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***Soviet Civil Law*, by Vladimir Gsovski (1948)**

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that it will seize the earliest possible opportunity available to amend the Constitution along this direction. Thus viewed, it is therefore one of China's foremost constitutional problems, and the government shall certainly make every timely and conscientious effort to face the question squarely and to seek a wise and permanent solution in anticipation of such a development. On the contrary, there is no use in dodging the issue. Such a course will only end in further complicating the problem. A bold, broad, and statesmanlike initiative is thus needed in order to secure its solution.

BOOK REVIEW

SOVIET CIVIL LAW · Private Rights and their Background under the Soviet Regime. Comparative Survey and Translation of the Civil Code; Code of Domestic Relations; Judiciary Act; Code of Civil Procedure; Laws on Nationality, Corporations, Patents, Copyright; Collective Farms, Labor; and other Related Laws. Volume I, Comparative Survey. By Vladimir Gsovski. Foreword by Hessel E. Yntema. Ann Arbor · University of Michigan Law School, 1948. Pp. xxxvii + 909. Price. \$10. (Volumes I and II, per set, \$15.)

Of late, considerable interest has been manifested in the United States in Soviet law. Numerous articles and pamphlets by such specialists in the field as John Hazard and Rudolf Schlesinger's study of *Soviet Legal Theory* (1945) have reflected this interest. In 1948 two works of note became available—Andrei Vyshinsky's *The Law of the Soviet State* (translated by Hugh W. Babb) and Vladimir Gsovski's *Soviet Civil Law* (comparative survey and translation). While Vyshinsky's work will no doubt continue for some time to come to be the foremost Soviet interpretation of Soviet law, the present work by Gsovski is likely to become the standard American text on Soviet civil law. Whereas Vyshinsky's study is for the most part polemical and argumentative, Gsovski's is objective in approach and provides a more up-to-date and comprehensive comparative survey of the primary and secondary sources, including the contribution of Vyshinsky himself. It is, moreover, substantiated by the translation (Volume II) of the major codes, laws, and documents—the primary sources of Soviet civil law.

Soviet Civil Law, included in the Michigan Legal Studies, is the product of many years of painstaking research. In 1940 the University of Michigan Law School took over from the U.S. Department of Commerce an English translation of the Judiciary Law of the U.S.S.R. and of the Civil Code and the Code of Civil Procedure of the R.S.F.S.R. prepared by Morton E. Kent, and assigned the work of revision to Dr. Vladimir Gsovski, Chief of the Foreign Law Section of the Library of Congress. Dr. Gsovski has not only revised and increased the basic documentary materials on Soviet civil law, but has prepared the exhaustive treatise on the subject which comprises Volume I—the volume covered in this review.

Volume I of *Soviet Civil Law* is divided into two main parts, the first of which is devoted to a general survey and the second to a series of special topics. Part One covers such topics as the initial stages of the Soviet regime (prior to 1936), the present political, economic, and social order, Soviet concepts of law in general and of private law, and the role of the judiciary. Part Two includes an analysis of the discontinuity of pre-revolutionary law and vested rights, the conditional protection of private rights, the rights of aliens and foreign corporations, corporations and other legal entities in Soviet

law, contracts—both general and individual—torts, property, inheritance law, pre-revolutionary and Soviet agrarian legislation, the collective farm, labor law, the courts and civil procedure, and appeals and reopenings.

The publication of *Soviet Civil Law* will undoubtedly make possible the introduction of courses in this field in the law schools of American universities. The work is certain to be regarded as an indispensable collateral for other courses on the Soviet Union, especially those in political science, history, economics, and sociology.

This volume brilliantly reflects the dynamism of the development of Soviet law, especially as regards private rights. It presents in scholarly fashion the evolution of Soviet law from militant communism to the ultranationalism of the present day. Whereas Soviet laws were originally imposed upon the people as a whole by a small revolutionary minority, this book reveals how, under the impact of events, both domestic and foreign, they have been so moulded and shaped that they have tended to become an outgrowth of Soviet life itself.

It is perhaps regrettable that in a basic work of this type the author has chosen to use "collective farm" in preference to the well-known Soviet term *kolkhoz*. Strictly speaking, even according to the author's definition and analysis (pp. 101-106) the *kolkhoz* has become something more than a collective farm in our sense. For it involves both collective and private ownership, in addition to a measure of government control exercised by way of the Machine Tractor Station. Since the author does use such terms as *soviet*, *kulaki*, and *sovkhosi*, he might well have retained the Soviet term *kolkhoz*.

Although Gsovski's principal aim has been "to inquire into the legal protection and exercise of private rights in the Soviet Union," the *sovkhosi*, even as "outright government enterprises," should have been accorded more consideration in this study. The failure of the *sovkhosi* (p. 708) did have an important bearing on the evolution of private rights under the Soviet regime. As originally conceived, the *sovkhosi* were to become the predominant form of agricultural organization in the U.S.S.R., but the very lack of opportunity they provided for private initiative and private ownership forced the peasants to accept the more flexible *kolkhoz* system in preference.

Although the translation of legal terminology confronts any translator with innumerable difficulties, such quotations and passages as are to be found in Volume I provide the best rendition the reviewer has yet seen in this field and should undoubtedly ease the path of those who follow him.

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