

# Contents

## List of Abbreviations

ix

### 1. Introductory Themes

1

1. Formulation of Research Questions 1
2. Russia and the Soviet Legacy: A Question of Continuities and Discontinuities 3
3. Russia and the West: Is International Law Different in Different Places? 12
4. Outline of Study and Discussion of Methods 21
5. The Objectivity Question and the Estonian School of International Law 25

### 2. The History of International Legal Scholarship in Russia

36

1. Introduction 36
2. 1869: Danilevsky and the Declaration that Russia is not Europe 39
3. 1882: Martens, Founder of the European School in Russia's International Law 42
4. 1926: Taube, Successor to Martens and International Legal Historian of Europeanism in Russia 47
5. 1947 and the Russian Nativist Response: Kozhevnikov's *History of the Russian State and International Law* 52
6. 1958 and Hrabar: The Europeanist Archivist of International Law Scholarship in Russia 56
7. More Recent Views on the History of International Law in Russia and Ukraine 63
8. Nussbaum and Grewe: Russia in Western Narratives of the History of International Law 66
9. The Question of Tsarist Russia's Contribution to International Humanitarian Law 70
10. Conclusions from History: International Law in Russia as an Encounter with Europe and the West 71

### 3. Theory of International Law in Contemporary Russia

77

1. The Debatable Nexus between Legal Scholarship and State Practice of International Law in Russia 77
2. Post-Soviet Russian Scholarship of International Law: Some Basic Facts 86
3. The Distinction between 'Native' and 'Western' in Russian Scholarship of International Law 87

4. Extensive Scientism and Theorizing in Russian Scholarship of International Law	93
5. Scarcity of Court Practice in Russian Theoretical Works on International Law	96
6. The Debate between the Statist and the Pro-Individual Schools	98
7. The Conceptualization of State Sovereignty	100
8. Who are Subjects of International Law?	104
9. How Close or Distant is International Law to Russia's Legal Order?	110
10. Impact of Statism on the Understanding of Concrete Sub-Fields of International Law	121
i. International human rights law	122
ii. Self-determination of peoples	125
iii. International economic law	126
iv. <i>Ius ad bellum</i>	132
v. International criminal law	136
vi. Disputed territorial issues	139
11. International Legal Theory in Russia and the Recent Construction of Russia's Civilizational Otherness from the West	140
<b>4. Patterns of Post-Soviet Russian State Practice in International Law</b>	<b>147</b>
1. The Russian Government's Official Self-Image in the Context of International Law	148
2. An Outline of Russia's Post-Soviet Practice in International Law	153
i. Case study No 1: Russia in European and international human rights law	159
ii. Case study No 2: international economic law	167
iii. Case study No 3: Russia, post-Soviet wars, and <i>jus ad bellum</i>	172
3. Conclusion on Post-Soviet Russia's State Practice in International Law	184
Final Conclusions of the Study	189
<i>Bibliography</i>	197
<i>Index</i>	223