On 4 August 1989, Soviet judges and people's assessors were honoured with the first USSR law defining their status, set to come into force on 1 December 1989. For the Soviet legal system in general, this law was one more building block in the effort to build a "rule of law socialist state"; for Soviet judges, it marked an attempt to improve their status and image from its existing low level. The degree of success that the law will have in improving the judges' lot remains to be seen. There is a large shortfall to make up. However, it is encouraging that the attempt is being made, through legal means, to strengthen the position of the individuals working at the heart of the legal system.

1. The Background Policy

As with many Soviet (and Tsarist) legal reforms, the impetus for change apparently came from "the top". The Communist Party of the Soviet Union, in its new Party Programme of 1 March 1986 (adopted at the XXVII Party Congress) laid the foundation for change in the Soviet political system. It did not directly address judges' problems, but did call for the Party to

1. Ved.SSSR 1989 No.9 item 223. The fact that it was the first was pointed out in an interview in Pravda on 16 July 1989 by the Chairman of the USSR Supreme Court, Smolentsev (elected 7 June 1989). XL1 CDSP 1989 No.28, 23.
strengthen the legal foundation of the life of the state and society, ensure strict observance of socialist law and order, and improve the work of judicial bodies. ... Two years later, in July 1988, the 19th Party Conference carried the ideal of legality much further. It was in the Theses prepared as a basis for discussion at that conference that the expression “law ruled” or “rule-of-law” socialist state first became prevalent. A number of measures were mooted in the Theses as being necessary to bring about such a state. As far as the judiciary were concerned, at that stage there were more generalizations than specifics. According to Thesis No.8

... deep going juridical reform is necessary. It is called upon to radically improve the work of all bodies whose duty it is to consolidate legality and protect the democratic principles of statehood, and citizen’s rights and freedoms. The priorities of that reform include dramatic enhancement of democratic principles in court procedure, of contestation of the judicial process, of the principle of equality, of publicity and presumption of innocence. There is a noteworthy proposal to increase the numbers of people’s assessors for especially important cases.4

After the conference discussions, the resolutions passed “On Legal Reform” showed even more attention to the concrete problems of the Soviet judiciary. Resolution 4 encapsulated this.

... It is necessary to increase the authority of the court, to ensure the unconditional independence of judges and their subordination to law alone, and to set specific sanctions for interference in their activity and for contempt of court. One guarantee of strengthening the independence of judges should be the election of district, city,

3. Pravovoe gosudarstvo.