

The book's discussion of the meaning of a Jewish state under Israeli law provides ample examples of the Jewish traits of the state and the legal challenges deriving from its Jewishness. The author again challenges the reader to reflect on the reasoning behind legal determinations that are based on cultural and religious social norms. She asks, for example, whether a ban on the sale of pork in Israel differs from a ban on human consumption or the sale of horse meat, or the flesh of domestic cats and dogs, in Texas.

The book contains commentaries and sources on many other topics. It provides an excellent description of the complex socio-economic and historical background of Israeli law. Accompanied by English translations of sources often available only in Hebrew, and by substantial citations and commentaries including references to American and other foreign law resources, this book constitutes an important and unique work. The thought-provoking questions that the author poses in connection with many of the issues discussed are refreshing and make this book enjoyable to read for comparative lawyers of any nationality.

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***The Nakaz of Catherine the Great: Collected texts.*** Edited by William E. Butler and Vladimir A. Tomsinov. Clark, NJ: The Lawbook Exchange, Ltd., 2010. Pp. v, 531. ISBN: 978-1-58477-992-6. US\$95.00.

Believing that government officials had nothing better to do on a Saturday morning, Russian Empress Catherine the Great ordered them to gather in 57 State offices around the country where her edict called Grand Instructions, or *Nakaz* in Russian, was read aloud. Portions of this document were read in schools and selected sentences were dictated to students as an exercise in writing. Even at the meetings of peasant communes in the late 18th and early 19th centuries, excerpts from this document were read aloud until Tsar Paul I prohibited it. Professors Butler and Tomsinov tell these anecdotes to emphasize the importance of the document written by Catherine the Great between 1765 and 1767. The document was intended to be a guidance for the 564 delegates of the Legislative Commission who were elected from all "estates of the empire" and gathered in Moscow in Summer of 1767 with the goal of modernizing Russian legislation.

In the second half of the 18th century, the Russian legal system was confusing. There were numerous and often contradictory edicts, decrees,

charters, and manifestos. The only codified act existed in the field of criminal law, and it was more than 100 years old. To improve the situation and develop a new collection of national laws, Catherine the Great established the Legislative Commission and wrote the Nakaz or instructions for the legislators. The document included 655 short articles and was divided into 22 chapters, each dedicated to a specific topic such as the monarchy, system of government, laws, punishments, judiciary, and education.

Apparently, the Nakaz was not intended to be a legislative act having normative force, but it was published in French and Russian in the official gazette in St. Petersburg. It was translated into Latin and German also and two contemporary English translations appeared in London. For the first time, all six texts are published together in modern script in *The Nakaz of Catherine the Great: Collected texts*. Combined with very short but extremely informative commentaries written by the dean of Russian legal studies Professor William E. Butler and his Moscow colleague Valdimir Tomsinov, this book is an invaluable resource on the history of Russian legal thought during the rule of Catherine II.

The book starts with a preface in which the editors lay out the history of this document's publication and analyze how the Nakaz was disseminated throughout Europe. A biographical sketch of German printers and engravers who worked at the Russian court allows the reader to understand how printing of important official documents was organized in imperial Russia. A review of varied translations published in Russia and abroad follows, and the authors show how the questions of the translations' accuracy and authenticity were resolved at the end of the 18th century. The editors emphasize that the original text was initially written simultaneously in two languages, French and Russian, mostly because there was no equivalent legal terminology in the Russian language at the time. Direct borrowings from Montesquieu and other thinkers of the Enlightenment period influenced the writing of this document in French. The book includes the original French version drafted by the Empress although other contemporary French translations are mentioned. According to the authors, the Latin version published in St. Petersburg "was pure vanity" and served ideological purposes to make parallels "between Catherinian Russia and the Byzantine Roman Empire in matters of lawgiving." The two English versions are different and were written by Russian and English diplomats, although the English translation was not published for 200 years until two last chapters were translated. A description of how the Russian version of the Nakaz was embellished and what allegorical engravings decorated its pages serves as a nice illustration to the introductory note.

A 14-page commentary called "Biographical and Textual Notes" follows. It starts with an explanation of the different meanings of the word

"Nakaz" in Russian, reviews the English equivalents, and suggests the Nakaz be translated as a "state act containing an instruction concerning the fulfillment of a task." Then the authors review the Russian legal situation during the period preceding the work of the Legislative Commission. They describe how the Commission was formed, what estates and state institutions the delegates represented, and show how the Empress, who understood the demands of the service, transformed delegates' work at the Commission into a privilege by granting money, immunities, and entitlements to the legislators. It will be of interest to any reader to learn about the procedural details and formalities that surrounded the work of the Commission, starting with prayers and oath taking ceremony and ending with homage of the delegates to the Empress. Receipt of the Nakaz by the delegates and their deliberations are described in this part of the book, too. The authors believe that Catherine understood the symbolic power of the Nakaz and thoroughly describe measures undertaken by the Empress to preserve and venerate the document. They review Catherine's directives to place the Nakaz in a silver frame over an icon and to keep another version of the act in a bronze casket in an Imperial museum.

Considering the Nakaz a collection of Catherine's views on law and the political system, the authors analyze the text and compare it with works of Montesquieu, Beccaria, Adam Smith and other European thinkers who influenced Catherine. In recreating the process of drafting this document, Butler and Tomsinov use materials published by the Empress' secretaries and cite from a report prepared by the English Ambassador to Russia where he describes writing the Nakaz as the "Czarina's favourite project." In reviewing Catherine's ideas, the authors focus on the fact that she "fundamentally changed the scheme on monarchical rule proposed by Montesquieu" and advocated self-limitations on the monarch, who should not be directly involved in managing all affairs of the state as well as the role of the government as an administrative institution.

Apparently Catherine II was extremely concerned with the distribution of her work. About 5,000 copies of the Nakaz were published in Russia, and before her death in 1796, 26 editions were published in ten languages in foreign countries. The first, full bibliography of the Nakaz publications in Russia, United States, England, Germany, Italy, Poland, Latvia, Holland, Sweden, and Switzerland is included in this book. Accompanied by short commentaries on translations, reprint editions, illustrations, and printing details, this compilation is a great research tool for students of Russian legal and political history and an immense assistance to bibliophiles. Also, the Russian words and names are used according to the Library of Congress transliteration rules, which is another fact that adds to the value of this book.

The publishers suggest that this document, which originated as a set of instructions given to legislators, turned into a major act of the Enlightenment era, thus bringing "its authoress the encomium 'the Great'." By publishing varied translations of the Nakaz Professors Butler and Tomsinov make this unique document available to the wide circle of scholars and interested public in the Western world. This is a good quality book, and I could not find any factual or conceptual errors, except of one spelling mistake: on page 18, Russian public figure Piotr Kakhovskii is named as Kakhovskoi. I am sure this will be corrected in the next edition of this book.

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***The Convention on the Rights of the Child: A cultural legitimacy critique.***

By Thoko Kaime. Groningen: Europa Law Publishing, 2011. Pp. v, 216.  
ISBN: 978-90-8952-113-2. €48.00; US\$75.00.

This brief, focused book addresses the apparent tension between universal children's rights and cultural practices. Kaime conducts a legal and anthropological analysis to advance his thesis that the tension is not as strong as other experts have contended. He argues that Western and non-Western (specifically, African) concepts of children's rights occupy a great deal of common ground but that full implementation of children's rights requires that those rights are perceived as culturally legitimate.

The author's fieldwork took place in two Malawian villages. Among the most interesting features of the book are the quotations from children and adults in these villages, although the number of people quoted is fairly small (some are quoted repeatedly). Kaime also seems to have relied heavily on the views of a Malawian children's rights facilitator. A more thorough description of the fieldwork might have reassured readers that a broad spectrum of voices was heard.<sup>1</sup> Moreover, while Kaime is probably on safe ground in taking Malawian culture as representative of African differences, some acknowledgment of this leap would again be reassuring.

The book is organized logically, and each chapter begins with a short summary of its contents.<sup>2</sup> A brief introduction covers purposes and

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<sup>1</sup> A reference in chapter 6 to 66 children interviewed in focus groups or face-to-face fails to clarify whether this was the total number.

<sup>2</sup> The book reprints the Convention on the Rights of the Child as an appendix; as the Convention is widely available, an index would have been a better use of space.