Book Reviews

Rudolf Benninger,
Die sowjetische Gesetzgebung zur rechtlichen Stellung des nichtehelichen Kindes unter besonderer Berücksichtigung ihres Einflusses auf die Geburtenzahl.

Rechtswissenschaftliche Veröffentlichungen, Band 6
(Klaus Westen & Herwig Roggemann, eds.)
DM 28.00 ISBN 3-7890-0255-0.

This book combines an excellent survey of past and present Soviet law on the legal status of children born out of wedlock with a disappointing analysis of the effect of this aspect of Soviet law upon the birthrate.

The first chapter traces the substantive and procedural law on the establishment of paternity; the second deals with the topics of the illegitimate child’s rights to support from his father, his inheritance rights, his rights to support from the state in case of the death of a parent, and his right to use his father’s name. The author makes good use of the Soviet, Western European, and American literature on the subject listed in his comprehensive bibliography. He provides a detailed and thoroughly documented (including even citations to the family codes of all fifteen Soviet republics) study of the historical development of Soviet law and legal thought on questions related to paternity. Particularly good is his analysis of how the new paternity provisions adopted in 1968 have been applied in practice by the Soviet courts.

In his introduction, the author suggests that an adequate study of the whole problem of children of unwed mothers in the Soviet Union requires interdisciplinary research by specialists in a variety of fields. The third chapter, entitled “The Effect of the Soviet Law of Illegitimacy Upon the Birthrate”, bears out the author’s contention. It is essentially an amateur attempt at demographic analysis, which fails to make use of either the best work that has been done on reconstructing Soviet demographic data or the scientific techniques of modern demography. While the author’s bibliography cites relevant English-language legal works, it fails to cite the important attempts by American demographers, such as D. P. Mazur, to construct accurate fertility tables by applying ingenious demographic techniques to the woefully inadequate Soviet data. Rather, the author provides the reader with raw data from Soviet statistical yearbooks and makes no real attempt at providing any scientific demographic treatment of the data. Hopefully, some day the interdisciplinary study the author calls for will be conducted. At that time, the final chapter will deserve rereading, for despite its flaws it contains many challenging hypotheses which deserve further investigation.

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Recueil des législations des pays socialistes européens sur la coopération économique.

Dfl. 85.00/$ 34.00 ISBN 90-286-0476-6.

The first version of the collection was published in 1974 and reached us only recently. It is in loose-leaf form, and supplements are issued as the need arises. The collection consists of the most important legislation and treaties concerning East-West trade of Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania, the Soviet Union, Yugoslavia, and Switzerland in a French translation or, where available, in the German original. Inevitably, the coverage is somewhat unequal. The Polish section contains only the decree No. 170 of 14 August 1971 of the Council of Ministers “Concerning the development of industrial cooperation with foreign countries”, the Soviet section consists of seven bilateral agreements (three with France, one with Finland, one with the US, two with the German Federal Republic), while the Hungarian, Romanian, and Yugoslav sections reproduce, among other things, legislation on domestic corporations with foreign participation. The copy we received was accompanied by one supplement. It would be practical if future supplements would be numbered and dated and would instruct the user which pages to remove.

F. F.

Klaus Sieveking,
Rechtswissenschaftliche Veröffentlichung, Band 3
(Klaus Westen & Herwig Roggemann, eds.)

This study is devoted to a border area between legal philosophy and political theory: the concept of the Rechtsstaat as it gradually evolved in Eastern Germany. The author has traced this development with great precision, linking it to the sequence of major political facts which have dominated the eventful history of the Soviet Occupation Zone of Germany, later on to be transformed into the German Democratic Republic.

The first four years, leading up to the first GDR Constitution of 1949, were characterized by increasingly vehement criticism of the inherited bourgeois Rechtsstaat concept, rejected as a “bombastic phrase” by the leading SPD spokesman on legal theory, Karl Polak, in 1947. The term remained more or less anathema during the following decade. It re-emerged with the consolidation of the GDR as an independent state and the increasing importance of the internal German political debate. In 1967 Ulbricht declared: “The GDR is a democratic