

THE VICISSITUDES OF THE TRANSFORMATION OF UNIVERSITY LEGAL EDUCATION IN THE FIRST YEARS OF SOVIET POWER (1917-1920s)

Vitaly S. Ivanenko

St. Petersburg University, St. Petersburg, Russia

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Keywords

Law faculties of universities of Russia / USSR, experiments with organizational forms and content of legal education, faculties of social sciences, faculties of Soviet law The subject. The article examines the history of the formation of university legal education in a very difficult period of the first years of Soviet power (1917-1930), in which it was subjected to great trials.

The purpose of the article is to reveal the causes, forms and confrontational nature of the relationship between the Soviet government and the university community in the first time after the October Revolution.

Methodology. A series of structural experiments is analyzed, some of them are illustrated on materials, including archival ones, of Petrograd (Leningrad) University, which was at that time one of the largest universities in the country.

Main results. The difficulties of transformation in 1918-1919 of law faculties of universities into legal departments of a new organizational form – faculties of social sciences are shown. Legal departments structurally included, as a rule, two cycles: judicial and administrative. The term of study was reduced to 3 years. Legal departments were created with the aim of forming new legal personnel for "socialist construction". The conditions of admission and the content of students' education are changing. In the beginning, absolutely everyone could study at universities, regardless of citizenship and gender, who had reached the age of 16. Entrance exams were canceled, even documents on secondary education were optional. The status of teachers has changed significantly. Lectures and seminars were mostly replaced by the "brigade-laboratory method" of teaching: the teaching material was studied by teams of a dozen students led by a foreman; the tasks involved independent study of literature and analysis of practical incidents; the teacher was involved in the process only if students had difficulties. Another innovation was the practice of students in justice institutions organized since 1922. However, the faculties of social sciences did not meet the expectations of the Soviet government and in the mid-1920s they were closed. Instead, faculties of Soviet law were opened at universities with two departments - judicial and economic and administrative. They were also

closed in 1930-1931. Instead, specialized legal institutions were created under the jurisdiction of the People's Commissariat of Justice.

Conclusions. Despite all the government search experiments with their mistakes and failures, the liquidation of university law faculties in the 1930s and early 1940s, since the 1940s, the training of lawyers at universities has nevertheless been resumed, continuing the traditions of the centuries-old domestic law school to provide the country with highly qualified legal personnel.

1. Introduction.

The dramatic events of two revolutions in Russia in 1917, the civil war of 1918 - 1922, the subsequent restructuring of all the foundations of social, political, cultural and legal life of the Russian state, the cardinal revision of legal understanding as such could not but affect the activities of universities and their law faculties (see, for example: [1; 2; 3]).

Universities and their law faculties initially did not accept the October Revolution of 1917 and did not recognize the Soviet power. In 1917-1918, relations between the universities and the new authorities were complicated and confrontational: the universities, not believing in the durability of the new authorities, wanted to preserve their status and traditional autonomy, while the Soviet authorities tried to bring them under their control, to subjugate the university community by removing from the universities "alien elements" undesirable to them, especially the old, pre-revolutionary professors. A multi-year organizational and even linguistic frenzy of university transformations and experiments began, which had an extremely negative impact on the teaching and research process.

The first years of Soviet power were particularly difficult for legal education. The complete rejection by the new authorities of the previous system of law and legal education and the lack of a clear idea of what the new law, the new education and the new educational and scientific institutions should be, set legal education far back - (see, for example: [4; 5; 6]).

The issues of the formation of legal education in the early period of the Soviet history of the country periodically found and are reflected in the pages of the scientific press both in the general context of the study of the process of development of legal education, and in relation to individual universities (see, for example: [7; 8; 9]). However, the existing publications (many of which in the Soviet period were clearly ideological) do not sufficiently reflect the peripetias of exploratory normative lawmaking and practical enforcement in the early years of Soviet power, expressed in a long series of organizational reforms and substantive experiments that shook the system of legal training, including in universities.

The archival materials cited in this article for

the first time allow us to realize more acutely many dramatic moments of the formation of Soviet legal education of investigated period , which is very instructive (see, for example: [10]).

2. Normative Regulation of Legal Education in Decrees and Resolutions of the Soviet State in 1918 - mid 1920s.

Legal regulation of legal education began a few months after the October Revolution as part of the general state measures in the field of enlightenment and education - (see more details: [11; 12;13; 14]). According to the Decree of the Council of People's Commissars (CPC) of the RSFSR No. 507 of June 5, 1918. "On the transfer of educational and training institutions establishments of all departments to jurisdiction of the People's Commissariat of Education", all educational institutions of the country, including universities, were transferred to the jurisdiction of the People's Commissariat of Education (Narkompros).¹

Attitudes towards the admission and content of training were also changing. According to the Decree of the CPC № 82 of August 2, 1918. "On the rules of admission to higher educational institutions", in higher educational institutions of the country, including universities, could study all interested persons, regardless of citizenship and gender, who had reached the age of 16. Entrance examinations were canceled, documents on secondary education were not obligatory, free education was established, state scholarship was introduced for students from the proletariat and the poorest peasantry. (The decree was canceled in 1921).

In the early days, the universities also abolished exams, sessions, and the point system of grading.

The scientific status of scientists also changed dramatically. The decree of the CPC RSFSR from October 1, 1918. "On some changes in the composition and structure of state scientific and

Official website "Electronic Library of Historical Documents" (hereinafter referred to as "Electronic Library of Historical Documents"). http://docs.historyrussia.org/ru/nodes/348413 (accessed on 15.09.2023).

² Ibid. http://docs.historyrussia.org/ru/nodes/12389 (accessed on 15.09.2023).

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higher educational institutions of the Russian Republic" in the country abolished "academic degrees of doctor, master and all the rights and benefits associated with these degrees". All persons independently teaching in higher educational institutions began to carry the single title of professor. The secret voting for vacant positions was abolished. The right to occupy professorial chairs was granted by a nationwide competition to all persons known for their scientific works, scientific and pedagogical activities or other professional activities in their specialty.

The system of legal education also did not escape radical and painful changes - the dismantling of the forms and content of educational and scientific processes that had been established over several decades began.

After the October Revolution in the governmental circles of the Soviet state there prevailed the conviction, firstly, of the necessity of breaking the whole system of legal education and science as a faithful "servant", personnel "forge" and scientific-ideological "apologist" of the former tsarist and bourgeois regimes, and, secondly, of the uselessness for the new power of a huge army of lawyers. It was assumed that in the new classless Soviet state there would be no need for legal personnel, since social relations would be regulated by the norms of "communist morality" and officials, including judges, would be guided in their decisionmaking by "revolutionary legal consciousness", "revolutionary expediency" and a sense of "class justice". Therefore, the Soviet authorities initially had a negative attitude towards law faculties.

In addition, the faculties themselves did not show much desire to restructure their work at the beginning. For example, the courses announced by the Faculty of Law of Petrograd University for the academic year 1918-1919 included subjects read before the revolution. Among the special courses "The Law of Land Property and its Development in the Complete Collection of Laws", "Civil Law of the Kingdom of Poland", "General Principles of Prison Science". The teaching of church disciplines was also outstanding: "Church Law", "Moscow Church Council of 1917 - 1918", "Church and State in their mutual relations" - [15, p. 19]. Obviously, the demonstrative teaching of Church legal disciplines violated the decrees of the Soviet authorities on the introduction of secular education, since canon law was taught according to the teachings of the Apostles, Church Fathers, etc.

A similar situation occurred in the Moscow University, where there was a department of church law - [16, p. 74].

Therefore, the existing anomalous situation in the relationship between the Soviet authorities and the law faculties was resolved by the decision of the new authorities to liquidate them. On October 23, 1918. The People's Commissariat of the RSFSR adopted a resolution "On the Closure of University Law Faculties", which contained the following very decisive measures and their justification.

"In view of the complete obsolescence of the curricula of law faculties..., as well as the complete inconsistency of these curricula with both the requirements of scientific methodology and the need of Soviet institutions for highly qualified workers, it is decreed::

- faculties as special subdivisions of universities or similar institutions of higher education are abolished;
- 2 all credits intended for the maintenance of these faculties as such.... are closed as of January 15, 1919:
- 3) from the separate departments of the mentioned faculties (the departments of political economy and statistics, financial law, international law) are temporarily, until the formation of the faculties of social sciences, transferred to the historical department of the faculties of history and

³ Ibid. http://docs.historyrussia.org/ru/nodes/12522 (accessed on 15.09.2023).

Academic degrees were reintroduced by the Decrees of the CPC USSR "On Academic Degrees and Titles" No. 79 of January 13, 1934 - See: Electronic Library of Documents Historical http://docs.historyrussia.org/ru/nodes/12522#mode/insp ect/page/1/zoom/7 http://docs.historyrussia.org/ru/nodes/353025#mode/ins pect/page/4/zoom/4 (accessed on 15.09.2023) and No. 464 of March 1937 20. https://www.consultant.ru/cons/cgi/online.cgi?req=doc&b ase=ESU&n=33148&ysclid=lmd1x104qm94136358#dM yoQpTucMt3iYCm (Date of reference - 05.09.2023 г.). Decree No. 464 contains a list of 18 branches of sciences (including legal sciences) for which academic degrees were awarded.

philology, the department of state law is transformed into the department of Soviet legislation, with the introduction of this subject into the normal program of all faculties, the other departments are abolished and the teachers who occupy them are retained from January 15, 1919.)».

Later the term of liquidation of faculties was extended until March 15, 1919. But in some universities they continued to work until the establishment of Soviet power in these regions (for example, in Tomsk University in Siberia until December 1919, and in Tauride University in the Crimea until December 1920).

Under the conditions of the unfolding civil war and devastation, constant revolutionary reforms, organizational confusion, and ideological and political division, university personnel began to leave the country for relatively calmer regions of the country, as well as for the military formations of the White Movement or for emigration abroad.

The situation was aggravated by the cold, hunger and disease that overtook many Russian cities and university centers. Pitirim Sorokin, a well-known scholar, lawyer and sociologist, who worked at the Law Faculty of Petrograd University at that time, describes in his memoirs the appalling living conditions that drove many scientists to death or suicide. "They die of typhus, influenza, pneumonia, cholera, exhaustion, and all ten plagues of Egypt. A friend seen alive today is found dead tomorrow. The meetings of the teaching staff now differ little from the wake for our colleagues" - [17, p. 131].

The Council of the Petrograd University even adopted an appeal "To the Higher Authorities" in connection with the plight and death of scientists from starvation.⁵ As a result, teachers were allowed to travel to other regions of Russia for scientific, educational and, most importantly (veiled), food

procurement purposes to alleviate the situation.⁶

However, soon the remaining part of the legal community of universities, on the one hand, began to realize that the ongoing fundamental changes in the state foundations for a long time, that objectively requires the restructuring of the legal foundations of the state, but, on the other hand, sought to preserve the basic foundations of the existing legal education, keeping them within the existing law faculties. Thus, the Council of the Petrograd University in response to the decision of the People's Commissariat to entrust the Socialist Academy of Social Sciences to develop a curriculum for law faculties decided to hastily develop its own plan of teaching at the faculty in order to "contrast it with the plan that is being developed by the Academy in Moscow" - [9, p. 14-15].

But, despite the public objections, the law faculties were nevertheless abolished. By the decree of the People's Commissariat of Education of March 3, 1919, instead of the abolished law faculties and historical departments of historical and philological faculties of universities, a new type of educational and scientific units was created - faculties of social sciences (FoSS).⁷

The atmosphere of the closure of law faculties and the creation of the Faculty of History and Philology was vividly described by the great Russian philosopher I.A. Ilyin, a professor at Moscow State University in 1918-1922: "I remember the "abolition" of the law faculty: a faculty of "social sciences" was to be created, to which all historians, separated from the Faculty of History and Philology, were to be attached.

It began with a faculty meeting of lawyers, to which a plump boy of an insolent tone appeared from the People's Law Enforcement Review 2023, vol. 7, no. 4, pp. 25–34

⁴ For the text of the Resolution, see: Appendix to item IV of the minutes of the meeting of the Collegium of the RSFSR People's Commissariat of Education No. 112. - Electronic library of historical documents. http://docs.historyrussia.org/ru/nodes/79985#mode/inspect/page/1/zoom/4. (accessed on 05.09.2023).

Central State Archive of St. Petersburg (CGA SPB). fond. 7240. opis. 14. file. 16. l. 151 ar. - 152; file. 132.
1. 72. See: History of SPbSU. Chronology of events. http://spbu.ru/about-us/arc/chronicle/chronicle/1914-1919.html

⁶ Thus, at the meeting of the political-legal department of FoSS Petrograd University on December 29, 1919, it was decided to send a large group of professors and teachers of the department to Luga, Petrograd province, for vacation time until January 20, 1920. "for cultural and educational activities." -- Minutes of the meeting of the Political and Legal Department of the FoSS of December 29, 1919. CGA SPB. fond. 7240. opis. 14. file. "Petrograd State University. Faculty of Law. Minutes of the meeting of the faculty" - (1919 г.). -1.43.

⁷ See.: Appendix No. 3 to the minutes of the meeting No. 30 (item Vd) of the Board of People's Commissariat of the RSFSR - "Regulations on the Faculty of Social Sciences" - Electronic Library of Historical Documents. http://docs.historyrussia.org/ru/nodes/78681#mode/inspect/page/1/zoom/4 (accessed on 20.09.2023).

FoSS were created to train and form "a cadre of scientifically trained practitioners of socialist construction", beginning a radical reorganization of legal education in the country.

According to the above-mentioned Decree, all FoSS students, regardless of their specialization, during the first two years study cycle of general subjects, "the teaching of which aims to give them a general sociological education, which is a necessary prerequisite for special education". At the same time, the curriculum was quite multidisciplinary. Starting from the third year, the faculty was divided into three departments - political-legal, economic and historical, within which narrower specialization could be carried out.

Thus, the Faculty of Law of Petrograd University was closed on June 2, 1919, and on its basis was opened FoSS - [19, p. 301]. On this day at the meeting of the Faculty the question "On renaming the Faculty of Law to the Faculty of Social Sciences" was considered and the following decision was made: "In view of the change in the curriculum of the Faculty, to adopt the name of the Faculty of Social Sciences and notify the rector about it". ¹¹ The Faculty of Social Sciences was opened in two departments: Political-Legal (with two cycles: Judicial and Administrative) and Social-Economic.

The situation was similar at Moscow University. By the decree of the Narkompros, the Faculty of Law of Moscow State University was abolished on December 23, 1918, and on April 14, 1919, by a separate decree of the Narkompros, the Faculty of Law of Moscow State University was established in three departments: political-legal, socio-economic and historical. On May 5, academic classes began, but on

Commissariat of the People's Commissariat of Education: "Comrades Professors! - he mumbled, sputtered and flirted with a chauffeur's helmet. - The October Revolution is taking possession of the university; if you do not want to recognize this and obey it, you will be on the street tomorrow". – [Cit. till: 18, p. 20].

2023, vol. 7, no. 4, pp. 25-34

November 14, by the decision of the presidium of the FoSS, lecture classes were stopped from December 1, 1919 to April 1, 1920 (due to the lack of firewood for heating the classrooms) - [See: 20, p.63].

At Kazan University, the Faculty of Law on July 11, 1919, was also transformed into FoSS with three departments: juridical-political, historical and economic, but in 1922 it was closed - [See: 21, p.145-149]

The educational process within the FoSS was designed for four years: two of them were allocated for the study of general education disciplines and two years for the study of the chosen specialty. At the political-legal department of FON, the curriculum included the following subjects in the specialty: "History of Law and State"; "Evolution of Political and Legal Thought"; "Public Law of the Soviet Republic"; "Social Law"; "Criminal Sociology and Politics"; "Workers' Law and Social Policy"; "Social Hygiene and Sanitation", "History of International Law in Connection with the History of International Relations") - [4, p. 37].

But experiments continued with the new educational and scientific form. Thus, on September 13, 1919, the People's Commissariat of Education approved the "Provisional Regulations on the Faculty of Social Sciences (FoSS) of Petrograd University" already consisting of six departments: socio-economic, philosophical, historical, philological, ethnological-linguistic, and political-legal. 12 – (See.: [22, c.302]).

In academic terms, the political-legal department of the FoSS was, in turn, divided into subject groups combining "related" or closely related academic disciplines. Initially, three subject groups were created: public-law, civilistic and criminalistic. Thus, at the meeting of the political-legal department of the Petrograd University on October 6, 1919, it was decided to form a fourth subject group, which included the history of law, theory of law, history of political doctrines and sociology. Subject groups ensured not only the content of the educational process, but also preliminarily solved the issue of hiring and admission of this or that teacher to training classes, made an idea

 $^{^8}$ Ibid.

⁹ Ibid.

¹⁰ In subsequent documents and literature there are other names of the department: "political-legal", "legal", "juridical".

¹¹Minutes of the Law School Meeting of June 2, 1919. CGA SPB. – fond. 7240. opis. 14. file. 85 "Petrograd State University. Faculty of Law. Minutes of the meeting of the faculty" - (1919 г.). - 1. 7. Law Enforcement Review

¹² CGA SPB. fond. 7240. opis. 14. file. 132. l. 3, 43-61.

¹³ Minutes of the branch meeting of October 6, 1919. CGA SPB. fond. 7240. opis. 14. file. 132. Ibis. 1. 26-26.

about the distribution of subjects among "available teachers", about payment for the over-established limit of hours of training classes, etc.¹⁴

But a year and a half later - again transformations: according to the decree of the CPC RSFSR of March 4, 1921 "On the plan of organization of the faculties of social sciences of Russian universities", the political-legal departments of FoSS were transformed into legal departments (with judicial and administrative cycles, and at MSU - also with the department of external relations). 15

The new curriculum for the law department was already characterized by a clearer specialization of cycles, many non-legal subjects were excluded, general and special disciplines, theoretical courses and seminars, compulsory and optional courses were introduced - [23, p.113]. The term of study was reduced to 3 years compared to the 4 years of the law faculty.

An important innovation was the first organized in 1922 practice of law students in the institutions of justice, which became an integral element of the process of training legal personnel. According to the established plans, this practice was to be carried out for at least five months, at most faculties it began in the third year - [24, c.121].

In 1922-1924, the first Soviet textbooks on legal disciplines were published. This made it possible in 1924 for the People's Commissariat of Education to oblige universities to completely abandon the use of pre-revolutionary curricula, textbooks and teaching materials.

Another innovation was that lectures and seminars were mostly replaced by the "brigade-laboratory method" of teaching: teaching material was studied by teams of about a dozen students headed by a brigadier; assignments involved independent study of literature and analysis of practical cases; the instructor was included only in case of students' difficulties.

3. Transformation of the System of Legal Education

in the second half of the 1920s-1930s.

However, it soon became obvious that the creation of FoSS did not justify itself, their provision with qualified scientific and pedagogical staff, financial, economic and material resources was weak. Since 1924, FoSS of universities began to close or transformed into other educational units - [4, P.111-122]. By the decree of the CPC of August 8, "On changing the network of higher educational institutions" the faculties of social sciences in a number of universities were closed, or their staff was reduced, or they were transformed. 16 For example, in the MSU only the law department was preserved. The FoSS of the Leningrad, Rostov and Saratov Universities were closed. At the same time, for example, the legal department of the FoSS of LSU as students were graduating was to be liquidated by October 1, 1926: the last graduation took place in the spring of 1926. [9, c.20 - 21].

As Professor V.M. Dogadov, who worked at the LSU faculty at that time, writes, initially, due to the closure of the legal departments of the FoSS, it was not envisaged to open independent faculties of law at universities. It was believed that the country's need for legal personnel could be met by the Faculty of Soviet Law of the Moscow State University. However, after discussing this issue with the participation of the People's Commissariat of Justice, which argued about the huge need for such personnel, the decision was made by the decision-making bodies to open faculties of Soviet law in universities - [25, p.115 - 117]. Within the RSFSR such faculties were established in five universities (Moscow, Leningrad, Kazan, Irkutsk and Saratov: in the last two - of Soviet law and economy). Free competition for admission was abolished: admission was only by referral of state bodies.

According to the Decree of the CPC RSFSR of April 28, 1925. FoSS MSU was transformed into two faculties: the Faculty of Soviet Law and the Faculty of Ethnology.¹⁷ The Faculty of Soviet Law of Moscow State

¹⁴ See, for example: Minutes of the branch meeting of October 13, 1919 Γ. Ibis. l. 27.

Digital library of historical documents. http://docs.historyrussia.org/ru/nodes/17637#mode/inspect/page/1/zoom/4

Decree of the CPC RSFSR from 08.08.1924 "On changes in the network of higher educational institutions".

Digital library of historical documents. http://docs.historyrussia.org/ru/nodes/361555-dekret-soveta-narodnyh-komissarov-o-preobrazovanii-

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University included four departments: judicial, economic-legal, state-administrative and international [4, P.44].

In LSU, by the resolution of the Council of People's Commissars of the RSFSR of April 23, 1926, the Faculty of Soviet Law with two departments - judicial and economic-administrative (with two cycles: administrative and economic) was formed in the fall of 1926, and in the fall the admission to the first course was made. The faculty established subject commissions -- public law, economic law, and criminology.

On August 2, 1928, the Council of People's Commissars of the RSFSR approved a new structure of LSU, which provided, in particular, for a system of organizing the educational process on the basis of subject cycles and commissions.¹⁹

In 1928, the Faculty of Soviet Construction and Law was opened at Kazan University with three departments: Soviet Law, Soviet Construction and Economics.²⁰

Since the late 1920s a new form of organization of higher legal education - extramural. Its implementation began in October 1927 with the Moscow State University (the office of correspondence legal education (*the Faculty of Soviet law at home*) was established), the curriculum was designed for a 4-year term of study [24, p.115].

But also the faculties of Soviet law did not last long. The initiator of the restructuring of legal education was the People's Commissariat of Justice [25, P.27 - 28], which sounded the alarm about the low professional level of practicing lawyers and mass evasion from the work of distribution of graduates of the faculties of Soviet law. The use of graduates from law schools and university faculties in the justice bodies amounted to 13 % in 1929, in 1930. - 55 %. [26,

p.22]. According to the People's Commissariat of Justice, in its system only 6% of employees had a higher legal education. And in the country as a whole among prosecutors, investigators and judges had higher legal education only 10%. As A. Vyshinsky mentioned, previously little attention was paid to this issue, as there were strong ideas that "legal education is not necessary, that we can do without not only Roman law, but also without Soviet law, which some buried in the first category, pushing rotten theories about the extinction of law, about the extinction of justice, about the extinction of the court. We dispersed our personnel: we did not create new ones, we lost the old ones" - [27, p.83]

Given the current unfavorable situation, the People's Commissariat of Justice expected that by re-subordinating all law schools in the country, it would be able to reverse this negative situation.

On June 28, 1930. CPC RSFSR by its resolution recognized it expedient to separate the faculties of Soviet law from the universities and to create on their basis independent specialized legal institutes. On July 23, 1930, the CEC and CPC of the USSR decree No. 237 "On the reorganization of higher educational institutions, technical schools and working faculties" legalized this reorganization".²¹

In 1930-1931, the faculties of Soviet law in the universities of Moscow, Leningrad, Kazan, Saratov, and Irkutsk were reorganized into independent institutes of Soviet law and transferred to the People's Commissariat of Justice. It should be said that many of these institutes in the 1930s were repeatedly subjected to reforms, divided, merged, subjected to structural and substantive transformations.

The Great Patriotic War of 1941-1945 made its adjustments in the work of law institutes, a number of them were evacuated inland, most of the teachers and students went to the front, many did not return.

The restoration of law faculties in the structure of the country's universities began after the end of the Great Patriotic War.

4. Conclusions

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History of SPbSU. Chronology of events. http://spbu.ru/about-us/arc/chronicle/chronicle/1920-1929.html (accessed on 15.09.2023).

¹⁹ Ibid.

See: Kazan Federal University. From the History of the Faculty of Law. https://kpfu.ru/law/uznat-bolshe-o-fakultete/istoriya-juridicheskogo-fakulteta-kfu (accessed on 15.09.2023). Law Enforcement Review 2023, vol. 7, no. 4, pp. 25–34

²¹ Digital library of historical documents. http://docs.historyrussia.org/ru/nodes/352281 (accessed on 15.09.2023).

The analysis of the reorganization and formation of Soviet legal education in 1918 - 1930 shows that it passed through a complex conceptual and organizational-legal path of both radically revolutionary and evolutionary character - from the complete denial by the new Soviet power of the need for legal education in the country to the contradictory search for its most optimal and effective forms.

However, despite all the search experiments with their mistakes and failures, the mass exodus of pre-revolutionary professors to emigration, the liquidation of university law faculties in the 1930s and early 1940s, the Soviet authorities managed to consolidate the former scientific and pedagogical legal personnel remaining in the country and to form a new generation of law professors, and, starting from the mid-1940s, to resume the training of lawyers in universities, thus continuing the centuries-old traditions of the domestic legal school to provide the country with a high level of legal education.

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INFORMATION ABOUT AUTHOR

Vitaliy S. Ivanenko – PhD in Law, Associate Professor, Department of International Law St. Petersburg University 7/9, Universitetskaya nab., St. Petersburg, 199034, Russia

E-mail: v.s.ivanenko@spbu.ru ORCID: 0000-0003-0823-5501 ResearcherID: G-1886-2015 RSCI SPIN-code: 6178-3348

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