Table of Contents

The Contributors vii
List of Abbreviations ix
Preface xi
Introduction Donald D. Barry xiii

Part I. Historical and Conceptual Background

The Rise and Fall of the Law-Based State in the Experience of Russian Legal Scholarship:
Foreign Scholarship and Domestic Style Gianmaria Ajani 3
From Legal Nihilism to Pravovoe Gosudarstvo:
Soviet Legal Development, 1917-1990 Eugene Huskey 23
The Rule of Law and the Law-Based State with Special Reference to the Soviet Union Harold J. Berman 43

Part II. Pravovoe Gosudarstvo and Soviet Society

Legal Consciousness and the Pravovoe Gosudarstvo Louise I. Shelley 63
Regional and National Variations: The Baltic Factor Dietrich André Loeber 77
The Evolution of the Soviet Constitution John N. Hazard 93
The Soviet Legislature: Gorbachev's School of Democracy Frances Foster-Simons 115
Executive Power and the Concept of Pravovoe Gosudarstvo Ger P. van den Berg 139
The Law-Based State and the CPSU Hiroshi Oda 163
Part III. The Impact of Substantive and Procedural Law on Individuals and Organizations

Domestic Law and International Law: Importing Superior Standards
George Ginsburgs 179

The Fate of Individual Rights in the Age of Perestroika
Robert Sharlet 197

Informal Politics and the Rule of Law
Nicolai Petro 219

Reforming Criminal Law Under Gorbachev: Crime, Punishment, and the Rights of the Accused
Peter H. Solomon, Jr. 235

The Quest for Judicial Independence: Soviet Courts in a Pravovoe Gosudarstvo
Donald D. Barry 257

Substantive and Procedural Protection of the Rights of Economic Entities and Their Owners
Peter B. Maggs 277

Soviet Civil Law and the Emergence of a Pravovoe Gosudarstvo: Do Foreigners Figure in the Grand Scheme?
William B. Simons 291

The Ideals of the Pravovoe Gosudarstvo and the Soviet Workplace: A Case Study of Layoffs
Kathryn Hendley 315

Part IV. Commentary

Soviet Legal Developments 1917-1990: A Comment
Albert Schmidt 339

The Baltic Case and the Problem of Creating a Law-Based State
Egidijus Këris 343

Lawmaking Under Gorbachev Judged by the Standards of a Law-Based Society
Vladimir Entin 359

Constitutional Reform in the USSR
Avgust Mishin 363

Implementation of International Human Rights Standards in the Lithuanian Legal System and the Problem of the Law-Based State
Pranas Këris 367

Rejection of Justice
Yuri Feofanov 373

What Kind of Court and Procuracy?
Valery Savitsky 377

Enterprises on the Difficult Path to a Market Economy: Legal Aspects
Viktor P. Mozolin 385

Index 391