

differentiation. Because of the emphasis on the early phases of Soviet history, some sections are much more fully and richly detailed than others, and instructors assigning this textbook should be aware of which areas require further amplification. For example, the function and content of *samizdat* might be elaborated both as a covert alternative communications system and, in certain cases, as an expression of national identity, in addition to Osborn's analysis of its legal implications. With the current interest in détente, the role and organization of international law and trade might be included. The structure and functioning of the general educational system, divided between chapters ten and twelve, might be clearer to students with additional explanation, and the work of Soviet sociologists could be used more widely, particularly with respect to social stratification and nationality questions. The changing face of Party composition also would seem to require somewhat greater emphasis in view of its status as uncontested political elite. But these suggestions should not detract from the innovative contribution that Osborn's textbook has made.

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ENCYCLOPEDIA OF SOVIET LAW, 2 vols. Edited by *F. J. M. Feldbrugge*. Documentation Office for East European Law, University of Leiden. Dobbs Ferry, N.Y.: Oceana Publications. Leiden: A. W. Sijthoff, 1973. Vol. 1 (A-L): xii, 429 pp. Vol. 2 (M-Z): iv, 431-774 pp. (343 pp.) \$95.00 for 2 vols.

The *Encyclopedia of Soviet Law* is another piece of evidence supporting a widely shared feeling that non-Soviet scholars can place only limited reliance on the works and opinions of their Soviet colleagues. There are, of course, several reasons for it. First, little of what is written in the Soviet Union is free from propaganda. Second, even if occasionally an objective treatment of Soviet legal institutions may be found in the works of Soviet scholars, there is a problem of semantics. Legal, as well as sociological, terms employed by Soviet scholars are used in a context which gives them a different meaning. It is also important to remember that the idea of unity of Soviet power has worked strangely to blur the delimitations of legislative, judicial, and executive functions. In Western administration of criminal justice, the role of the legislative function is to determine the criminal act because of its social danger. Courts decide individual cases in the context of degree of personal liability, and consider all those circumstances which individualize a criminal act (personality of the defendant, prospects of rehabilitation, and so forth). Administrative organs (prosecution, police health institutions, and so forth) have their role before and after the judicial phase in the case, and are only subsidiary dispensers of justice. In the Soviet Union, *prima facie*, these roles are similarly distributed, but with important deviations. A Western scholar is, therefore, under a duty to scrutinize independently and critically the texts, the practice, and, in particular, the theoretical offerings of his professional brethren in the Soviet Union.

Thus, the *Encyclopedia of Soviet Law* has a unique function in the area of jurisprudence. It tests the claim, made by Soviet scholars and the Soviet government, that Soviet law and its institutions, being the result of a more advanced social order, offer a pattern for imitation to all social environments.

The list of subject headings included in the *Encyclopedia* was compiled from the list of headings employed in the *Index to Foreign Legal Periodicals*, and from headings used in two Soviet legal dictionaries (*Iuridicheskii slovar'* of 1956 and *Entsiklopedicheskii slovar' pravovyykh znanii*, 1965). This reviewer, with some experience in compiling a dictionary of legal terms, must point out a basic incompatibility between a dictionary and an encyclopedia. A dictionary, to be nearly complete, must include thousands of headings, while an encyclopedia of a limited size may include hundreds only. In the present case, the text is less than 800 pages in length with approximately 600 headings, including references and cross references, and of these 600, more than half are references to fuller treatments of various topics in the *Encyclopedia*. Although the length of the *Encyclopedia* calls for a careful selection of headings and topics, some questionable choices have been made. For example, the reference to *krai*, a territorial unit, could have been well treated (without special mention) in the article on territorial division. On the other hand, there is no reference to Presumption of Innocence—one of the key institutions in criminal law today, nor is Presumption of Innocence dealt with in the article on the criminal procedure or substantive criminal law.

It is regrettable that the *Encyclopedia* is full of articles which contain purely formal information, such as the gist of legal texts, but which ignore the doctrines of Soviet legal institutions or their deviation from the models followed by Soviet legislators. An important example is the article on criminal law, where the term "social danger" is mentioned as a constant feature of Soviet criminal codes, but without further elaboration of the term's significance and role in Soviet criminal law. In fact, the term was borrowed from Ferri and his notion that the role of criminal law is to protect society from the social danger of professional criminals. Crime, according to Ferri's teaching, was only an occasion to weigh the degree of social danger which occurred, regardless of the nature of the crime, in order to apply a measure of social protection. Originally, Soviet criminal codes contained only a skeletal system of definitions of criminal acts, and reference to social danger, in conjunction with the analogy provision, made logical sense. But now the analogy has disappeared, and use of the term is superfluous in a fully developed criminal code. Moreover, the term "social danger" is not specifically Soviet. All crimes are prohibited because of their social danger, and only for that reason. Of course, the term "social danger" may have been retained to aid future deviations from the provisions of the code, either by means of special legislation (for example, economic crimes in the early 1960s) or through directive rulings, an important institution which would, in the opinion of the reviewer, merit separate treatment or at least a cross reference. Unfortunately, nothing about directive rulings is found in the *Encyclopedia*.

The reviewer is struck by the lack of feeling for the historical background or the functional role of institutions described in the *Encyclopedia*. In the article on citizenship, for example, no mention is made of the fact that in an era of liberal approach to acquisition and change of nationality, Soviet citizenship clings closely to the medieval principle *nemo exuere potest patriam suam*. That this is not a theoretical problem only is best illustrated by the plight of Soviet Jews.

In conclusion, one more observation must be made. The *Encyclopedia* gives the impression that little has been written about Soviet Law. Those who are familiar with the real situation will know the works and authors, but, with few laudable exceptions (articles by Schultz, and sometimes Berman), almost no

references are given to the important literature on subjects treated in the articles. And yet every orderly encyclopedic treatment of a branch of science would certainly take care to supply that kind of information. One may even say that a careful selection of basic reference works should be the first duty of authors preparing entries for an encyclopedia. Furthermore, because of the characteristics of the Soviet legal system, individual contributions should have included references to both Soviet and Western works. Scientific disciplines maintain a high position in the world of knowledge by relating scholarly efforts in any given area to what others have done in the same area. Unfortunately, Western experts on Soviet law too frequently ignore this obligation to the reading public and students of Soviet affairs.

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THE SOCIALIST ECONOMIES OF THE SOVIET UNION AND EUROPE.

By *Marie Lavigne*. Translated by *T. G. Waywell*. White Plains, N.Y.: International Arts and Sciences Press, 1974. xvii, 396 pp. \$20.00.

The original French edition of this volume appeared in 1970. For the purpose of this English translation, the author has apparently revised the material and carried the analysis through 1972–73. The book is a highly ambitious work whose appearance should be welcomed by students of Soviet-type economies.

The main strength of the volume lies not so much in any originality of interpretation as in the very systematic and thoroughgoing manner in which Lavigne treats the major institutional characteristics and operating mechanisms of these economies. The comprehensive nature of the volume is indicated by the principal topics discussed: enterprise management, macroeconomic planning methods, strategies of economic development, price formation, the wage system, money and banking, economic relations among Comecon countries, and economic relations between Comecon countries and the nonsocialist world. There is also a discussion of the “convergence thesis” toward which Lavigne adopts a critical stance (“the theory of technological convergence confuses industrial structures and economic systems”).

Throughout the volume, the focus is on the functioning of the Soviet economy, with material on other East European countries being introduced chiefly to illustrate the extent of diversity prevailing within a common “socialist” framework. Lavigne accepts the “socialist” designation as an appropriate one for all these economies. If this is to be regarded as a matter of substance—as Lavigne apparently does—the issue requires a more convincing argument than the author provides.

Another positive feature of this work is the manner in which Lavigne’s review of theoretical discussions by Soviet economists on such subjects as price formation, economic growth, and investment efficiency serves as a backdrop for her own discussion of Soviet practices and changing policies in these areas. Although Soviet Marxism can hardly be said to have encouraged bold theorizing in any of the social sciences, Lavigne’s review of the principal Soviet economic discussions of the last two decades makes it clear that there has been some opportunity for serious theoretical speculation in Soviet economic literature. It may be too much to expect in one volume, but it is unfortunate that Lavigne does not provide a comparable review of the East European literature.