to whom the child has already forged a strong emotional bond. In this regard, at least, Soviet and Western psychological and psychiatric theory do not appear to coincide. This may be symptomatic of a much graver social ill; namely that, in the Soviet Union, basic human rights quite often tend to be ignored.

Culpability is quite often the test used by Soviet courts in determining whether a parent should be deprived of their children.[93] Culpability appears to be rather an outmoded precept to be used in this connection, particularly when one takes into account the fact that this can quite often lead to the deprivation of the human rights of a child who is denied the company of his natural parents. Once again, this is an exemplification of political rights outweighing human rights.

IX. ALIMENTARY OBLIGATIONS OF FAMILY MEMBERS

Of interest here is the fact that child maintenance in the Soviet Union is quite often calculated by way of a rigid mathematical formula.[94] However, there are certain exceptions made where income earned by parents is irregular, or in those cases where a parent might have frequent changes in his or her income.[95] Western courts, on the other hand, by and large appear to lay greater stress on the multitude of factors that must be weighed in assessing maintenance for a child.[96]

From a practical point of view, there are certain advantages which can be garnered from residing in an authoritarian society. A prime example of this is illustrated by Professor Luryi when he states that where a defaulting respondent in an alimony action cannot be located, his whereabouts can be ascertained through the investigatory power and records of the police.[97] This could certainly prove to be a most efficient method of enforcing alimony and maintenance arrears in the Western world. Indeed, such a stance has been advocated many times in the past, particularly in briefs submitted to various Canadian Law Reform Commissions and legislative amendment committees. Because of the intricacies of our present "voluntary" method of tax collection, and because most factions of our present society would maintain that the intervention of the police power of the state in such a manner would be tantamount to a substantial infringement of civil and human rights, this method of enforcing alimony and maintenance arrears would not appear to be, at least at the present time, politically acceptable.

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93. *Id.*, at n. 198-200.

94. *Id.*, at n. 202-05.

95. *Ibid.*

96. *E.g., The Family Maintenance Act*, S.M. 1978, c. 25, s. 13, which provides as follows:
In determining whether to make an order under this Part . . . and what provisions the order should contain and, in particular, in determining what is reasonable . . . for the purposes of the order, a court shall consider the following factors, and any additional factors it deems relevant:
(a) The cost of residential accommodations, housekeeping, food, clothing, recreation and supervision for the child.
(b) The need for and cost of providing a stable environment for the child.
(c) The financial circumstances and other financial obligations of the persons who have the obligation to provide for the child's support, maintenance and education. . . .

97. Luryi text, *Supra* n. 217.

Uncollected alimony payments in the U.S.S.R. are limited by statute to a period of three years. There is no inherent magic in rigidly prescribed limitation periods. Apparently, three years is what the Soviet legislative draftsman would consider to be appropriate balance. By way of Canadian example, *The Limitations of Actions Act*[98] prescribes a six-year limitation period for normal civil indebtedness. This prescribed limitation period has been followed by the Manitoba courts in the case of separation agreements, where arrears have accrued pursuant to a consensual contractual arrangement of the parites.[99] However, the Manitoba courts have maintained they have a discretion as to enforcing payment of arrears pursuant to a court order.[100] This has evolved into what has become colloquially known as the "one-year rule" and is based on the practice of the Ecclesiastical Courts of not enforcing alimony arrears beyond one year. Neither the Soviet nor the Manitoba norms (the Manitoba jurisdiction being referred to just by way of example), can be faulted for not complying with justice and reason.

X. CONCLUSION

Hopefully, these comparisons nave proven helpful to the reader. The foregoing comparative analysis was not intended to be entirely comprehensive. I have merely endeavoured to point out those disparities and similarities which I considered to be most pertinent and exemplary. Hopefully, this subjectivity has not spilled over into the *critical* analysis of the issues dealt with. I have purposely endeavoured not to treat either the Soviet nor the Western legal system of family law in a pejorative manner. One thing is certain. Both of these systems have much to learn from one another.

98. R.S.M. 1970, c. L50.

99. *Yellowega* v. *Yellowega* (1969), 66 W.W.R. 241 (Man. Q.B.).

100. *Fiarchuk* v. *Fiarchuk* (1953), 7 W.W.R. (N.S.) 568 (Man. Q.B.).