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Issues Facing Legal Education in Russia: Some Problems and Solutions

In February 2012 the International Institute of Law, located in Russia’s Astrakhan region, hosted a conference entitled “Legal Science: Past and Present Prospects.” Students and professors commented on Prime Minister Vladimir Putin’s article regarding state-building and the development of democracy in Russia. “Vladimir Putin stated that governmental performance in Russia, in terms of quality, lags behind the civil society and overlooks its desire to participate,” reflected a first year law student.¹ Although legal reforms have taken place in sectors such as law enforcement and the court system, not enough of the government’s attention is being directed toward legal education.

Newspapers and organizations such as the Association of Lawyers of Russia often present two issues common in legal education: the dearth of career opportunities for recent law school graduates² and the need for quality rankings of law schools. Limiting the issues to just career opportunities and ratings³ disregards many other problems, including “changes in the socio-economic and legal areas [that] now require legal education to effectively prepare its students to respond to legal challenges; an increase in the number of universities and faculties [that] is happening at the expense of quality of education; a decrease of lawyers who are able to work effectively in the changing legal environment; [and a] worsening of financing conditions of

¹ Irina Zvereva, consultant for the Department of Science of the Nizhny Novgorod region, identified the problems of the regional legal education. First, there is a lack of career opportunities for recent law school graduates. Another problem is the separation of education from practice. Pravitel’stvo Astrakhanskoi oblasti.
² V Gorode N: Nizhnii Novgorod.
³ Stepashin. Stepashin is a Russian Politician and the current Chairman of the Accounts Chamber of the Russian Federation and a former Prime Minister of Russia.
Education provided by legal institutions affects Russian society as a whole socially, economically, politically, and culturally. Although it is often mentioned that new educational standards are on their way, there is no description of what exactly they would entail.

The new educational standards should emphasize a practice-oriented approach, the Socratic Method, and comparative law. In addition, there also needs to be a discussion about how well the legal education system meets the needs of the legal profession. Furthermore, private schools should undergo quality control checks to prevent them from issuing meaningless law degrees, an act that perpetuates the negative perception of the legal profession in Russia. In order to promote societal trust in law and respect for the legal profession, it is necessary to focus on legal education and establish procedures and norms of legal institutions in accordance with the rule of law.

Without a legal culture founded on the rule of law, Russia will not be able to build a democratic society. O. E. Kutafina, a specialist in the field of legal education, summarizes this best: “building a state with a legal culture without lawyers is like building a house without construction workers.” It is clear that the issues of legal education will not be solved quickly considering the lack of a proper legal culture. Nevertheless, the Russian government must focus on funding and supporting legal institutions. The solution lies in bringing up a new generation of lawyers who fully understand the importance of the rule of law to the development of Russia’s legal system and civil society.

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4 Levitan.
5 “Aktual'nye problemy.”
6 “Правовое государство построить без юристов—это все равно, что дом без строителей,” Ibid.
The Evolution of Law in Russian History

After the disintegration of the Soviet Union in 1991, Russia struggled to define the rights and freedoms of its citizens. This struggle delayed social, political and economic reforms, as well as the promotion of citizens’ legal rights. In order to draw conclusions about the Russian legal framework, first it is necessary to analyze the history of the Russian law and legal tradition. From Mongol rule to Imperial Russia to the Soviet Union, Russia's past has left a mark on its present legal culture.

As opposed to the common law tradition of the United States, Russia’s legal system follows the civil law tradition, which is founded on the principles of Roman law. In civil law, a country’s law is codified, continuously updated, and separated into categories. The judge’s role is to establish the facts of the case and apply the provisions of the appropriate legal code. His or her decision is less important in shaping law than the decisions of legislators and legal scholars who draft and interpret the codes. Common law, on the other hand, is generally not codified (there is no comprehensive collection of legal rules and statutes). It is largely based on precedent, or previous judicial decisions made in similar cases. The judge’s ability to determine the applicable precedents plays a larger role in shaping the law.

The legal system of Imperial Russia, while still part of the European civil law tradition, originated under unique circumstances. “During the 13th to 15th centuries when Western Europe was benefitting from the European Renaissance, Russia was under Mongol subjugation and isolated from the rest of Europe.” Mongol rule suppressed the Western concept of law and prevented Russia from embracing Roman law through the influence of Byzantine and German

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7 Merryman and Pérez-Perdomo. 68.
8 Robbins Collection.
9 Ibid.
10 Burnham, Danilenko, and Maggs, 3.
texts. Imperial Russia was an authoritarian state where the notion of legal rights was almost nonexistent.\textsuperscript{11} The “Westernization” of Russia and the development of a Western legal consciousness took place during the reign of Peter the Great (1682–1725), who was responsible for establishing the Procuracy (prokuratura) in order to control maladministration and to ensure that the government operated in conformity with the law.\textsuperscript{12} But when it came to organizing law in Imperial Russia, “the tsars saw the law in strictly instrumentalist, and often paternalistic, terms.”\textsuperscript{13}

The Instruction (nakaz) of Catherine the Great (1762–1796), for example, “exposed the resistance of the empress and her officials to even the most generalized constraints on executive power.”\textsuperscript{14} The Instruction replaced the seventeenth century laws with a modern legal code. In short, it was a statement of legal principles influenced by the ideas of the French Enlightenment. However, Catherine still had absolute control of the law and neither the tsarina nor her officials could move away from a paternalistic understanding of state authority.

The most dramatic changes in Imperial Russia were introduced with the liberal judicial reforms of Alexander II (1855–1881). The reforms began in 1864, but were wiped out with the Bolshevik decrees of the October Revolution in 1917.\textsuperscript{15} The short-lived legal reforms established an independent and unified system of courts, secured tenure for educated jurists, eliminated secret judicial proceedings, introduced the concept of general equality before the law, and

\textsuperscript{11} Ibid., 6.
\textsuperscript{12} Finer. 3.
\textsuperscript{13} Kahn, 375.
\textsuperscript{14} Ibid., 376.
\textsuperscript{15} Ibid., 377.
resulted in the overall simplification of the legal process, public trials, and trial by jury for serious criminal offenses.\textsuperscript{16}

Western legal texts were present in Russia all throughout the eighteenth, nineteenth, and early twentieth centuries. In fact, Western European codes influenced the 1845 Criminal Code and the Western Europe legal systems influenced the 1913 Draft Civil Code. Although the civil law tradition came later to Russia than to Western Europe, it was somewhat established by the time of the Revolution of 1917.\textsuperscript{17}

\textit{“Law is politics.”} – Vladimir Il’ich Lenin\textsuperscript{18}

The Russian legal system during the Soviet period preserved many characteristics of the Imperial system of civil law. When new Soviet codes were prepared in the early 1920s, the drafters relied on Imperial codes. However, Vladimir Lenin, a lawyer\textsuperscript{19} familiar with the power of the law, suspended all tsarist courts with the first decree after the October Revolution, “Decree No. 1 on the courts enacted 5 December 1917.”\textsuperscript{20} This decision was one the first in a series that would eventually allow the Soviet state to manipulate the law.

Isolated from Western ideas, Soviet legal theory evolved independently from twentieth-century developments such as the movement toward constitutionalism and judicial review.\textsuperscript{21} The Soviet legal system was divided into official policies and unofficial actions.\textsuperscript{22} The dualism of the legal system separated general cases resolved with the written law from political cases resolved

\begin{itemize}
\item \textsuperscript{16} Ibid.
\item \textsuperscript{17} Burnham, Danilenko, and Maggs, 3.
\item \textsuperscript{18} “Закон есть мера политическая, есть политика.” Lenin, 99.
\item \textsuperscript{19} Butler, \textit{The Russian Legal Practitioner}, 41.
\item \textsuperscript{20} Kahn, 375.
\item \textsuperscript{21} Burnham, Danilenko, and Maggs, 5.
\item \textsuperscript{22} Ibid.
\end{itemize}
by “telephone law,” or “legal decisions dictated by telephone calls from party officials to judges.” The Soviet state used the law as an administrative tool, ignoring it when it became inconvenient. For example, during the Red Terror, victims were tortured without a trial and forced to give confessions that the state wanted to hear. The Soviet lawyer was never sure that he or she had all of the necessary background information or knew which law applied to the case. Lawyers were expected to defend the state, not the individual. Soviet judges and attorneys had to base their decisions and arguments on Soviet legal codes, not on judicial decisions. Failure to follow the rules resulted in disciplinary proceedings.

The various periods in Russia's history—Mongol rule, Imperial Russia and the Soviet Union—have clearly left their mark on the present legal system and influenced Russian citizens’ attitudes and perceptions. When examining the role of law during the Soviet era, it is important to remember that the “historic distrust and disrespect for the law that was typical during the Soviet times continues into the current legal framework.”

In 1991 the Soviet Union was overthrown and fractured into fifteen independent states. The reconstruction of the legal system was perhaps the most difficult task that post-Soviet Russia faced. During the transition, the government passed many laws and decrees and eventually passed major codified laws (civil, criminal, commercial, tax, etc.). As law schools educated a new generation of lawyers, Russia became familiar with the new codes. By the mid-2000s, as a

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23 Hendley, 635.
24 Maggs.
25 Burnham, Danilenko, and Maggs, 3.
26 Solomon, Jr., 351–62.
27 Lewinbuk, 846.
result of the increased activity of the courts, an accumulation of court rulings began to shape the legal system of Russia.\textsuperscript{28}

Mikhail Gorbachev was the first lawyer to lead the Politburo since Vladimir Lenin. “Gorbachev promoted the construction of a socialist rule-of-law state along with the increasing influence of transnational legal systems on Soviet legal norms.”\textsuperscript{29} President Boris Yeltsin and his administration, however, quickly learned how difficult it was to translate Gorbachev’s new concepts of law into institutional practice. As illustrated by the troubles of Yeltsin’s presidency, Gorbachev’s legal reforms were an unstable foundation for the change in legal thinking necessitated by the fall of the Soviet Union. Although seemingly on the verge of civil war, Russia managed to adopt a new constitution and pass other legislation.\textsuperscript{30}

When Vladimir Putin became president, he declared that the establishment of a “dictatorship of law” was necessary to stabilize life in the country. He promised that the “dictatorship of law” would end the arbitrary nature of governmental and judicial decision-making, end favoritism toward particular elites, and improve state administration, including the timely payment of pensions and salaries.\textsuperscript{31} But Putin’s descriptions of legal principles were often tainted with a darker meaning. In his state-of-the-nation address on April 25, 2005 Putin stated: “Firstly, only in a free and just society does every law-abiding citizen have the right to demand for himself reliable legal guarantees and state protection.” He implied that the citizen is entitled to legal guarantees, but only after it’s proven that the citizen is “law-abiding.”\textsuperscript{32}

\textsuperscript{28} Danchenko.  
\textsuperscript{29} Kahn, 377.  
\textsuperscript{30} Burger and Holland, 147.  
\textsuperscript{31} Burger, 149.  
\textsuperscript{32} Kahn, 377.
Putin’s efforts to establish a more vertical power structure took other forms as well: the increase of state control of independent media; the silencing of investigative journalism (the murder of Anna Politkovskaya in 2007); the elimination of political opposition; stronger control of the courts; the misuse of the Procuracy for political purposes in high profile cases (the murder of Aleksandr Litvinenko in 2006); the subversion of free elections; and restriction of non-governmental organizations.  

Putin was also responsible for positive legal developments, such as the reintroduction of juries, increase in the salaries of judges and law enforcement personnel, and calls for more funding for the courts. Still, the concept of equality before the law remained vague during his rule.

Russia’s next president, Dmitri Medvedev, in his State Inaugural Address of May 7, 2008, criticized “legal nihilism:” “I place particular importance on the fundamental role of the law, which is the cornerstone of our state and our civil society. We must ensure true respect for the law and overcome the legal nihilism that is such a serious hindrance to modern development.” Legal nihilism is therefore perceived as a major obstacle to establishing the rule of law as the foundation of Russian society and the state. On May 26, 2009 President Medvedev issued a decree to improve legal education in Russia. On the same day, a national conference was held to discuss the measures necessary to improve the quality of legal education. President Medvedev proved to be ambitious when it came to reforming the Russian legal system. He committed himself to further reforms of the judicial system and to reducing corruption in the

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33 Burger and Holland, 150–151; Herszenhorn and Barry, A1.
34 Burnham, Danilenko, and Maggs, 7.
35 “Aktual’nye problemy.”
courts. Nonetheless, empirical evidence demonstrates that Russians remain skeptical of legal developments and are hesitant to believe that the legal system can protect their values.  

**Legal Culture**

As illustrated by the strictly instrumentalist perception of law in Imperial Russia and the absence of the rule of law in the Soviet political system, the Russian state has always had difficulty instilling respect for the rule of law in both its citizens and officials. One of Russia’s major tasks is to develop a legal culture centered on the rule of law, thereby supporting the supremacy of law over government, and to uphold the existence of rules that apply to all individuals equally. The rule of law requires some level of shared understanding about what counts as law, the limits of judicial power, and the spheres of life into which the law may intrude. More importantly, the rule of law affects the development of mass attitudes and imbeds itself in a country’s legal culture and civil society, forming the foundation for democracy.

The demand for law in Russia is weak mainly because of its history of a strong public cynicism toward law. “The period of reforms of the Russian legal system since 1989 has been marked by growing fatigue with the process, and increased disappointment with institutions, which led to distrust by the public and civil society toward the new legal system before it even came into existence.” An old Russian proverb, still in use today, reflects this attitude: “The law is like the shaft of a wagon; it goes wherever you turn it.” This means that law may be

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36 Wilson, 195–231.
37 Burnham, Danilenko, and Maggs, 6.
38 Kahn, 375.
39 Dicey, 188; Gibson, 77; O'Donnell, 32–34.
40 Kahn, 375.
41 Hovhannisian, 93.
42 Закон что дышло: куда повернул, туда и вышло.
interpreted in different ways or even manipulated, often allowing those with power and money to escape punishment.

Many Russians believe that “the legal system is unable to resolve their problems in a just manner.”43 This can be attributed to Soviet citizens’ seventy-year-old “habit” of looking for ulterior motives in the actions of the government. “Russians today largely perceive the law as inefficient, arbitrary, and hopeless. Law exists not as a protector of individual rights, but rather as a weapon of power, wielded by the Russian government.”44 The informal practice of face-to-face interactions lies more in the comfort zone of Russian communication, as opposed to a codified and impersonal system of law.

In addition, blatant disregard of the law by public officials has generated a large part of the present social distrust of the law. Corruption and bribery, although not nearly as endemic as before, still remain the two largest obstacles to the creation of a proper culture of law. Russians are less likely to seek out legal assistance, instead relying more on face-to-face interactions and social networks. Furthermore, little effort has been made to educate and adapt people’s behavior to the complex new legal codes that emerged after the disintegration of the Soviet Union. Russia experienced a top-down style of legal reform that fails to encourage citizen participation in the lawmaking process. This has resulted in legal nihilism and mass alienation from government and laws.45

In the article “Mobilizing Law in Contemporary Russia: The Evolution of Disputes over Home Repair Projects,” Kathryn Hendley studies the relevance of law to the lives of ordinary Russians. Drawing from the discussions of six focus groups who had recently participated in

43 Wilson, 196.
44 Ibid., 198.
45 Humphrey, 94–127.
home repair projects, the analysis traces their behavior. Most of the homeowners strongly believed that the law was useless and would be an obstacle to their claims. “Having witnessed the ability of the regime to ignore the law and to dictate outcomes, they were reluctant to open themselves up to this possibility by turning to the courts. Law was seen more as a weapon that the regime could use against them rather than as a weapon in their own arsenal.” The study also notes that Russians rarely turn to the legal system for help, preferring to work out solutions on their own. A theme that ran through all of the focus groups was ignorance of the law and of the legal system among Russian citizenry, typically referred to as a low level of “legal literacy” (pravovaia gramotnost’).

The legendary fatalism that has accompanied Russians through centuries of tsarist rule and decades of communist control affect the attitudes and behavior of Russians in the legal realm. The common perception of law enforcement as indifferent is an example of this. “Police don’t do anything—one should deal with the situation on one’s own” has become a common saying in Russia, reflecting the public’s general lack of faith in law enforcement. Russians expect the worst from the law and are always surprised by positive outcomes.

**Legal Education**

It is important to consider that democracy cannot be created in a vacuum and that there must be a foundation of a coherent, functioning state on which to build it. Unless a state rests on the foundation of the rule of law, it can become a danger to itself. Zakaria notes that the premature introduction of democracy into a transitional environment can pose real problems—it

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46 Hendley, 3.
47 Ibid., 638.
48 Ibid., 639.
49 Misner-Pollard, 190.
50 Hendley, 639.
tends to lead to a state with an illiberal democracy defined by consolidation of power, ethnic divisions, and violations of human rights.\textsuperscript{51} To varying degrees, this has characterized the development of most post-communist emerging democracies, including Russia.\textsuperscript{52} Thus, founding Russia’s legal culture on the rule of law in which the Russian people perceive law not as a weapon of power, but as a way to protect their individual rights, is the only way for a democratic society to emerge.

In order to instill respect for the rule of law and to develop a legal culture, Russia needs to address the low level of legal literacy among the Russian public, as well as combat the common perception that law is inefficient, arbitrary, and hopeless. By focusing on legal education, Russia can bring up a generation of lawyers knowledgeable about the rule of law and legal issues facing their country.

The Russian Federation’s Ministry of General and Professional Education oversees all educational institutions and a committee of the Ministry (\textit{GosKomVuz}) establishes educational standards for higher education. University law faculties, which are similar to U.S. law schools, are separately administered parts of a central university and are headed by deans. Law faculties include a number of departments (\textit{kafedry}), each of which is chaired by a department head.\textsuperscript{53} The traditional model of legal education is a five-year degree program, after which the student receives the “specialist in law” diploma. The law student can then continue studying for a few more years and complete a dissertation to receive a candidate’s degree. “Unlike in the U.S.,

\begin{thebibliography}{99}
\bibitem{51} “Illiberal Democracy.”
\bibitem{52} Humphrey, 108.
\bibitem{53} Picker and Picker, Jr., 28.
\end{thebibliography}
where few lawyers go beyond the first degree in law (JD) to get a Masters in Law (LLM), quite a few non-academic lawyers get at least the candidate’s degree in Russia, particularly judges.”54

Soviet legal education was criticized for failing to develop an analytical approach and for requiring students to recite Soviet codes. Training in critical thinking or legal reasoning was not emphasized because Soviet legal education trained its future lawyers to defend the state rather than solve problems or represent clients.55 The framework of the old system remains very much intact56 and Russia has yet to decide what features to keep from the Soviet educational system.

Today, the legal education framework in Russia does not meet the career needs of law school graduates. Legal education has generally failed to address the prevailing legal culture of the past, in which law was an instrument of repression rather than a tool for securing civil and economic rights.57 New educational standards, if introduced, would have the capacity to affect the development of a legal culture founded on the rule of law, the public’s perception of law, and the legal profession. Legal education must include a continuing process of curricular and methodological review and address present legal challenges.58

Present legal education in Russia is mostly theoretical, with little emphasis on practice. The content of courses should be practice-oriented and emphasize the use of interactive teaching methods.59 Law students must engage in a discussion of how well the legal education system reflects the needs of the profession and how to address the pressing legal challenges that Russia is facing. In addition, sufficient numbers of law teachers must be educated to function in the new

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54 Burnham, Danilenko, and Maggs, 138.
55 Picker and Picker, Jr. 35.
56 Ibid.
57 Ibid.
58 Wilson, 195–231.
59 Vol'skaia and Zaitsev, 590–93.
legal system, and, once educated, they must also be given incentive to remain in legal education despite the prospects of better paying jobs in the private sector.  

Comparative law has a minor role in the Russian law school curriculum, the Socratic Method is rarely applied in a classroom situation, and the importance of practical internships is not emphasized. During their final year of law school, law students do work as interns in the offices of procurators, advocates, or the courts, but “this at best involves only observation, not any meaningful work or hands-on experience. The traditional curriculum does not include courses in legal writing and research, interviewing and counseling, trial practice or any other practical courses covering lawyering skills.” In order to fill in these gaps, legal education should utilize a blend of theory and practice.  

Comparative law takes on a particular significance in light of Russia’s role in the global economy. Because many of Russia’s current legal professionals do not possess the skills required to navigate and understand domestic and international legal material, it is crucial to modernize Russia’s legal education. Russia has to offer international business a legal order that protects the investors, customers, and sellers. The opening of foreign law firms in Russia or Russian law firms abroad reaffirms the importance of studying comparative law. As the younger generation of Russian lawyers earns foreign law degrees and Western lawyers qualify for Russian degrees, the ability to understand and analyze the legal systems of other countries becomes necessary. With the legal community growing in size, the Russian legal education system must recognize the importance of comparative law because it provides opportunities for collaborative work by

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60 Picker and Picker, Jr. 49.
62 Burnham, Danilenko, and Maggs, 139.
63 Hovhannisian, 92–95.
64 “Aktual'nye problemy.”
65 Solomon, Jr., 351–62.
Russian and foreign jurists, including the translation of foreign treaties and codes into Russian and important Russian works into other languages.66

**Other Problems of Legal Education**

There are four types of law schools within the Russian legal education system. The first type is a university department of law, such as those in Moscow State University and St. Petersburg State University. The second type is a state academy, such as Moscow State, Urals State and Saratov State Law Academies. These academies are devoted mostly to legal education, but include other departments to satisfy general education requirements. The third type of law school is a specialized institute, such as the Institute of the Procuracy, which focuses primarily on research, but also includes an educational division.67 The last type is a private law school, which can be located within a private university or function as separate institution.

With the emergence of a new economic and legal order after the collapse of the Soviet Union, “it became clear that the existing public law schools could not satisfy the demand for legal education” and that more lawyers were needed.”68 Torchev demonstrates the dramatic expansion of legal education in the post-Soviet period: “In 1986 there were about 100 law schools in Russia, all of them public, by 1995, there were over 170 law schools, 113 of them public, and in 1999, 295 law schools, 143 of them public. In 2009, the Ministry of Education’s site listed 310 accredited law schools, but there are many other licensed, but unaccredited institutions.”69

During the post-Soviet transition period, the Russian government “could have decided to increase government funding for legal education to permit those public law schools to expand

67 Burnham, Danilenko, and Maggs, 138.
68 Ibid.
69 Torchev. 15.
and for other public schools to establish new law departments.”70 Instead, owing to financial challenges, the public law schools were allowed to become private law schools funded by student-paid tuition, and Russian legal education shifted from a government-funded to a private, tuition-based system. In comparison with publicly funded universities, private law schools became sources of financial gain, but provided a low-quality education.71 For this reason, private law schools are often accused of being diploma mills.72 Picker and Picker observe that “[t]he failings of the new commercial law schools have been noted by experts and the popular press, some verging on the proverbial ‘Ivan’s School of Law and Business,’ located in a 3-room apartment, at which Ivan and his wife are the only full-time teachers.”73

Correspondence or distance legal education (ząochne obuchenie) constitutes a major component of legal education, though it is often considered to contribute to the problem of low-quality education overall.74 Although students are required to be physically present during the end-of-year exams, it is a deficient method of education due to the lack of communication and discussion between the student and teacher. Such distance makes learning difficult and causes the student to miss out on potentially crucial discussions.

Unfortunately, whether a lawyer attended Moscow State University or a “diploma-mill,” the public perception remains the same: “we know all too well how they are taught in legal institutes—who teaches there—whose money is in play. Therefore simply to go a lawyer that you don’t know and who has a diploma—that’s a bad idea.”75 The practice of conferring fake or unearned doctoral degrees to public officials or the ability to purchase a fake or real diploma in a

70 Burnham, Danilenko, and Maggs, 140.
71 Ibid., 141.
72 Picker and Picker, Jr. 44.
73 Ibid.
74 Burnham, Danilenko, and Maggs, 142.
75 Hendley, 3.
metro station is not new information for Russian citizens. In theory, doctorates are required to pursue scholarship and research. In practice, however, doctorates offer their holders some indirect or intangible benefits, among which are public recognition and respect.\textsuperscript{76}

When addressing the problems of legal education, the Russian government must consider historical and cultural factors. The government should take a long-term approach to fixing the issues in legal education. It is necessary to increase government funding to the state and private legal institutions and to redesign their curricula. The legal profession must meet Russia’s current legal needs and graduating law students should be able to confidently face new societal realities and challenges.

In addition, introducing comparative law, the Socratic Method, and a practice-oriented instruction would allow the Russian law students to understand the legal systems of other countries, compare them to their own legal structure, and use this knowledge to improve it. Law students must engage in a discussion of how well the legal education system reflects of the needs of their profession. In addition, “attending court sessions, meeting with judges, observing police operations, meeting with adversaries and clients, seeing the role played by organizations such as legal aid and public defenders’ offices, as well as citizens’ interests groups—indeed, observing the full functioning of a civil society—are experiences”\textsuperscript{77} that can assist the law student in understanding the current needs of their country.

Without the reform of legal education and the retention of trained law teachers, there is little likelihood that legal professionals in today’s Russia will develop an understanding of the

\textsuperscript{76} Osipian, 260.

\textsuperscript{77} Picker and Picker, Jr., 61.
importance of the rule of law. The main problems of the Russian legal system today remain corruption, bribery, and political interference. Judges and lawyers are often dependent on political authorities, while the courts are left with considerable autonomy but little power. Butler neatly summarizes this issue by pointing out that “[o]n a per capita basis Russia remains “under-lawyered” in comparison with the developed industrial world.” In order to attain its goal of developing legal culture based on the rule of law, the Russian government must focus on funding and supporting legal institutions, which includes equipping law students to face new societal realities and challenges. A new generation of lawyers who fully understand the importance of the rule of law to the development of Russia’s legal system and civil society is the solution to the current problems that plague Russia’s legal system. By building a society based on the rule of law rather than on the rule of relationships, and establishing law as an instrument not of government but of society, Russia will be able to build the foundation of a post-modern, democratic state.

The necessary change in basic legal cultural attitudes will take a long time. It is important to keep in mind that cultural and religious differences between the Western European counties and Slavic nations will lead to a separate legal system in Russia that has its own cultural, religious, and moral values. Although there may be a role for the United States in the development of modern Russian society, it cannot go beyond helping Russia develop its own legal culture. Laws cannot be designed from scratch. Instead, existing systems must be made

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78 Ibid., 17–77.
79 Scheimer, 205.
80 Butler, The Russian Legal Practitioner, 15.
81 Hovhannisian, 94.
82 Picker and Picker, Jr., 24.
83 Burnham, Danielenko, and Maggs, xvii.
84 Picker and Picker, Jr., 52–58.
specific to Russia; they must be adapted to cultural and legal norms, economic and financial
structures, and to the general institutional framework.

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