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A Visit with the Chairman of the Presidium: Russian Law and Logic

by Robin Goodenough*

Russian law in action and the reasoning used to rationalize it are something to behold.

The University of Baltimore had a taste of it the other day when UB International Law Society, together with that of the University of Maryland cosponsored the appearance of Chairman Slitenko, President of the Bar of Leningrad.

The occasion was festive with Baltimore's best and the law students getting good mileage out of this "people to people" encounter. Dean Katz of the UB Law School skillfully orchestrated 5 interpreters with differing views and fielded questions like an old pro at the World Series.

Participants at the meeting were given a glimpse of the huge gap between the written law and practice, with a lesson in Russian logic or lack of same when the Chairman discussed or dodged issues.

Chairman Slitenko boasted with pride about the role of the attorney in Russia and the glory of the new Russian Constitution. Being trained in Russian forensics, he did not slip into the trap of criticising our system. Instead he said that one does not attack another's church when invited to speak in its pulpit.

A man with a forceful manner and commanding presence, Slitenko began to let his hair down and dander rise when pressed for facts and issues.

For example, he extolled the laws of the USSR and the rights of the defendant which allow any defendant to retain any attorney in time of trouble from any part of the world's largest nation. When asked why Sharansky was not allowed to have a particular well-known female attorney, he thundered "She is a dishonored woman." The question was politely rephrased by a member of the audience, only to elicit the same furious reply. This was a pattern I was to see in many exchanges with Russian attorneys in my travels through the Soviet Union this summer. When asked why the law did not "practice what it preached" (e.g. denying Sharansky and other dissidents the due processes so eloquently guaranteed in their Constitution), the Russians would suddenly acquire tunnel vision, and would come up with a variety of nonresponse responses. Many times they would simply regress to stock phrases (party approved and duly memorized) completely irrelevant to the conversation and repeat them over and over—like the blows of a sledge hammer—as if that would break through fact and reason.

When asked to reconcile the treatment of the dissidents and denial of their right to move about freely and emigrate (as per their express pledge in the Helsinki Accord and in their new Constitution), the Chairman took a shotgun approach. He showered the listeners with "gee whiz" irrelevancies including the number of women in the Leningrad Bar, the number of Jewish attorneys in the Bar, and then threw in the bone that there were 40 Jewish judges in Leningrad (a shrewd way to divert the discussion from the right of emigration to a strictly Jewish issue). Somehow in this fast shuffle "the right to come and go freely" was lost and avoided.

Slitenko did acknowledge that persons wanting to emigrate could be detained 5 years if they possessed any knowledge relating to national security. Obviously anyone, including the little old women sweeping the streets over which military vehicles pass, can be squeezed into this category. When asked about those kept past the 5 years, Slitenko gave a bearlike shrug and called for the next question.

During the exchanges in law seminars with Russian lawyers, I generally found them very defensive, quite aggressive (a tip-off that their position may be weak), and ready to resort to non sequiturs and circular logic at a moment's notice. The most frequently attacked condition in the USA during these discussions was the high rate of crime. The Russian attorneys also were under the impression that parole was easy to procure in cases of serious crime. Plea bargaining was another weakness they often attacked, along with inconsistency of sentencing.

My reply to the rampant crime charge was that the theory and practice of our laws are individual oriented and that under our system of government the individual is the most important element, the highest good. This means giving the individual the maximum freedom possible consonant with respecting the rights of others. And whereas we can and must do a better job of coping with crime, even under ideal conditions our track record would never be quite as clean as a nation which rates the state above all individuals and does not hesitate to stomp on and out those individuals who rock the ship of state.

Words are the lawyer's stock in trade. If American lawyers are to understand Russian lawyers and leaders, they must learn the true meaning of the words spoken by Russians. For the Russian the end justifies the means, including the warping of words and twisting of logic. This is not to denigrate exchanges in word and person with Russia. Quite the contrary, if there is any hope for increased understanding and the promotion of freedom it will lie in face-to-face confrontation on a professional level.

Russia welcomed warmly the lawyers with whom I traveled through 5 Republics in Russia this summer. We were treated courteously and cordially. Some seminars were intense, but all parties felt that the coming together was worthwhile. It is in this spirit that UB Law School should encourage exchanges of law students and professors with Russia.

One of my most forceful reactions on my trip occurred when I asked why the huge PEACE memorial in Armenia was so warlike. This sacred spot had Mother Russia holding a gigantic sword across her groin, and she was surrounded with a collection of military hardware. Academic exchanges with Russia can help us understand when their word PEACE means WAR . . . or really PEACE.



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