

Recent Books: Contemporary

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OTVETSTVENNOST ZA IZMENU RODINE I SHPIONAZH (Liability for Treason and Espionage). By Grigoriy Zakharovich Anashkin. (Moscow, 1964. 198 pp.)

This treatise on the Soviet law of treason and espionage is by the Chairman of the Collegium for Criminal Cases, USSR Supreme Court, so there can be little doubt that its views are authoritative. The book appears to be one of the numerous efforts to demonstrate the legitimacy of the Soviet legal system and its protection of the rights of individuals. It recounts the injustices of the Stalin era made possible by the looseness of the criminal laws and the failure to develop a specific philosophy of the crimes of treason and espionage. It then attempts to demonstrate that these weaknesses have been overcome and that the contemporary law of treason and espionage is precise and requires proof of the violations alleged.

To the Western mind the case is not fully made, although there is no doubt some progress and definition have been achieved. At one point, for instance, the author indicates that it is not the nature of the information that makes seeking it an act of espionage but the fact that it is collected on behalf of foreign intelligence in accordance with an assignment. This concept and the territorial sensitivity it reflects account for such bizarre things as the charges against Professor Barghoorn and the more recent tragedy of Newcomb Motl.

The main intelligence interest of this volume is its extensive justification for stringent espionage and treason laws, a justification based on

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the efforts of foreign countries, particularly the United States, to obtain Russian state secrets. There are long and numerous case histories, usually involving CIA, and much emphasis on the U-2 and Penkovskiy cases. The author concludes that "Subversive actions against the socialist countries and various types of encroachments on the external security of the USSR have now been raised by the United States of America to the rank of a state policy."

There is a particularly interesting implication for intelligence in the author's consideration of the theory of territorial inviolability, which he stresses time and again as one of the most important conditions for the independent sovereign existence of the USSR. He defines this inviolability as forbidding encroachment on the territory of the Soviet Union, including its land, its territorial waters, its air space, and ships under its flag. His apparently deliberate omission of outer space from this definition, in view of other Russian positions on the law of outer space, could have very important connotations for the legality of advanced reconnaissance.

The book is difficult and turgid, but it is important to students of the Russian legal system and Russian social concepts.

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