou suggests that the present Court strives to keep its independence and power by not invalidating legislation that it might have challenged in earlier times. This interesting analysis is at times difficult to follow, however, because of the author’s use of vague or undefined jargon and other terminological problems. Alexei Trochev’s paper sorts out the numerous changes that have been made by parliament over the years in the tenure rules for Russian Constitutional Court judges. He

then provides a comparative perspective on judicial tenure by examining practices in several other countries.

Peter Solomon’s “Informal Practices in Russian Justice: Probing the Limits of Post-Soviet Reform” is an exploratory study that examines the practices of chairs of courts and relations between judges and procurators, factors that appear at times to stifle the impact of law reform. The subject of Anna Jonsson’s “Judicial Review of Governmental Actions: A Tool for Russian NGOs?” is the role of nongovernmental organizations in providing legal aid to citizens and the use of courts in rendering such assistance. Her basic conclusion with regard to the efficacy of courts in defending citizen rights in such circumstances is a quite pessimistic one. The core part of “Lay Judges in Rostov Province” by Stefan Machura and Olga Litvinova is a sample survey of people’s assessors in twelve raion courts. The authors found, among other things, a rather high positive attitude toward courts among people’s assessors. As the authors note, except in commercial courts, the institution of people’s assessors no longer exists. Their study includes some interesting comparative data and is well grounded in the Western literature on citizen participation in court proceedings.

Three papers examine aspects of relations between Russia and/or Eastern Europe and the European Union. Vladimir Yarkov’s “The International Effects of Judicial Decisions and Notarial Instruments” looks at the legal framework for cooperation between Russia and the EU on several matters of international law. Alexander Trunk’s “EU Rules on Judicial Cooperation with Russia and Ukraine in Civil and Commercial Matters” analyzes a related theme, emphasizing the growing international involvement between the countries of the former Soviet Union and the EU, and the need for formal legal agreements on a range of issues. Ljubica Djordjević’s “The Role of the European Union in Building Serbia as a Rechtsstaat” examines efforts by the EU to influence Serbia toward democratization. The author sees as a major obstacle to this process the weakness of Western cultural values in Serbia.

The only ‘outlier’ in the volume, with no clear relationship to the other chapters, is Patricia Herlihy’s “Eugene Schuyler and the Bulgarian Constitution of 1876”. Schuyler was a minor American diplomat in Bulgaria in the 1870s who participated in drafting a constitution for Bulgaria that helped secure that country’s autonomy from the Turks. For this unauthorized activity he was criticized and eventually demoted by his government in Washington.

In his concluding chapter, “The Rule of Law in Russia in a European Context”, editor Ferdinand Feldbrugge makes an effort to find common themes among the chapters. However, with a collection of essays that