

CHIEF EDITOR'S NOTE ON THE RUSSIAN LEGAL ACADEMIA AND PERIODICALS

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I would like to present you second issue of our Journal in 2015 (Vol. III) and continue to give sketches about the Russian legal landscape.

Legal academia is an important part of any legal system. There are different approaches towards legal academia as a source of law, but in common law, as well as in civil law systems, it plays a crucial role. Globalization and legal harmonization change legal academia's landscape very much throughout the world.

As unique as it may be, national jurisprudence is influenced by other countries and by comparative research. Jurisprudence has national frontiers, because legislation is unique in every country and could not be the same in two different states. Despite the fact of harmonization and reception it always has differences. The legal science is usually followed by legislation or, on the contrary, legislation is followed by legal academia. In any case, they couldn't exist separately. In the global era legal academia could operate effectively only if it functions in an open framework. Legislation is being harmonized and legal academia is also following this cooperation. Jurisprudence of different countries influences each other. Comparative legal research became one of the most important methods of law drafting.

In these circumstances, the main challenge is the language. What is the language of communication between different legal systems? The answer is obvious. Despite the resistance of the continental European legal academia, the language of international communication became English. It is the modern *lingua franca* of any international cooperation, including jurisprudence. We could discuss advantages or disadvantages, but it is fact. Therefore, national legal academia has to communicate in English, if it wants to operate in an open framework. Many of European countries have already understood this trend and use English not only in the legal research, but also in education.

When we speak about Russian jurisprudence, its main problem is its isolated nature. It is often reduced to an exchange of students, delegations and jointly

organized conferences, despite an almost thirty-year period of domestic universities cooperating for international expansion. In the field of law, there almost are no real double diploma educational programs, nor joint scientific projects. They are the exception, rather than the rule.

The key challenge in this context is the language of research and education. In global legal practice, lawyers communicate in English, not in Russian. Unlike for mathematics, foreigners do not learn Russian specifically for reading works on the law. The situation is the opposite. The reaction to this problem can be different: blindly pretending that research in Russian is popular abroad, or claiming that openness is not needed, considering the French and German experience. The difference, however, between Russian law and French or German law is that the latter two are the centers of the continental law system, which has been adopted worldwide. Thus, lawyers will read legal articles in French or German. Our country, however, is rather a recipient, and this is the reality which needs to be estimated adequately. Russian law does not dominate on the world scene now; it is being adopted very seldom, and only in the CIS countries. Therefore, an analogy to the French and German education systems and sciences, and the use of the French and German languages in legal practice is irrelevant. The highest interest in Russian law was noticeable only in the beginning of the 1990⁵, when foreign researchers wanted to understand the essence of the 'independent' socialist system of law, and business sought to understand the national 'rules of the game.' Now this interest practically has become naught, and the world does not practice law in Russian.

It is important to assess the situation objectively and to try to find Russia's own niches in the world market of higher legal education. This is one of the key challenges. If we shut our eyes to it, the Russian system will become provincial and will not be of any interest for the international legal community.

This problem concerns scholars as much as practitioners. There are only a few Russian legal scholars famous abroad. Only a handful of them make reports and are published in foreign academic periodicals. The consequences of this are zero indexes of citations in the international rating agencies. This does not evidence poor quality of the Russian research, but it does evidence its isolated nature. Domestic legal research is quite often done on the original methodological basis and its theoretical level is not lower than leading foreign research. So the problem is not quality, but isolation. Almost all Russian pre-revolutionary scholars, the classics of the Russian law, were fluent in several foreign languages and were published, not only in Russia, but also in Europe. Their works were legible; thus foreign students studied them. For example, foreigners studied Paul Vinogradoff,¹ and Nikolay Korkunov.²

¹ Sir Paul Vinogradoff, 1–2 *Outlines of Historical Jurisprudence* (Oxford University Press 1920–22).

² Nikolay M. Korkunov, *General Theory of Law* (W.G. Hastings, trans.) (Boston Book Co. 1909; 2nd ed., Macmillan Co. 1922).

If the *Scopus* and *Web of Science* indexes were applied back then, the ratings of our compatriots wouldn't be worse than the ratings of many European classics. And the most important thing: our lawyers did not suffer from a lack of patriotism and did not cease to love the homeland less because of their publications abroad. On the contrary, their works promoted glorification of their homeland.

It is necessary to take into account that the configuration of the international legal academic periodical press was created long ago; the system works rather effectively, and rules are not going to change for new players. Domestic legal periodicals are not quoted in the international ratings of citations at all. There is no Russian legal journal recognized by *Scopus* or *Web of Science* at the moment. We may treat the idea of rating differently, but it is officially recognized by the Russian State, therefore Russian scholarship has to move in this direction, according to the Decree No. 599 and the Order No. 2006-r (para. 12).

Russian academic legal periodicals are represented in three types of periodicals at the moment. The first type is university law journals. They are published with financial and editorial support of the particular higher educational institution. There is nothing bad in this, but the disadvantage is the subjectivity, the bias of editorial policy and the actual closeness for representatives of other legal schools. Such journals are usually called 'The Law Journal of a certain university' or the 'Law Review' series, but not always. The second type of periodical is specialized on specific branches of the law. They are generally published with the assistance of certain corporate groups. The third type is general legal periodicals. There are only a few of them. The examples are: the magazine 'Zakon,' 'Black Holes of Russian Legislation' and so forth.

Modern Russian legal academic periodicals have some problems. First, they have a sporadic, incomplete character. The highest quality periodicals are issued with the assistance of particular universities and actually are closed from publication by representatives of other legal higher education institutions, meaning that the scholarship on any particular issue reflects only a small sampling of scholars. The audience of these specialized periodicals is limited initially by the host university's specialists in this particular branch of the law. There are only a few general legal periodicals, and only a handful of them are high-quality.

The second problem is in the subjects of research, which mainly concern national law and only occasionally mention other legal systems. The law, unlike many other sciences, has a nationality; the legislation of each state is original in a varying degree and has no analogs. Nevertheless modern integration processes pull together various legal systems. Such tendencies also demand an evolving approach to scholarly legal research. Scholars must not only to study Russian law, but also increase the share of supranational research; increase activity in international research projects. Scientific research must have a universal character besides the regional one in order to be relevant, not only in Russia, but also at the international level.

The third problem is low editorial standards and ethics. There are not enough magazines that implement preliminary written reviews of the published articles by

third-party experts. There is no 'blind reviewing' at all, with rare exceptions. Many periodicals take payment for the publications. That approach results in poor quality of the published works. Quite often the quality suffers not only in the contents, but also in the appearance of articles. Periodicals do not adhere to one form style of the appearance.

The fourth problem is limited use of modern publishing standards. The majority of magazines do not go beyond standards of the 1980⁵. There are only a few who use Digital Object Identifiers, international standards of citation, normalized transliteration, and so forth. Only a few periodicals have the modern web-sites, allowing researches to cite to the electronic versions of publications. For example, keywords search and author search are practically absent.

The fifth problem is the limited availability of Russian periodicals in electronic format. Key international aggregators of legal periodicals do not contain the Russian legal periodicals at all. It is difficult, however, to overestimate the value of such systems in modern legal research. Such systems are the basis of any research project today, and in rare cases only there is a need of traditional libraries use. The Russian periodical press does not consider such changes. Periodicals are generally available by a direct subscription only, and rarely in electronic format.

The sixth and the main problem is that the modern legal academic periodicals do not solve the problem of the closed off nature of Russian scholarship. Russian periodicals are inaccessible for the foreign audience due to various reasons. First, there are no distribution channels. Due to the problems, listed above, such channels will not appear soon, as the foreign audience has no need for Russian periodicals. Thus, even if there is an offer, the demand is not present. Secondly, the research language is Russian. As already stated, under the circumstances of globalization professional lawyers communicate, unfortunately, not in Russian, but in English. No one would begin to learn Russian solely for researching Russian law. Therefore, all the Russian-speaking periodicals are initially orientated to the Russian-speaking audience only: to Russia and the CIS countries. For example, there are no Russian authors or periodicals in the top cited legal articles from 1985.³

Thus, the above problems reveal that modern domestic legal academic periodicals do not conform to international publishing standards generally, and, above all, do not solve the main problem – the closed nature and isolation of the Russian scholarship.

The immediate solution to these problems is impossible; considerable work on updating almost all the spheres of the Russian legal publishing area, including organizational, financial, personnel, etc., is required. But creation of a high-quality journal, considering and excluding all above problems, has to become the first step.

³ Fred R. Shapiro & Michelle Pearce, *The Most-Cited Law Review Articles of All Time*, 110 Mich. L. Rev. 1483 (2012), available at <<http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1084&context=mlr>> (accessed May 14, 2015).

Now, the domestic market of legal periodicals, considering all its variety, is limited to editions in Russian. At the same time, the Russian legal system, and jurisprudence development under the circumstances of globalization, demands the development of full scientific dialogue between the Russian scientists and their foreign colleagues, the recognition of Russian scholarly legal research and its authors in the academic world. This is impossible without the use of the English which today is the *lingua franca* of law and world science in general. The experience of the countries, which achieved the progress in legal science development, shows that the use of English and the edition of specialized literature in English allow solving the world integration problem.

Creation of the national law journal in English, which helps explain the current state and development of law in Russia, is important. Its task, in fact, is opening Russian law to the world; including the features, advantages and shortcomings of the Russian legal system. Similar periodicals exist in many states: *German Law Journal*, *Israel Law Journal*, *Hong Kong Law Journal*, *China Law Review* and so forth. Such a journal can be effective on the inter-university platform only, which unites the interests of all legal higher education institutions in advancing knowledge of Russian law on the international scene. The *Russian Law Journal* project was started in the summer of 2013 and united in its editorial board the adherents from the leading legal centers of Russia like Lomonosov Moscow State University, Kutafin Moscow State Law University, St. Petersburg State University, and the Higher School of Economics.

The *Russian Law Journal* is one of the first Russian legal academic journals in English. The journal is not identified with any one the higher educational institution; rather, it is an inter-university project, representing the All-Russian inter-university platform designed to advance domestic scholarly legal research abroad. In November, 2013, there was a presentation of the journal in RIA Novosti Mass-Media Agency in the form of a round table 'Russian Law Journal: Uncovering Russian Law for the World' where signing of a framework agreement on cooperation between the magazine and 12 leading legal higher education institutions in Russia took place. Further other Russian and foreign higher education institutions entered the 'support group' of the journal as well. Now *Russian Law Journal* is the only Russian legal journal indexed in many international research bases (for example, *HeinOnline*, *DOAJ*, *EBSCO Legal Collection*, *WorldCat*, *EastView*, *Ulrich*, etc.). The journal, moreover, often acts as the organizer and the partner of significant international and Russian legal forums and conferences.

The *Russian Law Journal* was initially conceived and realized as the high-quality modern academic legal periodical, which considers and excludes all the mentioned problems of the Russian periodical press. Its purpose is to promote Russian legal theories abroad, increase the recognition of domestic legal scholars, and improve the prestige of the Russian higher educational institutions in general.

We hope that the *Russian Law Journal* could be the first step in the overcoming the problem of the isolated nature of Russian legal academia. It can create a full-fledged expert platform for discussion between the Russian lawyers and foreign colleagues.