

Andrey Vishinsky - a legal scholar of the Stalin era

Abstract

The aim of the thesis is to examine the basic categories of the Marxism-Leninism theory of law from the point of view of Andrey Januaryevich Vishinsky.

The thesis is composed of four chapters. Chapter One (named “Marxism, Russian revolution and Law”) is based on the idea that it is not possible to understand the Soviet law without analysis of the relationship between Marxism and legal theory. Subchapter 1.1 gives a brief overview of Marx’s school of thought. At the same time it points out the absence of the self-contained concept of law in writings of Marx and Engels.

Chapter Two is devoted to the life of Andrey Vishinsky, his academic and scientific career. The following subchapters are subsequently mapping the individual stages of his life. It contradicts some of the untruths and myths surrounding Vishinsky.

Chapter Three (named “Vishinsky’s contribution to the basic categories of the Marxism-Leninism legal theory”) is concentrating on the four fundamental concepts of legal thinking: Law, State, Legality and Justice. It points out that Vishinsky’s approach to these categories was only purpose-built and dogmatic.

Chapter Four deals with criticism which Andrey Vishinsky targeted against the theorists of “withering away of law and the state”: Peter Stuchka and Evgeny Pashukanis. It questions the roots of the fact that these theorists which were broadly acknowledged during the 1920s were declared as “provocateurs and betrayers” of the Soviet science and the homeland shortly in the 1930s.

The main purpose of the thesis set out in the Introduction was completely attained – i.e. to uncover Andrey Vishinsky as not only as the remorseless prosecutor of the Stalin’s proceedings but also as the theorist of law. The thesis also brings to the attention of the reader some of the basic concepts of law developed personally by Vishinsky.