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Recommended Citation
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In the last decade we have witnessed the publication of a considerable number of valuable works on foreign and comparative law. Despite this the monumental work published under the general editorship of V. Gsovski and K. Grzybowski must be characterized as a first of its kind. It deals with the law of the Soviet Union, including the three Baltic Republics absorbed in 1940, and the seven countries of Eastern Europe known as People's Democracies: Albania, Bulgaria, Czechoslovakia, Hungary, Poland, Rumania, and Yugoslavia.

Even the Soviet Union itself does not possess a similar work on the law of the Socialist countries in the Russian language. This is partly explained by a deep-rooted reluctance toward comparative legal studies in the Soviet Union. Soviet jurists have always been taught that the chasm dividing the two legal systems—the socialist system, and the so-called “bourgeois” system—is so deep that the legal institutions of both systems are simply incomparable. In Soviet legal literature, however, references to the law of non-Soviet countries often are made in order to show that the law of the capitalist countries is wrong in every aspect.

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1. The common law countries which are members of the British Commonwealth have the important series THE BRITISH COMMONWEALTH; THE DEVELOPMENT OF ITS LAWS AND CONSTITUTIONS, initiated in London in 1955, and still in progress. The Institute of Comparative Law of the University of Paris publishes its excellent series LES SYSTÈMES DE DROIT CONTEMPORAIN. BILATERAL STUDIES IN INTERNATIONAL PRIVATE LAW, published by the Parker School of Foreign and Comparative Law, Columbia University, is a useful collection of foreign law of the conflict of laws. In the last few years research in comparative criminal law has been made easier by publication of a number of penal codes in German translation, e.g., SAMMLUNG AUSSERDEUTSCHER STRAFGESETZBÜCHER IN DEUTSCHER ÜBERSETZUNG. The French translations are to be found in LES CODES PÂNOUX EUROPÉENNES, PRÉSENTÉES DANS LEUR TEXTE ACTUEL, edited by Marc Ancel. In 1960 a similar series in English was originated which also contained codes of non-European countries: THE AMERICAN SERIES OF FOREIGN PENAL CODES. For comparative constitutional studies the best is FEASLE, CONSTITUTIONS OF THE NATIONS (2d ed. 1957). PINNER, WORLD COPYRIGHT, 5 vol. (1953-60) covers this special field. The Germans have a broad collection of annotated nationality laws of most of the world's states. The civil law countries may be proud of the comparative legal dictionaries, limited as a rule to only one branch of law and the innumerable monographic works dealing with selected legal institutions on a comparative basis (mainly German, French, Swiss, Italian and Austrian).
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There are some books in Russian dealing exclusively with some branch of law of a capitalist country, and there are some legal treatises on selected problems of some Socialist countries, but a comprehensive, comparative treatise on the law of several of them, is non-existent.

The law and government of the Democratic Republic of Germany is not included in the reviewed work and the preface explains that the main reason is the relative accessibility to the international legal community of works published in German. Outside of the scope of the work is the law and government of the Asian Communist countries: Outer Mongolia, People's Republic of China (with Tibet), North Korea, and North Vietnam.

The difficulties encountered by the editors of this work were considerable, for not one lawyer in the world masters all the languages in which the laws of the Socialist countries are published. Therefore, cooperation of a number of native lawyers was inevitable, and, as the finished product shows, this cooperation was successful. The reviewed book is a product of the collective work of 29 lawyers who received their legal education and practiced law in their native countries. Most of them are familiar with legal systems of other countries; some are graduates of schools in the United States; and some are members of the American legal profession.

The work does not cover the complete legal systems of the Soviet Union and satellite countries (including Yugoslavia which was a satellite for a number of years). Even more than two thousand pages does not seem to be sufficient for this. As the editors state in the preface: "Elucidation of rights of the individual and their protection within the Soviet orbit was the main objective of the research." (p. xvi). Even the achievement of this limited objective was not an easy task. The book not only deals with the present law of the socialist countries but it also provides a profound legal background—presenting the development of legal systems in the past, dealing thoroughly with the transition to "people's democracies," and explaining in some detail the evolution of legal institutions under socialism. It makes the book a comparative and historical one at the same time.

To present in essay form a section which is longitudinal as well as latitudinal is impossible, and a skilled arrangement of material was required to overcome these difficulties. The aim was achieved by dividing the book into seven parts, each one treating a topic in its relationship first to the Soviet Union and then to each of the other countries covered. Part I deals with the origin and special features of the present regime and law; part II, the administration of justice; part III, judicial procedure;
part IV, substantive criminal law; part V, the sovietization of civil law (property, contracts, domestic relations, inheritance law, etc.); part VI, the worker and the factory; and part VII, the land and the peasant. Appendices at the end of the book contain English translation of important legislation enacted during 1957 and 1958 with references to corresponding chapters of the work. The work contains an extensive bibliography listing more than 1000 books and articles in many languages arranged by countries and indexes of personal names, geographical names and subjects.

It would be a sheer impossibility to present a condensation of the contents of the work which was already condensed in the 2000 pages. I will merely attempt to point out some features of the Soviet law which might be interesting to lawyers who do not have time to read the whole book, and to add some information not contained in the book.

Dr. Vladimir Gsovski is the author of all parts of the book relating to the Soviet Union. He has included much material already published in his two-volume treatise on Soviet Civil Law; Private Rights and Their Background under the Soviet Regime, (1948-49). The legislation, court decisions, administrative practices and procedures, as well as authoritative statements by leading spokesmen and scholarly writers of the Russian Socialist Federated Soviet Republic, one of the fifteen constituent Republics of the Soviet Union, are emphasized, but similar materials of other Republics are also used.

I will enumerate some of the more interesting features of the Soviet government and law. There is no separation of power among branches of government as in the United States, but only a distribution of functions (p. 24). The full power is declared to be vested in representative bodies (the Congress) but in fact these bodies have a large membership, seldom convene and have sessions lasting only a few days. In the interim between sessions (sometimes several years) their power is totally delegated to small permanently functioning committees (p. 20, 21). The significance of the Russian Constitution is quite different from that of the United States.

The Soviet Constitution is in no sense the supreme law of the land. It is, rather, a solemn declaration of general policies and a general approximate organizational and administrative scheme for government authorities. . . . A constitutional provision may be set aside by an administrative decree and the newly enacted rule incorporated into the Constitution only at a later date. (p. 24).
Examples of constitutional changes made by the Presidium of the Supreme Soviet are listed on pages 22 and 23. Even the Council of Ministers introduces amendments to the Constitution. "For example, although Section 121 of the 1936 Constitution provided that 'education, including higher education, is free of charge,' in 1940 the Council of Ministers, then called Council of People's Commissars, ordered that a tuition fee be collected for the higher grades of the secondary schools and for higher education. The order was enforced, but the Constitution was not amended to incorporate the change until 1947, after a lapse of seven years." (p. 24). The correctness of this practice was never challenged.

"The elections under the present 1936 Constitution are elections without the right to select the candidate. No chance is given to the voters to make a choice of the candidates." (p. 25). "The right to nominate candidates is secured to Communist Party organizations and to other organizations controlled by the Communist Party. . . . In elections thus far held only one ticket had been placed on the ballot, that of the 'Communist block and those without party affiliations.'" (p. 26). Constitutional provisions on the general and secret elections lose any value in face of this uncontested elections system. The strength of the chain is measured by its weakest link, and the weakest link in the chain of Soviet electoral procedures is the fact that the single candidate in each election district is appointed by the Party. The authors of the reviewed book, having come from countries now under Soviet domination, limit themselves to citations of Soviet and Communist sources generally and statements of Soviet leaders concerning electoral procedures, and abstain as a rule from recounting Soviet practice, considering this as obvious. At least one British reviewer of the book exhibited such a striking lack of information on Soviet practices, that one regrets that the authors did not explain some of the election procedures not obvious to every Western reader.2


. . . but by omitting to state that voting is not compulsory and that, to be elected, a candidate must receive the votes of at least 50 per cent of the electors in his constituency, the impression is given that the whole election machinery is a mere farce, which is hardly the case, for although one-candidate elections may not seem 'democratic' to us, the electors do have the right, by abstaining from voting or by leaving their ballot papers blank, to reject the candidate nominated, and, although extremely rare, cases in which this has happened have been reported; in such a case a new election must be held. Id. at 720.

An answer to the preceding statement is found in Hazard, Soviet System of Government (2d ed. 1960): "Communist Party pressure to vote is so great that it results in an even higher percentage of participation than is found in those democratic countries where the law itself requires a citizen to vote and provides a penalty if he does not." Id. at 50.
It is the policy of the Soviet Government to keep certain laws and decrees secret. The new edict of the Presidium of the Supreme Soviet of the USSR of June 19, 1958 on the promulgation of laws and decrees, repeats in essence the provisions of old laws of 1924 and 1925 concerning secret laws. Section 3 of the new law declares: "The edicts and resolutions of the Presidium of the Supreme Soviet of the USSR which do not have general significance or are not of a rule-making (normative) character shall be distributed to the government departments and offices concerned and shall be communicated by them to persons to whom the effect of such acts is extended." The reviewed book lists on pages 45 and 46 edicts and resolutions having general significance, which were not published, although reference to them was made in other acts.

Chapters dealing with the sovietization of satellite countries are especially interesting. The pattern of the seizure of power by Communists was more or less the same and is well known from publications in the area of political science. The emphasis is put on the new, socialist, legal systems and their relation to the legal system of the Soviet Union. Strange as it may seem there are many differences in the legal systems among the satellite countries. Not all of them followed closely the practice of the RSFSR of the early years after the October revolution. As is generally known, the statute on the People's Court of the RSFSR of November 30, 1918 prohibited any citation of pre-revolutionary law in a court decision. By virtue of the Introductory Law to the Civil Code of 1922 "any interpretation of provisions of the Code on the ground of laws of the overthrown governments and the decisions of the pre-revolutionary courts," was forbidden (Section 6). Moreover, "no court or other authority of the Republic shall take cognizance of disputes originating before November 7, 1917" (Section 2). Thus, we see a complete repeal
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of the whole pre-revolutionary legislation, the destruction of all pre-revolutionary judicial decisions, and even refusal to adjudicate disputes originating in pre-revolutionary conditions. A more complete break with the old social order could not have been accomplished.

How have the satellite countries proceeded? The first of the Socialist countries to repeal all earlier laws was Yugoslavia which did so by the Act of October 23, 1946. The second—Bulgaria by the Act of November 20, 1951 repealed all legislation enacted before the 9th day of September 1944. In the third—Albania—the law No. 61 of 1945, which was initially designed to provide a general repeal of legal regulations and provisions enacted in the period of Italian and German occupation, was later interpreted, contrary to its express wording, as also implying the repeal of all previous laws including those of free and independent Albania (p. 1186). All the remaining Satellite countries replaced earlier laws by new legislation gradually. No system contains the extreme provision of the above mentioned Sec. 2 of the Introductory Law to the Civil Code, denying adjudication of pre-revolutionary disputes, but some of them provide that the new law is to be applied retroactively to disputes originating before the establishment of Soviet rule.

The expansion of the Soviet orbit after World War II allowed us to closely examine what happened in the legal systems of territories in which Soviet rules began to operate. The territories fall into three groups. Some were simply added as new regions to existing Soviet Republics. In all of these territories all previous laws (Polish, Austrian, pre-revolutionary Russian, Rumanian, Czechoslovakian, Hungarian, Finnish, German, Japanese) were repealed by a general clause a short time after their direct incorporation into Soviet Republics. The law in force in the Republics into which these territories were incorporated was introduced at once, and all disputes which originated before the incorpora-

5. The same policy was initiated in the Asiatic Communist countries as all of the legislation enacted by Kuomintang was repealed at once in 1949 by the authorities of the People's Republic of China. All Japanese laws were repealed in North Korea in 1945. W.S. Posdnjakow, Das Zivilrecht der asiatischen Lander der Volksdemokratie 13, 87 (1959).
6. Added to the Ukrainian SSR were the Western Ukraine in 1939, Northern Bukovina and parts of Bessarabia in 1940, Transcarpathia (also known as Subcarpathian Ruthenia and Carpatho-Ukraine) in 1945. Added to the Byelorussian SSR was Western Byelorussia in 1939. Added to the Russian SFSR were parts of Finland (regions which for several years were part of the short-lived Karelo-Finnish SSR) in 1940, Tannu-Tuva in 1944, Southern Sakhalin and the Kurile Islands in 1945. Though separated from the RSFSR by the Lithuanian and Byelorussian Republics, the Königsberg region, renamed Kaliningrad in 1946, was added to the RSFSR in 1945.
tion were accepted by newly established courts but dealt with by Soviet legislation which was applied retroactively. This led to exclusion of most of the cases due to extremely short terms of Soviet statutes of limitation (e.g., one year in the Ukrainian code at the time of incorporation of new territories, now 3 years). The social changes which were developing for twenty years in the Soviet Union were pressed on the new territories and their population at a rate almost equal to one day for one year. The literature on the rapid sovietization of those areas which were simply absorbed by the Soviet Republics is very scarce in the free world.

A second group includes territories incorporated into the Soviet Union in the form of newly created republics. Those included are the three Baltic Republics: Lithuania, Latvia and Estonia, which were independent between the two world wars, and the Moldavian Republic, created from the central part of Bessarabia (formerly Rumania) and a small part of the adjoining Ukraine. Despite the fact that codes of the RSFSR were introduced to the Baltic Republics, and the codes of the Ukrainian SSR to the Moldavian Republic, the Baltic Republics initially enacted constitutions and subsequent legislation slightly different from those of the RSFSR. The period of transition was evident, but a full assimilation was relatively slow.

The third type are the People’s Republics: Albania, Bulgaria, Czechoslovakia, Hungary, Poland, Rumania, Yugoslavia. Yugoslavia with its national communism in 1948 broke its close ties with Moscow, but its enactments in the early stages of its socialist system resembled most closely the legal order of the Soviet Union, e.g., the Yugoslavian Constitution which divided the country into republics and autonomous regions is almost exactly like that in the USSR, which is explained by the fact that the ethnic composition of Yugoslavia is unparalleled in other satellite countries.

The sovietization of other People’s Democratic Republics shows such a wide variety that it is not easy to group them and to select common features. The legal systems of Albania and Bulgaria seem to be closest to the legal system now in force in the USSR while Poland, especially since October 1956, seems to be at the opposite pole. Two factors are of importance here. On one side is the fact that the socialist order

7. No pre-Soviet judges or prosecuting attorneys were permitted to stay in office in all those vast areas, and only a small percentage of lawyers have been readmitted to practice. In satellite countries, however, a relatively large percentage of the judges and lawyers were retained.

8. In 1947 the Soviet Union introduced difference of citizenship as a impediment to marriage (directed mainly against young Soviet citizens abroad, refugees, and displaced persons) and Albania followed suit. When the USSR repealed it in November 1953, Albania again followed.
in the People's Democratic Republics is still relatively young and the old order deep-rooted, and the change must not be made too fast. On the other hand, is the necessity to crush the enemies of the new order which requires far reaching means in the newer Republics. These means are not as necessary in the Soviet Union where after 43 years of the Soviet regime real and imaginary "enemies of the people" are expected to be destroyed. Thus, the government, law, and courts in the People's Democratic Republics are balancing between these two problems and show a varied picture.

The reviewed book makes many comparisons between the law of satellite countries and the law of the Soviet Union, indicating often how different they are. It contains less in matter of comparison between the law of satellite countries and far less about the interrelation of the law of different Soviet Republics. This is not a fault of the work because such comparisons were not among its aims. Nevertheless a couple of years ago such comparative studies of the law of constituent Republics of the USSR were greatly impeded due to a paucity of available legal material dealing with the law of Republics other than the RSFSR. Almost all treatises on Soviet law written by scholars in the free world deal with the law of the RSFSR. Some of them simply identify the law of the Russian Republic with the law of the Soviet Union. Penal codes of non-Russian Republics of the Soviet Union were badly needed in the work of the International Labor Office in 1953, but this international organization confessed that it was unable to secure them. "It has not been possible to obtain the corresponding [Penal] Codes in force in the other constituent Republics. It is clear, however, from an official publication on Soviet penal law\(^9\) that a great deal of uniformity has been achieved in the criminal law of the various Republics, even though there would appear to be some differences on certain points."\(^10\) The difficulty in the free world of obtaining penal codes of non-Russian Republics was not accidental. Moscow simply did not want to show the free world that the Soviet regime in non-Russian Republics is far more severe than in the RSFSR. Although the RSFSR adopted a new penal code on January 1, 1961, even a superficial review of the prior code reveals shocking differences between the penalties in the RSFSR and the non-Russian Republics. For instance killing or incapacitating of a horse in a kolkhoz or a sovkhoz committed by a kulak (rich peasant) was punishable in the


RSFSR (Sec. 79, 3) by deprivation of liberty for up to two years with deportation or without deportation. The same crime committed in the Ukraine even by a poor peasant and without counter-revolutionary intent drew a penalty of deprivation of liberty up to 10 years with confiscation of all property. (Sec. 75, 2 Ukrainian Penal Code) Criminal negligence in keeping horses was prosecuted in the RSFSR only if it resulted in the death or incapacitation of the horse. The penalty was "correctional labor" up to 6 months. (Sec. 79, 4 Penal Code RSFSR) In "correctional labor" the accused as a rule serves at the same job but contributes part of his pay to the state. In the Ukrainian Republic, however, criminal negligence in keeping horses not resulting in the death or incapacitation of a horse was punishable by imprisonment of up to three years or by "correctional labor." (Sec. 75, 2 Ukrainian Penal Code) The use of forged official identification documents is punishable by the Penal Code of Ukrainian SSR by imprisonment of up to 5 years, the forgery itself, up to 10 years and confiscation of property. (Sec. 68a) There was no such specific crime provided in the Russian Criminal Code, except the general provision for forgery and use of forged official documents, punishable by up to three years of imprisonment or up to one year of "correctional labor" for the forgery. (Sec. 72 Russian Penal Code) Repeated failure to register immediately with local authorities when entering a city even for a visit is punishable by up to 6 months "correctional labor" by the Russian Penal Code (Sec. 192a), but up to three years imprisonment by the Ukrainian Penal Code. (Sec. 80, 1)

Due to changes in the law some parts of the book became obsolete almost as soon as it came off the press. This is a common and unavoidable

11. The severest penalty for murder of a human being was 8 years of deprivation of liberty, and for recidivists, exceptionally cruel murderers, etc., the penalty was up to 10 years (Sec. 136 Penal Code RSFSR; Sec. 138, 139 Penal Code, Ukrainian SSR). Since 1954 the death penalty may be imposed in exceptional cases. Some offenses were punishable only in the Ukraine. Essays on the history of criminal legislation of the Ukrainian SSR by P.P. Mykhailenko, published in 1959 by the Ukrainian Academy of Science in Kiev (NARYSY Z ISTORII KRYMINAL'NOHO ZAKONODAVSTVA UKRAINS'KOII RSR, 422-427) concedes that not less than eleven such offenses were punishable as crimes only in the Ukrainian SSR, due to "special circumstances in the Ukraine."

An excellent article by Ginsburgs and Mason, Soviet Criminal Law Reform: Centralised Uniformity versus Local Diversification, in ESSAYS IN CRIMINAL SCIENCE, (O. W. Mueller ed. 1961) compares penal codes of the Russian SFSR and the Uzbek SSR. "From the very outset one is struck by the fact that of the 115 differing sentences sixty-five are more severe in the Uzbek Code than their counterparts in the Russian edition and only twenty-three are less severe." Id. at 424.

12. These examples were made possible in 1957 by the Soviet publication of a collection of basic acts of legislation of the USSR and the constituent Soviet Republics under the title UGOLOVNOE ZAKONODATEL'STVO SSSR I SOTAVAHSKH RESPUBLIK, (D. S. Karev ed.). At that time such a collection was needed for the contemplated codification work. Similar collections were published at approximately the same time on the Republican legislation of civil codes, as well as of the procedural codes.
able shortcoming, for the law never stands still. The basic criminal legislation of the USSR, enacted in December 1958 was added in a long appendix in the second volume of the work. Some of the significant changes which have occurred since the end of 1958 are a new penal code of the RSFSR, new basic principles of civil law, and a new basic principle of civil procedure of the USSR. A new federal act on organization of the courts was also enacted. Although there is no hint in the Hungarian section on the codification of a Hungarian Civil Code, such a code was enacted in 1959, an epoch making event in the world of law for it is the first Hungarian civil code in the thousand year history of Hungary. In September 1959 a draft of the Polish Civil Code was finished.

The reviewed book is not free of minor inaccuracies. For example in describing the court system of the USSR, the author states that People's courts "are courts of original jurisdiction for minor criminal cases and a large number of civil cases." (p. 529). In reality People's courts are courts of general jurisdiction for all cases not reserved for other courts (regional, special, etc.). As such they are competent even for the gravest criminal offenses including murder, but not including counter-revolutionary crimes, and penalties of 10 years of deprivation of liberty are quite commonly imposed by People's courts.

In presenting Soviet legislation on ownership of houses the author states that "After World War II, the Soviet government allowed its citizens to own small residence houses on government-owned land." (p. 1136). Such a statement might leave the impression that up to 1948 Soviet citizens were not allowed to own houses, which is not true. According to Sec. 54 of the Russian Civil Code which was in force up to 1948 non-municipalized buildings might have been owned privately, and Sec. 182 of the Russian Civil Code allowed Soviet citizens to buy and sell non-municipalized and demunicipalized housing buildings, provided that as a result of these contracts, no purchaser, including his spouse and minor children, own two or more houses, and that not more than one house might have been alienated within a period of three years in the name of the seller, his spouse or minor children. Under the Ukrainian Civil Code not more than three houses might have been owned by a family. Not more than one sale might have been made by the same person within one year. Thus, the 1948 housing regulation brought about a sharp curtailment in the rights to own housing.

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13. These were published for public discussion on Sovetskoe Gosudarstvo i Pravo, 3-34, (July 1960) (in Russian), and in Radians'ke pravo, No. 4 (July-August 1960) (in Ukrainian).
It is to be hoped that the publication of this unusual work may further stimulate the study of international and comparative law. One word of caution is to be attached and that is due to the question of semantics. Just as "jurisprudence" has a different meaning in English than in French, and "codicil" has a different meaning in English common law than in Roman Law, and "diligencia" is not the same in Latin as it is in Spanish, the same words are used in the Western and the Eastern world to describe fundamentally different concepts. Thus, merely comparing the texts of constitutions of the various countries does not provide any certainty as to whether or not one is dealing with similar legal institutions. Even words such as "democracy," "friendship," and "peace" describe different concepts in America than in the Soviet Union. Fortunately the authors of the book were well aware of this fact.

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The title of this book, a publication of the Institute of Industrial Relations of the University of California, reveals its major focus. The author is Associate Professor of Business Administration and Associate Research Economist, Institute of Industrial Relations, University of California at Berkeley. Among the several strands of the network of plans for developing private health insurance, health plans negotiated by union representatives in collective bargaining are one of the most interesting and significant. Between 1946 and 1957 the number of workers covered by health insurance under collective-bargaining contracts increased from less than a million to more than 12 million with perhaps another 20 million dependents—in all about one-sixth of the population. Of even greater significance is the fact that while Blue-Cross-Blue Shield and private insurance company plans serve almost entirely as a mechanism for financing medical care, collective bargaining plans introduce a new element. Under collective bargaining plans, powerful economic organizations, the unions, serve as representatives of consumers of medical services, and interest themselves not only in financing medical care, but in the structure and functioning of the medical "industry" itself. The

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