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## Comparative Criminal Law within the Soviet Union: A Review

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*Ugolovnoe pravo BSSR; chast' osobennaia.* Edited by I. I. Gorelik, M. A. Efimov, and I. S. Tishkevich Minsk: izd-vo "Vysheishaia shkola," 1971. 392 p.

*Ugolovnoe zakonodatel'stvo Ukrainskoi SSR.* Edited by V. V. Stashis and S. I. Tikhenko. Moscow: izd-vo "Iuridicheskaia literatura," 1971. 544 p.

The application of the comparative method to the study of two or more legal systems has led a jaded existence in the Soviet Union, for a variety of reasons. As a technique of inquiry, it has been acceptable only insofar as its utilization conforms to the general methodology of dialectical and historical materialism: "It is wrong to think," a Soviet jurist has argued, "that research procedures make up a series of instruments that, from an ideological and political point of view, are neutral."<sup>1</sup> Marxist jurists consequently have no sympathy for the view that "comparison" is some type of "objective" or truly "scientific" method, nor, in common with the overwhelming majority of western comparatists, do they look upon comparative law as an autonomous branch of jurisprudence.

The insistence that "bourgeois" and "socialist" legal systems are intrinsically different and non-comparable "qualities" has placed severe constraints on the kinds of comparative analysis that Soviet jurists may publish.<sup>2</sup> Bourgeois and socialist legal institutions can, of course, always be *contrasted* to

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1. S. L. Zivs, "Comparative Research into the Science of State and Law," *Review of Contemporary Law*, XI, no. 2 (1964), p. 147; also see V. E. Krasnianskii, "Elementy sravnitel'no-iuridicheskogo metoda," *Pravovedenie*, no. 3 (1970), pp. 25-31.

2. For a recent attempt to transcend this dichotomy and to develop some sub-typologies for the classification of legal systems, see Krasnianskii, "Klassifikatsiia pravovykh sistem," *Pravovedenie*, no. 5 (1969),

demonstrate the superiority of the latter, and there is a sizable literature in Russia of this genre. Moreover, foreign legal systems are studied as independent entities for the purpose of gathering data on commercial law, currency legislation, maritime law, techniques of classifying and publishing legislation, and so forth. This is "descriptive" comparison with a strong pragmatic orientation; it too has a long tradition in the West. But the notions that bourgeois and socialist legal systems have a great deal to learn from each other, that one can gain insight into one's own legal system through inquiry into the manner in which other systems approach analogous problems, that trans-systemic unification of law might be realizable, or that general theories of legal order might be tested through comparative analysis have not yet been widely accepted in socialist countries.<sup>3</sup>

Conceding, however, that comparisons of legal systems without regard to their class nature may pose difficulties for socialist jurists, one perhaps would have expected analytical comparative studies of socialist legal systems to be well-advanced. Surprisingly, this is not the case. The vast majority of such studies — and there are surprisingly few — tend to be descriptive in nature and to treat each socialist country separately.<sup>4</sup> Unification of law, to the extent that objective has

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pp. 41-46. One typology he suggests would classify systems according to levels of sophistication in the systematization of law through codification, consolidation, or incorporation. Under this approach, the People's Republic of China would be relegated to the category of a developing country, since "in the early 1960's the work of the previously established codification commission was wholly terminated." (p. 44)

3. For a discussion of how these divergent conceptions of the comparative method have influenced the format of the *International Encyclopedia of Comparative Law*, see J. N. Hazard, "Socialist Law and the International Encyclopedia," 79 *Harv. L. Rev.* 278-302 (1965).

4. See *Obsbchestvennye sudy v evropeiskikh sotsialisticheskikh stranakh* (1968); some recent textbooks avoid this approach. See, for example, L. D. Voevodin, D. L. Zlatopol'skii, and N. Ia. Kuprits, *Gosudarstvennoe pravo zarubezhnykh sotsialisticheskikh stran* (1972). Among recent collective works prepared by jurists from several socialist countries are V. E. Chugunov (ed.), *Ugolovnyi protsess zarubezhnykh sotsialisticheskikh gosudarstv Evropy* (1967); B. T. Blagojevic *et al.*, *Introduction aux droits socialistes* (1971). On this problem in general, see

been pursued among the socialist countries, has been accomplished primarily through multilateral and bilateral agreements, such as the General Conditions of Delivery for various types of goods and machinery.<sup>5</sup> Whether the renewed emphasis on economic integration within Eastern Europe will change this pattern remains to be seen. Assuredly the opportunities for comparative inquiries based on empirical research within the socialist bloc are immense.

There are some indications that Soviet jurists are beginning to become more adventurous in their employment of the comparative method. The amount of data published in the USSR about foreign legal system appears to be increasing. Two Soviet international lawyers recently suggested ways in which the comparative method could be used in international legal research.<sup>6</sup> Of greater significance, though, some Soviet lawyers have urged that the comparative method can contribute to the study of domestic law within the USSR.<sup>7</sup>

During the 1920's, there was a substantial body of literature in the USSR analyzing similarities and differences

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A. Kh. Makhnenko, "O metode sravnitel'nogo pravovedeniia v issledovanii i prepodovanii gosudarstvennogo prava zarubezhnykh sotsialisticheskikh stran," *Pravovedenie*, no. 1 (1967).

5. The text of the Comecon 1968 General Conditions for the Delivery of Goods is translated by T. W. Hoya and J. B. Quigley, Jr., in 31 *Ohio State Law Jnl.* 1-51 (1970).

6. Iu. A. Baskin and D. I. Fel'dman, *Mezhdunarodnoe pravo; problemy metodologii* 148-158 (1971).

7. See especially A. A. Tille and G. V. Shvekov, "Primenenie sravnitel'nogo metoda v prepodovanii iuridicheskikh nauk," *Pravovedenie*, no. 5 (1971), pp. 108-114. To buttress their argument, the authors point out that over half the articles in the union republican civil codes contain substantive differences. Only 61 of the 329 articles in the RSFSR Civil Code (1964) coincide with those of the other republics.

The need for comparative study of domestic law was stressed in a number of papers presented to a January 1970 conference on comparative law held at the All-Union Scientific Research Institute of Soviet Legislation. An Uzbek delegate reported that in September 1968 the Institute of Philosophy and Law of the Uzbek Academy of Sciences had established a Sector for the Comparative Study of State and Legal Construction of the Central Asian Republics. See V. D. Novikov, "Ovsuzhdenie problem sravnitel'nogo pravovedeniia," 24 *Uchenye zapiski VNIISZ* 196-213 (1971); summarized in *Pravovedenie*, no. 4 (1970), pp. 129-130.

among the laws of the constituent republics. This genre of writing gradually disappeared in the 1930's. The codes of the 1920's were amended *de facto* by an enormous corpus of all-union legislation and directives, much of it inaccessible to jurists. It became the practice for authors to focus almost exclusively on all-union and RSFSR legislation in their textbooks and monographs. Indeed, the Constitution of the USSR adopted in 1936 contemplated the enactment of all-union codes that would supersede many of the republican codifications of the 1920's.<sup>8</sup>

The federal codes never appeared. On February 11, 1957, the USSR Constitution was amended to provide that the central government would henceforth confine itself to laying down fundamental principles of legislation in a particular field, relegating to the union republics the power to enact codes of law appropriate to their circumstances but not inconsistent with the all-union fundamental principles. This reform was and continues to be regarded in Soviet legal media as an expansion of the sovereignty of the union republics. During the past fifteen years, the USSR has adopted, successively, Fundamental Principles of Criminal Legislation (1958), Criminal Procedure (1958), Court Organization (1958), Civil Legislation (1961), Civil Procedure (1961), Land Legislation (1968), Marriage and Family Legislation (1968), Correctional-Labor Legislation (1969), Public Health Legislation (1969), Labor Legislation (1970), and Water Legislation (1970).<sup>9</sup>

The extent to which the Latvian and Uzbek Union Republics have departed from the model of the largest union republic, the RSFSR, in the domain of criminal law already has been commented upon by western scholars.<sup>10</sup> Within the USSR, each union republic has published its respective criminal

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8. Article 14(u) of the USSR Constitution of 1936 relegated to the jurisdiction of all-union agencies of authority and of state administration: "Legislation on court organization and procedure; criminal and civil codes." See *Istoriia sovetskoi konstitutsii (v dokumentakh) 1917-1956* 731 (1957).

9. The texts are collected in *Osnovy zakonodatel'stva Soiuza SSR i soiuznykh respublik* (1971).

10. See G. Ginsburgs and G. Mason, "Soviet Criminal Law Reform: Centralized Uniformity versus Local Diversification," in G. O. W. Mueller (ed.), *Essays in Criminal Science* 409-444 (1961), who compare the

code both in the Russian language and the language of the respective republic. Some have issued commentaries on their codes,<sup>11</sup> and in 1963 Soviet jurists prepared a collection of essays outlining some of the principal distinctive features to be found in them.<sup>12</sup> The texts of all the codes also have been gathered in a special collection,<sup>13</sup> and a comparative index of code articles to accompany it.<sup>14</sup>

The two books under review are a new development in two respects: (1) they are among the first treatises in the Soviet Union to be devoted to the criminal law of a union republic other than the RSFSR that have been published, so far as the reviewer is aware, since the 1920's; (2) they are published in the Russian language, unlike many commentaries to the criminal codes, and therefore are intended to have a broader readership than lawyers in the particular union republic to which they appertain. Indeed, the book on Ukrainian criminal law was published by a Moscow firm, and the authors expressly commend it to readers in other constituent republics.

The differences among union republican legal systems are not of the magnitude of, say, Quebec and Nova Scotia, or England and Scotland, or Louisiana and New York. Nonetheless, as these volumes attest, one's criminal liability or punishment can vary materially depending upon whether the offense is subject to Ukrainian or Belorussian law.

Only the work on Ukrainian law deals with the General Part, which in all of the union republican criminal codes is

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RSFSR and Uzbek Criminal Codes of 1926. Z. Zile, "Soviet Federalism in Criminal Law: A Case Study," in A. Sprudz and A. Ruisis (ed.), *Res Baltica* 152-159 (1968), contrasts certain aspects of the RSFSR Criminal Code of 1960 and the Latvian Code of 1961.

11. See, for example, M. Mullaev, *Kommentarii ugolovnogo kodeksa Tadzhidskoi SSR* (1969).

12. V. D. Menshagin, et al., *Osobennosti ugolovnykh kodeksov soiuznykh respublik; sbornik statei* (1963); also see M. P. Karkushin, "O nekotorykh voprosakh sootnosheniia obshchesoiuznogo i respublikanskogo ugolovnogo zakonodatel'stva," *Sovetskoe gosudarstvo i pravo*, no. 4 (1964), p. 65.

13. See F. I. Kalinychev (ed.), *Ugolovnoe zakonodatel'stvo Soiuza SSR i soiuznykh respublik* (1963).

14. T. P. Shurakov (comp.), *Alfavitno-predmetnyi ukazatel' k sborniku "Ugolovnoe zakonodatel'stvo kodeksov Soiuza SSR i soiuznykh respublik"* (1963).

essentially a reproduction of the most important provisions of the All-Union Fundamental Principles of Criminal Legislation. There are some peculiarities, though. For example, the list of types of compulsory measures of an educational character laid down in Article 11 of the UkSSR Criminal Code is exhaustive and narrower than that of many other union republics. Excluded are such measures as the duty to apologize to a victim publicly or in another form determined by a court, announcement of a reprimand or severe reprimand, or transference to the supervision of institutions of public or higher education found in the Azerbaidzhan Code, or the duty in prescribed instances to compensate damage caused, as the Belorussian Code stipulates. Ukrainian legislators also refrained, in contrast to their compatriots in the RSFSR,<sup>15</sup> from making express provision with regard to assigning, changing, and terminating the application of compulsory measures of a medical character to mentally ill persons on the ground that this is a procedural matter better treated elsewhere. With regard to compulsory medical measures in respect of alcoholics or drug addicts who have committed crimes, Ukrainian courts may order therapy upon their own initiative, whereas the Belorussian, RSFSR, and several other codes require their courts to have received petitions of certain social organizations before acting.

The Special Part of each code contains far more variations, although all-union legislation imposes uniformity in the domain of crimes against the state, military crimes, bribery, infringement on the life of a policeman, hooliganism and several others. In basic structure the special parts of the Belorussian and Ukrainian codes are alike: each consists of eleven chapters; each places the chapter on crimes against socialist ownership ahead of that on crimes against the person, though many other republics reverse the order, not wishing to appear to be valuing property above human life; each abjures a chapter on crimes constituting survivals of local customs found in the RSFSR code and a chapter on crimes against transport which exists in the Armenian, Kirgiz, and Moldavian codes.

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15. For an English text of the RSFSR Criminal Code and Code of Criminal Procedure, see H. J. Berman and J. W. Spindler (trans.), *Soviet Criminal Law and Procedure: The RSFSR Codes* (2d ed.; 1972).

*Crimes against the state.* Offenses of this category are discussed in the abstract. No cases or examples of offenses are given (except, in the Belorussian volume, some examples apparently drawn from actual cases are offered of violation of rules of safe movement and operation of transport). The Ukrainian authors reveal (p. 127) in passing that no one has ever been charged in the USSR with the propagandizing of war.

*Crimes against socialist ownership.* Unlike all the other union republican codes except the Uzbek, the Ukrainian code does not establish the offense of extortion of state or social property: "The absence of this norm in legislation of the Ukraine should be explained by the fact that extortion of socialist property has not been encountered for the past two decades in the judicial practice of the Ukrainian SSR" (p. 177). The Belorussian and Ukrainian legislators also departed from their brethren in the RSFSR by omitting "the application of technical means" as a constituent element in the crime of stealing of state or social property committed by theft. They regarded the term as ambiguous and could see no reason for treating an offense committed in this manner as one entailing a higher social danger than the ordinary secret stealing of property: "almost all thefts are performed with the application of one or another 'technical means'" (p 74, BSSR).

*Crimes against the person.* The respective chapters on crimes against the life, health, freedom, and dignity of the person are suggestive of a number of minor differences in social values. Ten union republics, including the Ukraine but not Belorussia, treat the intentional homicide by a mother of her child during or immediately after birth as a separate *corpus delicti* under mitigating circumstances. Psychological stress accompanying pregnancies, especially when undesired or preceded by an earlier difficult pregnancy or birth, is cited as the reason for treating this offense specially. In Belorussia the offense of incitement to suicide does not require, as in the RSFSR, the existence of economic or other dependence of the victim on the guilty person. Compulsion of a woman to undergo an abortion is not a crime in Belorussia, although it can be considered in a comrades' court. The Ukrainian code does punish this offense if the abortion was in fact performed; the Belorussian authors (p. 135) believe the Ukrainian view is "more correct."



The offense of failure to render aid to a sick person is the source of some controversy among Soviet criminal lawyers. Both the Belorussian and Ukrainian codes stipulate the subject of this crime must be "medical personnel" of certain classes; the authors of both volumes under review express apprehension that the looser formulation of the RSFSR code could lead to the prosecution of other persons specially charged with caring for the sick. This would be improper in their view.

The Belorussian and Ukrainian legislators employ a flexible standard in respect of sexual relations with minors, unlike, for example, the Georgian, Latvian, and Moldavian codes, which regard the attainment of age sixteen as the determining factor. The offense in the Belorussian and Ukrainian codes is phrased: "sexual relations with a person who has not attained puberty". Any person under age 14 is presumed not to have reached puberty, whereas persons aged 18 are so presumed. Between the ages 14 and 18, attainment of puberty is a question of fact to be determined in each individual case, if necessary, by expert medical testimony.

It is not a crime in Belorussia, or the Ukraine, as it is in six republics, to evade the rendering of financial aid established by a court to an incapacitated spouse.

*Crimes against political and labor rights of citizens.* Neither Belorussia nor the Ukraine consider it a separate criminal offense to obstruct the exercise of equal rights of women, a policy which six other union republics — but not the RSFSR — follow. Estonia, together with Latvia, does not punish the refusal to employ or the dismissal of a pregnant woman or nursing mother. The Ukraine is unique among the union republics in treating violation of the secrecy of voting as a separate crime.

Violation of the legal rights of trade unions is not a criminal act in the Armenian, Estonian, and Uzbek republics; in the Ukraine the offense appertains only to local, as distinguished from central, trade union agencies. Estonia, curiously, does not regard the violation of certain labor legislation as a separate crime; Latvia narrows the offense somewhat by eliminating the failure to execute the decision of a court concerning reinstatement at work as a constituent element of the offense, whereas Moldavia broadens the offense by including the failure to execute the decision not only of a court

but of *any competent agency*. Any illegal dismissal of a working person also entails criminal responsibility in Moldavia. The violation of authors' and inventors' rights is treated differently in almost all the union republics; noteworthy here is the fact that the Ukraine, unlike Belorussia, does not consider the act of compelling someone to be a co-author or a co-inventor criminally punishable.

The crime of violation of secrecy of correspondence has some interesting variants. The Kazakh code states that violation of secrecy is not sufficient; the offense must be accompanied by "grave consequences". The Uzbek code provides the culprit must have acted out of mercenary or other base motives. Both in Belorussian and Ukrainian codes omit such qualifications, although in the Ukraine only an official can be the subject of the crime.

The protection given against "illegal search", as the offense is formulated in the Belorussian and Ukrainian codes, is treated differently elsewhere. The Kazakh code speaks of an "illegal intrusion into another's dwelling house committed through abuse of authority or by a group of persons, or at night, or accompanied by an illegal search, as well as by an illegal eviction of anyone from a dwelling house". The Uzbek code requires that measures of administrative or social pressure previously have been applied to the guilty person for this offense. In Georgia and the Ukraine, only an official can be prosecuted for the offense.

The scope of the criminal violation of rules for protection of labor is controversial in the Ukraine. The Supreme Court of the USSR has taken the view since 1967 that criminal liability appertains only if such violation by an official could result in accidents involving persons who are directly involved in the labor process. The authors of the Ukrainian volume are not persuaded: "Investigative and judicial practice of the Ukrainian SSR for a number of years has taken the position that in classifying a crime under Article 135 the victim may be any persons, and not merely direct participants of a particular labor process" (p. 292).

*Crimes against personal ownership of citizens.* The Ukraine, RSFSR, Armenia, and Estonia are the only union republics not to punish as a crime the appropriation or embezzlement of another's personal property entrusted to a

private individual for a specific purpose; in these republics the plaintiff only has a civil remedy. Nor do Belorussia or the Ukraine fix criminal liability for the concealment of property that has been lost or by reason of accident is no longer in possession of the owner.

The authors of both volumes under review quote Lenin on the definition of blackmail. The Lithuanian and Uzbek codes are praised for defining more precisely the threat implicit in extortion to use force in the future, not at the moment the threat is made.

The negligent destruction or damaging of citizens' personal property is not criminally punishable under the Ukrainian, Uzbek, Kirgiz, or Latvian codes.

*Economic crimes.* The category of economic crimes varies considerably from republic to republic. Among the criminal offenses *not* found in the Belorussian code but included in some others are: mismanagement (Kazakh SSR); failure to fulfill plans or planning orders for the delivery of products (Armenia, Georgia, Kazakhstan, Moldavia, Uzbekistan); poor-quality construction (Armenia, Kazakhstan, Kirgizia, Latvia, Moldavia, Turkmenistan, and Estonia); illegal cession of housing premises (Armenia, Azerbaidzhan, Georgia, Kazakhstan, Kirgizia, Latvia, Moldavia, Tadzhikistan, Turkmenistan, and Estonia); violation of rules for water utilization (Armenia, Azerbaidzhan, Georgia, Kazakhstan, Kirgizia, Tadzhikistan, Turkmenistan, and Uzbekistan); illegal carriage of passengers and goods (Azerbaidzhan, Armenia, Georgia, Kazakhstan, Kirgizia, Moldavia, Turkmenistan, and Uzbekistan); violation of rules for the surrender of gold and other precious metals to the state (RSFSR, Armenia, Georgia, Kirgizia, and Tadzhikistan); illegally engaging in the hunting of seals and beavers (RSFSR), and others.

Several republics punish the forgery of marks of postal payment or of international reply coupons only if carried on as a form of a business.

*Official crimes.* Although all codes define the term "official", only the Ukrainian and Uzbek criminal codes undertake to define the concept of an official crime: "violation by an official of duties dependent on his official position which have caused material harm to state or social interests or to rights and interests of individual citizens protected by law" (p. 382).

It is unclear whether this definition operates in Ukrainian practice as words of limitation or otherwise.

Only the Ukraine makes the provocation of a bribe a criminal offense; *i.e.*, "the deliberate creation by an official of a situation or conditions giving rise to the offer or taking of a bribe for the purpose of the subsequent exposure of the person giving or taking the bribe" (p. 408). Cases of this type are said to be uncommon in Ukrainian practice.

Other republics relegate to the category of official crimes: additions to and other distortions of accounts concerning fulfillment of plans (Azerbaijan, Estonia, Uzbekistan; the RSFSR treats this offense as an economic crime); the disclosure of information not subject to public disclosure (Armenia, Azerbaijan, Estonia, and Latvia); Bureaucratism and redtape against the introduction of inventions and proposals for improving production (Armenia); and the discrediting of authority (Kazakhstan).

*Crimes against justice.* The institution of criminal proceedings against persons known to be innocent is an offense in all republics, but must be accompanied in the Ukraine, Uzbekistan, Azerbaijan, Latvia, Lithuania, Kirgizia, and Armenia by a showing that the guilty party acted out of mercenary or other personal motives. Usually a person conducting an inquiry, an investigator, or a procurator is subject to being prosecuted for this offense; however, in Kazakhstan a court worker also is liable.

In Armenia, crimes against justice embrace the abuse by a defense lawyer of his duties. The Azerbaijan, Kazakh, and Lithuanian codes fix liability for the evasion by an official of executing a court judgment or decision. The Ukraine is among those republics punishing the evasion by an interpreter to fulfill his duties in a court session or preliminary investigation; most codes merely mention the witness, victim, or expert in this connection.

*Crimes against the system of administration.* Belorussia being a landlocked state, several offenses relating to shipping in the RSFSR code are omitted in the Belorussian code.

A threat or use of force against an official or social worker does not embrace in Kirgizia, as it does elsewhere, the infliction of grave bodily injuries; in Georgia, on the contrary, the offense

includes the destruction of property not only by arson, as elsewhere, but by any generally-perilous means.

The stealing of a passport or other important personal document from a citizen, criminally punishable in all union republics, is broadened in Georgia to include the damaging of any personal document of a non-property character, and in Kirgizia, narrowed to the stealing and destruction of personal documents.

*Crimes against public security, public order, and health of the population.* A nation-wide campaign against hooliganism in the USSR led some jurists to suggest that the offense might be committed with either *direct* or *indirect* intent. The authors of the Belorussian volume emphatically reject this view, declaring that direct intent only is possible.

The crimes of keeping dens and pandering have curious features in Belorussia and the Ukraine. Belorussia punishes the keeping of dens for the use of narcotics, but unlike the Ukraine, does not object to gambling dens. The Ukraine goes still further in this connection by punishing the act of pandering for any purpose whatever, rather than merely a mercenary purpose, as in Belorussia and the RSFSR. The authors report that Ukrainian judicial practice adheres to a literal interpretation of this rule and does not require evidence of any material advantage being sought; in their view, the approach taken by the other republics is to be preferred.

The conservatism of the Ukrainians in these matters also is evidenced by the inclusion of "sexual licentiousness" in the category of group acts constituting the infringement of the person and rights of citizens under the appearance of performing religious ceremonies, rather than treating this elsewhere.

These, then, are the salient differences in union republican criminal legislation brought to the attention of the reader in these volumes. But, except for the instances noted above, the authors' excursion into comparative jurisprudence stops here. No effort is made, for example, to explain why these differences exist, whether they have occasionally or frequently led to divergent judicial practice, or whether they ought to be a reason for concern or alarm. Nor are divergencies in punishments laid down by the codes mentioned, although there are many. Court cases are discussed infrequently; when they are

drawn from Belorussian or Ukrainian practice, no citation is given to a source, leaving the reader wondering whether the supreme courts of these republics do publish case reports or not.

References to Belorussian and Ukrainian legislation are usually documented by citations to official gazettes. A peculiar exception in each volume is the "Rules for a Forensic Medical Determination of the Degree of Gravity of Bodily Injuries" approved by the ministry of health in each republic by agreement with the respective courts, procuracies, and ministries of internal affairs. The Ukrainian authors are unaware the 1951 Veterinary Statute of the U.S.S.R. was replaced on December 22, 1967, by a new enactment;<sup>16</sup> the Belorussians refer to the correct version.

Of particular interest is the reference in the Ukrainian volume to the 1927 Administrative Code of the Ukrainian SSR and the concomitant implication that, though obsolete in many respects, it still is in force.<sup>17</sup> The authors cite Article 352 of the Administrative Code as establishing that religious rites are admissible if they (1) do not violate the public order; (2) are not accompanied by infringement on the rights of citizens; and (3) do not incite the believers of one faith against believers of another. The obstruction of religious rites that conform to these criteria is a criminal offense under the Ukrainian code.

The two union republics which have inaugurated the volumes under review, it should be borne in mind, rank near the top in population and, presumably, in number of jurists who need manuals of this kind. They also are the republics linguistically and ethnically closest to the Great Russian populace of the RSFSR; one should perhaps anticipate fewer departures in the realm of criminal law than if one were dealing with the central Asian republics. But even these variations are

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16. The full text of the Statute is published in a two-volume collection edited by A. D. Tret'iakov, *Veterinarnoe zakonodatel'stvo* 5-23 (1972).

17. The Ukraine was the only union republic to enact an Administrative Code. From time to time Soviet administrative lawyers moot the idea of a new and more ambitious codification in this realm, but so far nothing has emerged. Texts of the 1927 Code are excessively rare, and the extent to which it is enforceable or enforced is unknown. A German translation prepared by V. N. Durdenevskii appears in 2 *Zeitschrift für Ostrecht* 1391-1452, 1556-1576 (1929).

not without interest. Perhaps Soviet comparatists one day will address themselves to the deeper questions of law and social values these differences reflect.