

REVIEWS

Book Review



DOI: 10.17803/2713-0533.2025.1.31.170-193

Book: Soviet Innovation and the Law of the Western World.¹ By Prof. John Quigley. Ohio State University School of Law, Cambridge University Press. Online publication date: July 2009, ISBN: 9780511511219, doi: <https://doi.org/10.1017/CBO9780511511219>

Behind the Iron Curtain: The Surprising Soviet Influence on Western Justice

Beny Saputra

Central European University, Vienna, Austria

© B. Saputra, 2025

Contents

I. Introduction	171
II. Discussion	171
III. The Reality	184
IV. Conclusion	187
References	189

¹ The book was discussed by Prof. Tibor Tajti and Gvantsa Elgendashvili, Department of Legal Studies, Central European University (CEU), Vienna, Austria, in the monthly “Great Book Review” on the 2 October 2024.

I. Introduction

In the shadow of the Cold War, as the world watched two superpowers locked in ideological combat, an unexpected legal revolution was quietly unfolding. While politicians and generals strategized over potential battlefields, Soviet legal innovations were stealthily crossing borders, reshaping Western justice systems in ways that would have been unimaginable to many at the time (Giuliani, 2020). John Quigley's "Soviet Legal Innovation and the Law of the Western World" unveils this hidden narrative, challenging our understanding of the 20th-century legal evolution and forcing us to reconsider the complex legacy of Soviet jurisprudence in the modern Western legal landscape.

Published in 2007, "Soviet Legal Innovation and the Law of the Western World" by John Quigley offers an interesting examination of the often-underestimated influence of Soviet legal concepts on Western law. Professor Quigley, a law professor at Ohio State University, challenges the commonly held beliefs concerning the relationship between Western and Soviet legal systems throughout the 20th century. The book's central premise is that contrary to popular belief, certain Soviet legal innovations gradually infiltrated Western legal systems, effecting significant and unexpected transformations. Quigley extensively examines this influence across various legal domains, including labor law, family law, human rights, women's rights, international law, criminal justice, and economic rights. By examining the secret narrative of legal cross-fertilization, the author encourages readers to reevaluate their understanding of the 20th-century legal development and the complex legacy of Soviet jurisprudence within the modern Western legal framework. This book challenges our ideas regarding the Cold War era and provides an insightful investigation of the surprising ways in which legal systems can influence one another across ideological divides.

II. Discussion

The book is divided into 4 parts. In Part 1 of "Soviet Legal Innovation and the Law of the Western World", John Quigley explores how revolutionary ideas have historically spread and impacted Western

societies. He draws comparisons between earlier revolutions like the Protestant Reformation, the French Revolution (Merryman, 1996), and the Bolshevik Revolution of 1917. Quigley argues that these revolutions acted like contagious ideas, rapidly spreading beyond borders and leaving lasting marks on neighboring countries. The Bolshevik Revolution struck fear into Western governments because it challenged core principles of Western society, such as private property rights and capitalism (Cox, 1984). Just as Napoleon's rise had once threatened monarchies across Europe, Bolshevik principles, Karl Marx's philosophy, and Soviet ideology now posed a danger to the established order. Western leaders responded with a mix of resistance and adaptation. While their initial reaction was one of fear and rejection, Quigley points out that history shows many revolutionary ideas eventually found their way into Western institutions, albeit in more moderate forms. By drawing these parallels, Quigley sets up his argument that Soviet legal innovations, despite being initially viewed as radical and dangerous, would go on to influence Western legal systems in subtle but significant ways. This historical context helps readers to understand the complex relationship between revolutionary ideas and gradual legal evolution in the West.

The book is organized thematically, examining different areas of law where Soviet influence can be detected. Quigley begins by setting the stage with the Bolshevik Revolution and the radical legal reforms implemented by the new Soviet government. Then, he explores how these new approaches to law were received and debated in the West, with some viewing them as a threat to the existing order and others as models for progressive reform.

One of the strengths of Quigley's analysis is the breadth of legal topics he covers. He examines areas such as:

1. economic rights and social welfare,
2. family law and gender equality,
3. children's rights,
4. criminal law and punishment,
5. racial equality,
6. international law and sovereignty,
7. anti-colonialism and self-determination.

In each of these areas, Quigley traces how Soviet legal innovations and concepts gradually influenced Western legal thinking and reforms.

For example, he argues that Soviet emphasis on economic and social rights as fundamental human rights helped to shape the development of welfare state policies in the West. Similarly, he contends that Soviet approaches to family law, which emphasized gender equality and children's rights, influenced reforms in Western family law systems.

Quigley also takes us back to the roots of socialist legal thought, exploring how Karl Marx's powerful critique of capitalism during the Industrial Revolution had already begun to reshape European legal systems even before the Bolshevik Revolution. Marx's ideas, which highlighted the exploitation inherent in capitalism, struck a chord in the West, leading to laws aimed at protecting workers and addressing social inequalities. This set the stage for the more radical Soviet legal concepts that would later emerge. By emphasizing Marx's analysis of class struggle and economic inequality, Quigley shows us how these ideas formed the bedrock of socialist legal thinking. Surprisingly, despite the stark ideological differences between East and West, these concepts gradually seeped into Western legal systems. This chapter helps us to understand the unexpected journey of Soviet legal innovations — born from revolutionary fervor (Borisova and Siro, 2014) yet destined to play a role in shaping Western law over time.

In Part 2 of the book, Quigley starts Chapter 1 with a very intriguing title, "Panic in the Palace", to describe how the Soviet government's revolutionary ideas initially sent shockwaves through Western governments, especially to the monarchies, which viewed these ideas as a direct threat to their political influence and stability. However, while the primary response of the West was military intervention aimed at containing Soviet influence, Quigley emphasizes that Soviet legal innovations were already beginning to penetrate Western legal frameworks (Beirne and Hunt, 1988). However, we need to mention that the changes and revolutionary ideas did not stem exclusively from the Soviet Union's influence; in the case of voting rights, the Soviet Union's influence just accelerated the process. Despite their ideological hostility, Western governments gradually and reluctantly recognized the effectiveness of certain Soviet legal concepts — particularly in areas of social welfare, labor rights, and worker protections — that aligned with rising demands for reform within their working-class populations.

In the Soviet legal concept, society “doesn’t need a law”. This notion stems from a complex interplay of Marxist ideology, revolutionary fervor, and pragmatic governance challenges (Bogatyrev, 2023). At its core, this concept reflects the early Soviet leadership’s belief in the transformative power of communism and its potential to create a society where traditional legal structures would become obsolete. Marx and Engels theorized that law, as a superstructure of capitalist society, would “wither away” along with the state in a classless communist utopia. This ideological foundation urged early Soviet leaders to initially reject the need for a comprehensive legal system, viewing it as a vestige of bourgeois oppression.

However, the practical realities of governing a vast and diverse nation quickly necessitated a reevaluation of this stance. The Soviet leadership found itself grappling with the need to maintain order, resolve disputes, and implement its revolutionary agenda. This led to the development of “revolutionary legality” (*Revolutsionnaya Zakonnost*) (Nikulin, 2020), a concept that allowed for a flexible interpretation of the law in service of socialist objectives. Under this principle, law became a tool for achieving political and social goals rather than immutable rules. This approach allowed the Soviet state to maintain a semblance of legal order while retaining the ability to override or reinterpret laws deemed necessary to advance communist ideals.

The evolution of the Soviet legal system throughout its history reveals the tension between ideological aspirations and practical governance (Petro, 2019). While the State did eventually develop more comprehensive legal codes and institutions, particularly during the New Economic Policy era, the underlying principle that law should serve the State and Party goals rather than act as an independent constraint on power remained constant. This approach to law had profound implications for Soviet society, shaping everything from property rights to criminal justice. Ultimately, the Soviet experiment with a flexible, ideologically driven legal system demonstrates the challenges of reconciling revolutionary ideals with the complex realities of governing a modern State. It raises important questions about the role of law in society and its relationship to political power.

The Soviet approach to law and society was complex and evolving. Initially, Marxist theory posited that law reflected the ruling class's interests and would wither away under communism (Hughes, 1967). However, Soviet practice diverged from this theory. Rather than eliminating the law, the Soviets used it as a moral vehicle to create socialist consciousness. The relationship between law and religion in the USSR was unique, with the State promoting atheism as a quasi-established religion (Boiter, 1987). As Soviet society became more pluralistic in the late 1980s, grassroots organizations began driving political transformation, reversing the typical process where legislation leads to change (Petro, 2019). Contrary to common belief, early Soviet legal philosophers did not develop a coherent theory of law's withering away. Key thinkers like Stuchka, Pashukanis, Reisner, and Razumovsky either rejected the idea or provided only vague, unsupported predictions of the law's replacement by technical norms or universal justice (Bogatyrev, 2023).

Professor John Quigley argues that, despite the ideological and political opposition to Soviet communism, Western governments were forced to accommodate certain Soviet legal and social innovations. Quigley uses the term "accommodates" to describe how Western nations gradually adopted Soviet-inspired reforms, particularly in labor rights, social welfare, and economic protections, as a response to growing pressure from their working-class populations and the fear of revolutionary uprisings.

The West was accommodating in response to the spread of Marxist and Bolshevik ideas, which gained traction among European workers and intellectuals after the 1917 Bolshevik Revolution. The accommodation of Soviet-style labor law solutions in capitalist states was viewed as a product of the struggle of the working class in the capitalist State and the desire of capitalist States to follow the more attractive features of socialism (Fayet, 2008). These Soviet ideas presented a challenge to the capitalist order, particularly with their focus on worker protections, full employment, and State intervention in the economy. Western governments, while opposing communism on the surface, realized that ignoring these growing demands for worker rights and social reform could lead to instability or even revolution in their own countries.

Quigley explains that Western accommodation was largely motivated by self-preservation. Governments like those in Britain, France, and the United States recognized that to prevent the spread of communism and contain social unrest, they had to implement reforms that mirrored Soviet legal policies (David-Fox, 2003) — such as the introduction of social insurance programs, labor laws that protected workers from unfair dismissal, and the creation of welfare states to ensure economic security for all citizens. This adaptation, while politically driven to maintain order, resulted in significant legal and social changes in Western legal systems that had lasting effects on labor rights and welfare policies.

In the case of Henry Ford's care for workers with different motives (Summers, 1987), Ford's approach was not purely philanthropic; it was designed to improve productivity and reduce worker turnover. Henry Ford introduced significant worker protection measures in 1914, revolutionizing labor practices by implementing the \$ 5-a-day wage and reducing the workday from 9 hours to 8 hours. With the increased welfare of his workers, Ford wanted the workers to be able to afford to buy cars so the car price could be cheaper and sustain the company in the end (Bernstein and Segal, 2006). This move doubled the wages of his workers and set a precedent for labor reforms across industries. His policies helped usher in a new era of worker protection and labor rights in the industrial sector, influencing labor reforms in the U.S. and worldwide.

Quigley also highlights the irony that Western powers were militarily opposed to the spread of Bolshevism but were forced to accommodate many Soviet-inspired legal reforms to appease growing unrest at home (David-Fox, 2003). The Soviet model, which recognized workers' rights, labor protections, and the role of the State in ensuring economic security, became particularly influential as Western leaders sought to prevent revolutionary sentiments from taking hold in their countries. Through institutions such as the International Labor Organization (ILO) (García, 2008), created after World War I, Western governments implemented reforms that mirrored Soviet legal innovations, from social insurance to labor laws that protected workers from exploitation (Sawer et al., 1977). In this way, Quigley reveals that Soviet legal ideas indirectly shaped the evolution of Western law and motivated a legal transformation that

ensured greater social and economic protections for workers despite the West's broader resistance to Bolshevik ideology.

Part 3 of John Quigley's book explores how Soviet legal concepts significantly influenced international law and relations in the early 20th century. The author focuses on several key areas where Soviet ideas challenged and reshaped Western practices. One of the significant transformations Quigley discusses is the Soviet pursuit of transparency in international diplomacy, leading to substantial alterations in treaty management. During the World War I period, the Soviets disclosed clandestine treaties revealing how Western nations had partitioned territory through covert deals that contradicted their professed stances on justice and democracy. In countries such as the United States, where President Woodrow Wilson prioritized transparency in diplomacy in his "Fourteen Points", public outrage at clandestine negotiations fostered hostility. Article 18 of the League of Nations Covenant, which required the public recording and publication of all international treaties, was mostly ratified under Soviet duress. This practice continues today under the United Nations Treaty Series, highlighting the long-lasting legacy of the Soviet legal campaign for transparent diplomacy.

Quigley also emphasizes the Soviet Union's struggle against the system of capitulations, which let Western powers force their legal systems on foreign countries, therefore negating local laws and compromising national sovereignty. The Soviets saw this behavior as a transgression of the equality of nations concept. Through bilateral treaties with nations such as Turkey and Persia — modern-day Iran — the Soviet Union effectively eliminated extraterritorial powers that had granted Western nations legal supremacy over local governments. These Soviet legislative initiatives underlined under international law that even less developed or smaller countries needed complete sovereignty and respect. This posture questioned Western supremacy and helped to change the legal structure to acknowledge the sovereignty and equality of every country, regardless of size or strength. The Soviet denunciation of capitulations (extraterritorial rights) in countries like Turkey, China, and Persia contributed to the eventual abolition of these practices.

Quigley also explores how the Soviet Union influenced the development of international law in the years following World

War I, particularly in connection to nationalism, secret diplomacy, and colonialism. Following the emergence of a revolution founded on the principles of anti-imperialism and workers' rights, the Soviet government battled vehemently against the territorial expansion and colonial actions of Western nations like Britain and France. In this section, Quigley demonstrates how the Soviet Union evolved and became a vocal opponent of Western imperialism.

Quigley discusses the mandate system created after World War I, which placed former German and Ottoman colonies under the control of Western powers. The Soviet Union's strong critique of colonialism and calls for self-determination influenced the debates at the Versailles Conference. Although Western powers still controlled the mandates, the Soviet challenge contributed to the broader legal notion that these territories had the right to eventual independence. Quigley argues that this Soviet pressure helped to lay the foundation for the later decolonization movements of the mid-20th century. The Soviet Union's advocacy for the self-determination of nations became a central principle in international law, influencing the post-war legal framework and the recognition of national rights across the globe. This is particularly significant when considering the colonial splits that emerged because of the disintegration of Germany's overseas possessions and the Ottoman Empire. For nations that were colonized or under the rule of Western powers, this opposition contributed to the formation of the international legal system as well as the discussion regarding equality among nations. Additionally, Soviet calls for an end to colonialism (Fituni, 2020), echoed to some extent by U.S. President Woodrow Wilson's support for self-determination, influenced the creation of the League of Nations mandate system for former German and Ottoman territories (Mamlyuk, 2015).

Quigley argues that Soviet legal ideas and criticisms of Western practices significantly shaped the post-World War I international order, even as Western powers often resisted or modified these concepts to suit their interests. The author highlights how Soviet influence contributed to the gradual erosion of colonial systems and the promotion of national sovereignty and self-determination in international law (Biyushkina, 2021). While not granting immediate independence to former colonies,

the mandate system represented a significant shift in how these territories were viewed and managed. Quigley also discusses how Soviet opposition to colonialism continued to pressure Western powers in the following decades, influencing debates about decolonization and the rights of dependent peoples (Bowring, 2019). Throughout this section, the book illustrates the complex interplay between Soviet legal innovations and the evolving international legal framework of the 20th century.

Such topics as the equality of nations, colonialism, and international law covered in Part 3 of John Quigley's "Soviet Innovation and the Law of the Western World" are very relevant to modern global concerns. Particularly as nations and areas throughout the world fight continuous challenges for sovereignty and self-determination, Quigley's investigation of how the Soviet Union supported the legal and political rights of smaller nations resonates now. Today's geopolitical context tests and debates the ideas of sovereignty, territorial integrity, and equality that evolved from Soviet legal debate in the post-World War I era. These fundamental concepts are profoundly connected with contemporary concerns like global diplomacy, colonial legacy, and power disparities in international organizations.

The ongoing struggle for self-determination in areas like Catalonia (Spain) (Dzhumagulov and Muratova, 2023), Kurdistan (Hilpold, 2019), Palestine (Crivelente, 2020), and Western Sahara (Omar, 2008) makes Quigley's approach one of the most obvious analogs to modern geopolitics. As the Soviet Union argued for the self-governance of conquered countries in the early 20th century, these places are actively pursuing respect for their right to independence. These conflicts show how the notion of national sovereignty, important to Soviet legal theory, remains a vital but heated topic in international law.

Especially in the framework of contemporary international relations, the advocacy of the Soviet Union for openness in diplomacy — a major topic in Part 3— remains vitally important today. Quigley explains how the League of Nations and, subsequently, the United Nations were shaped by the Soviet drive for public registration of treaties, therefore fostering a standard of transparency in international agreements. Transparency in diplomacy is still much sought after in the modern world, where covert trade transactions, climate negotiations,

and security alliances can draw public attention. Arguments about U.S.-China trade negotiations or secret military alliances in the Middle East (Kausch, 2017) highlight the continuous contradictions between the need for transparency and the continuation of political secrecy. Reflecting the continuing relevance of open diplomacy, the worldwide need for more transparency in economic, environmental, and security accords stems from the very values the Soviets supported.

Directly related to Quigley's analysis of Soviet criticisms of Western imperialism are the legacy of colonialism and the idea of neocolonialism. Today's debates on the long-lasting consequences of colonialism echo the passionate opposition of the Soviet Union to colonialism, especially their criticism of the mandate system and extraterritorial privileges maintained by Western countries. With countries like Haiti and Congo (Booth, 2015) still suffering from poor government and exploitation, former colonies in Africa, Asia, and Latin America still struggle with the political, financial, and social fallout from colonial dominance (Mombeuil and Diunugala, 2021). Like it was when the Soviets challenged Western imperialism, neocolonialism — that is, the ongoing rule of former colonial nations via political and economic influence — remains a divisive topic. Current criticisms of international institutions such as the World Bank, including the IMF, which some claim support economic reliance, reflect the Soviet criticism of inequalities inside the world power system (Djonlagic and Kozaric, 2010).

Finally, Quigley's examination of the imbalances of power in international institutions is still relevant in the modern world, where international bodies such as the United Nations Security Council are regularly attacked for being under the control of a few strong countries. The Soviet Union's support of national equality in the face of Western imperialism reflects modern worries about the unequal control exerted by the Security Council's permanent members, such as China, Russia, and the United States. Smaller and developing countries often suffer to maintain their sovereignty and rights against military alliances supporting the interests of bigger powers, trade agreements, and economic pressures. As many countries still doubt whether actual equality in the global legal system has ever been completely accomplished, Quigley's investigation of these discrepancies in international law remains much more relevant.

Part 4 begins by discussing the initial Western reaction to the Soviet Union's demise, with figures like Francis Fukuyama and President George H.W. Bush declaring it a triumph of Western liberalism and the rule of law. However, Quigley argues that despite this rhetoric, the debate between capitalist and socialist legal concepts did not vanish. He points out that many Soviet legal innovations had already been absorbed into Western legal systems, leading to a convergence rather than a complete victory of one system over the other. The author highlights how Western law had incorporated elements of public law, social welfare, and state intervention in the economy, which were influenced by Marxist thought and Soviet practices (Butler, 2010).

The section then explored specific areas where Soviet influence reshaped Western law, including women's rights, labor protections, social welfare programs, and international law (McWhinney, 1963). Quigley discusses how these changes have altered the face of Western law, moving it beyond the model of minimal state intervention. He also examines the debates surrounding these changes, with some scholars viewing them as threats to individual liberty, while others see them as beneficial adaptations (accommodation). The author concludes by reflecting on the potential risks to traditional Western legal values because of this evolution, particularly considering increasing centralization at national and supranational levels, such as in the European Union.

Based on Professor Quigley's analysis and the current global context, democratic states face similar competition with authoritarian regimes today (Schultz and Weingast, 1996), albeit in a different form than during the Cold War era. An assessment of the nature of this competition is summarized below.

1. Rapid implementation of laws: authoritarian regimes like China can still implement large-scale policy changes or legal reforms more quickly than democratic systems (Manion, 1991). For example, China's rapid development of a comprehensive legal framework for artificial intelligence and data protection demonstrates this advantage.

2. Ideological competition: while not as stark as the capitalism vs. communism divide of the Cold War, there is still ideological competition. China's model of "socialism with Chinese characteristics" and its emphasis on economic development over individual rights present

an alternative to Western liberal democracy that some developing nations find attractive (Mcmillan and Naughton, 1992).

3. Human rights and constitutional law: authoritarian regimes can still pass progressive laws on paper. For instance, China's constitution guarantees numerous rights, but their implementation often falls short. The competition here is more about perception and international reputation than actual practice (Peerenboom, 2003).

4. International influence: authoritarian states like China actively seek to shape international norms and institutions. China's *Belt and Road* Initiative, for example, not only extends economic influence but also promotes Chinese legal and regulatory standards in participating countries (Manion, 1991).

5. Technological and legal innovation (Hassid, 2015): in emerging fields like AI regulation, digital surveillance, or cybersecurity laws, authoritarian states can implement comprehensive frameworks more quickly. China's Social Credit System and its extensive digital surveillance infrastructure are examples of rapid, large-scale implementations that democratic countries struggle to match due to privacy concerns and legislative processes (Manion, 1991).

However, this "competition" is more complex and multifaceted than during the Cold War era because of a few reasons summarized below.

1. It's not a binary opposition: many countries adopt hybrid systems that combine elements of democratic and authoritarian governance (Tanner, 1999).

2. Implementation matters: while authoritarian regimes may pass laws quickly, democratic states often have advantages in consistent implementation and rule of law (Stephan, 1999).

3. Soft power competition: This competition often concerns global influence and the attractiveness of different governance models rather than direct ideological confrontation (Walker, 2016).

4. Economic interdependence: unlike during the Cold War, there is significant economic integration between democratic and authoritarian states, complicating the nature of competition (Womack, 1984).

Professor Quigley argued that non-democratic regimes might have a competitive advantage over democratic states, as they can enact

laws more quickly due to their centralized, one-party discipline. This concept invites reflection on modern geopolitical dynamics, particularly in the context of China, which has positioned itself as a challenger to Western democratic ideals. Rather than focusing on the introduction of social rights into law, as seen in the Soviet Union, China promotes its non-democratic model of governance as more efficient, particularly in terms of economic and technological development. Chinese President Xi Jinping has emphasized that China's rapid growth offers a model for other developing countries seeking modernization without the traditional Western democratic process (Kalathil, 2018).

This idea is supported by recent reports, such as one from the Atlantic Council, which highlights how China has promoted its governance model to developing countries, often emphasizing the success of its economic development under the Chinese Communist Party (CCP) (Li, 2015). The argument is that China's rapid economic growth legitimizes its autocratic system, presenting it as a viable alternative to Western democratic systems. Proponents of the Chinese model argue that its ability to implement long-term plans without disruption from political turnover, its capacity to respond quickly to challenges, and its focus on holding public officials accountable for corruption give it certain advantages over the Western model.

In response to this, figures like U.S. President Joe Biden have acknowledged the ongoing competition between democracies and autocracies, particularly when it comes to technological advancement and economic development (Gasparini, 2022). Biden has framed this competition as a battle between the effectiveness of democratic governance and autocratic models in the 21st century (Xiang, 2024). This discourse reflects Quigley's assertion that the competition between different systems of governance remains relevant today, albeit now centered more on development and global influence rather than purely legal structures.

In conclusion, while democratic states do face competition from authoritarian regimes in certain legal and governance areas, the nature of this competition is more complex and multifaceted than during the Cold War era. It involves a mix of ideological, economic, and technological

factors playing out on a global stage where the lines between different systems are often blurred.

Quigley's analysis is also particularly strong when examining the impact of Soviet legal thought on international law. He argues that Soviet concepts of national sovereignty, self-determination, and opposition to colonialism profoundly impacted the development of international law in the post-World War II era. The book explores how Soviet legal positions on issues like the illegality of aggressive war and the rights of colonized peoples helped to reshape international legal norms.

One of the most intriguing aspects of Quigley's work is his exploration of the mechanisms by which Soviet legal ideas were transmitted to and adopted in the West. He examines the role of legal scholars, international organizations, and progressive political movements in disseminating and advocating for Soviet-inspired legal reforms. Quigley also highlights how the Cold War competition between the Soviet Union and the West sometimes led Western countries to adopt more progressive legal positions to counter Soviet propaganda and appeal to newly independent nations. The book's argument is supported by extensive research drawing on primary sources in multiple languages, including Soviet legal texts, Western legal scholarship, and government documents. Quigley's command of the material is impressive, and he presents a wealth of specific examples to illustrate his points about Soviet legal influence.

However, the book's thesis is not without controversy. Some readers may find Quigley's arguments about the extent of Soviet influence on Western law overstated. While he acknowledges that many legal reforms in the West had indigenous roots as well, at times, the book can give the impression that Soviet influence was the primary driver of legal change in the West. A more thorough exploration of the interplay between Soviet ideas and Western legal traditions might have strengthened the overall argument.

III. The Reality

Additionally, Quigley also discusses some of the negative aspects of Soviet law, such as its use for political repression. Although Soviet law brought many innovative ideas — especially in the areas of social

welfare and workers' rights — it also had major negative consequences, especially in terms of how it was utilized as a weapon for political repression. The legal system was routinely controlled under the Soviet Union to quell political opposition, stifle dissent, and uphold total Communist Party rule over the nation. Often, tools of the government were used to punish and imprison critics, activists, and anybody judged a threat to the government; courts were not impartial arbiters of justice. Common show trials and false charges were those whereby people were found guilty of crimes they did not commit merely because they presented a political threat (Lukina, 2021). Furthermore, heavily involved in implementing the state's objective were the secret police, including the KGB, who frequently skipped judicial processes entirely to capture or eradicate supposed rivals (Solomon, 1987). This misuse of the legal system undermined public confidence in the rule of law. It produced an environment of fear and persecution whereby legal rights depended on allegiance to the state rather than inherent protections.

Critics may argue that the book does not give sufficient attention to the darker side of the Soviet legal system (Berman, 1970; Boiter, 1987; Minnikes, 2022). A more thorough examination of how Western legal systems rejected or modified certain aspects of Soviet law might have provided a more balanced perspective. For example, the legal framework of the Soviet Union was, on paper, quite progressive and idealistic. Soviet law, particularly as outlined in its constitutions and legal codes, emphasized principles such as equality, workers' rights, and social justice. It promised comprehensive protections for citizens, including access to healthcare, education, employment, and housing. The laws were designed to reflect the ideals of Marxist-Leninist philosophy, which aimed to create a classless society where the State would protect the welfare of all people, ensuring economic security and social equality.

However, in practice, the reality of Soviet law was far different, often marked by corruption, abuse of power, and a repressive state apparatus (Lityński, 2022). While the written laws appeared just and protective, they were frequently ignored or selectively enforced to serve the interests of the Communist Party. The legal system became a tool for the government to maintain totalitarian control rather than a mechanism to uphold justice or protect individual rights. Political

repression, censorship, and the persecution of dissidents were common, with laws being used to suppress any form of dissent or opposition to the regime. The State's focus on maintaining power led to widespread arbitrary arrests, show trials, and forced confessions, often conducted under duress by the secret police (Gorshkov, 2023).

What made the situation especially grim was the stark contrast between the utopian promises of Soviet law and the brutal realities of its implementation. Citizens had little recourse against government abuses, as the judiciary was not independent, and the entire legal system functioned to reinforce the State's power rather than to protect the people. As a result, while Soviet laws were presented as forward-thinking and just on the surface, their actual enforcement created an atmosphere of fear, injustice, and oppression, making the Soviet legal system an instrument of authoritarianism (Huskey, 1991) rather than the progressive tool it claimed to be.

When the Berlin Wall fell in 1989, thousands of people from East Germany rushed to the West, marking one of the most powerful moments in modern history. The wall had been a symbol of the Iron Curtain — the ideological and physical divide between the Soviet-controlled Eastern Bloc and the democratic, capitalist West. For decades, Soviet law and the legal systems of the Eastern Bloc, including East Germany, were marked by repressive policies that limited individual freedoms, stifled political dissent, and severely restricted people's movement and economic opportunities (Gorshkov, 2023). The fall of the wall was a reaction to this, as people sought to escape the oppressive nature of life under Soviet-style socialism and gain access to the personal freedoms, economic opportunities, and democratic governance that Western Germany represented.

In connection with John Quigley's "Soviet Innovation and the Law of the Western World", this moment highlights the stark contrast between Soviet legal principles on paper and their implementation in reality. As Quigley explores in his book, Soviet law, in theory, included progressive ideals such as equality and workers' rights. However, in practice, these laws were often manipulated by the State for political control and repression (Solomon, 1987), creating a system where individual freedoms were sacrificed for state power. The East German

legal system, modeled after Soviet law, was notorious for suppressing dissent, controlling free movement, and limiting access to consumer goods and opportunities available in the West (Hunt, 2000). Citizens of the East lived under constant surveillance by *the Stasi* (secret police), further eroding their rights and freedoms.

The mass migration from East to West Germany after the fall of the Berlin Wall was not just a rejection of the communist system but also of the Soviet-influenced legal framework that had governed their lives (Heiland, 2003). People sought economic prosperity, the rule of law, individual rights, and freedoms that Western democratic systems offered (Hensel and Chase, 2008). This movement of people symbolized the failure of the Soviet legal model to provide a sustainable, just, or attractive system for its citizens. In this way, the fall of the Berlin Wall served as a profound real-world critique of Soviet-style law and governance, reflecting the broader themes of Quigley's book on the impact and limitations of Soviet legal innovations on the Western world. Ultimately, the fall of the wall and the migration from East to West embodied a rejection of Soviet legal and political ideology, as people sought a future where laws protected personal freedoms, human rights, and economic opportunities — values that were better represented in the Western legal framework that had developed in opposition to Soviet-style governance.

IV. Conclusion

Despite these potential criticisms, “Soviet Legal Innovation and the Law of the Western World” remains a valuable and thought-provoking contribution to legal history and comparative law. Quigley's work challenges readers to reconsider assumptions about the development of modern legal systems and the complex interactions between different legal traditions.

The book's strengths include the following:

1. original and provocative thesis that challenges conventional narratives,
2. comprehensive coverage of multiple areas of law,
3. extensive research drawing on primary sources in multiple languages,

4. clear and engaging writing style accessible to both legal scholars and general readers interested in legal history,

5. illuminating insights into the mechanisms of legal transplantation and cross-cultural influence in law.

Some potential weaknesses or areas for further exploration include:

1. possible overemphasis on Soviet influence relative to other factors shaping Western law,

2. limited discussion of ways Western systems rejected or significantly modified Soviet legal concepts,

3. the book could benefit from more comparative analysis with other non-Western legal systems.

Overall, Quigley's book makes a significant contribution to our understanding of the 20th-century legal history and the complex relationship between Soviet and Western legal systems. It challenges readers to reconsider assumptions about the development of modern law and highlights the often-overlooked influence of Soviet legal thought on Western legal reforms. The book explores how legal ideas can transcend ideological and political boundaries is particularly relevant in our increasingly interconnected world. Quigley's work reminds us that legal systems are not isolated entities but are shaped by cross-cultural exchanges and global intellectual currents.

The book offers a wealth of material for legal scholars for further research and debate. It raises important questions about the nature of legal transplants, the relationship between law and ideology, and the forces that drive legal change. The book's extensive bibliography and footnotes provide a valuable resource for researchers interested in exploring these topics further. For general readers interested in legal history or Soviet studies, "Soviet Legal Innovation and the Law of the Western World" offers an accessible and engaging overview of an often-overlooked aspect of the 20th-century history. Quigley's clear writing style and specific examples help bring the complex legal concepts to life.

John Quigley's "Soviet Legal Innovation and the Law of the Western World" is a significant work that challenges us to rethink the relationship between Soviet and Western law. While its arguments may be debated, the book makes a compelling case for the need to consider the Soviet influence on Western legal development more seriously. It is an essential read for anyone interested in comparative law, legal history, or the intellectual history of the 20th century. Quigley's work

contributes to a complex and interconnected understanding of global legal history by illuminating the hidden connections between seemingly opposed legal systems.

References

Beirne, P. and Hunt, A., (1988). Law and The Constitution of Soviet Society: The Case of Comrade Lenin. *Law & Society Review*, 22(3), pp. 575–615, doi: 10.2307/3053631.

Berman, H.J., (1970). Soviet Penal Policy. A Background Book. By Ivo Lapenna. Chester Springs, Penn.: Dufour Editions, 1968. 148 p. *Slavic Review*, 29(2), p. 333, doi: 10.2307/2493410.

Bernstein, M. and Segal, H.P., (2006). Recasting the Machine Age: Henry Ford's Village Industries. *The Antioch Review*, 64(2), p. 381, doi: 10.2307/4614997.

Biyushkina, N.I., (2021). The right of nations to self-determination as the fundamental principle of Soviet federalism. *Pravo i politika*, 10, pp. 43–57, doi: 10.7256/2454-0706.2021.10.36767. (In Russ.).

Bogatyrev, G.T., (2023). The Idea of the Withering Away of Law in the Early Soviet Legal Philosophy (1917–1930). *Theoretical and Applied Law*, pp. 67–76, doi: 10.22394/2686-7834-2023-2-67-76. (In Russ.).

Boiter, A., (1987). Law and Religion in the Soviet Union. *American Journal of Comparative Law*, 35, pp. 97–126, <https://api.semanticscholar.org/CorpusID:144887416>.

Booth, A., (2015). Accumulation, Development, and Exploitation in Different Colonial and Post-Colonial Contexts: Taiwan, Indonesia and the Democratic Republic of the Congo, 1900–80. *Economics and Finance in Indonesia*, 61(1), p. 1, doi: 10.7454/efi.v61i1.494.

Borisova, T. and Siro, J., (2014). Law between Revolution and Tradition: Russian and Finnish Revolutionary Legal Acts, 1917–18. *Comparative Legal History*, 2(1), pp. 84–113, doi: 10.5235/2049677X.2.1.84.

Bowring, B., (2019). The Soviets and the Right to Self-Determination of the Colonized. In: *The Battle for International Law* (pp. 404–425). Oxford: Oxford University Press, doi: 10.1093/oso/9780198849636.003.0019.

Butler, W.E., (2010). Soviet Legal Innovation and the Law of the Western World. *American Journal of Legal History*, 50(2), pp. 232–233, doi: 10.1093/ajlh/50.2.232.

Cox, M., (1984). Western Capitalism and the Cold War System. In: *War, State and Society*. Palgrave Macmillan UK, pp. 136–194, doi: 10.1007/978-1-349-17414-0_7.

Crivelente, M.A., (2020). Self-Determination as Resistance: Sahrawi and Palestinian Struggle for the UN, <https://api.semanticscholar.org/CorpusID:215749737>

David-Fox, M., (2003). The Fellow Travelers Revisited: The “Cultured West” through Soviet Eyes. *The Journal of Modern History*, 75(2), pp. 300–335, doi: 10.1086/380140.

Djonlagic, D. and Kozaric, A., (2010). Justification of criticism of the international financial institutions. *Economic Annals*, 55(186), pp. 115–132, doi: 10.2298/EKA1086115D.

Dzhumagulov, A. and Muratova, M., (2023). Development of the Right of Nations to Self-determination in International Law and Political and Legal Problems of Implementation of the Right to Self-determination in Catalonia. *Bulletin of Science and Practice*, 9(12), pp. 271–279, doi: 10.33619/2414-2948/97/36. (In Russ.).

Fayet, J.-F., (2008). Western Intellectuals and the Soviet Union, 1920–1940: From Red Square to the Left Bank. By Ludmila Stern. BASEES/Routledge Series on Russian and East European Studies, No. 31. New York: Routledge, 2007. xi, 269 pp. Notes. Bibliography. Index. \$ 125.00, hard bound. *Slavic Review*, 67(2), pp. 505–506, doi: 10.1017/S0037677900024153.

Fituni, L., (2020). Complete the Process of Decolonization! *Journal of the Institute for African Studies*, pp. 5–17, doi: 10.31132/2412-5717-2020-53-4-5-17.

García, M.R., (2008). The International Labor Organization: Past and Present. *International Labor and Working-Class History*, 74(1), pp. 225–227, doi: 10.1017/S0147547908000264.

Gasparini, A., (2022). Appealing. The Biden Doctrine in the “Cold Democracy” Age. *Diversitas Journal*, 7(4), pp. 2711–2725, doi: 10.48017/dj.v7i4.2406.

Giuliani, A.G., (2020). The Western Legal Tradition and Soviet Russia. The Genesis of H. Berman's Law and Revolution, <https://api.semanticscholar.org/CorpusID:225664367>.

Gorshkov, B.B., (2023). *The Dark Side of Early Soviet Childhood, 1917–1941: Children's Tragedy*. London: Bloomsbury Academic, doi: 10.5040/9781350098701.

Hassid, J., (2015). China's Responsiveness to Internet Opinion: A Double-Edged Sword. *Journal of Current Chinese Affairs*, 44(2), pp. 39–68, doi: 10.1177/186810261504400203.

Heiland, F., (2003). *The Collapse of the Berlin Wall: Simulating State-Level East to West German Migration Patterns*, pp. 73–96, doi: 10.1007/978-3-7908-2715-6_5.

Hensel, J. and Chase, J.S., (2008). After the Wall: Confessions from an East German Childhood and the Life that Came Next, <https://api.semanticscholar.org/CorpusID:190758326>

Hilpold, P., (2019). Von Katalonien bis Kurdistan: Territoriale Integrität versus Selbstbestimmung. *Zeitschrift für Öffentliches Recht*, 74(1), 3, doi: 10.33196/zoer201901000301. (In Germ.).

Hughes, D.D., (1967). The Real World of Democracy. By C.B. Macpherson. Oxford: Clarendon Press, 1966. Pp. 67. — Human Aims in Modern Perspective. By D.W. Gotshalk. Yellow Springs, Ohio: The Antioch Press, 1966, pp. viii, 122. *American Political Science Review*, 61(2), pp. 511–512, doi: 10.1017/S0003055400135762.

Hunt, J., (2000). Why Do People Still Live in East Germany? *IZA Discussion Papers*, No. 123, Institute for the Study of Labor (IZA), Bonn.

Huskey, E., (1991). A Framework for the Analysis of Soviet Law. *Russian Review*, 50(1), pp. 53–70, doi: 10.2307/130211.

Kalathil, S., (2018). Redefining Development. *Journal of Democracy*, 29(2), pp. 52–58, doi: 10.1353/jod.2018.0024.

Kausch, K., (2017). State and Non-State Alliances in the Middle East. *The International Spectator*, 52(3), pp. 36–47, doi: 10.1080/03932729.2017.1347250.

Li, H., (2015). The Chinese Model of Development and Its Implications. *World Journal of Social Science Research*, 2(2), pp. 128–138, doi: 10.22158/wjssr.v2n2p128.

Lityński, A., (2022). Sowieckie prawo karne w oczach łagienika. Aleksandra Sołżenicyna wykład o prawie karnym w świetle Archipelagu GUŁag. *Krakowskie Studia z Historii Państwa i Prawa*, 15(4), pp. 577–591, doi: 10.4467/20844131KS.22.040.16737. (In Polish).

Lukina, A., (2021). Legal Nurturing: the Educational Function of Law in the Soviet Union. *SSRN Electronic Journal*, doi: 10.2139/ssrn.3852669.

Mamlyuk, B.N., (2015). Decolonization as a Cold War Imperative: Early Soviet International Law as a Precursor to Bandung. *SSRN Electronic Journal*, doi: 10.2139/ssrn.2601524.

Manion, M., (1991). Policy Implementation in the People's Republic of China: Authoritative Decisions versus Individual Interests. *The Journal of Asian Studies*, 50(2), pp. 253–279, doi: 10.2307/2057208.

Mcmillan, J. and Naughton, B.J., (1992). How to reform a planned economy: lessons from China. *Oxford Review of Economic Policy*, 8, pp. 130–143, <https://api.semanticscholar.org/CorpusID:154118453>.

McWhinney, E., (1963). Soviet and Western International Law and the Cold War in the Era of Bipolarity: Inter-Block Law in a Nuclear Age. *Canadian Yearbook of International Law / Annuaire Canadien de Droit International*, 1, pp. 40–81, doi: 10.1017/S0069005800002009.

Merryman, J.H., (1996). The French deviation. *American Journal of Comparative Law*, 44, pp. 109–119, <https://api.semanticscholar.org/CorpusID:145715918>.

Minnikes, I.V., (2022). Problems of the Formation of Soviet Law: Features of Sources. *Vestnik MGPU. Seriya Yuridicheskie Nauki*. 4(48), pp. 58–71, doi: 10.25688/2076-9113.2022.48.4.05. (In Russ.).

Mombeuil, C. and Diunugala, H.P., (2021). UN sustainable development goals, good governance, and corruption: The paradox of the world's poorest economies. *Business and Society Review*, 126(3), pp. 311–338, doi: 10.1111/basr.12241.

Nikulin, V.V., (2020). From Extraordinary Law to “Revolutionary Legality”: Formation of the Concept of Revolutionary Law in the Soviet Legal Doctrine. *Pravo: Istoriya i Sovremennost*, 4(13), pp. 7–16, doi: 10.17277/pravo.2020.04. (In Russ.).

Omar, S.M., (2008). The right to self-determination and the indigenous people of Western Sahara. *Cambridge Review of International Affairs*, 21(1), pp. 41–57, doi: 10.1080/09557570701828584.

Peerenboom, R., (2003). A Government of Laws: Democracy, rule of law and administrative law reform in the PRC. *Journal of Contemporary China*, 12(34), pp. 45–67, doi: 10.1080/10670560305468.

Petro, N., (2019). Informal Politics and the Rule of Law. In: *Toward the “Rule of Law” in Russia?* Routledge, pp. 219–234, doi: 10.4324/9781315486451-13.

Sawer, M., Sawyer, M. and Anderson, P., (1977). Considerations on Western Marxism. *Labour History*, 33, p. 115, doi: 10.2307/27508290.

Schultz, K.A. and Weingast, B.R., (1996). The Democratic Advantage: The Institutional Sources of State Power in International Competition, <https://api.semanticscholar.org/CorpusID:155588417>.

Solomon, P.H., (1987). Soviet Criminal Justice and the Great Terror. *Slavic Review*, 46(3–4), pp. 391–413, doi: 10.2307/2498094.

Stephan, P.B., (1999). The Cold War and Soviet Law. *Proceedings of the ASIL Annual Meeting*, 93, pp. 43–51, doi: 10.1017/S0272503700066799.

Summers, L.H., (1987). Did Henry Ford Pay Efficiency Wages? *Journal of Labor Economics*, 5(4, part 2), pp. 57–86, doi: 10.1086/298165.

Tanner, M.S., (1999). The Politics of Lawmaking in Post-Mao China: Institutions, Processes and Democratic Prospects, <https://api.semanticscholar.org/CorpusID:154873729>.

Walker, C., (2016). The Authoritarian Threat: The Hijacking of “Soft Power”. *Journal of Democracy*, 27(1), pp. 49–63, doi: 10.1353/jod.2016.0007.

Womack, B., (1984). Modernization and Democratic Reform in China. *The Journal of Asian Studies*, 43, pp. 417–439, <https://api.semanticscholar.org/CorpusID:147418774>.

Xiang, L., (2024). Biden’s Misguided China Policy. *Survival*, 66(3), pp. 91–104, doi: 10.1080/00396338.2024.2357482.

Information about the Author

Beny Saputra, Ph.D. (Law), PhD researcher, Department of Legal Studies, Central European University, Vienna, Austria
 saputra_beny@phd.ceu.edu
 ORCID: 0009-0000-3946-3748
 Scopus ID: 59225196500