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RUSSIAN WOMEN LAWYERS IN POST-SOVIET RUSSIA

Phoebe W. Brown[†]

INTRODUCTION

Collective wisdom suggests that as the former Soviet Union makes the transition to a market economy, women will confront greater hardship than men.¹ Market reforms, such as price liberalization, privatization, free competition, and resulting unemployment, will have a detrimental impact on the domestic and professional lives of Russian women.² Price liberalization results in higher food, medical, and child care costs. Higher costs make child rearing, which is typically a women's responsibility in Russia, more difficult.³ The high cost of child care will compel women to take on additional domestic responsibilities formerly provided by the state.⁴ This will, in effect, shorten their work week and greatly diminish a woman's chance of finding stable long-term employment.⁵ Many Russian organizations have traditionally viewed the hiring of women as financially disadvantageous because they perceive a conflict between a woman's professional and domestic responsibilities.⁶ As a result, enterprises and organizations are generally less inclined to hire

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1. Judith Shapiro, *The Industrial Labor Force*, in PERESTROIKA AND SOVIET WOMEN 14, 24 (Mary Buckley ed., 1992). See, e.g., Sarah Ashwin, *The Development of Feminism in the Perestroika Era*, RADIO FREE EUROPE/RADIO LIBERTY DAILY REPORT (Aug. 21, 1991).

2. Mary Buckley, *Introduction: Women and Perestroika*, in PERESTROIKA AND SOVIET WOMEN 1, 1 (Mary Buckley ed., 1992).

3. See, e.g., *id.*

4. See, e.g., *id.*

5. See, e.g., *id.*

6. See Shapiro, *supra* note 1, at 24-26.

women and more likely to lay off female workers before male workers.⁷

However, the experiences of Russian women trained in the formerly unprestigious field of civil law, including economic law, serve to contradict this consensus view.⁸ These women lawyers are poised to excel in the legal profession and are positioned to reap the benefits of a market-oriented society.⁹ Although many of these women lawyers are optimistic about their professional and personal futures, they remain troubled by the chaotic state of Russian law and Russia's economy. They are burdened by domestic responsibilities and confused about their role as women professionals in Russia.¹⁰

An important question is raised by these female lawyers' unique position: how will they fare in both the home and work environment? Basically, there are three views as to the future of women lawyers in Russia's newly emerging society. First, some theorists believe that as Russia makes the transition to a market economy, neither men nor women will have an advantage.¹¹

7. *See id.*

8. *See, e.g.*, Interview with lawyer at Interlegal Research Center, in Moscow, Russia (July 21, 1992); Interview with Professor of Law at Moscow State University, in Moscow, Russia (July 31, 1992); Interview with advocat in Procuracy, in Moscow, Russia (Aug. 24, 1992); Interview with lawyer at Legal Bureau No. 11, in Moscow, Russia (July 14, 1992); Interview with notary at Notary Office No. 7, in Moscow, Russia (Aug. 27, 1992); Interview with Russian Federation Peoples' Deputy at White House, in Moscow, Russia (Aug. 12, 1992); Interview with Associate Professor of Law, Civil Law Department, Moscow State University, in Moscow, Russia (July 13, 1992); Interview with legal advisor at the Institute of State and Law, in Moscow, Russia (Aug. 6, 1992); Interview with legal advisor at the Institute of State and Legal Authority under the Supreme Soviet of the Russian Federation, in Moscow, Russia (July 27, 1992); Interview with lawyer at Russian law firm Moscow Lawyers, in Moscow, Russia (Aug. 20, 1992); Interview with lawyer at the Russian Federation Higher Arbitration Court, in Moscow, Russia (Aug. 17, 1992); Interview with lawyer at Russian brokerage firm, in Moscow, Russia (Aug. 26, 1992); Interview with lawyer at Russian law firm Iust, in Moscow, Russia (July 15, 1992); *see also* Linda Himmelstein, *U.S.-Trained Lawyers Seek Their Fortunes, the Almighty Ruble*, *LEGAL TIMES*, Oct. 22, 1990, at 2. In deference to the wishes of several of the lawyers whom I interviewed, I have not included the real names of the interviewees in this article.

9. *See, e.g.*, Louise I. Shelley, *Lawyers in the Soviet Union*, in *PROFESSIONS AND THE STATE: EXPERTISE AND AUTONOMY IN THE SOVIET UNION AND EASTERN EUROPE* 63, 64 (Anthony Jones ed., 1991) ("privatization of the economy [is] . . . increasing [the] need for legal assistance, particularly in the area of civil law."); Emlyn Griffith, *Law and Lawyers in the U.S.S.R.*, 61 *N.Y. ST. B. J.* 18, 20 (1989) (stating that a stable and impartial legal system with qualified lawyers is needed in order to attract foreign investment in Russia).

10. *See supra* note 8.

11. Interview with director of Legal Bureau No. 11, in Moscow, Russia (July 14,

Since communist society did not provide the training to prepare Russian lawyers for a market economy, all lawyers will be faced with the same learning curve.¹² Second, others believe that men will continue to dominate positions of power, leadership, and responsibility in Russian society and will force women out of the legal profession.¹³ Finally, some believe that women lawyers with training and experience in civil law will gain power and prestige in post-communist Russia.¹⁴ It is my belief, providing certain conditions exist, that the third and most optimistic view for women will prevail. I base my argument on a compilation of interviews with thirteen female Russian lawyers.¹⁵

A. *Interview Process*

I was motivated to conduct this interview project for several reasons. First, while working as a legal assistant in the Moscow office of an American law firm from 1990 to 1991, I had the opportunity to work with many female Russian lawyers in the commercial field. Given the consensus view that women will suffer more as a result of Russia's move to a market-based economy,¹⁶ I found it peculiar that these women earned salaries commensurate with those of Western lawyers. In addition, they influenced the structure of major foreign investment projects. Second, I hoped to add to the small but growing amount of literature discussing the effect of market reforms on Russian women, on gender roles among Russian professionals, and on the post-communist legal profession. Finally, I wanted to provide Russian and Western social scientists, business people, lawyers, and policy makers with background knowledge of potentially significant players in post-Soviet Russia.

From June through August 1992, I interviewed thirteen female Russian lawyers ranging in age from thirty to eighty years old. These women worked in various organizations in Moscow. The

1992).

12. *Id.*

13. Interview with lawyer at Interlegal Research Center, in Moscow, Russia (July 21, 1992); Interview with advocat in Procuracy, in Moscow, Russia (August 24, 1992).

14. *See, e.g.*, Interview with lawyer at Russian brokerage firm, in Moscow, Russia (Aug. 26, 1992); Interview with Associate Professor of Law, Civil Law Department, Moscow State University, in Moscow, Russia (July 13, 1992).

15. The lawyers whom I interviewed were referred to me by Russian law departments, Western law firms, various institutions, and Russian friends.

16. *See, e.g.*, Shapiro, *supra* note 1, at 24.

interviews were conducted in Russian and addressed the following issues: reasons for entering the legal profession, education and career choices, work conditions under the Soviet system and during the Gorbachev and Yeltsin reform eras, domestic responsibilities, changes in the status of Russian lawyers since *perestroika*, and the implications of market reforms for these women's professional careers and futures.¹⁷

Although I gained valuable information from these meetings, I acknowledge certain problems with my interview methodology. First, scheduling difficulties prevented me from meeting with certain specialists. Second, during my limited stay in Russia, difficulties in contacting people prevented the development of a thorough method of respondent selection. Third, the chosen sample of respondents was not truly representative of Russian lawyers; all the interviewees were women living and working in Moscow, which is a cosmopolitan city far ahead of most other Russian cities in the reform process.

All the women I interviewed were referred to me by law departments and Western law firms; therefore, several biases were introduced into my study. These lawyers may have been particularly privileged and highly educated and may have had more contact with Westerners than most Russians. Additionally, they may have experienced severe pressures unique to Moscow, such as high crime rates, high prices, and stiff job competition. Thus, this Essay only examines a small section of the Russian legal profession. Interviews with women lawyers residing and working in less developed areas might have provided different results.¹⁸

17. See Appendix for the general list of questions posed during the interviews.

18. The following is a summary profile of the interviewees:

SUMMARY INFORMATION ON RESPONDENTS

<i>Name</i>	<i>Age</i>	<i>Marital Status</i>	<i>Number of Children</i>
Svetlana	86	married	several
Marina	mid-70s	married	1
Olga	mid-30s	single	0
Natasha	30	married	0
Liudmila	late-30s	married	1
Elena	mid-40s	divorced	1
Vera	mid-30s	married	1
Irina	mid-30s	married	n/a
Nina	30	married	1
Galina	late-30s	married	1

<i>Name</i>	<i>Age</i>	<i>Marital Status</i>	<i>Number of Children</i>
Raisa	mid-30s	widowed	1
Evgenia	mid-30s	single	0
Lera	late-30s	married	2

<i>Name</i>	<i>Relatives Who Were Lawyers</i>	<i>Area of Practice</i>
Svetlana	none	
Marina	father and grandfather	unknown
Olga	mother	labor law
Natasha	none	
Liudmila	mother	procuracy
Elena	none	
Vera	none	
Irina	none	
Nina	none	
Galina	mother	civil law
Raisa	none	
Evgenia	none	
Olga	mother	labor law (worked as <i>iuriskonsult</i>)

<i>Name</i>	<i>Law School Specialty</i>	<i>Graduate Specialty</i>	<i>Position in 1992</i>
Svetlana	civil law	financial law	Civil law specialist; Advisor to Russian Constitutional Court
Marina	civil law	family and economic law	Legal Advisor at the Institute of State and Legal Authority under the RF Supreme Soviet
Olga	civil law	contracts, tax	Lawyer at research center; advisor to Russian government on nonprofit legislation; law instructor
Natasha	criminal law	N/A	Legal advisor at brokerage firm
Liudmila	civil law	N/A	Part-time advocat, deals (labor) particularly with housing privatization
Elena	criminal law	N/A	People's Deputy of Russian Federation; advisor on family law
Vera	civil law	N/A	Lawyer at Russian Federation Higher Arbitration Court
Irina	civil law (notary)	N/A	Notary
Nina	civil law	N/A	Lawyer at legal bureau
Galina	civil law	criminal law	Lawyer at private law firm

B. Background on the Russian Legal Profession

Under the former Soviet system, the legal profession was not considered prestigious.¹⁹ In Soviet society, law was viewed as a remnant of the bourgeois past, and any prestige in the field was connected to the area of criminal law.²⁰ Prior to the Bolshevik Revolution, the legal field required a certain degree of advanced training. As commercial relations played a significant role in the practice of law, lawyers and legal advisors with commercial law training were well regarded.²¹ However, this view of the legal profession changed dramatically when the Bolsheviks came to power.

In the first years of the communist regime, the Soviet state placed little emphasis on the role of a *pravovoe gosudarstvo*, or law-governed state.²² It was believed that in a socialist society both law and lawyers would become superfluous.²³ For example, socialization of the means of production eliminated the need for private litigation, diminishing the role of civil law.²⁴ The Communist Party was, as expressed in Article 6 of the Soviet Constitution, the "guiding and directing force of Soviet society and the nucleus of the political system."²⁵

<i>Name</i>	<i>Law School Specialty</i>	<i>Graduate Specialty</i>	<i>Position in 1992</i>
Raisa	civil law	civil law	Law professor in civil law department
Evgenia	civil law	civil law	Law professor; advisor on economic and family law matters
Lera	int'l law	N/A	Commercial lawyer at private law firm

19. See, e.g., Donald Barry & Harold Berman, *The Soviet Legal Profession*, 82 HARV. L. REV. 1, 6 (1968). "The importance of American lawyers in politics and in business is too well known to need elaboration. In the Soviet Union . . . the study and practice of law is not generally a path to success in politics and in industry." *Id.*

20. See *id.* at 8.

21. See Shelley, *supra* note 9, at 66-67.

22. See, e.g., *id.* at 67.

23. Barry & Berman, *supra* note 19, at 8. Note that Lenin, although trained as a lawyer, expressed disdain for the profession: "One must rule the advocate with an iron hand and keep him in a state of siege, for this intellectual scum plays dirty." Leon Trotsky, *Korifje russkoi advokatury pervoro prizyva*, 2 SOVETSKOE GOSUDARSTVO I PRAVO 120 (1985).

24. Shelley, *supra* note 9, at 64.

25. Robert Sharlet, *The New Soviet Constitution of 1977: Analysis and Text* 20 (1978).

Within the legal profession, a dichotomy between civil and criminal law emerged.²⁶ Criminal law was considered more prestigious in a state obsessed with political and social order. Criminal lawyers, because they upheld the objectives of the state, were both respected and more powerful.²⁷ Conversely, civil law was considered unimportant, as the Soviet "command economy" greatly limited private economic interests.²⁸ In the planned economy, contracts for supplies were unnecessary because state enterprises relied on *nariady goszakazy*, or supply orders.²⁹ The *iuriskonsulty*, or legal advisors serving as in-house counsel to ministries, departments, institutions, organizations, and enterprises, were belittled and became known as the "stepchildren of the [Soviet] legal profession."³⁰ A Soviet lawyer interviewed for a study on Soviet legal advisors summarized the trivial role of the *iuriskonsult*: "If an organization had to cut its staff, the *iuriskonsult* and the cleaning woman would be the first to go."³¹ The *iuriskonsult*'s inferior status was even reflected in work conditions,³² as these advisors often sat in the basements of their enterprises or organizations.³³

In the former Soviet Union, as in other countries, women generally held low-paying positions that carried little responsibility.³⁴ Although Soviet women constituted a significant share of law school graduates, they often held the less influential legal positions.³⁵ Thus, many women held jobs in the field of civil law, whereas men dominated the more prestigious high-

26. See, e.g., Shelley, *supra* note 9, at 67.

27. See, e.g., *id.* Professor Shelley compares the Russian civil and criminal law dichotomy to that in the United States, where criminal law is considered less prestigious than civil law since "criminal lawyers' are tainted by the low prestige of their clients." *Id.*

28. *Id.*

29. PAUL R. GREGORY & ROBERT C. STUART, *SOVIET ECONOMIC STRUCTURE AND PERFORMANCE* 152 (4th ed. 1990).

30. Shelley, *supra* note 9, at 76.

31. LOUISE I. SHELLEY, *LAWYERS IN SOVIET WORK LIFE* 46 (Rutgers University Press 1984).

32. See generally Shelley, *supra* note 9, at 76.

33. *Id.*

34. For a discussion of the tendency for the proportion of Soviet women to decline as the status, salary, and responsibility of a job increase, particularly in medicine and education, see GAIL W. LAPIDUS, *WOMEN IN SOVIET SOCIETY: EQUALITY, DEVELOPMENT, AND SOCIAL CHANGE* 186, 186-89 (1978).

35. See, e.g., Shirley Raissi Bysiewicz & Louis I. Shelley, *Women in the Soviet Economy: Proclamations and Practice*, in *SOVIET LAW AND SOCIETY* 57, 72 (Olimpiad S. Ioffe & Mark W. Janis eds., 1987).

paying area of criminal law.³⁶ This gender hierarchy suggests that despite Soviet proclamations on equality of the sexes, the socialist ideology had little impact on breaking down pre-revolutionary stereotypes of female inferiority.³⁷ Strong patriarchal ideas shaped the pervasive view that the family, house, and children were *zhenskye dela*, or women's affairs.³⁸ This domestic burden diminished the status of women outside the home.³⁹ Further, discriminatory attitudes shaped the beliefs of the largely male-dominated management of Soviet state enterprises and perpetuated this hierarchy by gender.⁴⁰ Replacing women on maternity leave was considered easier if they were confined to lower level jobs.⁴¹ The former Soviet Union did not publish a critical opinion on gender inequality until 1988 with the advent of *glasnost*.⁴²

While *glasnost* opened Russian society, *perestroika*, the restructuring of the economic system to improve productivity, and *demokratizatsiia*, the democratization of the society through law, emphasized the need for law, particularly commercial law, in Russia.⁴³ With an increased emphasis on economic efficiency, lawyers serving economic interests began to enjoy enhanced

36. Interview with lawyer at Russian law firm Iust, in Moscow, Russia (July 15, 1992) [hereinafter Lera Interview].

37. See, e.g., FRANCINE DU PLESSIX GRAY, *SOVIET WOMEN: WALKING THE TIGHTROPE* 36 (1989).

38. See, Mary Buckley, *Glasnost and the Woman Question*, in *WOMEN AND SOCIETY IN RUSSIA AND THE SOVIET UNION* 202, 216 (Linda Edmondson ed., 1992).

39. See, e.g., Buckley, *supra* note 2, at 7. "Soviet women [were] the first to admit that their numerous material hardships, such as the daily stint of standing in long queues . . . [robbed] them of spiritual and physical energy to strive for positions of greater power." DU PLESSIX GRAY, *supra* note 37, at 36.

40. See, e.g., Sue Bridger, *Young Women and Perestroika*, in *WOMEN AND SOCIETY IN RUSSIA AND THE SOVIET UNION* 178, 191-92 (Linda Edmondson ed., 1992).

41. *Id.* at 191-92.

42. In 1988, Soviet philosopher Olga Voronina criticized the Soviet Union for being "basically a man's world in which women endured a subjugated position, particularly evident in the traditional division of social roles into men's and women's worlds." Olga Voronina, *Muzhchiny sozdali mir dlia sebia*, 11 *SOVETSKAIA ZHENSHCHINA* 14, 14-15 (1988).

43. See, e.g., Shelley, *supra* note 9, at 63. Gorbachev, who like Lenin was trained as a lawyer, aimed to make the Soviet Union a *pravovoe gosudarstvo* and saw a more active role for law in the Soviet economy. Gorbachev wrote: "We have seen the need for farreaching transformation both in the sphere of our legislation and in the perfection of socialist legality as a whole . . . this need was also highlighted by radical changes in the mechanism of economic management and social development." MIKHAIL GORBACHEV, *PERESTROIKA* 107 (1987).

prestige.⁴⁴ Women trapped in the moribund field of civil and economic law quickly became the future stars of the legal profession.⁴⁵

C. *Structure of Essay*

This Essay chronicles the lives of thirteen female Russian lawyers. Typically, a woman enters law school, begins a family during or shortly after law school, and begins her career after graduation.⁴⁶ Part I of this Essay focuses on education, including reasons for going to law school, course of study, and changes in legal education since *perestroika*. Part II addresses family issues and Russian society's image of women. In addition, Part II addresses the burden of managing both a domestic and professional life and changes that occurred as a result of market reforms. Part III discusses the interviewees' careers and changes in the legal profession since Gorbachev came to power. Part IV addresses these women's professional achievements and their futures. Finally, this Essay concludes by outlining the problems facing female Russian lawyers, precariously positioned in the emerging legal profession, and outlines conditions necessary for their success. Each part focuses primarily on three or four interviewees, and I have allowed these women's experiences and words to describe their past, present, and future roles.

I. EDUCATION

These Russian women went to law school for a variety of reasons. For example, unable to obtain jobs in the male-dominated sphere of politics, Soviet women often sought employment in other less prestigious areas, such as law.⁴⁷ Some women seeking a broad liberal arts education found that jurisprudence incorporated several fields, including psychology, philosophy, and history.⁴⁸ Teachers and family members

44. Shelley, *supra* note 9, at 67.

45. See generally *id.*

46. Interview with lawyer at Russian Federation Higher Arbitration Court, in Moscow, Russia (Aug. 17, 1992) [hereinafter Vera Interview].

47. See, e.g., Interview with lawyer at Institute of State and Legal Authority of the Supreme Soviet of the Russian Federation, in Moscow, Russia (July 27, 1992) [hereinafter Marina Interview].

48. Interview with lawyer at Interlegal Research Center, in Moscow, Russia (July 21, 1992) [hereinafter Olga Interview].

encouraged others less certain about their educational goals to enter the legal profession.⁴⁹ Several women indicated that their interest in law began with Agatha Christie novels and detective movies.⁵⁰ Meanwhile, others hoped to emulate members of the Russian *intelligentsia* who studied law, such as Blok and Dostoyevsky.⁵¹ Finally, many practical women viewed the legal profession as a means of helping people while having relatively stable employment.⁵²

Many of the women I interviewed suggested that, in theory, men were better suited for legal work, particularly in enterprises.⁵³ These women believed that because men had fewer household responsibilities, they had more freedom and time to devote to a job.⁵⁴ Marina, a Russian lawyer in her mid-seventies, said that "in recent years more women have entered the legal profession because women are simply looking for the possibility of having an independent life so that they can support themselves."⁵⁵ Despite her own preferred position, Marina believes that men are better lawyers. She added:

It is very competitive in the [legal] department; they are trying to take even more men. For an enterprise, of course, it is more convenient to have a man. He can be sent on business trips [or] kept late at work. He does not need a maternity leave [because] he will not have children. It's like that all over the world.⁵⁶

In Russia, law school is an undergraduate degree that takes five years to complete.⁵⁷ Many students, however, opt to go to

49. Marina Interview, *supra* note 47. It is interesting to note that a quarter of the respondents had mothers trained as lawyers. Three of the respondents' mothers were *iuriskonsults*, or legal advisors serving as in-house counsel to ministries, departments, institutions, organizations, and enterprises, and one worked in the procuracy. Olga Interview, *supra* note 48; Interview with advocat in the Procuracy, in Moscow, Russia (Aug. 24, 1992) [hereinafter Liudmila Interview]; Interview with lawyer at Russian law firm Moscow Lawyers, in Moscow, Russia (Aug. 20, 1992) [hereinafter Galina Interview]; Lera Interview, *supra* note 36.

50. Interview with lawyer at Russian brokerage firm, in Moscow, Russia (Aug. 26, 1992) [hereinafter Natasha Interview].

51. Vera Interview, *supra* note 46.

52. See Olga Interview, *supra* note 48.

53. See, e.g., Marina Interview, *supra* note 47.

54. *Id.*

55. *Id.*

56. *Id.*

57. Lisa A. Granik, *Legal Education in Post-Soviet Russia and Ukraine*, 72 OR. L. REV. 963, 966 (1993).

the *vechernoe otdelenie*, or night division, which takes six years.⁵⁸ The course of study for both programs includes three years of general law study, consisting of criminal, civil, international, administrative, tax, government, and labor law.⁵⁹

Under the former Soviet system, the curriculum also included Scientific Communism, Atheism, History of the Communist Party, and Soviet Building.⁶⁰ A foreign language was also required, but was not well taught.⁶¹

After the first three years of general study, students chose a specialization in one of the following areas: civil, criminal, international, or administrative law.⁶² In the final year, law students entered the *raspredelenie*, or job placement system. Under this system, students worked in government-assigned positions for three years.⁶³

Despite the equal male-female ratio in law school enrollment, men and women did not enter the same specialized fields.⁶⁴ Women tended to specialize in the less prestigious, low-paying area of civil law.⁶⁵ Men entered the more respected, high-paying fields of criminal or international law.⁶⁶ Civil law, particularly economic, housing, labor, and family law, became known as *zhenskoe pravo*, or women's law.⁶⁷ Because they were considered more *khozyaistvennye*,⁶⁸ or economically oriented, women were

58. See Lera Interview, *supra* note 36.

59. Olga Interview, *supra* note 48.

60. Granik, *supra* note 57, at 966.

61. Liudmila Interview, *supra* note 49. "[Generally Russian lawyers] do not know foreign languages very well. First, this is because they are taught poorly. Second, a person, who plans to run around with a gun and arrest criminals, does not believe that a foreign language would be useful in life." *Id.*

62. Granik, *supra* note 57, at 966.

63. *Id.* at 972 (citing ROBERT RAND'S COMRADE LAWYER: INSIDE SOVIET JUSTICE IN AN ERA OF REFORM 26, 26-27 (1991) for a more colorful description of the job placement system).

64. See, e.g., Interview with Associate Professor of Law, Civil Law Department, Moscow State University, in Moscow, Russia (July 13, 1992) [hereinafter Raisa Interview]. "Women chose civil law specializations. Sometimes [the civil law department] had almost an all female specialization, when there were two men . . . and the rest women. That was noticeable both in the past and [remains true] now." *Id.* According to the Deputy Dean of the Moscow State University Law Department, there was always a 50-50 male-female ratio in the law department. Telephone Interview with Deputy Dean of Law Department of Moscow State University (Aug. 1992).

65. Granik, *supra* note 57, at 965 n.7.

66. *Id.*

67. See Olga Interview, *supra* note 48; Granik, *supra* note 57, at 965 n.7.

68. In Russian, *khozyaistvennye* means household, economic, and thrifty.

encouraged to pursue this type of law.⁶⁹ In contrast to the “clean” work of civil law, criminal law, involving prisons and courts, was viewed as “dirty” and too difficult for women.⁷⁰ Thus, criminology and the procuracy became men’s spheres.⁷¹ International and criminal law prepared students for male-dominated political careers, which held little prospect for women.⁷²

Having specialized in civil law, women tended to cluster in *iuriskonsult* and notary positions, both low-paying civil law jobs.⁷³ A woman lawyer, who recently formed a private law firm with several other Russian attorneys in Moscow, gave the following explanation for the large number of women in civil law: “[B]efore 1984, . . . [lawyers in state enterprises, like all office workers, did not have very high salaries]. Thus, primarily women entered the area of economic affairs, and men naturally tried to find an area where they could earn more Men were in the courts and [in the area of] criminal law, but *iuriskonsulty* in enterprises were mostly women.”⁷⁴ In addition, 99% of notaries were female.⁷⁵

The gender breakdown in the legal profession and law school enrollment shifted with the country’s transition to a market economy and a law-governed state.⁷⁶ One enterprising woman lawyer commented that the high number of women in civil law “developed by virtue of [the country’s] economic situation, but that situation will change [as civil lawyers will suddenly be needed by everyone].”⁷⁷ Remarking on this new demand in the market, she added: “Literally everyone asks every day: Find a lawyer! Find a lawyer!”⁷⁸ As a result, there have been several changes in Russian legal education.⁷⁹ Interest in all types of

69. Natasha Interview, *supra* note 50.

70. See generally Shelley, *supra* note 9, at 146.

71. See, e.g., *id.*; Marina Interview, *supra* note 47. The procuracy is the office of the public prosecutor.

72. For a general discussion of male dominance in Soviet politics and the Communist Party, see Lapidus, *supra* note 34, at 208-20.

73. See, e.g., Lera Interview, *supra* note 36.

74. *Id.*

75. *Id.*

76. See, e.g., *id.*

77. *Id.*

78. *Id.*

79. *Id.*

law, particularly business law, is growing.⁸⁰ Consequently, admission to law school has become more competitive.⁸¹ Further, more men are specializing in civil law.⁸²

The *raspredelenie*, or job placement system, no longer exists. Enrolled law students are offered jobs and, according to some reports, many students are beginning to form their own law firms as they pursue a legal education.⁸³ *Platnye otdelenii*, or private (paying) divisions, have emerged to provide legal education for students with degrees from a university or other institute of higher learning.⁸⁴ Very few women are reported to be in these new programs.⁸⁵

A. Svetlana

Svetlana, a legal scholar in her mid-eighties with experience in banking and international law, explained that she entered the legal profession by default.

I really wanted to study [Russian] literature, but I lived in the Ukraine Since I could not study literature, I entered the law [field] From early in my childhood, I was directed specifically towards the humanities My mother was a teacher. She taught Russian language and literature. She was very supportive of my desire to pursue humanitarian subjects [W]hen it was evident that . . . it was impossible to enroll in the literature department, . . . we decided that law was the least ideological My parents viewed everything critically [T]hey believed that I should study that which was closest to . . . real life I went to a school which was called *torgovo-promyshlennaya shkola*, or trade-industrial school, where they taught management and accounting.⁸⁶

80. Granik, *supra* note 57, at 964.

81. *See, e.g., id.* (law school deans in the former Soviet Union reporting on increases in applications); Olga Interview, *supra* note 48. For a more detailed description of post-Soviet legal education, see generally, *id.*

82. *See, e.g.,* Raisa Interview, *supra* note 64.

83. *See, e.g.,* Granik, *supra* note 57, at 972.

84. *See, e.g., id.* Many of the people seeking to be retrained are those with higher degrees in areas, such as Marxism-Leninism, which have become obsolete in the new "democratic" market-oriented society. *Id.*

85. *See, e.g.,* Olga Interview, *supra* note 48.

86. Interview with civil law specialist and legal advisor at Institute of State and Law, in Moscow, Russia (Aug. 6, 1992) [hereinafter Svetlana Interview].

Svetlana's educational experience corroborates the Soviet view, held particularly during the Stalinist regime, that law was superfluous.

At that time, there was the widely developed theory that law was bourgeois law. We were building socialism, and we did not need law. I enrolled in 1927 in the law department of the Institute of Economy, and in 1931, when I should have graduated, all of the law schools were eliminated. Thus, I have a very atypical degree It turned out that for one hour we listened to a lecture on the fundamentals of accounting and another hour we . . . listen[ed] to a lecture on the technique of investigating crimes. My degree was "Lawyer-Economist."⁸⁷

Able to avoid her *raspredelenie*, Svetlana graduated and went to work on economic issues at a bank.⁸⁸ She recalled: "I began my career fairly quickly and moved up the ranks Within a few years I headed the credit-planning division of the state bank in a large industrial city."⁸⁹

Svetlana, like many Soviet lawyers, attended graduate school and wrote a dissertation on legal issues connected to the Soviet State Bank.⁹⁰ Since her enrollment in a graduate program in 1940, she has been affiliated with the Institute of State and Law.⁹¹

B. Marina

Approximately ten years after Svetlana's enrollment in law school, Marina, who was following in the footsteps of her father and grandfather, entered law school in Baku in 1937.⁹² Marina explained the nuances of specialization:

A specialization often does not take you very far because, for example, in law school there is a flood of students in criminal law. Approximately 20-25% of this mass will work in this specialization. First, there is a very rigorous selection according to health. These students have to be reviewed by a special commission before becoming investigators and

87. *Id.*

88. *Id.*

89. *Id.*

90. *Id.*

91. *Id.*

92. See Marina Interview, *supra* note 47.

procurators. Many become disillusioned and then go into an economic specialty In practice, this specialization does not have a lot of meaning.⁹³

Yet, unlike the lawyers she mentioned, Marina stayed with her civil law specialization and has used it to draft Russian laws on securities.⁹⁴

According to Marina, gender bias and discrimination led to segregation in legal specialties.⁹⁵ Specifically, she alluded to the exclusive nature of male dominance in government positions:

In the international sphere, among diplomats there were always more men. This is simply a biological calling. In general, we have very few women in our government, [m]aybe because [it] deliberately did not take women. It was easier for men to deal with men. They were not very interested in admitting women to [their group] Sometimes women were deputies in the Ministry of Health because doctors were women. As for lawyers, women were primarily *iuriskonsulty*.⁹⁶

Marina further explained that this gender segregation resulted from unequal household responsibilities for women and men and the patriarchal views pervading unofficial Soviet society.⁹⁷ According to Marina, women should not be subject to taxing work outside the home, but should concentrate on raising children and maintaining the household.⁹⁸ Thus, despite her own achievements, she believed that men should hold the more demanding, prestigious, powerful, and high-paying jobs, and women should keep to low-pressure, low-paying jobs.⁹⁹

First, work in the procuracy is very difficult. It involves killings and criminals. For a woman, this is difficult. *Iuriskonsult* work is easier. If [a woman] has a child, she can easily combine [work and family life]. Thus, in courts there are more women . . . [as this work is not very prestigious]. Courts had unpleasant office space and working conditions, and men were not dying for these jobs A *iuriskonsult* in

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.*

97. *Id.*

98. *Id.*

99. *See, e.g., id.*

an enterprise received a very small salary. True, you did not have to work a full day . . . , but you had to work. Thus, men did not go into this type of work. The procuracy was more prestigious.¹⁰⁰

Like so many others who allowed discriminatory attitudes and stereotypes to perpetuate, Marina accepted this hierarchy and in summary commented, “[g]ood advocates are men.”¹⁰¹

C. Olga

Olga’s decision to study law, like those decisions of Svetlana and Marina, was influenced by her family.¹⁰² Olga respected and hoped to emulate her mother who was a lawyer.¹⁰³ However, Olga’s mother, who shared Marina’s view that women should not be burdened by difficult and demanding work outside the home, tried to discourage Olga from pursuing a career in law.¹⁰⁴ Olga recalled her mother’s hesitation:

Since [my mother] was a lawyer, she was very much against me going to law school and becoming a lawyer. She said: “Do you see how tired I am, how nervous I am? You will be the same. You will only work and will not know anything but work.” But then she reconciled herself with this circumstance, and I entered law school . . . in 1984, the year of Andropov.¹⁰⁵

Yet Olga also had more practical reasons for going to law school. She said: “I also thought . . . that if I became a lawyer, I would never be without work. I would always have work, and would receive a very broad education . . . [in] jurisprudence—which is philosophy, psychology, and a general humanitarian education [Moreover], I like to work with people.”¹⁰⁶

Olga specialized in civil law, particularly contract, economic, enterprise, and tax law. She witnessed the gender split during her years in law school. She remarked:

100. *Id.*

101. *Id.* For a discussion of *muzhekratiia*, or male-dominated bureaucracy, see Buckley, *supra* note 38, at 215.

102. See, e.g., Olga Interview, *supra* note 48.

103. *Id.* Olga’s mother specialized in labor law. She worked in an enterprise and handled hiring, termination, and work hour issues. *Id.*

104. *Id.*

105. *Id.*

106. *Id.*

More men were in the criminal area Many men were in state law, [which is] closer to politics. But, in courses connected to civil law, in my year, . . . there were more women because an economic system was still not developed in Russia [W]e just began to build our own economy. Women . . . studied housing law and family law, that is *zhenskoe pravo*, or women's law. But, of course, criminal law, criminology, criminal procedure, courts, and procuracy were men's prerogatives.¹⁰⁷

Not only was there a stereotype of *zhenskaya rabota*, or women's work, but as Olga described, the concept of *zhenskoe pravo*, or male work, was clearly understood.¹⁰⁸

Although at the time of the interview Olga was enrolled in graduate school, her ambition and the need to meet the increasingly high cost of living have led her to explore new opportunities in the legal field.¹⁰⁹ For example, not only does she teach civil law, including economic, housing, and land law, she also works full-time for a recently formed consulting firm.¹¹⁰ Both her dissertation and her work at the consulting firm focus on philanthropic organizations in Russia.¹¹¹ Although she recognizes that dealing with business organizations could be more lucrative and, to a certain degree, more respected with the emerging market economy, she chose her field because of its novelty.¹¹²

The noncommercial sector is the most unexplored area in Russia [A]ll the public organizations were passed over as lawyers did not study these issues. [They were studied rarely, if at all], because before the beginning of *perestroika* there was a strong influence of government on public organizations. The [noncommercial sector] maintained the character of state organizations, . . . and thus did not represent any interests Now there is only a *belyi list bumagi* [or a blank sheet of paper] for my research We have a very well-developed consulting service in our Center Our clients ask various questions from political to economic, to questions on leasing to hiring and termination

107. *Id.*

108. *See, e.g., id.*

109. *See, e.g., id.*

110. *Id.*

111. *Id.*

112. *Id.*

procedures for employees True, as in other countries, the noncommercial sector does not pay as much as [the] business [sector], but a wide range of very interesting people come to see us.¹¹³

Regarding changes in Russia's legal education, Olga cited the recent influx of men in the civil law department as one of the most significant developments since *perestroika*.

Now the situation is completely different All men study matters connected with economic, tax, and civil law Men, as a rule, study issues connected with business law. Women also try to study these matters, but now it is very difficult for women to specialize in economic, civil, and tax law because they need to compete with men.¹¹⁴

Moreover, she added that "the *platnoe otdelenie* [or private law school] for citizens, who have already received one university degree, is largely male-dominated."¹¹⁵

Ironically, despite Olga's many accomplishments and ambition, she echoed both her mother's and Marina's belief that men are somehow better suited for the legal profession. "Of course, it is better for a lawyer to be a man . . . despite the fact that I am a lawyer."¹¹⁶

D. *Natasha*

Natasha, like Olga, wanted to study law since childhood. Natasha explained: "Everyday on my way to school, I would pass the court. My classmate's father worked there I knew [him] very well. He told me a lot about his work, and for some reason I liked it From childhood I wanted to become a judge [and] to be able to make fair decisions."¹¹⁷ Yet, like Svetlana, who wanted to study literature but was limited by her physical situation, Natasha could not pursue her dream immediately. However, unlike Svetlana, who was not able to study Russian literature, Natasha did manage to fulfill her dream and study law.¹¹⁸ She explained:

113. *Id.*

114. *Id.*

115. *Id.*

116. *Id.*

117. *Natasha Interview, supra note 50.*

118. *Id.*

After graduation from high school, I did not have the opportunity to go immediately to law school because I was not born in Moscow, but [in] Grozny . . . in Chechen-Ingushetia. We did not have any law institutes there. Thus, in order to fulfill my dream, I had to go to Moscow. But I also did not enter law school my first year [in Moscow]. Our family was . . . not very well-off In order to survive financially, I first had to work a bit. I got a job at a [painting shop in a refrigerator] factory . . . [where] I worked for two years.¹¹⁹

Natasha eventually enrolled in law school where her specialization was investigation and procuracy. After realizing the gender bias in this area, she ultimately switched to civil law work. In 1984, she entered the *vechernoe otdelenie*, or night division of law school, of the All-Union Law Correspondence Institute so that she could keep her day job.¹²⁰ She remarked that a criminal law concentration would allow her to work as an investigator, procurator, or judge.

As Marina noted, however, specialization did not always lead to a career in that area.¹²¹ As a result of gender bias and familial obligations, Natasha switched her focus. She explained:

I realized that the work of an investigator and procurator was not really for a woman. Thus, I had to give up that type of work. In that type of work, [you] have to forget about your home and family It is very difficult for a woman to be an investigator. Thus, I had to change my specialty . . . [and began] to work on economic agreements. I worked in the association Atomenergromkomplekt [from 1989 to 1992] . . . [Atomenergromkomplekt] was a "budget organization,"¹²² which handled the building of atomic stations . . . [and] the equipment and instruments used in these atomic stations. I worked in the legal . . . department. I drafted agreements on delivery of products.¹²³

Natasha described how the responsibilities of a legal advisor for an enterprise have become more complex as contracts between enterprises have changed in recent years.¹²⁴

119. *Id.*

120. *Id.*

121. *Id.*

122. A budget organization is similar to a school or hospital in the public sector. These organizations do not sell anything.

123. Natasha Interview, *supra* note 50.

124. *Id.* For a general discussion of the operation of the Soviet planned economy,

Previously there was an understanding of protracted economic relations between enterprises. This meant that the enterprises concluded an agreement that lasted two years. If they entered into an agreement for two years for the delivery of products, then on the third year [an] enterprise did not have the right to refuse the other enterprise for entering into [a new] agreement If one enterprise refused another . . . what did I do? I claimed that they refused to enter into the contract. If they continued to disagree, then I had to go to arbitration. Arbitration is guided by the statute on the delivery of products, . . . where it is written that if there were relations, . . . you are obligated to conclude an agreement with us. That was the statute that existed before. That type of statute now only exists in regions of the Far North This law no longer exists in Russian territory and in the other CIS [Commonwealth of Independent States] states The enterprise has products; they have production Now barter deals prevail between enterprises. As a lawyer, I went to arbitration, and [made] the enterprise enter into a contract with us. Now, it's much more difficult. All relations between enterprises are based only on contracts.¹²⁵

Unlike Svetlana and Marina who are in the later stages of their careers, Natasha yearns for additional schooling and training, but the high cost of further education remains an obstacle.

I want to take courses in foreign trade. In the past, state courses existed and were free Now, in order for me to study for six weeks . . . I have to pay 28,000 rubles.¹²⁶ My salary is 3000 [rubles per month]. A woman could save 28,000 rubles, if she, like myself, has a two-person family. (It's just my husband and I. I don't have any children.) After all, . . . to work in a prestigious enterprise where they pay well . . . , a lawyer needs qualifications. I would be happy to improve my qualifications, but everything depends on finances.¹²⁷

Some Russian firms will pay for additional training. Natasha explained:

see generally GREGORY & STUART, *supra* note 29.

125. Natasha Interview, *supra* note 50.

126. At the time of the interview, 28,000 rubles was the equivalent of approximately 300 U.S. dollars.

127. Natasha Interview, *supra* note 50.

If you set yourself up through friends and you begin to work [in a firm] . . . they may take you into the enterprise and agree to send you to courses and pay [tuition] The enterprise will agree to send you to school, will allow you not to work for a month and a half, and even pay for you. It's very difficult to find such an enterprise. Basically, it's all done through connections.¹²⁸

Natasha described her own search for higher qualifications.

I just called the Russian National Commercial Bank. They also need a lawyer there. [Next week] I'll go over and drop off my application It's a bank . . . where I will be able to learn new material. You can't sit in the same place if you know that you will not grow anymore Here, I've already learned something connected specifically to brokerage firms. They have their own exchange arbitrage, exchanges, contracts, and deals. All this, of course, is necessary to know. But I am already familiar with it. I know how to go to Arbitrazh for these deals Thus, in order to grow, it's necessary to look for some new kind of knowledge. Why? Because you can, of course, read new law, but if you do not apply them, you will not master them Theory should be combined with practice. Then you grow into a qualified specialist.¹²⁹

Svetlana, Marina, Olga, and Natasha have unique educational backgrounds and are in an advantageous position. They have specialized in areas of civil law that are crucial to the future development of a market economy. Yet, questions remain as to their ability and strength to manage their elevated position and to fight against the pervasive gender bias in the new Russian society.

II. FAMILY

The challenge for many Russian women was balancing a legal education and career with family life. Female lawyers generally married and had children during or shortly after law school. Like all Soviet women, they not only had the "right" to work, but were required by law to work. As a result, they accounted for nearly half of the state-employed work force in the Soviet Union.¹³⁰

128. *Id.*

129. *Id.*

130. See DAVID LANE, *LABOUR AND EMPLOYMENT IN THE USSR* 79 (1986) (discussing

Although women shared equally in the labor of society, men did not share in domestic labor.¹³¹

This difference in female and male roles was often explained with references to biology, anatomy, and nature. Because women bear and nurse children, females have primary and exclusive responsibility for child rearing and housekeeping.¹³² Thus, women alone were burdened with household tasks of shopping, cleaning, and child care.¹³³

These female and male roles were mutually reinforcing in both the family and the economy.¹³⁴ In the family, norms maintaining a gender-based division of labor, by defining child care and housework as *zhenskaya rabota*, or women's work, served to protect the male role from increased participation in domestic labor.¹³⁵ Meanwhile, "norms that classif[ie]d] whole occupations [such as civil law] as especially suitable for female labor . . . create[d] a dual labor market that partially insulate[d] male work roles from the effects of increased female employment and that sustain[ed] the predominance of males in positions of leadership and responsibility."¹³⁶

Thus, unofficially, many Russian women and men viewed the primary role of a woman as mother and wife. A woman's status as a professional was only secondary,¹³⁷ and her family responsibilities were permitted to intrude in work roles.¹³⁸ In fact, conditions of female employment in the Soviet Union were specifically designed to accommodate family responsibilities to a

the reasons for the high participation of women in the Soviet work force).

131. See, e.g., Lapidus, *supra* note 34, at 282-83. This legal equality and "double burden" of social labor and motherhood were codified in Article 35 of the USSR Constitution: "Women and men in the USSR have equal rights. The exercise of these rights is ensured by providing women with opportunities equal to those of men in receiving an education and professional training, in labor remuneration and promotion in social, political and cultural activity, as well as by special measures for the protection of women's labor and health; by the creation of conditions enabling women to combine *labor and motherhood*; by legal protection and material and moral support for mother and child, including the granting of paid leave and other benefits to pregnant women and mothers." Sharlet, *supra* note 25, at 32 (emphasis added).

132. See Lapidus, *supra* note 34, at 323.

133. See, Buckley, *supra* note 2, at 3.

134. Lapidus, *supra* note 34, at 280.

135. See, e.g., *id.*

136. *Id.*

137. *Id.* at 279.

138. *Id.*

degree virtually unprecedented in industrial societies.¹³⁹ In contrast, men's work roles took precedence over family life.¹⁴⁰ Stereotypes of female skills and preferences permeated these social views, which often became laden with overtones that women were not only different, but inferior.¹⁴¹ Thus, these norms and stereotypes directed women in Soviet society to pursue quiet, trivial work.

Perestroika and *glasnost* have exacerbated Russian women's double burden and complicated their role in Russian society.¹⁴² For most Russian women, *perestroika* resulted in increased unemployment and increasingly unaffordable food and child care.¹⁴³ Further, *glasnost* allowed Russians to voice a vast spectrum of patriarchal attitudes that were previously banned as bourgeois or counterrevolutionary.¹⁴⁴ Ironically, patriarchal ideas that foster the notion that home is the only proper place for women with children may cushion the impact of rising female unemployment.¹⁴⁵

Many believe that the Yeltsin government encourages sexism by supporting the view that women belong at home.¹⁴⁶ Irina Popova, a social anthropologist, remarks: "Now it is considered liberation to be a sex symbol, get married early, and stay home with the kids."¹⁴⁷ Although there is no discussion of sexual harassment, some evidence suggests that discrimination is pervasive in the Russian work place.¹⁴⁸ For example, "women who have made it to high positions in private business tell of being given ultimatums by their bosses such as 'sleep with me or quit.' . . . [Yet], there is no law against that kind of behavior here—and formal protests are rare."¹⁴⁹

139. *Id.*

140. *Id.*

141. *See, e.g., id.* at 171.

142. Buckley, *supra* note 2, at 3.

143. *See, e.g.,* DU PLESSIX GRAY, *supra* note 34, at 190. Some reports suggest that seventy percent of the newly unemployed in Russia will be women with university level degrees. *See, e.g.,* First Deputy Premier Vladimir Shumeiko, Press Conference of the Results of the Russian Federation Government Meeting, Official Kremlin International News Broadcast (Feb. 11, 1993).

144. DU PLESSIX GRAY, *supra* note 37, at 190.

145. *Id.*

146. *See, e.g., id.*

147. Elizabeth Shogren, *Russian Post-Communism Proves to be Pre-Feminist*, PHILADELPHIA INQUIRER, Feb. 13, 1993, at A1.

148. *Id.*

149. *Id.* (paralleling this phase to the 1950s in the United States when

In contrast to the many women who are being laid off, however, Russian female lawyers are in a more preferential position because of their education and training. Although some women still expressed difficulty in making ends meet because their salaries were not rising at the same rate as inflation, their salaries were higher than they had been under the Soviet system and were often paid in hard currency.¹⁵⁰ Despite longer work hours and frustration with the lack of conveniences, such as grocery stores and child care services, some suggested that they can now rely entirely on higher-priced produce markets at metro stations and twenty-four-hour kiosks to support their families.¹⁵¹

For some, however, familial obligations and pervasive patriarchal ideals may stand in the way of professional achievement.¹⁵² With the move to the market and law-governed state, legal work has become continuous and has started to interfere with home life. This breaks the norm that civil law work is *zhnenskaya rabota*.¹⁵³ Some women lawyers suggested that this increased workload was a significant change.¹⁵⁴ Under the Soviet system, legal work was seemingly more systematic and less important, and lawyers were not required to work evenings or weekends.¹⁵⁵

A. *Natasha*

Natasha was caught among her multiple responsibilities as a female lawyer in Russia. She put off law school to start a family.¹⁵⁶ Although she always wanted to work in criminal law, she switched to civil law because she was not convinced that as a woman she was capable of handling criminal work.¹⁵⁷ Natasha expressed the tension between pursuing a career and raising a

"homemakers and wholesome movie stars were idealized . . . but because of a rebellion against the state-decreed sexual puritanism of the Soviet era, today's ideal Russian woman is more sex kitten than homecoming queen").

150. Lera Interview, *supra* note 36.

151. Interview with lawyer at Legal Bureau No. 11, in Moscow, Russia (July 14, 1992) [hereinafter Nina Interview].

152. *See, e.g.*, Liudmila Interview, *supra* note 49.

153. *See, e.g.*, Nina Interview, *supra* note 151.

154. *Id.*

155. *See, e.g.*, Liudmila Interview, *supra* note 49.

156. Natasha Interview, *supra* note 50.

157. *Id.*

family. When asked what type of future she envisioned for herself, she responded:

It is very complicated because it continually comes back to the family. I would like to become a first-rate specialist in one area. Naturally, I will do something connected to foreign trade. I would like to remain in one area and specialize, so that . . . [I] can offer [my] services and know that [I am] a first-class specialist.¹⁵⁸

However, she added that:

[T]here are a lot of problems connected with . . . [having] children, [and] having a child in our country is very complicated, and raising the child and giving him the education you want [to give him is] even more difficult . . . Thus, a woman must split herself between her family and work. You have to choose. If you are a lawyer or professional, then all of your strength goes into your work, specialty, and increasing your qualifications.¹⁵⁹

Natasha agreed that it is possible for women to manage both a family and career, but pointed out that a successful balance depends on one's family and personal situation.

After all, every family is unique . . . Assume there is a mother, grandmother, and grandfather who can watch your children, take them to and . . . from kindergarten, and prepare dinner for you. You come home from work . . . at 9:00 [p.m.]. There is nothing left for you to do except get something to eat and read a fairytale to your child . . . However, when you do not have anyone [to help], the situation becomes complicated. [In Moscow], you spend a lot of time commuting to and from work. You finish work at 6:00 [p.m.] and by the time you get home, it's already 7:30 [p.m.] Yet, the kindergartens are only open until 5:00 [p.m.], so you probably have to get permission to leave work early in order to pick up your child . . . You have to split your time or look for . . . work . . . closer to home . . . You leave your house, drop off your child, run to work. After work you run to the store, pick up your child, and go home. But [a job that is closer to home] may pay less . . . Where they pay well

158. *Id.*

159. *Id.*

and . . . you can broaden your knowledge could be far . . . from your home.¹⁶⁰

B. *Liudmila*

In recent years, Liudmila's work as a lawyer departed from the norm that a woman's job should be designed to accommodate family life.¹⁶¹ She described her family as falling apart, coincidentally during the days of the August 1991 coup, and blamed these problems on her ambition to become a top-notch specialist.¹⁶² She expressed a sense of guilt that she was unable to fulfill the stereotypical role of a mother and wife.

A woman's priority should be . . . her family Above all, she should be a mother and wife. Thus, I think in pedagogy, medicine, and law, men should be first [since they can devote themselves completely to their work] As the representative of the College of Advocates said: "If a woman is an advocate, she should be an advocate and then a woman." This is probably what I did and as a result I always had a lot of problems at home.¹⁶³

Although women's organizations formally exist, and in theory could assist women in reconciling these dual roles, female lawyers busy with increased responsibilities do not have time to participate and begin to resolve these problems at a grass-roots level.¹⁶⁴

C. *Elena*

Elena, who was trained both in pedagogy and law and was a People's Deputy, acknowledged the existence of women's organizations in Russia, but she said: "I do not have the time [to participate] Thus, I have put it aside for later, when I will have the possibility [of participating]."¹⁶⁵

160. *Id.*

161. *See, e.g.,* Liudmila Interview, *supra* note 49.

162. *See, e.g., id.*

163. *See, e.g., id.*

164. Interview with Associate Professor of Law, Civil Law Department, Moscow State University, in Moscow, Russia (July 13, 1992) [hereinafter Evgenia Interview]. As the consultant on legal issues to the *Zhensoviet* at the law school, she commented: "Formally these so-called women's organizations exist [but] . . . for the last two to three years I have only consulted [with the group] two or three times." *Id.*

165. Interview with Russian Federation Peoples' Deputy, at White House, in

Without the time to participate in women's organizations, Elena, in her role as a People's Deputy, tried to effect change and protect women's rights.¹⁶⁶ Expressing her frustration with pending discriminatory legislation against women, she remarked:

A draft law stipulated a thirty-hour work week for women with children under fourteen years [of age]. Today, on the outside, this is, of course, great. But, if this [law] were implemented, it would be a "dead standard" [that] would result in women not being hired We are in favor of supporting the family and assuring that children grow up strong, but . . . laws cannot be made for the sake of having a law.¹⁶⁷

Elena, however, was grateful for the Gorbachev reforms and content with her own achievements, position, and future.

Perestroika noticed my life strength, which had never surfaced before I consider myself a happy person. Despite my difficulties, . . . there are things that are more important to me than the current high prices and cost of living. I am happy that I am involved with things that I like. I am glad that I have a child who gets along with me My husband left me three years ago. I can't say that it is good to be alone, but in any case, I have the rest—friends, work that I like, [and] the desire to learn.¹⁶⁸

As the experiences of Natasha, Liudmila, and Elena suggest, although Russian female lawyers with education and training may be slightly better positioned, they have not escaped the pervasive patriarchal attitudes and problems of balancing family and work responsibilities.

III. CAREER

Traditionally, starting a family and a legal career at the same time was initiated by the *raspredelenie*, or job placement system.¹⁶⁹ Most attorney positions assigned under the *raspredelenie* were in the Ministry of Internal Affairs,

Moscow, Russia (Aug. 12, 1992) [hereinafter Elena Interview].

166. See, e.g., *id.*

167. *Id.*

168. *Id.*

169. Nina Interview, *supra* note 151.

iuriskonsults' offices, and the procuracy.¹⁷⁰ Some graduates received a *svobodnyi diplom*, or free diploma or degree, which temporarily exempted them from the official job placement system.¹⁷¹

The career opportunities in the emerging market may be more promising for those with a background in *zhenskoe pravo*, or women's law. Although their training from the communist past may not be sufficient to work in a full-fledged market economy, women lawyers with the necessary foundation in civil law may be easier to retrain than others.¹⁷²

During the Soviet period, a female lawyer's daily work depended on the type of organization with which she was affiliated. Most described the legal profession under communism as a relatively orderly and understandable system in which it was easy to locate laws and regulations. Liudmila commented:

Ten years ago it was a lot easier. There either were no decrees or very few. If there were any, they were published in legal journals and bulletins The legislation was completely stable. There were very few changes or amendments. If there were any, they were minor. If there were any major changes in legislation, we knew about them immediately It wasn't necessary to rummage through newspapers. . . . Of course, now the situation is entirely different. Now I collect, make piles of everything I can find or buy. [The newspapers] are in every corner of my apartment. I cut [the legislation] from the paper If I need something . . . I begin to rummage through my materials to arrange them by category For example, if I need something on securities . . . I put all materials about securities on a chair . . . and I am calm.¹⁷³

The move to a market economy and a *pravovoe gosudarstvo*, or law-governed state, as Liudmila suggested, has led to significant transformations in the Russian legal profession and career choices for its lawyers.¹⁷⁴ Law school students are now free to

170. Olga Interview, *supra* note 48.

171. *Id.* "Many women lawyers received the so-called *svobodnyi diplom*, that was when they brought a certificate or document . . . that [indicated] they either had a small child, or that they were expecting a child and would be raising their children. During a three year period, they would have a nonobligatory *raspredelenie*." *Id.*

172. See generally Granik, *supra* note 57.

173. Liudmila Interview, *supra* note 49.

174. See, e.g., *id.*

choose their own jobs.¹⁷⁵ The *iuridicheskaya konsul'tatsia*, or legal bureau, formerly limited to civil and criminal matters, now has expanded to handle business matters.¹⁷⁶ Liudmila, who formerly worked as an advocate and now deals exclusively with housing privatization, described the radical change in the *iuriskonsult's* work: "[It used to be] considered *tikhii omut*, or a quiet place in a river, where you could sleep peacefully, sip tea, and do absolutely nothing. All the instructions [and] new laws you received from higher bodies. . . . You read through them and then slept some more. Now these people's hair is standing on end."¹⁷⁷

In general, lawyers' salaries have increased as the work has become more demanding.¹⁷⁸ Lawyers are challenged by new areas and opportunities, such as privatization.¹⁷⁹ Another change is the deepening conviction among both Russian women and men that although women may be adequate civil lawyers, men are ultimately better suited for this field.¹⁸⁰ According to this view, since legal work is interfering with women's family obligations, men should replace women and leave them time to fulfill their primary role as housewife.¹⁸¹

Perestroika and the collapse of communism have also resulted in a chaotic, shifting, and creaky legal environment. Lawyers must fight their way through a jungle of contradictory laws, decrees, and instructions that are sometimes difficult to obtain.¹⁸² Some legislation is published very late and is often obsolete once published.¹⁸³ Moreover, incomplete drafts and inaccurate reports are frequently published.¹⁸⁴ As a result, since lawyers spend their time searching for the current law and then physically cutting these laws out of the newspapers, they have little time to analyze the law.¹⁸⁵

175. See, e.g., Granik, *supra* note 57, at 972.

176. Interview with director of Legal Bureau No. 11, in Moscow, Russia (July 14, 1992).

177. Liudmila Interview, *supra* note 49.

178. See, e.g., Lera Interview, *supra* note 36.

179. See, e.g., Liudmila Interview, *supra* note 49.

180. See Marina Interview, *supra* note 47.

181. See, e.g., Olga Interview, *supra* note 48.

182. See, e.g., Vera Interview, *supra* note 46.

183. See *id.*

184. See *id.*

185. See *id.*

A. Vera

Vera described how her work at the Higher Arbitration Court, which coincided with the first years of *perestroika*, changed significantly while she was on maternity leave. She proudly described her work in the Soviet-era arbitration court in the mid-1980s.¹⁸⁶

I dealt with environmental issues . . . and vegetable affairs, or *ovoshchnymi delami* When the collective farms raised potatoes, vegetables, and fruit, they did not bring them directly to the stores, but to bases, or *bazy*. And there was a colossal quantity lost on the way from the field to the store. We calculated the damage [For example,] we figured that only 10% of the potatoes made it to the table. For a year we tried to follow this small chain, where is the potato? Where has it disappeared to? . . . A slogan was even developed: "For the potato without nitrates and for socialism without embezzlers of public funds."¹⁸⁷

However, in the late 1980s, when Vera returned from maternity leave, she found:

The old system was beginning to collapse, and a new one was being formed and changed along the way [T]he enterprises became confused, tangled, since they were used to the old system. First, they said one thing, then another and changed the system over the course of two or three years.¹⁸⁸

With *perestroika*, Vera's job became more complicated than simply finding the missing potato.

Vera elaborated on the radical changes in her job and the legal profession as a result of *perestroika*:

With *perestroika*, not only the economic system, but the executive organs began to reshuffle. It was very complicated. They requested that we had to change our direction. We had to pay not so much attention to violations . . . , but more to improving legislation so that it would reflect the interests of market regulation: clean up, clarify, [and] find the gaps. It wasn't even necessary to look hard for the gaps, there were so many.¹⁸⁹

186. *Id.*

187. *Id.*

188. *Id.*

189. *Id.*

Vera described her role in the hurried and confused lawmaking legislative process:

There was a lot of active lawmaking work, a lot of acts and laws were promulgated. They were all reviewed by a committee of legal experts, then they sent them to us and we gave them conclusions (*zaklyuchenyi*) for these acts. But when there was a Union Parliament, and we were a republic organ, then our opinions were supplemental. Then there was still *Arbitrazh* on the Union level, and the fundamental work was on their shoulders. But after Russia became independent, there was a second wave of republic legislation. This whole wave hit us because all normative acts of the Parliament are sent to committees of experts For days we studied and analyzed draft laws and tried to discern and remove any contradictions. But everything had to be done urgently. [The haste with which the work is carried out results in mistakes.] When you look at the process . . . it tells you a lot about where on earth [the laws] come from, what results, and where all arises in what you read in the end.¹⁹⁰

The title of Vera's department, like the headings of many other departments and organizations in the former Soviet Union, was changed to fit more appropriately into the newly "democratic" market-oriented Russia.¹⁹¹ Formerly called the "Department for Preventing Violation of the Law in Economic Activity," Vera's department became the "Department for Improving Legislation."¹⁹²

Vera described how her department's technology could not keep up with the rapid changes in the legal field:

Our department also handles *kodifikatsiia*, or categorizing of legislation We have a library of all the normative acts on the fourth floor. A few girls sit there and carefully read everything. They receive all the official bulletins and

190. *Id.*

191. It should be noted that form often has priority over substance during this transitional period. Names and doorplates change more rapidly than the substantive work of the institutions. People remain in positions that they held under communism. Remarking on these traces of the communist past in the Russian legal curriculum, Lisa Granik writes: "Atheism has been replaced by Philosophy of Religion; Marxism-Leninism by General Philosophy; Scientific Communism by Introduction to Political Science; and History of the Communist Party of the Soviet Union by History of Russia. The instructors of the Soviet period courses now teach the respective post-Soviet equivalent." Granik, *supra* note 57, at 966.

192. Vera Interview, *supra* note 46.

newspapers. They take all legal material from these sources . . . and record them so that they are able to find them later We revise the legislation ourselves, and then we apply them Everyone discusses, but I put everything together We never had a computer here, and as soon as they put in a computer . . . we could put the code on the computer and it was a pleasure to work because without a computer you had to type any correction.¹⁹³

Perestroika radically transformed the concept of economic law and, thus, the role of the lawyer in Russian society.¹⁹⁴ Vera said: “[In the past], enterprises concluded agreements among themselves. But they received orders from the government on what volume to include in an agreement You can’t say that there were no agreements, but just that they were subordinate to the [command] system.”¹⁹⁵

B. Irina

Another civil law position often filled by women was the notary.¹⁹⁶ To become a notary, students enroll in special divisions of law schools.¹⁹⁷ When asked why notaries are predominately women, Irina, a notary in *Notarial'naya kontura No. 12*, or notary public office, replied:

Here a notary receives very little, it's the lowest paying job. Moreover, working with people is difficult You can't leave the office, and men love to smoke, talk, and so on. Here you sit at your desk until the end of the day when you get up.¹⁹⁸

Irina added that although “in Moscow and all around the [former] Soviet Union, [notaries] are primarily women. . . , in the last few years, more men have become notaries.”¹⁹⁹

Irina described how her responsibilities at work have increased since the Gorbachev reforms:

193. *Id.*

194. *Id.*

195. *Id.*

196. Interview with notary at Notary Office No. 7, in Moscow, Russia (Aug. 27, 1992) [hereinafter Irina Interview].

197. *Id.*

198. *Id.*

199. *Id.*

If you take our office, there are always a lot of people. The work was less varied. Basically, there were powers of attorney or [copies of documents to be filed in various bureaucratic departments]. Naturally, this was connected with the fact that people had no property. Thus, there was no need for a notary's office or the help of a notary In connection with the emergence of some kind of property, both for commercial structures and citizens, there are many deals, small and large, and the quantity has increased. There is a lot of business As far as the processing of documents, if a document is processed without a notary, then you will find a great number of mistakes in it. Thus, many lawyers who advise organizations come here to have the documents checked. They do not need to process anything; they just need them checked.²⁰⁰

The physical environment of notary offices reflects the increase in economic transactions in Russian society.²⁰¹ For example, Thursday in Moscow is considered a *nepriyomnii den'*, or a day when clients are not seen. However, Thursdays in Irina's office and many other notary offices in Moscow are busy.²⁰² People overflow from the waiting area. Fresh flowers and boxes of candy, brought as gifts by clients, cover the desks of notaries whose roles have become vital in the last several years.²⁰³

Among the new challenges facing notaries like Irina are the shifting legislation, complication and contradiction connected with the breakup of the Soviet Union, difficulty in getting materials, increase in the number of clients with new questions in unexplored areas, and lack of support during this transitional period.²⁰⁴ Irina cited apartment privatization as an example of an area with rapidly changing procedures. She asked:

Do you know how we buy apartments? There was one plan, then a second, then a third. At the beginning, a notary participated in the first and second plans, and in the last the notary was already obsolete Many documents had to be redone Now, they give privatization documents to the government in passing. Someone gives a gift, legalizes the agreement in the notary's office, and receives properly

200. *Id.*

201. *See generally id.*

202. *See, e.g., id.*

203. *See, e.g., id.*

204. *Id.*

legalized documents. Some inherited [the documents], some received them through the court So, these documents are often faulty.²⁰⁵

Another obstacle facing Irina is the lack of legal materials. She remarked:

No one supplies us with [legal] materials. You have to look everything up yourself We are in close contact with the *Tax Inspectorate* . . . where you may hear something and then try to pursue it further There is no system. It's become very difficult to work because first it's one thing, [and] then [it's] immediately something else. Someone says one thing, [and] someone says something different.²⁰⁶

The lack of support networks also troubled Irina. "[Notaries] wanted to create a type of College of Advocates, but nothing happened because, first, we separated from each other. We meet very rarely as notaries . . . in Moscow. It's not possible to wait for any help from somewhere else."²⁰⁷

Although Irina's job became more difficult and consuming, *perestroika* has provided significant professional rewards for her.

First, it is very interesting to work with people. [The job] swallows you up, like a *boloto*, or a swamp. It's impossible to leave. Before *perestroika*, it was quiet, some powers of attorney. You sat all day and dealt with practically the same thing Now there is just more to do All day, people, people, new questions. For every person some question is the decisive one. You feel needed.²⁰⁸

Irina believes the status of the notary has generally improved. She commented: "If you look now, a lot has become easier for notaries than before, on account of the salary, which in the past was nothing, and [before *perestroika*] when no one [knew] what a notary was."²⁰⁹

Although Irina remarked on changes since *perestroika*, she has noticed great changes since the August 1991 coup. However, she expects her notarial responsibilities to increase in the future with privatization.²¹⁰

205. *Id.*

206. *Id.*

207. *Id.*

208. *Id.*

209. *Id.*

210. *Id.* "There was no change [in my life or work since the August coup]. Of

C. Galina

Like Irina's career, Galina's career has taken off as a result of Russia's move to a market economy. Galina, who specialized in civil law, participated in a legal exchange sponsored by the American Bar Association (ABA), which allowed her to work in the United States for several months.²¹¹ She also formed her own law firm, and perhaps most importantly, she feels confident about her work as a lawyer.²¹² After losing her first job at the All-Union Agency for Copyright (VAAP), to which she was assigned by the *raspredelenie*, or job placement service, she went to work for her mother, a lawyer at the Scientific-Research Institute of Soviet Legislation.²¹³ She then entered graduate school and focused on American law.²¹⁴ After Galina finished graduate school and took time off to stay home with her child, she participated in the ABA Lawyer's Exchange. She noted that the existence of such an exchange was "only possible as [a] result of *perestroika*."²¹⁵

In 1990, Galina and her colleagues formed "Lawyer," which handles mainly commercial transactions.²¹⁶ This firm, in which female lawyers slightly outnumber male lawyers, works cooperatively with an American-based law firm.²¹⁷ Galina deals with foreign investment, export, import, and currency regulation.²¹⁸ She confidently remarked:

I should say that it is the first time in all of my experience as a lawyer that I feel confident in this area Now, the understanding of a career and success are completely different The prestige of the [legal] profession has risen significantly, and now you sense a need for lawyers.²¹⁹

course, when it was all going on, we feared that nationalization would begin again and work would not be the same We simply feared military dictatorship." *Id.* Yet, Irina believed Yeltsin's voucher privatization would increase her workload. "[After the beginning of voucher privatization] there will be land reform . . . This will be complicated . . . now there are houses, apartments, and country houses Property is very important for a person." *Id.*

211. Galina Interview, *supra* note 49.

212. *See, e.g., id.*

213. *Id.*

214. *See, e.g., id.*

215. *Id.*

216. *See, e.g., id.*

217. *See, e.g., id.*

218. *See, e.g., id.*

219. *Id.*

Galina finds her way through the Russian legal puzzle. She added: "I feel pretty confident and can orient myself pretty well when it comes to legislation Of course, there is a great uncertainty that some bulletin published contains some unknown instructions. But sooner or later they will become known. Now the press is changing."²²⁰ Yet, her confidence for the future was tempered. She commented:

I never make any plans. As a rule in our country, it is impossible to look more than a week into the future. Of course, I am counting on the fact that our working relationship with this [American] law firm will continue. Next year, I am supposed to work over there for six months I hope that I will be able to earn enough to provide for my family.²²¹

Like Galina's firm "Lawyer," *Iuridicheskaya Konsul'tatsia No. 21* is trying to attract both Russian and Western clients. Commercial work in this firm is a great departure from previous work when *iuridicheskaye konsul'tatsii*, or general legal affairs offices, were limited to civil and criminal work for individuals.²²² There are more men than women in this office of forty-five lawyers. Dmitri, the head of the office, remarked on the firm's business:

Since 1986, many *advokatora* have been actively involved in economic *perestroika*. They have begun to offer business services. Today we are counsel to approximately 160 organizations . . . of different ownership structures, of different organizational-legal structures: foreign companies, wholly-owned companies, mixed forms, stock companies, [the] state However, we continue to handle criminal and civil affairs in the courts Any citizen can come in at any time [and] receive private consultation. The traditional forms of our work remain the same. Our responsibilities are providing for the *raion* [or regional or people's court], investigatory organs, procuracy, and courts.²²³

220. *Id.*

221. *Id.*

222. *See, e.g.,* Nina Interview, *supra* note 151.

223. *Id.*

D. Nina

Trained in civil law, Nina, a thirty-year-old attorney associated with "Lawyer," expressed the importance of combining legal theory with practice. "We are interested in contacts with practicing businessmen and economists. We need practice. We can give them advice theoretically, but we need their experience—what type of difficulties they encounter, etc."²²⁴ Nina suggested that the "legal illiteracy" in Russian society could complicate lawyers' work.²²⁵

Echoing the beliefs of Liudmila, Irina, and Galina regarding the increase in lawyers' responsibilities and the new demand for legal services as a result of the transition to a market economy, Nina explained that in recent years, it has become easier for law students to find employment.²²⁶

It was very difficult [for me] to find a job after graduation because at that time in 1985, membership in the Communist Party was required for lawyers who sought a good position. If you did not seek a good position, of course, you could get a job. For example, I worked in the legal department of the Ministry of Education, but I never became a member of the Party [I]n order to become a head . . . [of a] legal department, membership was obligatory. Now everything has changed.²²⁷

After working for a Soviet Ministry, Nina worked for a Russian Ministry. After the Soviet Union dismantled, Nina started to work for the *konsul'tatsia*, or consulting legal bureau.²²⁸ Nina described the trend in current law students' interests: "Now all of the young people who come to work for us want to work in business."²²⁹

IV. PROFESSIONAL ACHIEVEMENT AND SUCCESS

Generally, the market reforms have had a salutary effect on female lawyers' careers.²³⁰ Some lawyers, like Galina, have the

224. *Id.*

225. *See, e.g., id.*

226. *See, e.g., id.*

227. *Id.*

228. *Id.*

229. *Id.*

230. *See, e.g.,* Irina Interview, *supra* note 196; Interview with legal advisor at Institute of State and Law, in Moscow, Russia (Aug. 6, 1992); Marina Interview,

opportunity to travel abroad, participate in exchange programs, and form their own firms. Others, like Svetlana and Marina, with backgrounds and experiences in economic law, are advisors to the Russian government. The market reforms have given many lawyers the opportunity to learn about other aspects of law. Lawyers, like Natasha, are pursuing additional studies in business law. Others have been encouraged to study foreign languages in the hope that they would travel to the West to see how the market works in more developed countries. Former in-house counsel of state enterprises were forced to diversify and now advise firms with various types of ownership structures, such as joint stock companies, joint ventures, and wholly-owned subsidiaries. Some lawyers, like Olga, have had the opportunity to pioneer in new fields, such as public organization law, adoption law, or privatization legislation.

Moreover, some argue that because lawyers are now able to earn a decent living, the prestige of the profession is growing.²³¹ Not only are the financial and educational rewards significant for these women, but the personal rewards appear great. These females repeatedly commented that their clients are grateful for help and support.²³² One Russian lawyer confidently described the general future of Russian lawyers: "We will not be without bread. There will be work for us in the near future."²³³

Olga described the accomplishments and achievements of a female friend who is also an attorney. "My friend works in a very prominent organization. She is the only lawyer and provides [legal] services to [sixteen] small [hairdressing enterprises]. [This involves] all questions, management disagreements, contracts, labor issues My other colleague works in the Moscow Committee on Property and handles questions on privatization."²³⁴ She proudly spoke of her own achievements. "I am helping to develop the noncommercial section; I am writing the law. I am a member of the working group of the Supreme Soviet on the preparation of the Law on Non-Commercial Philanthropic

supra note 47; Olga Interview, *supra* note 48; Natasha Interview, *supra* note 50.

231. *See, e.g.*, Lera Interview, *supra* note 36.

232. *See, e.g.*, Nina Interview, *supra* note 151.

233. *Id.*

234. Olga Interview, *supra* note 48.

Activity."²³⁵ Olga and her friends were interested, challenged, and pleased with their respective accomplishments.²³⁶

A. *Nina*

Most of the female lawyers interviewed were generally optimistic about their professional futures.²³⁷ "They say that the best, most beneficial professions are law, economics, and accounting. I hope that in the future [law] will be a more prestigious specialization . . . , [but] simply to develop and grow is always interesting and pleasant."²³⁸

Nina, however, tempered her enthusiasm for the quickly growing field and suggested that there is a trade-off for being on the cutting edge. She lamented:

We are physically tired. I [finish] some job; I go to an organization. They have an urgent question. I get home at 9:00 [p.m.] because I get to the organization at 5:00 [p.m.] and work for a minimum of [two] hours and then go home around 7:00 [p.m.] or 8:00 [p.m.]. This is practically what every day is like Our stores are also very inconveniently located There is a vegetable store, but the bakery is very far away I have a seven-year-old child I am looking for a school for him which will give me more time. I know that I will not have the time to devote a lot of attention My parents live in the neighboring entryway and they basically handle the raising of my child.²³⁹

Noting that "this market . . . has changed [the Russian] work regime," Nina expressed a nostalgia for the order and calm socialist past:

In the Ministry, I finished work at 6:00 [p.m.] and then I was practically home by 7:00 [p.m.] On the weekends, I forgot about everything. Now it's around-the-clock work. [We work] vacations [and] weekends. [I] work all the time. At 11:00 at night or 7:00 in the morning, my clients call because they cannot catch me during the day. [I] don't sleep.²⁴⁰

235. *Id.*

236. *Id.*

237. *Id.*

238. *Id.*

239. Nina Interview, *supra* note 151.

240. *Id.*

B. Raisa

Although Raisa, an ambitious civil law professor, benefits from the reforms both personally and professionally, her success was not achieved without obstacles, particularly the challenge of meeting the rising rate of inflation.²⁴¹ Raisa commented:

I should say that the market dictates for all our need to adjust. I should say openly that the salary from the state is still not enough for the work of a teacher. In addition to being an associate professor, I also teach a course in the so-called special paying division, where people who already have university degrees study They pay for a second education—a legal education In addition to this, we have some practical work. I am now working as a lawyer for the Russian Union of Writers, where I receive an appropriate salary. But, this is not for money, but for the idea—I love Russia. I am an expert of the Russian Parliament on family law issues This [change] has only occurred in the past two years. Before that, the associate professor salary was enough, and . . . there was no demand for lawyers Thank God, our profession is in demand now in [this] country [so] that it gives us the opportunity to feed ourselves. I have a family. I am a widow and raise my children alone. Thus, I need to provide for my family myself I am a very typical case here. All lawyers . . . earn money on the side.²⁴²

Yet, despite her occasional pessimism, Raisa's outlook on the future was generally optimistic and she attributed her positive view to the "development of the market."²⁴³ She claimed the market "dictates the blossoming of the legal profession. . . . [L]awyers are beginning to become what they should be in any country."²⁴⁴ Referring to her students, Raisa commented:

Now it is difficult for lawyers, on account of the large wave of legislation. All is new and unusual, but very interesting and promising Thus, in general, I believe that the legal profession will become one of the more prestigious [professions]. Much in our country will depend on the lawyers I see an escape from my relatively difficult financial situation Although I am still young, I do not

241. See, e.g., Raisa Interview, *supra* note 64.

242. *Id.*

243. See *id.*

244. *Id.*

want to say that I must retrain myself. [I would like to] learn more about the specifics of the market and the activities of organizations and . . . to work in one of these structures on the side (in a large enterprise or joint venture) because now lawyers are paid considerably more than in regular organizations. I would also like to have more contacts with the West. I am interested in [American] legislation, and the only reason I have not been to the West is my poor knowledge of foreign languages, like many lawyers in our country. [N]ow I am taking some very good courses Thus, through [education], I see some salvation for me and my family. Yet, I have the faint hope that I finally will be compensated in the appropriate manner by the government for my teaching But for right now these are dreams, but also pretty realistic [ones]. I am already studying a language. I am studying commercial law I am a highly qualified pedagogue, but I must become a highly qualified practitioner. Otherwise, it will be difficult [The West's aid] is not eternal Thus, we must rely on our own strength We do not want to become dependents [or] parasites.²⁴⁵

C. *Evgenia*

Evgenia also benefitted professionally from Russia's move to a market economy.²⁴⁶ She believes that *perestroika* completely changed her life.²⁴⁷ She was once considered *neveyzdnaya*, or unable to leave the country, but she now advises numerous Western "hard currency" clients on foreign investment projects.²⁴⁸ Like Galina, Evgenia participated in the ABA exchange, worked in American law firms, and has taught at American law schools.²⁴⁹ Evgenia sees endless work opportunities and takes pride in the chance she now has to help her country during the transition.²⁵⁰ Yet, Evgenia's parents, who consider a lawyer to be only "one notch above a black marketeer," are still skeptical about her career choice.²⁵¹

245. *Id.*

246. *See, e.g.,* Evgenia Interview, *supra* note 164.

247. *Id.*

248. *Id.*

249. *Id.*

250. *Id.*

251. *Id.*

D. Lera

Like Galina and Evgenia, Lera formed her own law firm, attended various conferences and symposia in the West, and had the opportunity to work in American law firms abroad.²⁵² Lera, who graduated from the *vechernoe otdelenie*, or night division, in 1973, worked for the *States Arbitrazh*, the Book Trade Association, and a foreign trade association.²⁵³ She went back to graduate school and wrote her dissertation on legal relations between Soviet organizations, focusing on foreign trade agreements.²⁵⁴ After graduate school, she worked at the Institute of State and Law. Subsequently, she and some colleagues decided to form their own law firm.²⁵⁵ She explained: "When the changes began, each of us had our own practice We decided to work together Our clients are both Russian and Western."²⁵⁶

She explained how private law firms are different from *iridicheskaya konsul'tatsia*, or general legal affairs bureaus. These private firms are intended to fill a gap in the market, as legal bureaus deal mostly with civil and criminal affairs.²⁵⁷

[[*Iuridicheskiye konsul'tatsia*] are also beginning to work on economic affairs, but it seems to me that they do not have a lot of experience in this area They are mostly connected with citizens. But in the [private] law firms, which are now being created, there are mostly people who one way or another were connected specifically to the economic sphere There are at least [five] or [six] of these [private] firms in Moscow, which we consider our competitors.²⁵⁸

Lera has two children and her new position has given her the flexibility to balance her career and family life. "I can work at home Sometimes I work until [one] or [two] in the morning."²⁵⁹ Despite her privileged situation, she believes the

252. Lera Interview, *supra* note 36.

253. *Id.*

254. *Id.*

255. *Id.*

256. *Id.*

257. *Id.*

258. *Id.*

259. *Id.*

transition to a market economy will be a long, gradual process that will be particularly hard on women.²⁶⁰

Seventy years of a different economic system . . . [have] to be broken to introduce a market economy [The Russian market] requires its own specifics [I]t's impossible to simply translate Western models. Of course, life now has become dynamic. For women, it has gotten much more difficult . . . in any area because we naturally work harder Our household problems take a lot of time: buying food, cleaning, [and] washing. It all remains with the woman There's no time to relax [or] to read fiction Now I only read new legislation.²⁶¹

Lera discussed the subjective legitimacy and change in social psychology needed for the success of the market reforms. "If [the economic reforms] are carried out, including privatization, it will change the psychology of the people People must believe they need to work well, work hard, and work professionally. When this understanding comes . . . then we will begin to develop like [other nations]."²⁶² Although she admitted that the Russian legal system was still creaky, she believed Russians were beginning to understand legal institutions. She commented: "If people once looked skeptically at the possibility of being protected [through the judicial system], then now with *perestroika* . . . they have begun to turn [to the judicial system] for upholding their rights Of course, the bureaucratic arbitrary rule still exists. [T]hat's not a secret to anyone."²⁶³

To summarize the Russians' attitude toward law to which Lera referred:

Throughout Russian history, peasant and *intelligent* alike have looked askance at law, which has traditionally been associated not with justice but with *proizvol*, or tyranny. Furthermore, in a country with a penchant for collectivism and for uncompromising attitudes to morality, law has appeared a champion of individual interests that is content with procedural, and not absolute, truth. Thus, law and the civil society in which it is imbedded have always seemed to occupy a weak middle ground between the two great poles of

260. *Id.*

261. *Id.*

262. *Id.*

263. *Id.*

Russian social thought—full etatization (*polnoe ogosudarstvenie*) and the complete elimination of state and law (*polnoe obobshchestvenie*). Until a civil society emerges in the USSR that champions the role of law as a mediator between the legitimate and conflicting interests of state and society, philosophical support for the introduction of a *pravovoe gosudarstvo* [, or a law governed state,] will remain limited.²⁶⁴

CONCLUSIONS AND EVALUATIONS

Despite the general view among these female lawyers that they will benefit from the transition to a market economy, there are many hurdles to overcome. The enigmatic legal and economic climate, an inadequate information system, the lack of training and skills unique to a market economy, and a negative stereotype surrounding lawyers and private enterprise in general complicate these lawyers' tasks and could impinge on their future success. Many lawyers expressed the need for more interaction with business people and economists. Others could not identify the myriad of difficulties they confront. Moreover, the negative stereotype of lawyers and a suspicion of the market and the concept of private property continue and could slow this profession's transformation.

Raisa, Olga, and Marina were troubled by the avalanche of conflicting legislation and the instability of the information system. Raisa explained that laws are now published more regularly, but subscriptions are very expensive.²⁶⁵

Now a whole series of newspapers regularly [publish] absolutely all new legislative acts, and there is a large quantity everyday. . . . You can buy this [legal material] . . . for a lot of money. We have such a *ulichnaya trgovlya*, or street trade. Traders quickly notice the demand, . . . and they sell the legal material for a lot of money. Thus, we do not have any hunger [for information] now Any citizen [who can afford to do so] can subscribe to the paper and receive any material.²⁶⁶

264. Eugene Huskey, *From Legal Nihilism to Pravovoe Gosudarstvo: Soviet Legal Development, 1917-1990*, in TOWARD THE "RULE OF LAW IN RUSSIA?": POLITICAL AND LEGAL REFORM IN THE TRANSITION PERIOD 23, 38 (Donald D. Barry, ed., 1992).

265. Raisa Interview, *supra* note 64.

266. *Id.*

Raisa lamented that there is no computer database (such as LEXIS or Westlaw) or even a comprehensive source for finding all legislation.²⁶⁷ “The laws change so quickly that I practically do not have time to read any fiction. I read only laws and special legal materials.”²⁶⁸ Echoing Raisa’s frustration, Vera said that if she could go back to law school, she would have specialized in indexing normative acts.²⁶⁹ “When you have a stack of newspapers in front of you and you have to pick out what is necessary from them, it takes an enormous amount of time You can never find what you need You have to rely only on your memory.”²⁷⁰ Marina also described the difficulty in keeping up with the flood of legislation. She said: “You need to read every day . . . spend [two to three] hours on the papers—not only on legislation but on everything I haven’t started reading tax laws because they change all the time. There is always a new rate. This is also true with banking regulations.”²⁷¹ Olga further elaborated on the fearful state of tax legislation. “There is no lawyer who can talk about tax legislation without tears because we have very unsuccessful tax legislation. I see this especially with my [philanthropic] organizations. [The organizations] do not have stipulated [tax] benefits, [but] have . . . partial . . . tax breaks.”²⁷²

While some interviewees expressed the need for developing contacts with Western specialists,²⁷³ others argued that these meetings are often superficial and were skeptical of their practical value.²⁷⁴

Fondly remembering her legal work during the New Economic Period, when the expansion of a market revived a sophisticated legal system to regulate economic interests in the mid-1920s,

267. Although at the time of the interviews such databases were in the process of being developed, currently there are several Russian law databases, such as GARANT, that provide updated versions of Russian legislation.

268. Raisa Interview, *supra* note 64.

269. Vera Interview, *supra* note 46.

270. *Id.*

271. *Id.*

272. Olga Interview, *supra* note 48.

273. *See, e.g.*, Galina Interview, *supra* note 49.

274. *See, e.g.*, Marina Interview, *supra* note 47. Describing a joint U.S.-Russian seminar on privatization, Marina stated: “I do not know what practical use this had and if there was one in general. Of course, it was interesting for us to hear them and them to hear us.” *Id.*

Svetlana remains frustrated by the awkward legal mechanisms of post-Soviet Russia.

In the twenties, we had wonderful legal work, especially regarding securities and market relations Thus, our school [was] very highly qualified: We only need our organs of power to truly understand the meaning of law, trust the lawyers, and promote them On the one hand, it is everything I could have dreamed of. Democratic freedom, human values—all this is wonderful. However, unfortunately . . . it is all progressing with much difficulty It is impossible to make the transition to a market [economy] not having a civil code It's very distressing . . . , but I am an optimist. I hope that we will survive all of this.²⁷⁵

Perhaps the greatest challenge for this emerging class of professionals is the lack of philosophical and grass-roots support for a *pravovoe gosudarstvo*, or law-governed state. Liudmila explained:

Everything depends on the condition of a Russian person's soul. [Because] the average Russian is passive [and] patient, it is very difficult to apply some sort of legislation from the outside All norms should . . . be applied in accordance with the complicated life situation Every lawyer should be responsible for his work [and] should . . . work not only for the sake of money, but also so that someone else sleeps well. [He must be] honest to the end of his relationships with people and with himself. We do not have that yet, and I do not know when we will It is impossible simply to change some normative acts [and] laws It needs to be a way of life.²⁷⁶

Elena reiterated the need for the growth of a legal consciousness in Russia. "Only in a generation will [growth] be possible . . . if we can foster law-abiding consciousness and instill [new] norms and standards."²⁷⁷ Finally, in contrast to the United States where most legislators are lawyers, few Russian

275. *Id.*

276. Liudmila Interview, *supra* note 49.

277. Elena Interview, *supra* note 165. For an historical explanation of the lack of legal consciousness in Russian society, see Louise Shelley, *Legal Consciousness and the Pravovoe Gosudarstvo*, in TOWARD THE "RULE OF LAW IN RUSSIA?": POLITICAL AND LEGAL REFORM IN THE TRANSITION PERIOD 63-77 (1992).

members of Parliament are lawyers. Law was never a path to a position of power. Commenting on the legal illiteracy in the government, Marina said: "Deputies are not very qualified people. The majority of them are not lawyers. Consequently, many semi-literate decisions are issued."²⁷⁸

In addition to the problems facing all Russian lawyers, unique challenges confront female lawyers. With more men entering the field of civil law, these women fear that they will be muscled out of the profession.

[B]efore, at least, there was some minimum level guaranteed by the government. Now, if enterprises are bankrupt or simply do not have the means to help women, then [they are] completely unprotected and helpless For example, I am the only provider in my life . . . and [because of] my responsibilities, [being the only provider] demands much time and strength. If you do not have close [relatives] nearby, then your fate and the fate of your children is simply awful. The situation of women here is now one of the most tragic of all Russian citizens. Previously, we were renowned for the distressing and troubling state of our women, now . . . it is simply catastrophic.²⁷⁹

Market reform will help alleviate some of the Russian women's double burden by creating service enterprises, shopping centers, various childcare arrangements, and mail-order facilities. However, the spiritual progress of Russian women and men depends on the extent to which individuals develop the abilities necessary to overcome patriarchal attitudes towards women. There are several ways to chip away at these attitudes, including creating organizations that could educate women and men on role sharing. In addition, these organizations could exert political pressure. The history of many countries suggests that women's social and economic needs are low political priorities. These needs are best recognized when women exert political pressure.²⁸⁰ Thus, in order to help resolve some of these problems, these busy and ambitious women consumed by their work must take time to participate in support groups.

However, Russia is unique. Not only will this country have to find its own path to both democracy and a market economy, but

278. Marina Interview, *supra* note 47.

279. Raisa Interview, *supra* note 64.

280. Buckley, *supra* note 2; Shapiro, *supra* note 1.

it has to evolve its own version of feminism. For example, many Russians view Western feminism as “anti-family” and Westerners as naive in their belief that women and men are identical.²⁸¹ Some argue that the Russian notion of emancipation differs from the Western concept.²⁸² Under the Soviet system, women had no choice. They had to work, have children and care for them, and juggle work with raising children and other family responsibilities, despite the lack of male assistance and labor saving devices.²⁸³ Having watched their mothers and grandmothers struggle with these dual roles, today’s Russian women do not want to repeat their tragic fates.²⁸⁴ Yet, this approach fails to address issues of male contribution. Women must be able to fairly compete with men in all spheres of life before a stable democracy in Russia emerges.

In short, given their education and training, these Russian female lawyers are thriving in the post-Soviet society. However, they are limited by the gender bias in Russian society. This issue must be addressed. An international organization for professional women, particularly lawyers, should be set up in Russia to help confront both these professional and personal issues. This organization should educate women and men on role sharing. This organization would facilitate the development of a truly democratic and market-oriented Russia.

281. Buckley, *supra* note 2; Shapiro, *supra* note 1.

282. Buckley, *supra* note 2; Shapiro, *supra* note 1.

283. Buckley, *supra* note 2; Shapiro, *supra* note 1.

284. Buckley, *supra* note 2; Shapiro, *supra* note 1.

APPENDIX

GENERAL QUESTIONS ASKED DURING INTERVIEW

EDUCATION

1. Why did you decide to go to law school? What year did you enter law school?
2. Was your mother, father, or any other relative a lawyer?
3. Did you chose to study specifically economic law? If yes, why? Did many women specialize in civil, particularly commercial law? If so, why?
4. What percentage of the law faculty were women? Were there specialty areas in which a disproportionate number of the students were women? If so, which ones?
5. What was the general course of study at the law faculty?
6. What career choices were available to you upon completion of law school?
7. Do you think that your education prepared you for your profession?
8. Do you know a foreign language? Do many lawyers know a foreign language?

CAREER/PROFESSIONAL ACHIEVEMENT

1. In which types of organizations have you worked? Describe your responsibilities.
2. What are the most typical legal cases that occur at your work place?
3. From whom did you receive instructions on your legal responsibilities at your organization? How has that changed in recent years?
4. Was there much corruption and bribery in the work place? Has it become more or less pervasive in recent years?
5. What was the level of your salary in comparison to that of other administrative personnel? In comparison to male lawyers?
6. As a lawyer, did you receive any bonuses for fulfillment of the plan?
7. Do you have enough legal literature and legislation to perform your duties?
8. How do people regard you as a lawyer? Do they treat you differently because you are a woman?

9. As a lawyer do you feel that you hold a respectable position during this transition to a market economy? Why or why not?
10. Is it difficult to support your family? Who takes care of your children when you are at work?
11. Are there any support groups for women professionals, particularly for women lawyers?
12. How did the *perestroika* reforms change your life, your job?
13. How did your work and life change after the August coup? What effect have the Yeltsin reforms had on your life and work?
14. How do you keep up with avalanche of new laws and decrees?
15. Do you have an opportunity to earn hard currency?
16. Do you have an opportunity to or would you like to advise Western companies on how to invest in the former Soviet Union?
17. Have you ever been to the West? What were your impressions of Western legal systems?
18. Do you like your job? Why or why not?
19. What kind of future do you see for yourself? For your profession? For Russia's legal system? For your country?