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**MODERN POSITION AND PROSPECTS
OF HISTORY AND LAW SCIENCE DEVELOPMENT
IN RUSSIA IN XX-XXI CENTURIES**

**[В.К. Цечоев. Современное состояние и перспективы
развития историко-правовой науки России на рубеже XX-XXI столетий]**

It is analyzed the formation of modern historical and legal concepts of domestic legal historians of 1990-2000s who are of fundamental importance in the legal historiography as part of the historical and legal science. It is distinguished the correlation of several trends that affect the current state. It is shown that the historical and legal science in the beginning of XXI century developing at the junction of jurisprudence, history and philosophy is at the beginning of the next round of its dynamic development. The prospects of this development are given.

Key words: history and law national historiography, law, history and law science, law education.

Present-day time shows a combination of several trends affecting the state of contemporary historical and legal science in Russia. First of all, at the turn of the XX-XXI centuries it is celebrated increased social demand for legal education in Russia, the importance of which in the country and abroad is growing. As a part of the legal science, history of state and law has been developed.

Transformation of Marxist-Leninist study in 1990-2000s is traced in the writings of some post-Soviet classic authors of history of state and law. With the collapse of the USSR in the late XX century under the title of History of State and Law and History of State and Law of Russia classic Soviet textbooks on the history of the State and Law of the USSR were republished. Within more than twenty years of development, historical and legal science, historiographical analysis reveals important classic works, the authors have made a significant contribution to the legal historiography. The formation of modern historical-legal science is more natural and can be traced in the works of Russian classics of modern science research schools by O.I. Chistyakov, Y.P. Titov, I.A. Isaev, M.I. Sizikov, V.A. Tom-

sinov and others in Moscow and St. Petersburg universities. Initially changes in the 1990s affected names of the academic subjects and consequently educational and scientific literature. History of the State and Law of the USSR was changed into "History of national State and Law" (regarding the post-Soviet space) and "History of State and Law of Russia" (regarding the territory of the RSFSR).

In Russian historical and legal science of post-Soviet period it is also evident the tendency of concepts development, which are originated in the Soviet academia that continued genesis in post-Soviet time and based on modern scientific concepts. Modern scientific schools take their background from multiple researches of authors and other scientific publications. In 2000s there appeared edition included in the list of HAC, where the most important parts of the published scientific works were published. The quintessence of scientific research has become increasingly recognized in the academic literature by contemporary authors. From a formal point of view, the publication began to have more importance than in Soviet period. For example, most significant part of the thesis were published in the form of academic publications, more suitable for publication as a monograph or scientific essays. The appearance of journals from the list of HAC, publications became mandatory for candidates for Ph.D. degree, and between 2011-2012 for monitoring the dissertation councils which greatly increased the value of journal articles. These innovations improved quantitative and qualitative indicators of scientific publications in the sphere of historical and legal science. Finally, the new, since 2010, requirements for Russian Science Citation Index also had a positive impact on the quality of the historical and legal research, for example, in the genesis of historical and legal historiography to the legal history of science. So in the 2000s historiographical researches dominated [1], in the second decade of the twenty-first century, there were works relating to the legal science. The most well known, available and cited are issued in the form of textbooks, but monographic in content, theoretical and methodological character [2].

Personal contribution is of great importance for the development of the historical and legal science by Russian writers who have become modern classics, such as O.I. Chistyakov, Y.P. Titov, I.A. Isaev, M.I. Sizikov, V.A. Tomsinov, L.P. Rasskazov. We consider the theoretical schools in modern science history of state and law, in general, most important publications that made contribution to the his-

torical and legal science. In particular, during the Soviet period, O.I. Chistyakov was an editor of the textbook "History of State and Law of the USSR", which became classical and has undergone multiple reissues in publishing house "Yurait" and other leading Moscow publishing houses. Classic work edited by O. Chistyakov, in nine volumes has considered the development of domestic legislation between X-XX centuries predetermined development of historical and legal science research of pre-Soviet period.

Y.P. Titov has made no less significant contribution to the development of the historical and legal concepts, already in the Soviet period. Since 1950s he developed the theme of the Soviet state and law, reflected in his dissertation research and in the author's publications. Contribution of Y.P. Titov in the development of national historical and legal science can also be traced back to the publications in 1990-2000s, where he continued the theme of the second main scientific work – "Absolutism in Russia". Research and teaching activities of Professor Y.P. Titov are reflected in the many works of educational nature. In Soviet times, a historian entered the group of authors of the university textbook on the "History of State and Law of the USSR" for legal departments. Today books "History of State and Law of Russia", publishing house "Prospect", edited by Y.P. Titov, are basic for university students.

I.A. Isaev is the author of several well-known textbooks on the theory and history of the state and law, fundamental monographs on historical and legal subjects of the Soviet period. His manuals, organized as lecture courses, are read in the Moscow State Law academy and get wide recognition [3,4]. I.A. Isaev is also a scientific editor of multivolume publications on the history of the judiciary and anthology of legal thought. Based on historiographical experience, substantive analysis of historical and legal science, the author adds a brief historiography, profound periodization, the author's concept, outlined in the introductory chapter of the course lectures. Research interests of I.A. Isayev echo the Eurasian doctrine. In 1974-1975 he trained at the Russian Law Faculty of Charles University in Prague, where he worked with the archives and started in the Soviet era to explore the theme of the Eurasian movement, published on this issue a number of works. It should be noted that the Russian Law Institute has a rich tradition, including the sphere of historical and legal science. Here a well known Eurasian scientist G.V. Vernadsky taught and conducted research on the history of law. Materials and re-

search of G.V. Vernadsky and Russian law faculty formed the basis of many scientific works of modern scholars.

Among the contemporaries of domestic jurisprudence it is noteworthy to mention the historical and legal writings by V.A. Tomsinov in the history of state and law who is widely known for his courses in the master's education at MSU in history and methodology of legal science, and history of domestic jurisprudence.

Taking into account historical and legal theme, it should be noted the historical and legal study of ancient times medieval study in scientific creativity of V.A. Tomsinov. With his participation it was founded and published a book series "Russian legal heritage", where in 2003-2011s there were published more than 70 volumes of works of Russian jurists between XVIII-XX centuries. Being published by V.A. Tomsinov book series "Russian legal heritage" includes work on domestic legal luminaries of science, research and capital in the history of the branch of law. V.A. Tomsinov is the founder and chief editor of the book series "Great Reforms", where it is generalized meaningful experience of domestic bourgeois reforms of the mid-XIX century. Significantly for our time, it is instructive that the editor has revealed a system of training transformation methodology development projects, the order of implementation of reforms, their relation to the author's intent, drew attention to the legal registration of the transformation. Thus, the author develops common in the historiography viewpoint that the success of the reforms, therefore called "the Great", is that they were carefully prepared, thoughtfully implemented and competently carried out. In the published monographs (continuing publication) it is disclosed peasant reform of 1861, the university reform in 1863 and the problems of domestic constitutionalism in the middle of XIX century. In series of books "The Great Russian people", it is published the research on scientific creativity of I.A. Ilyin, M.M. Speransky and historical portrait of A.A. Arakcheev.

The period of formation of modern research work is opened by M.I. Sizikov on the history of state and law of Russia between XVII-XIX centuries. M.I. Sizikov is the author of several scientific studies and textbooks, he specializes in historical and legal problems of the Russian absolutism [5]. Separate topic of M.I. Sizikov is the story of police in Russia during the monarch absolutism [6]. The same problems were developed in further academic works of the historian [7].

Some studies have equal importance for legal and historical science, e.g. long-term historical and legal research of L.P. Rasskazov. Repression against dissidents

in the Soviet period are studied in detail in the works of L.P. Rasskazov on punitive bodies in the USSR, the dissident movement in the Soviet time [8]. His historical and legal research applies historical and legal regional studies, which are devoted to issues of political and legal history of Bashkiria and Kuban, reflected in numerous writings of the author.

The new factor in the development of the historical and legal science, research and publishing becomes departmental activities of universities, such as the Russian Academy of Justice and the Russian Legal Academy of the Ministry of Justice, which in a short period of history came to a leading position, particularly in the field of scientific interests. History of the judiciary and the national justice is the subject of study in Russian Academy of Justice and the Russian Legal Academy of the Ministry of Justice. Both high schools with their affiliations firmly occupy the leading place in the ranking of the domestic legal education, which is reflected in the quality of their research activities, primarily in the sphere of their affiliation. Consequently, the subject of history and the history of Russian Court of Justice of the Russian institutions is widely reflected in educational and scientific publications of RAJ and RLA.

The whole range of literature on the subject is worth paying attention to research on the history of justice in the Russian Legal Academy of the Ministry of Justice of the Russian Federation, particularly important are anniversary selections dedicated to the 200th anniversary of the Russian Ministry of Justice (2002), the 40th anniversary of the Russian Academy of Law and the 10th anniversary of the Russian Academy Of Justice [9]. Among periodicals it should be pointed out departmental, such as "Russian Justice" - a monthly journal founded by the Russian Presidential Administration, Ministry of Justice and the Supreme Court. The journal is published since January 1, 1922 (in 1922-1929 published under the title "Soviet Weekly Justice", and in 1930-1993 it was called "Soviet justice"). Another departmental magazine "Russian Justice" published monthly since 2006 by the Russian Academy of Justice and is also of high rating. Such publications are addressed not only to lawyers, notaries, judges, but no less interesting to students, teachers and legal and historical faculties.

A separate unit in the historical and legal science is the history of advocacy, notaries, the penal system. Today history of notaries and lawyers in Russia is studied in sufficient detail, especially in the light of recent democratic reforms, based on the

methodological aspects of such scholars as L.Yu. Grudtsyna, M.P. Shalamov and others under the influence of the publications and papers by M. Reznick, A. Kucherov, S.A. Dekhanov, S.N. Isanov. Educational literature on advocacy and notary also refers to the historical roots of these institutions. As examples classic works on the history of the legal profession in the Russian Empire IV of Hesse, as well as a textbook for high schools on the Bar in Russia by L.A. Demidova and V.I. Sergeyev and manuals by A.V. Grynenko, Y.A. Kostanova, S.A. Nevsky supplied with bibliographic and auxiliary supplements. More affordable among modern editions are books on the history of the Bar by Y.I. Stetsovsky [10].

It should be also noted numerous literature on the history of law of security agencies and even more extensive list of works on the history of specific organs and institutions. Such works include studies by S.A. Vorontsov "Law security agencies and special services of Russian Federation: Past and Present", published under the editorship of S.V. Stepashin, book by A. Dmitriev and M.A. Shapkin "Security bodies: a textbook for students of secondary schools and colleges", "In an era of turmoil and reform. Russian prosecutors, 1906-1917". A.G. Zvyagintsev "Security bodies of Russian Federation: a textbook for law schools" edited by V.P. Bozhyev and other literature [11]. Quite interesting in this aspect and is the book by V.V. Rybnikov and G.V. Aleksushin on the history of security bodies of Russia. This manual describes the development of Russian security agencies from antiquity to 2008, the study subjects metropolitan authors directly echoes the history of Justice, finally, the book is provided with an excellent bibliographical apparatus [12].

Modern editions reflect the history of court in the study of the judiciary by O.E. Kutafin, V.M. Lebedev, G.Yu. Semygina and in the history of the judiciary Russia by V.I. Vlasov. History of the world justice are considered in monographs by A.N. Sachkova [13] and in some thesis [14]. Repression against dissidents in the Soviet period are studied in detail in the works by L.P. Rasskazov on punitive bodies in the USSR, the dissident movement [15].

Researches on the judiciary and the justice system in contemporary political and legal framework in Russia arise in 1990s of the XX century. Modern studies of justice through the prism of the judiciary can be identified within the work by E.B. Abrosimov on the signs of the judiciary by H.W. Rustamov and A. Beznasyuk. Also it is examined the functions of the judiciary power. Judicial power in some studies is defined as consensual institute that eliminates conflicts between

the other branches of power [16]. Also the works of M.V. Baglay [17], N.A. Kolokolov [18] are of great interest.

Thus, the history of the court, justice and security agencies of Russia is becoming a priority issue in modern domestic historical and legal science and has very serious historiographical prospect. Modern educational publishing of most famous authors, experts in the history of state and law show that conceptually both quantitatively and qualitatively modern theory and history of law and state over the past two decades (1992-2013) came to a new level of development, the authors of textbooks have become classics of modern national historical and legal science, along with the authors of pre-Soviet and Soviet legal historiography.

As a factor affecting the development of the legal history of science in general, historical and legal science as its component in particular, is the publishing activity, where in recent decades leaders in the publication of scientific and educational literature have appeared. Therefore, besides the classic publishing houses (RAS, Moscow State University, HS, SFedU, Statut, etc.) it should be called commercial publishers such as Yurait, Prospect, RIOR, Fenix, University book, etc. Their policy allows to involve cooperation as reputable scientists and regional authors, positive use of their creative potential, which is of great importance in the future development of the historical and legal science.

Reforms in education and science, new qualification requirements of the Ministry Education and HAC also make adjustments in the future of research in jurisprudence. In particular, the development of master's degree programs in law encourages the publication of textbooks, such as "History and methodology of legal science" [19], as well as monographs [20]. Promising work on the history of political and legal doctrines, the history of security bodies, history of industry law, taking into account the specifics of master's programs also undoubtedly stimulate the development of appropriate historical research.

Electronic databases and libraries, Internet development also contribute the development, including legal research. Today, there is a number of works on the Internet as educational tools, such as the history and methodology of legal science. These publications, monographs and training, in whole or in part are presented on the websites of universities (Yekaterinburg, Tyumen, etc.) where the work are not easily accessible to a wider audience [20].

Historical retrospective of legal education in Russia proves that after the reforms in education, a new stage in the development of science begins. Historical and legal science here is an illustrative example, the University Reform in the Russian empire, similar examples from the Soviet era and post-Soviet period 1990-2000s stimulated the development of the historical and legal science in the sphere of jurisprudence. Global trend also shows that the share of legal education (if a comparative analysis of the materials available on the internet ranking foreign universities) in developed and rapidly developing market economies and legal state is up to a quarter or a third of the number of students and teachers. Therefore, following the reduction in the number of law schools in Russia today, we should expect a promising growth of legal education as a factor of market supply increased demand for legal education.

Thus based on the sum of these factors, it should be noted that the historical and legal science, at the junction of jurisprudence, history and philosophy is at the beginning of the next round of its dynamic development.

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