This book is the first in-depth study of the actual role that the Russian Constitutional Court played in protecting fundamental rights and resolving legislative–executive struggles and federalism disputes in both Yeltsin’s and Putin’s Russia. Alexei Trochev argues that judicial empowerment is a nonlinear process with unintended consequences and that courts that depend on their reputation flourish only if an effective and capable state is there to support them. This is because judges can rely only on the authoritativeness of their judgments, unlike politicians and bureaucrats, who have the material resources necessary to respond to judicial decisions. Drawing upon systematic analysis of all decisions of the Russian Court (published and unpublished) and previously unavailable materials on their (non)implementation, and resting on a combination of the approaches from comparative politics, law, and public administration, this book shows how and why judges attempted to reform Russia’s governance and fought to ensure compliance with their judgments.

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Judging Russia

CONSTITUTIONAL COURT IN RUSSIAN POLITICS, 1990–2006

Alexei Trochev
Queen’s University
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Abbreviations

CPD Congress of People’s Deputies – [Sezd narodnykh Deputatov]
CSC Committee of Constitutional Supervision – Komitet Konstitutsionnogo Nadzora
ECHR European Court of Human Rights
ICCPR International Covenant on Civil and Political Rights
ICESCR International Covenant on Economic, Social, and Cultural Rights
RCC Russian Constitutional Court – [Konstitutsionnyi Sud Rossiiskoi Federatsii]
RF Russian Federation
RSFSR Russian Soviet Federated Socialist Republic
SSLC Legislation Committee of the RSFSR Supreme Soviet – [Komitet po zakonodatelstvu Verkhovnogo Soveta RSFSR]
SZ RF Collected Legislation of the Russian Federation – [Sobranie Zakonodatelstva Rossiiskoi Federatsii]
USSR Union of Soviet Socialist Republics
VKS RF Herald of the Constitutional Court of the Russian Federation – [Vestnik Konstitutsionnogo Suda Rossiiskoi Federatsii]
VSND i VS RSFSR Official Gazette of the Legislative Agencies of the Russian Federation (and of the prereform Supreme Soviet of the RSFSR) – [Vedomosti Sezda narodnykh deputatov i Verkhovnogo Soveta RSFSR]
Notes on Transliteration

Throughout this book I have used the Library of Congress system of Russian transliteration. However, for well-known names and words, I use the more common spelling (e.g., Yeltsin instead of El’tsin and Chechnya instead of Chechnia).

Moreover, the Russian soft sign, which is represented in transliteration by an apostrophe (’), is generally omitted for the sake of readability, especially in the case of proper names.