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Russian Legal Theory

**Anne Orford, Florian Hoffmann, Martin
Clark**



Russian Legal Theory:

Russian Legal Theory William Elliott Butler, 1996 Part I The imperial heritage Part II The Soviet legacy Part III Towards a rule of law state Part IV Russia and world public order **Russian Legal Theory** William E. Butler, 1996-10-01 This Major Reference series brings together a wide range of key international articles in law and legal theory Many of these essays are not readily accessible and their presentation in these volumes will provide a vital new resource for both research and teaching Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction **Russian Legal Realism** Bartosz Brożek, Julia Stanek, Jerzy Stelmach, 2019-01-07 This edited volume explores ideas of legal realism which emerge through the works of Russian legal philosophers Apart from the well known American and Scandinavian versions of legal realism there also exists a Russian one readers will discover fresh perspectives and that the collection of early twentieth century ideas on law discussed in Russia can be understood as a unified school of legal thought as Russian legal realism These chapters by renowned European and Eastern European legal philosophers add to ongoing discussions about the nature of law especially in the context of developments around our scientific knowledge about the mind and behaviour Analyses of legal phenomena carried out by legal realists in Russia offer novel arguments in favour of embracing psychological and sociological perspectives on the law The book includes analysis of the St Petersburg school of legal philosophy and Leon Petra ycki s psychological theory of law This original and multifaceted research on Russian realists is of considerable value to an international audience Researchers and postgraduate students of law legal theory and legal ethics will find the book particularly appealing but it will also interest those investigating the philosophy or sociology of law or legal history *Formalism, Decisionism and Conservatism in Russian Law* Mikhail Antonov, 2020-11-09 This volume examines the elements of formalism and decisionism in Russian legal thinking and also the impact of conservatism on the interplay of these elements The actual conservative narratives about the distinctiveness of Russian law reveal certain features of the intellectual culture that is transmitted in legal education scholarship and practice These narratives are based on the idea of sovereignty understood as legal omnipotence of the state References to sovereignty justify the requirement of legality in the sense of fidelity to the letter of the law They also often serve as a rationale for crafting exceptions to constitutional non discrimination principles as they are applied to political religious sexual and other minorities *International Law in the Russian Legal System* William E. Butler, 2020-09-03 This addition to the Elements of International Law series explores the role of international law as an integral part of the Russian legal system with particular reference to the role of international treaties and of generally recognized principles and norms of international law Following a discussion of the historical place of treaties in Russian legal history and the sources of the Russian law of treaties the book strikes new ground in exploring contemporary treaty making in the Russian Federation by drawing upon sources not believed to have been previously used in Russian or western doctrinal writings Special attention is devoted to investment protection

treaties The importance of publishing treaties as a condition of their application by Russian courts is explored For the first time a detailed account is given of the constitutional history of treaty ratification in Russia the outcome being that present constitutional practice is inconsistent with the drafting history of the relevant constitutional provisions The volume gives attention to the role of the Russian Supreme Court in developing treaty practice through the issuance of guiding documents binding on lower courts the reaction of the Russian Constitutional Court to judgments of the European Court of Human Rights and the place of treaties as an integral part of the Russian legal system Butler further explores the hierarchy of sources of law together with other facets of Russian arbitral and judicial practice with respect to treaties and other sources of international law He concludes with a consideration of the generally recognized principles and norms of international law and their role as part of the Russian system

Russian Approaches to International Law Lauri Mälksoo, 2015-03-06 This book addresses a simple question how do Russians understand international law Is it the same understanding as in the West or is it in some ways different and if so why It answers these questions by drawing on from three different yet closely interconnected perspectives history theory and recent state practice The work uses comparative international law as starting point and argues that in order to understand post Soviet Russia s state and scholarly approaches to international law one should take into account the history of ideas in Russia To an extent Russian understandings of international law differ from what is considered the mainstream in the West One specific feature of this book is that it goes inside the language of international law as it is spoken and discussed in post Soviet Russia especially the scholarly literature in the Russian language and relates this literature to the history of international law as discipline in Russia Recent state practice such as the annexation of Crimea in 2014 Russia s record in the UN Security Council the jurisprudence of the European Court of Human Rights prominent cases in investor state arbitration and the creation of the Eurasian Economic Union are laid out and discussed in the context of increasingly popular civilizational ideas the claim that Russia is a unique civilization and therefore not part of the West The implications of this claim for the future of international law its universality and regionalism are discussed

Soviet Legal Theory Rudolf Schlesinger, 1998 First Published in 1998 Routledge is an imprint of Taylor Francis an informa company

The Operation of International Law in the Russian Legal System Sergey Yu. Marochkin, 2018-12-24 This book addresses the increased role and standing of international law in the Russian legal system through analysis of judicial practice since the adoption of the Russian Constitution in 1993 The issue of interaction and hierarchy between international and domestic law within the Russian Federation is studied combining theoretical legal and institutional elements Sergey Marochkin explores how methods for incorporating and implementing international law or reasons for failing to do so have changed over time influenced by internal and global policy The final sections of the book are the most illustrative examining how the rule of law remains subordinate to the rule of politics both at the domestic and global level

Law and Legal System of the Russian Federation - Sixth Edition Peter B. Maggs, Olga Schwartz, William

Burnham,2015-01-01 This book is a detailed treatment of the Russian legal system written especially for English speaking law students and lawyers While it is designed primarily as a casebook extended discussions of the law numerous citations to original Russian sources and detailed suggestions for finding these sources on the Internet also make it useful as a reference for scholars specializing in Russian studies and for lawyers who know Russian but not Russian law The authors have decades of experience following the Russian legal system with one concentrating on human rights court procedure and criminal law and procedure the other on civil commercial and tax law Chapters cover key aspects of the Russian legal system including sources of law the judicial system the legal profession constitutional law individual rights civil and commercial law civil procedure private international law foreign investment law criminal procedure administrative law and tax law The book covers major changes in Russian law since the previous edition was published including more reliance on judicial precedent increasing the independence of criminal investigators from prosecutors dealing with abuse of the legal system by corrupt officials to steal businesses from their rightful owners and closing loopholes in the tax system The new edition also chronicles the continuing struggle of the European Court of Human Rights and activist Russian lawyers to push Russian law toward international standards **The Oxford Handbook of the Theory of International Law** Anne Orford,Florian

Hoffmann,Martin Clark,2016-05-26 The Oxford Handbook of International Legal Theory provides an accessible and authoritative guide to the major thinkers concepts approaches and debates that have shaped contemporary international legal theory The Handbook features 48 original essays by leading international scholars from a wide range of traditions nationalities and perspectives reflecting the richness and diversity of this dynamic field The collection explores key questions and debates in international legal theory offers new intellectual histories for the discipline and provides fresh interpretations of significant historical figures texts and theoretical approaches It provides a much needed map of the field of international legal theory and a guide to the main themes and debates that have driven theoretical work in international law The Handbook will be an indispensable reference work for students scholars and practitioners seeking to gain an overview of current theoretical debates about the nature function foundations and future role of international law

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