

Selected Bibliography

Readers interested in doing further research on legal and constitutional developments in Eastern Europe may find the following list of books and scholarly articles useful. Good general sources of a less scholarly sort are also abundant; in particular, the reader may wish to consult a seven-part series of front-page articles in *The New York Times* entitled "Evolution in Europe," which ran from November 9 through November 15, 1990, and any or all recent issues of *Report on Eastern Europe*, a weekly periodical published by the Radio Free Europe/Radio Liberty Research Institute.

I. GENERAL MATERIALS ON CONSTITUTIONALISM, EASTERN EUROPE, AND REVOLUTION

Andrew Arato, *Some Perspectives on Democratization in East Central Europe*, 38 *J Intl Affairs* 321 (1985).

Timothy Garton Ash, *The Magic Lantern* (Random House, 1990).

Timothy Garton Ash, *The Uses of Adversity: Essays on the Fate of Central Europe* (Random House, 1989).

Ivo Banac, ed, *Eastern Europe in Revolution* (Cornell, forthcoming 1991).

Keith G. Banting and Richard Simeon, eds, *Redesigning the State: The Politics of Constitutional Change* (Toronto, 1985).

Durga Das Basu, *Comparative Constitutional Law* (Prentice-Hall, 1984).

Harold J. Berman, *Law and Revolution: the Formation of the Western Legal Tradition* (Harvard, 1983).

Otto Bihari (Kornel Balas, trans), *The Constitutional Models of Socialist State Organization* (Akademiai Kiado, 1979).

George Athan Billias, ed, *American Constitutionalism Abroad* (Greenwood, 1990).

Albert P. Blaustein, *The Influence of the United States Constitution Abroad*, 12 *Okla City U L Rev* 435 (1987).

Albert P. Blaustein and Gisbert H. Flanz, eds, *Constitutions of the Countries of the World* (Oceana, 1991) (multivolume looseleaf set).

Lea Brilmayer, *Secession and Self-Determination: A Territorial Interpretation*, 16 *Yale J Intl L* 177 (1991).

Adam Bromke, *Eastern Europe in the Aftermath of Solidarity* (Columbia, 1985).

James F. Brown, *Surge to Freedom: The End of Communist Rule in Eastern Europe* (Duke, 1991).

Valerie Bunce, *Rising Above the Past*, World Policy J (Summer 1990).

Valerie Bunce, *A Transition to Liberal Democracy?*, 17 Can Bus L J 163 (1990).

Anne-Marie Burley, *Revolution of the Spirit*, 3 Harv Hum Rts J 1 (1990).

William E. Butler, Peter B. Maggs, and John B. Quigley, Jr., eds, *Law After Revolution* (Oceana, 1988).

Michael Charlton, *The Eagle and the Small Birds* (Chicago, 1984).

Colloquium on the Transformation of Eastern Europe: Political and Economic Interpretations, 17 Can Bus L J 162 (1990).

John Comaroff, *Re-Marx on Repression and the Rule of Law*, 15 L & Soc Inquiry 671 (1990).

Roberto Cueller (translated remarks), *The Relationship Between Civil Society, Security Establishments, and Human Rights in Eastern Europe*, 5 Am U J Intl L & Policy 989 (1990).

Debate: Marxism and the Rule of Law, 15 L & Soc Inquiry 633 (1990).

Eason-Weinmann Center for Comparative Law, Eighth Annual Symposium, *An Examination of the Unity and Diversity Within the Socialist Legal Family*, 61 Tulane L Rev 1257 (1987).

Daniel J. Elazer, *Constitution-making: The Pre-eminently Political Act*, in Keith G. Banting and Richard Simeon, eds, *Redesigning the State: The Politics of Constitutional Change in Industrial Nations* 232 (Toronto, 1985).

Jon Elster, *Born to be Immortal: The Constitution-Making Process* (Cooley Lectures, University of Michigan, Apr 15-17, 1991) (on file with U Chi L Rev).

Jon Elster, *When Communism dissolves*, London Rev Books 3 (Jan 25, 1990).

Jon Elster and Rune Slagstad, eds, *Constitutionalism and Democracy* (Cambridge, 1988).

Zbigniew M. Fallenbuehl, *Eastern Europe on the Road from Communism to Capitalism*, 17 Can Bus L J 238 (1990).

Bruce Fein and William Bradford Reynolds, *Stability Through Law in Eastern Europe*, 12 Legal Times 24 (1989).

Leszek Garlicki, *Constitutional and Administrative Courts as Custodians of the State Constitutions—The Experience of East European Countries*, 61 *Tulane L Rev* 1285 (1987).

Robert A. Goldwin and Art Kaufman, eds, *Constitution Makers on Constitution Making* (AEI, 1988).

William E. Griffith, ed, *Central and Eastern Europe: The Opening Curtain?* (Westview, 1989).

John N. Hazard, *Where are the Peril Points?*, 15 *L & Soc Inquiry* 521 (1990).

John N. Hazard, *Socialist Law as an Academic Discipline*, 61 *Tulane L Rev* 1279 (1987).

John N. Hazard, *The Common Core of Marxian Socialist Constitutions*, 19 *San Diego L Rev* 297 (1982).

John N. Hazard, *Communists and Their Law: A Search for the Common Core of the Legal Systems of the Marxian Socialist States* (Chicago, 1969).

D.A. Heckathorn and S.M. Maser, *Bargaining and Constitutional Contracts*, 31 *Am J Pol Sci* 142 (1987).

Louis Henkin, *Constitutionalism, Democracy, and Foreign Affairs* (Columbia, 1990).

Louis Henkin, *Revolutions and Constitutions*, 49 *La L Rev* 1023 (1989).

Ronald J. Hill and Jan Zielonka, eds, *Restructuring Eastern Europe* (Edward Elgar, 1990).

Aleksandr Iakovlev, *Constitutional Socialist Democracy: Dream or Reality?*, 28 *Colum J Transnatl L* 117 (1990).

Hubert Izdebski, *Legal Aspects of Economic Reforms in Socialist Countries*, 37 *Am J Comp L* 703 (1989).

Donald P. Kommers, *Comparative Constitutional Law: Casebooks for a Developing Discipline*, 57 *Notre Dame Lawyer* 642 (1982).

Martin Krygier, *Marxism and the Rule of Law: Reflections After the Collapse of Communism*, 15 *L & Soc Inquiry* 633 (1990).

Koen Lenaerts, *Constitutionalism and the Many Faces of Federalism*, 38 *Am J Comp L* 205 (1990).

Dietrich André Loeber, ed, *Ruling Communist Parties and Their Status under Law* (Martinus Nijhoff, 1986).

Henc van Maarseveen and Ger van der Tang, *Written Constitutions: A Computerized Comparative Survey* (Oceana, 1978).

Inga Markovits, *Family Traits*, 88 *Mich L Rev* 1734 (1990).

Inga Markovits, *Pursuing One's Rights under Socialism*, 38 *Stan L Rev* 689 (1986).

Inga Markovits, *Law or Order—Constitutionalism and Legality in Eastern Europe*, 34 *Stan L Rev* 513 (1982).

Vojtech Mastny, ed, *Soviet-East European Survey, 1986-1987: Selected Research and Analysis from Radio Free Europe/Radio Liberty* (Westview, 1988).

Edward McWhinney, *Supreme Courts and Judicial Law-Making: Constitutional Tribunals and Constitutional Review* (Martinus Nijhoff, 1986).

Olga A. Narkiewicz, *Eastern Europe, 1968-1984* (Barnes & Noble, 1986).

B.O. Nwabueze, *Constitutionalism in the Emergent States* (Fairleigh Dickinson, 1975).

Robin Okey, *Eastern Europe, 1740-1985: Feudalism to Communism* (Minnesota, 1986).

Christopher Osakwe, *Introduction: The Problems of the Comparability of Notions in Constitutional Law*, 59 *Tulane L Rev* 875 (1985).

Zoltán Péteri, *The Reception of Soviet Law in Eastern Europe: Similarities and Differences Between Soviet and East European Law*, 61 *Tulane L Rev* 1397 (1987).

Bodo Pieroth, *An Essay on an Export from the United States: Constitutional Doctrine and Ideas*, 9 *SLU Pub L Rev* 311 (1990).

Adam Przeworski, *Political and Economic Reforms: Democracy and Market in Eastern Europe and Latin America* (Cambridge, forthcoming 1991).

John Quigley, *The Transformation of Eastern Europe and the Convergence of Socialist and Capitalist Law*, 26 *Willamette L Rev* 937 (1990).

John Quigley, *Socialist Law and the Civil Law Tradition*, 37 *Am J Comp L* 781 (1989).

J.M.C. Rollo, et al, *The New Eastern Europe: Western Responses* (Royal Institute of Intl Affairs, 1990).

Alan S. Rosenbaum, ed, *Constitutionalism: the Philosophical Dimension* (Greenwood, 1988).

Andras Sajo, *The Struggle for Ownership Control: The New Content of State Ownership Forms in Eastern Europe*, 18 *Intl J Soc L* 429 (1990).

William B. Simons, ed, *The Constitutions of the Communist World* (Sijthoff & Noordhoff, 1980).

Ivan Sipkov, *United States Research of the Law of the Communist-Ruled States of Europe*, 16 *Vand J Transnatl L* 583 (1983).

Grazyna Skapska, *The Rule of Law from the East Central Europe Perspective*, 15 *L & Soc Inquiry* 699 (1990).

Symposium: Transitions to Democracy and the Rule of Law, 5 Am U J Intl L & Policy 965 (1990).

Christine Syponowich, *The Concept of Socialist Law* (Clarendon, 1990).

James A. Thomson, *Comparative Constitutional Law: Entering the Quagmire*, 6 Ariz J Intl & Comp L 22 (1989).

Jan F. Triska, ed, *Constitutions of the Communist Party-States* (Hoover, 1968).

United States Central Intelligence Agency, *Eastern Europe: Long Road Ahead to Economic Well-Being*, Report to the Subcommittee on Technology and National Security of the Joint Economic Committee of Congress (May 16, 1990).

E. Garrison Walters, *The Other Europe: Eastern Europe to 1945* (Syracuse, 1988).

Robin West, *Foreword: Taking Freedom Seriously*, 104 Harv L Rev 43 (1990).

Arnold J. Zurcher, ed, *Constitutions and Constitutional Trends Since World War II* (NYU, 1951).

II. COUNTRY-SPECIFIC MATERIALS

A. Baltics

Igor Gryazin, *Constitutional Development of Estonia in 1988*, 65 Notre Dame L Rev 141 (1990).

Report on the Working Group of the Commission of the Supreme Soviet of the Latvian SSR, 21 J Baltic Stud 79 (1990).

Alfred Erich Senn, *Lithuania Awakening* (California, 1990).

B. Bulgaria

John Bell, *Post-Communist Bulgaria*, 89 Current Hist 417 (1990).

Robert J. McIntyre, *Bulgaria: Politics, Economics and Society* 73 (Pinter, 1988).

Gueorgui Poshtov, *Constitutional Debates and Constitutional Changes in Bulgaria* (Report to the Center for the Study of Constitutionalism in Eastern Europe, The University of Chicago Law School, Jan 30, 1991) (on file with U Chi L Rev).

C. Czechoslovakia

Judy Batt, *Economic Change and Political Change in Eastern Europe: A Comparison of the Czechoslovak and Hungarian Experiences* (St. Martin's, 1988).

Amos Elon, *A Reporter at Large: Prague Autumn*, New Yorker 125 (Jan 22, 1990).

David Franklin, *Constitutional Developments in the Czech and Slovak Federative Republic, November 1989—February 1991* (Report to the Center for the Study of Constitutionalism in Eastern Europe, The University of Chicago Law School, Mar 1991) (on file with U Chi L Rev).

George E. Glos, *The Czechoslovak Civil Code of 1964 and Its 1982 Amendment within the Framework of Czechoslovak Civil Law*, 6 NY L Sch J Intl & Comp L 215 (1986).

Josef Kalvoda, *National Minorities Under Communism: The Case of Czechoslovakia*, 16 Nationalities Papers 1 (1988).

Carol Shalnik Leff, *National Conflict in Czechoslovakia: The Making and Unmaking of the State, 1918-1987* (Princeton, 1988).

William H. Luers, *Czechoslovakia: Road to Revolution*, 69 Foreign Affairs 77 (1990).

Miroslav Polreich, *The Czechoslovak Revolution: Origins and Future Prospects*, 10 Intl Relations 129 (1990).

Norman Stone and Eduard Strouhal, *Czechoslovakia: Crossroads and Crises 1918-88* (St. Martin's, 1989).

D. Germany

David P. Currie, *Lochner Abroad: Substantive Due Process and Equal Protection in the Federal Republic of Germany*, 1989 S Ct Rev 333.

Karl Kaiser, *Germany's Unification*, 64 Foreign Affairs 179 (1990)

John H. Langbein, *The German Advantage in Civil Procedure*, 52 U Chi L Rev 823 (1985).

Inga Markovits, *Socialist vs. Bourgeois Rights—An East-West German Comparison*, 45 U Chi L Rev 612 (1978).

Daniel John Meador, *Impressions of the Law in East Germany: Legal Education and Legal Systems in the German Democratic Republic* (Virginia, 1986).

Note, *Legal Aspects of East and West Germany's Relationship with the European Economic Community after the Collapse of the Berlin Wall*, 31 Harv Intl L J 647 (1990).

Note, *German Reunification: Historical and Legal Roots of Germany's Rapid Progress Toward Unity*, 22 NYU J Intl L & Pol 253 (1990).

Ulrich Preuss, *The (Central) Round Table in the Former German Democratic Republic* (Working Paper, Center for the Study of Constitutionalism in Eastern Europe, The University of Chicago Law School, 1991) (on file with U Chi L Rev).

William Sólyom-Fekete, *Legal Restrictions on Foreign Travel by the German Democratic Republic* (Library of Congress, 1978).

Kurt Sontheimer and Wilhelm Bleek (Ursula Price, trans), *The Government and Politics of East Germany* (Hutchinson U. Library, 1975).

E. Hungary

Bruce Fein, *Democracy on the Move: A New Constitution for Hungary*, 75 ABA J 66 (1989).

Kalman Kulcsár, *Rule of Law, Constitutionalism, Human Rights in the Transformation of the Hungarian Political System* (1989) (unpublished manuscript, on file with U Chi L Rev).

Andras Sajo, *Round Tables in Hungary* (Working Paper, Center for the Study of Constitutionalism in Eastern Europe, The University of Chicago Law School, 1991).

H.D. Stark and Laszlo Bruszt, *Remaking the Political Field in Hungary: From the Politics of Confrontation to the Politics of Competition*, in Ivo Banac, ed, *Eastern Europe in Revolution* (Cornell, forthcoming 1991).

F. Poland

Timothy Garton Ash, *The Polish Revolution: Solidarity* (Scribner's, 1983).

Christine L. Czarnecki, *Women in Poland's Workforce: Why Less than Equal is Good Enough*, 11 Comp Labor L J 91 (1989).

Stanslaw Frankowski, *The Procuracy and the Regular Courts as the Palladium of Individual Rights and Liberties—The Case of Poland*, 61 Tulane L Rev 1307 (1987).

Leszek Garlicki, *Constitutional Developments in Poland*, 32 SLU L J 713 (1988).

Keith John Lepak, *Prelude to Solidarity: Poland and the Politics of the Gierek Regime* (Columbia, 1988).

David Lipton and Jeffrey Sachs, *Creating a Market Economy in Eastern Europe: The Case of Poland*, in William C. Brainard and George L. Perry, eds, 1 Brookings Papers on Economic Activity 75 (1990).

David S. Mason, *Public Opinion and Political Change in Poland, 1980-1982* (Cambridge, 1985).

Note, *Constitutional Heritage and Renewal: The Case of Poland*, 77 Va L Rev 49 (1991).

Wiktor Osiatynski, *The Round Table Negotiations in Poland* (Working Paper, Center for the Study of Constitutionalism in

Eastern Europe, The University of Chicago Law School, 1991) (on file with U Chi L Rev).

George Sanford, ed, *The Solidarity Congress, 1981* (St. Martin's, 1990).

Wladyslaw Sila-Nowicki, *The Role of the Catholic Church in Polish Independence*, 6 NY L Sch J Intl & Comp L 703 (1986).

Kenneth W. Thompson and Rett R. Ludwikoski, eds, *Constitutionalism and Human Rights: America, Poland, and France* (Virginia, 1991).

G. Romania

Trond Gilberg, *Nationalism & Communism in Romania* (Westview, 1990).

Alex Kozinski, *Death, Lies and Videotape*, 77 ABA J 70 (June 1991).

H. Soviet Union

Harold J. Berman, Erwin N. Griswold, and Frank C. Newman, *Draft USSR Law on Freedom of Conscience*, 3 Harv Hum Rts J 137 (1990).

Harold J. Berman, *Justice in the USSR: An Interpretation of Soviet Law* (Vintage, 1963).

Randy Bregman and Dorothy C. Lawrence, *New Developments in Soviet Property Law*, 28 Colum J Transnatl L 1989 (1990).

Michael Burrage, *Advokatura: A Search of Professionalism and Pluralism in Moscow and Leningrad*, 15 L & Soc Inquiry 433 (1990).

W.E. Butler, *The Rule of Law and Soviet Legal Transformations*, 15 L & Soc Inquiry 527 (1990).

W.E. Butler, ed, *Perestroika and International Law* (Nijhoff, 1990).

Sir Bryan Cartledge, *The Second Russian Revolution?*, 10 Intl Relations 1 (1990).

Comment, *Human Rights and the USSR Constitution*, 2 Temple Intl & Comp L J 79 (1988).

E. Allan Farnsworth and Viktor P. Mozolin, 1 *Contract Law in the USSR and the United States: History and General Concept* (Intl Law Institute, 1987).

J.M. Feldbrugge, *The Constitutions of the USSR and the Union Republics: Analysis, Texts, Reports* (Sijthoff & Noordhoff, 1979).

Jeffrey C. Goldfarb, *Beyond Glasnost: The Post-Totalitarian Mind* (Chicago, 1989).

E.I. Griffith, *Law and Lawyers in the USSR*, 61 NY State Bar J 18 (1989).

Gregory Grossman, *The Second Economy of the USSR*, 26 Problems of Communism 25 (Sept-Oct 1977).

John N. Hazard, *Gorbachev's Attack on Stalin's Etatisation of Ownership*, 28 Colum J Transnatl L 207 (1990).

John N. Hazard, *The Gorbachev Era in the USSR: The Best and Worst of Times*, 15 Syracuse J Intl L & Commerce 1 (1988).

Eugene Huskey, *Government Rulemaking as a Brake on Perestroika*, 15 L & Soc Inquiry 419 (1990).

Olympiad S. Ioffe and Peter B. Maggs, *Soviet Law in Theory and Practice* (Oceana, 1973).

Ali Khan, *Constitutional Kinship Between Iran and the Soviet Union*, 9 NY L Sch J Intl & Comp L 293 (1988).

Nicholas N. Kittrie and Ivan Volgyes, eds, *The Uncertain Future: Gorbachev's Eastern Bloc* (Paragon, 1988).

Alexei Klishin, *Economic Reform and Contract Law in the USSR*, 28 Colum J Transnatl L 253 (1990).

Doriane Lambelet, *The Contradiction Between Soviet and American Human Rights Doctrine: Reconciliation Through Perestroika and Pragmatism*, 7 BU Intl L J 61 (1989).

Legal Reform in the Soviet Union, 28 Colum J Transnatl L 1 (1990).

Rosalie B. Levinson, *The Meaning of Sexual Equality: A Comparison of the Soviet and American Definitions*, 10 NY L Sch J Intl & Comp L 151 (1990).

Serge L. Levitsky, *Adjusting Law to the Changing Focus of Perestroika*, 15 L & Soc Inquiry 535 (1990).

Rett R. Ludwikowski, *Soviet Constitutional Changes of the Glasnost Era: A Historical Perspective*, 10 NY L Sch J Intl & Comp L 119 (1989).

Peter B. Maggs, Gordon B. Smith, and George Ginsburgs, eds, *Law and Economic Development in the Soviet Union* (Westview, 1982).

John H. Minan and Grant H. Morris, *Unraveling an Enigma: An Introduction to Soviet Law and the Soviet Legal System*, 19 Geo Wash J Intl L & Econ 1 (1985).

Z. Motala, *The Jurisprudence of Constitutional Law: The Philosophical Origins and Differences Between the Western Liberal and Soviet Communist State Law*, 8 Dickinson J Intl L 225 (1990).

William D. Nordhaus, *Soviet Economic Reform: The Longest Road*, in William C. Brainard and George L. Perry, eds, 1 Brookings Papers on Economic Activity 287 (1990).

Christopher Osakwe, *The Four Images of Soviet Law: A Philosophical Analysis of the Soviet Legal System*, 21 Tex Intl L J 1 (1985).

Christopher Osakwe, *Modern Soviet Criminal Procedure: A Critical Analysis*, 57 Tulane L Rev 439 (1983).

Perspectives on Legal Perestroika: Soviet Constitutional and Legislative Changes, 23 Cornell Intl L J 187 (1990).

Stanislaw Pomorski, *The Future of the State Enterprise and the "Restructuring" of the National Economy in the USSR*, 61 Tulane L Rev 1383 (1987).

John Quigley, *The Soviet Conception of the Presumption of Innocence*, 29 Santa Clara L Rev 301 (1989).

John Quigley, *Perestroika and International Law*, 82 Am J Intl L 788 (1988).

Paul Craig Roberts and Karen LaFollette, *Meltdown: Inside the Soviet Economy* (Cato Institute, 1990).

Philip G. Roeder, *Soviet Federalism and Ethnic Mobilization*, 43 World Pol 196 (1991).

Harold E. Rogers, Jr., *Glasnost and Perestroika: An Evaluation of the Gorbachev Revolution and its Opportunities for the West*, 16 Denver J Intl L & Policy 209 (1988).

Richard C. Schneider, *Developments in Soviet Property Law*, 13 Fordham Intl L J 446 (1989).

John Scurlock, *Constitutionalism Soviet Style*, 48 UMKC L Rev 167 (1980).

David M. Simmons, *Recognition of Illegalities, Proposals for Reform, and Implemented Reforms in the Soviet Criminal Justice System under Gorbachev, Glasnost, and Perestroika*, 5 Am U J Intl L & Policy 921 (1990).

Peter H. Solomon, Jr., *Gorbachev's Legal Revolution*, 17 Can Bus L J 184 (1990).

Symposium: Perestroika in Soviet Legal Institutions, 15 L & Soc Inquiry 419 (1990).

Richard Thornburgh, *The Soviet Union and the Rule of Law*, 69 Foreign Affairs 13 (1990).

Richard E. Weiner, *70 Languages Equal and Free?: The Status of Minority Languages in the Soviet Union*, 6 Ariz J Intl & Comp L 73 (1989).

V.K. Zabigailo, *Perestroika, Glasnost and Law Reform in the Soviet Union Today*, 12 Dalhousie L J 165 (1989).

I. Yugoslavia

Ivo Banac, *The National Question in Yugoslavia: Origins, History, Politics* (Cornell, 1984).

Jovan Djordjevic, *The Creation of the 1974 Constitution of the Socialist Federal Republic of Yugoslavia*, in Robert A. Goldwin and Art Kaufman, eds, *Constitution Makers on Constitution Making* 184 (AEI, 1988).

Mark S. Ellis, *Yugoslavia's Move Towards a Market Economy: An Analysis of the New Law on Enterprises*, 7 BU Intl L J 301 (1989).

Branko Smerdel, *Constitutional Developments in Croatia and Yugoslavia 1989-91* (Report to the Center for the Study of Constitutionalism in Eastern Europe, The University of Chicago Law School, Feb 1991) (on file with U Chi L Rev).

Vojislav Stanovcic, *How Political and Constitutional Institutions Deal with People of Ethnic Diversity: The Yugoslav Experience*, in R.A. Goldwin, et al, eds, *Forging Unity out of Diversity* (AEI, 1989).

William Zimmerman, *Open Borders, Nonalignment, and the Political Evolution of Yugoslavia* (Princeton, 1987).

