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CHANGING ATTITUDES IN SOVIET RUSSIA
THE FAMILY

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CHANGING ATTITUDES IN SOVIET RUSSIA

THE FAMILY
IN THE U.S.S.R.

Documents and Readings,
Edited with an Introduction by

RUDOLF SCHLESINGER, Ph.D. (London)

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PREFACE

The paucity of the documentary material available in this country, as well as the linguistic difficulties, are widely held responsible for the present state of English studies in the various aspects of Soviet social life. From this diagnosis a need for the publication of translated materials in suitable selection seems to follow ; but the difficulties with which such an attempt is faced are formidable. No selection can avoid being influenced by the editor's subjective opinion about what is relevant and what is not, and his standard of selection, like any other scientific activity, is subject to criticism ; but it is distinctly undesirable that his choice should be dominated by the chance of what the various libraries to which he may have access happen to have acquired years ago. No success is conceivable unless we can start with a clear definition of our main interest and select from amongst the materials available those that answer the questions put. In the U.S.S.R., even more than in other countries, attitudes once adopted and sufficiently widespread to arouse the sociologist's interest are likely to find numerous expressions which vary only in slight details ; thus we are likely to satisfy our interest without considerable gaps in content, however much the literary quality of the documents selected may be influenced by the hazards mentioned.

In the spring of 1944 the late Prof. Karl Mannheim suggested to me that I publish in this Library a number of volumes dealing with the changing attitudes prevailing in Soviet Russia towards specific aspects of social and political life. This suggestion supplied a definite standard of the highest, and hardly controversial, scientific interest, as the basis of our selection ; on the other hand, it could not be denied that that standard in itself implied serious problems. Proper assessment of the respective importance of the elements of continuity and change is amongst the most urgent, and most difficult, tasks of the students of Soviet society. We chose as the subject of the first of the planned volumes a field which, apart from being in itself of considerable interest to sociologists in all countries, provides an unequivocal illustration of the change in attitudes observable in the course of the Russian revolution.

A major revolution is not identical with the military and

other actions by which political power is transferred to a new social group intending to realize certain political and social aims: such transfer is preceded by a prolonged period of criticism of traditional institutions, and is followed by a period during which millions of people who in "normal" times never thought of questioning the traditional way of life, try to apply the new ideas in the shaping of their mutual relations. The new State machinery promotes this process by depriving the traditional way of life of such prestige and institutional protection as it may still enjoy. It may try to advance it by creating new institutions corresponding to the new ideas; but, ultimately, it has to consolidate its rule by rallying, not a mere advanced minority, but the bulk of the nation. Whatever of the new ideas has successfully stood the test of application will be included in the new integration; whatever has been found contradictory, if not to the ideology yet to the actual conditions of the new society, will be dropped. Many of the institutions originally subject to criticism may be reasserted, if necessary with a new ideological interpretation fitting the new framework. Utopia recedes before reality—which does not mean that it has been Utopia in any sense more extensive than that of Mannheim, namely, exceeding actual conditions, however conducive it may have been to their transformation. Nor should reality be interpreted in any sense more extensive than as the reality of a certain country at that time when realization was attempted. The fact that under such concrete conditions some idea proved utopian need not prevent it from becoming a commonplace of the next century. Nor does the reassertion of some traditional ideas after a certain revolution in a given country prove their eternal truth. But the fact that the most radical method of solving certain problems of a given period has resulted in the dropping of some, and the preservation of others, of the traditional institutions, may help us to distinguish, in the system of ideas critical of pre-revolutionary society, what corresponded to the actual needs of the time. In that sense, the changes of attitude observable in the course of the Russian revolution are important also for those who try to satisfy those needs, in their own country, by evolutionary means.

In compiling this volume, I have tried to let the documents speak for themselves, confining my own comment to my Introduction and Conclusion, and some more extensive notes at the beginning of some documents. Notes originating with

myself, or from the translator of the respective document, are initialed with [R. S.], or [Tr.], respectively; all other notes, unless of a purely technical character (such as cross-references, or translations of Russian abbreviations), originated with the authors of the document and form an integral part of it. Documents Nos. 7 (apart from the notes) and 17 (*a*) are official Soviet translations, with slight editorial improvements indicated in detail, the documents Nos. 3 (*d*), 4 (*c*), 5, 9 (*a*) and 13 (*d*) are reprinted from the translations indicated in the introductory notes. Acknowledgments are due to Messrs. Victor Gollancz and to Modern Books Ltd. for kind permission to reprint those materials.

Most of the translations have been made by Mrs. Helen Rapp. Documents Nos. 10 (*a*) and (*b*), 12 (*c*) and 16 have been translated by Dr. A. Schwarzschild, documents 9 (*b*) and 17 (*b*) by myself. Mr. A. S. B. Glover has thoroughly revised the style of my contributions. I am deeply obliged to the librarians of Chatham House, of the Ministry of Information, and of the Society for Cultural Relations with the U.S.S.R. for their kind assistance in collecting materials which otherwise could not have been included.

RUDOLF SCHLESINGER.

LODE, CAMBRIDGE,
September 1947

INTRODUCTION

The Soviet attitude to the problem of the family, as to most other cultural problems, has a twofold origin. Its sources—which are not necessarily complementary to each other—are the conditions in the Russia of the Tsars, and the Marxist ideology which inspired the Bolshevists when reforming those conditions. In the cultural even more than in the economic field conditions in Tsarist Russia were those of a semi-feudal rather than of a modern capitalist society, and the regulation of all matrimonial affairs was in the hands of the Churches. In the more highly developed parts of the country this involved the complete prohibition of divorce and the legal subordination of wives to their husbands [1]; whilst in the Mohammedan areas, for instance, not only polygamy, but even the giving of girl children in marriage in return for a bride-price was both lawful and customary. On the assumption of power by the Bolshevists, their first task in this field was the introduction of modern legislation [2] in accordance with the standards already achieved in Western countries. Complete disestablishment, desirable in any case in view of the alliance of nearly all the Churches with the *ancien régime*, proved to be a primary condition of progress in the field of family relationships.

The Bolshevists had foreseen the need of introducing elementary democratic reforms in so backward a country, but their programme was not restricted to this: the Soviets had won political power in order to establish a socialist society. The intellectual equipment for this task had been provided by the Marxist criticism of developed capitalist society, which had been applied to the institution of the family by Engels in his *Origin of the Family, of the State and of Society.*[3]

[1] See below, pp. 280–1.

[2] By the law on obligatory civil registration of Dec. 18, 1917 (*Collection of Laws and Decrees of the Workers' and Peasants' Government*, 1917, No. 11, art. 160), and that on divorce, see below, doc. 2.

[3] See *The Origin of the Family, etc.*, English ed., London, 1943, from which the quotations given below are taken. This study arose out of Morgan's *Ancient Society*, which is used as the foundation of its argument. But although the whole of Engels' historical argument is conditional on the correctness of Morgan's views, that is not the case with his own personal criticism of modern capitalist society—apart from the general statement, which can hardly be disputed, that the family is an historical phenomenon subject to historic development. It is true that Engels' explanation of his views in a review of Morgan's book dominates his terminology, which therefore

Now this equipment was not so alien to the tasks confronting the Bolshevists as might be concluded from a general comparison of Victorian England, where Marxism originated, with pre-revolutionary Russia. In the field of the Family, as in many others, Marxism sought to press the liberal criticism of traditional institutions, pre-capitalist in their origin, to its final consequences, and to show that the emancipation of mankind—in this particular case, the realization of the ideals of the feminist movement—could not be achieved except by overcoming capitalism, the form of society from whose conditions that criticism originated, and establishing a socialist society. It was exactly this that the Bolshevists attempted, and the Marxist theory of the Family was well fitted for the task of carrying through a consistent anti-feudal revolution to its socialist implications. But Marxism had hardly tackled the population problem save by criticizing Malthusianism and asserting that every social formation has its own specific law of population.[4] It seemed obvious to Marxists that, with full employment and freedom from want actually achieved, and on the other side the progress of science, especially of scientific agriculture, unfettered, the regeneration of society would offer no difficulties. The record of the U.S.S.R., where before the last War the number of births was higher than among the two-fold greater population of non-Soviet Europe, shows how much truth such expectations contained. But even before the War the population problem had begun to dominate Soviet policy in regard to the family. This may be due to some extent to the pre-revolutionary conditions of the Russian village. As a rule, the land of the village community was periodically redistributed among its members according to the number of " souls ", i.e., of members in each family. A large number of children thus meant a larger share of land, even should material want (possibly not unconnected with the size of the family) result in the additional land, as well as the labour of the " superfluous " members of the family, being hired by a *kulak* neighbour. This specific incentive to fertility in the countryside was bound to come to an end with the abolition of the periodical redistribution of land, whether this came about by the definite establishment

requires further explanation. Thus, he distinguishes (*op. cit.*, p. 77) between monogamy in the historical sense (according to Morgan, control of the wife by the husband) and in the etymological sense, in which it is not disputed, indissolubility of the marriage (at any rate from the wife's side) being regarded as the criterion distinguishing monogamy from " pairing marriage " (*op. cit.*, p. 65).

[4] *Capital* (English ed. of 1887), Vol. I, p. 645.

of private land ownership and the transformation of the poorer strata of the peasantry into agricultural labourers, as intended by the Stolypin reforms, or, as actually happened, by the collectivization of agriculture and by the income of the peasant household coming to depend exclusively on its working achievements, in a general intellectual atmosphere that encouraged the peasants' children to change over to industry or to establish homes of their own soon after they had become really self-supporting. Some of the specific features of recent Soviet population policy, especially the support granted to families that according to Western standards are very large, are explained by the need to replace by new ones the incentive to rural fertility just mentioned. But Soviet population policy goes far beyond this, and actually embraces the whole of the population, including those strata whose changed conditions have simply removed most of the obstacles to childbearing that Marxists would be inclined to remark upon in other countries, such as lack of economic security and especially fear of unemployment, while at the same time they have profited most from the activities undertaken by the Soviet government from the very beginning in order to make it easier for the working-class mother to have children, such as pre-natal and post-natal care, crèches, kindergartens, etc. The fact that a positive population policy proved necessary in the U.S.S.R. for the urban as well as for the rural population seems to prove that the tension between progressive industrialization and rationalization of life on the one side, and the need for preserving a certain reproduction rate on the other, may be increased, but is not exclusively caused, by the conditions of a capitalist society.

True, the pre-War birth-rate of the U.S.S.R., even if somewhat reduced by the effects of further industrialization of the village and by increased birth-control, would have been more than sufficient for the needs of Britain or Sweden ; and the need for a positive population policy even with the birth-rate as it stands at present arose out of the peculiar conditions of a vast continent not as yet fully developed, but with various neighbours on her borders, some of whom were distinctly unfriendly, and one of them with the largest population and the greatest population pressure in the world. Perhaps in some other countries the transition to socialism may call for fewer sacrifices in the standard of living in favour of industrialization and defence, so that the encouraging effects of full employment on the birth-rate

might work without restriction. But there is as yet no proof that improved standard of living and economic security raise the birth-rate beyond a certain point, which does not necessarily coincide with the demands of reproduction. In this regard the experiences of the U.S.S.R. are of world-wide interest just where they indicate a tension between the original Marxist theory of the Family, i.e., the ideology of human emancipation from traditional bonds, and the need for stabilizing the new society.

Marxism has made a large contribution even to the solution of new problems which its founders did not foresee. As a general sociological and political theory it has helped the Russians to establish a society which not only secures freedom from want, but also removes some contradictions between the conditions of earning a living and the interests of population policy involved in a society based on private property in the means of production. Of those whose standard of life is dependent on the control of such property, farmers are the only social group numerically important enough to influence the general trend of population. Grave issues of population policy arise in their regard from the fact that, in the years most suitable for founding a family, the young farmer as a rule earns an income insufficient for that purpose, is restricted in his freedom to leave the parental home and may be inclined to limit the number of his children in order to save some money against the time when he will assume responsibility for the farm, an event which is likely to happen at a time in his life when increased income will not even aid him to give his children a better education.[5] As regards the large majority of the population dependent on wages, in a capitalist society serious contradictions arise between the conditions prevailing in the labour market, and the public interest in improving the conditions for bringing up children. If considerations of family and motherhood are taken into account when determining wages, they cannot be prevented from influencing the decisions of employers in times of economic depression as to who shall be employed and who dismissed. Wages which depend on the size of the family may encourage the dismissal of the very workers they are intended to protect, or they may work in the opposite direction and cause the working class to suspect that employers prefer fathers of large families because they are more dependent on permanence of employment and are consequently reluctant

[5] Cf. Alva Myrdal, *Nation and Family*, published in this series, 1945, p. 220.

to resist pressure on the part of the employer. We have not to discuss here whether full employment is possible in a capitalist society; but even supposing it is, a number of most difficult problems for population policy would still arise from the fact that the citizen (e.g. the prospective mother) is employed by someone who is not interested in her "personal affairs", a fact which is even emphasized by those who describe such a society as "free". In Sweden as in the U.S.S.R. it may seem desirable, from the population standpoint, to prevent mothers from suffering a loss of income before and after childbirth. But can a private employer be expected to subsidize the private life of his employees? And if he were forced by law to do so, would he not necessarily react by not employing prospective mothers, and thus thwarting the purpose of the law? But if the nation shoulders the responsibility for what it regards as a national interest in a degree going beyond "State-philanthropy" in favour of some groups in direct need, can housewives (or their husbands) be expected, as taxpayers, to subsidize women whom they are likely to envy because of their capacity for earning money in employment, at least outside the periods of confinement? [6] In the U.S.S.R. this problem does not exist: payment of full wages both before and after childbirth is part of the remuneration granted to Soviet women by their employer [7] for their productive work. It is for society to decide whether it prefers, at a given moment, to increase that part of the remuneration which forms an incentive to fertility, by improving the conditions for such payments, or to restrict their duration to the minimum period advisable from the point of view of health, and thus increase the incentive to production, as was done in 1938. Difference of interest between housewives (and employed women with no children) on the one hand, and prospective mothers on the other, can arise only if, for example, the amount of pregnancy leave contributes to scarcity of textiles—an argument which was also urged (apart from the obviously decisive factor of defence in the post-Munich situation) in order to justify the measures of 1938 just mentioned. But these are questions of shaping policy: there is no problem, in the U.S.S.R., with

[6] *Ibid.*, pp. 325–6 and 416.

[7] The issue appeared to be complicated by the existence of private entrepreneurs under the N.E.P., when a woman's right to full wages before and after childbirth was already established. But the Soviet never regarded private entrepreneurs as essential to society, and looked upon advanced social legislation as a useful expedient to eliminate the least efficient among them.

regard to having policies on issues of this type, and carrying them out. In a socialist system, where the employer and the source of public benefits for all the citizens are identical, it is obvious that special benefits granted to parents of numerous families have to be paid for by those citizens who have few or no children, even before this was explicitly explained by the Decree of July 8, 1944.[8] It is the task of public propaganda to explain this, as with all other features of public policy that involve a redistribution of income; but in any case it is not confronted with legitimate doubts whether it is not actually private interests which are to benefit by the sacrifices made by childless persons, allegedly in the interest of their fellow-citizens with many children.[9] Nor can any doubts arise on the question whether public expenditure on improving housing conditions for large families will actually help them, if the need for housing is satisfied by socialized economics.[10] In the general setting of a socialist system co-operative nursery institutions are not handicapped by being associated with "charities" for the very poor.[11] Nor will a general system of children's pensions be regarded as utopian for financial reasons.[12] Such a system has actually been begun in the U.S.S.R. for all children from the fourth onwards, and for all children of unmarried mothers, the amounts being regarded as sufficient to cover the main expenses connected with bringing up these children; and no difficulty has been found in combining in one and the same decree such extensive benefits "in cash" with others "in kind".[13] In view of the fact that Britain has found it possible to grant general pensions, though of an amount not intended to meet the whole cost of education, even from the second child onwards, Alva Myrdal's statement [12] may be questioned, even with respect to a capitalist system. But it certainly reflects actual difficulties likely to be met with under a system where people are accustomed to think of national expenditure in giant figures when it is a question of war and national defence, but not as yet in connection with national betterment.[12]

Many readers of this book will be interested chiefly in seeing how the contemporary population issues most topical in their own country are tackled in the U.S.S.R. As we have to deal, in this series, with such changes of attitude as have occurred

[8] See below, doc. 17[1](*a*), sec. IV. [9] Cf. A. Myrdal, *Nation and Family*, pp. 135 ff.
[10] Cf. *ibid.*, pp. 263 ff. [11] *Ibid.*, pp. 123–4.
[12] *Ibid.*, p. 140. [13] See below, doc. 17 (*a*), secs. I and II.

in Soviet Russia, we shall concentrate most of our attention upon the original issue, the emancipation of women and the overcoming of the traditional institutional framework which prevents that emancipation, and on the modifications of the attitude taken on this issue in connection with the growing preponderance of the population question. Here again, the reader will meet with problems topical in his own surroundings ; and many a reader will be interested mainly in testing the compatibility of a radical feminist attitude to the family issue with the needs of a positive population policy, or, if he prefer, in testing the positive policy of the U.S.S.R. from the standpoint of its original ideological attitude. It is not very difficult to observe important changes in this regard, and to apply adjectives to those changes according to one's personal likes and dislikes ; but whatever may be thought as to the relevance of the original ideology to the present Soviet policy in regard to the Family, it should be noticed that it has undoubtedly widened the scope of policies available in that field. No society wants children " in the abstract " ; everywhere some views—explicit or implicit —are held as to the surroundings most likely to produce useful members of the society. As we shall see, Soviet policy—as distinct from some ideologies popular at certain times—has never discarded the institution of the Family ; but the fact that Marxist criticism was directed against the traditional man-dominated family has saved the Soviet from any disputes about the mother's right to get whatever public benefits are provided for families with children, and has helped it to look for possible solutions of the population problem and for suitable surroundings for the new generation without being limited by the Family ideology. So the problems of the specific ideology which has dominated the first stage in the evolution of Soviet policies on the family issue are not irrelevant from the viewpoint of the present stage. They are important because, though they tackled the emancipation issue that had arisen in pre-socialist society, they assumed socialism as a condition essential for the solution of their problems.

Engels took great care not to confuse his sociological critique of the Family with the contemporary criticism of backward legislation, or with the feminist demand for mere legal emancipation. His criticism starts from the most advanced legal system he could find in the capitalist West : for some purposes the German-French, for others the Anglo-Saxon.

Our jurists . . . find that progress in legislation is leaving women with no further ground of complaint. Modern civilized systems of law increasingly acknowledge, first, that for a marriage to be legal it must be a contract freely entered into by both partners, and, secondly, that also in the married state both partners must stand on a common footing of equal rights and duties. If both these demands are consistently carried out, say the jurists, women have all that they can ask. . . .

In regard to marriage, the law, even at its most advanced, is fully satisfied as soon as the partners have formally recorded that they are entering into the marriage of their own free consent. What goes on in real life behind the juridical scene, how this free consent comes about—that is not the business of the law and the jurist. . . . In the countries with English law, where parental consent to the marriage is not legally required, the parents on their side have full freedom in the testamentary disposal of their property and can disinherit their children at their pleasure. It is obvious that . . . freedom of marriage among the classes with something to inherit is in reality not a whit greater in England than it is in France and Germany. . . .

As regards the legal equality of husband and wife in marriage the position is no better. The legal inequality of the two partners, bequeathed to us from earlier social conditions, is not the cause but the effect of the economic oppression of the woman. With the patriarchal family, and still more with the simple monogamous family, . . . household management became a *private service*; the wife became the head servant, excluded from all participation in social production. Not until the coming of modern large-scale industry was the road to social production opened to her again—and then only to the proletarian wife. But it was opened to her in such a manner that, if she carries out her duties in the private service of her family, she remains excluded from public production and unable to earn; and if she wants to take part in public production and earn independently, she cannot carry out family duties. And the wife's position in the factory is the position of wives in all branches of business right up to medicine and the law. The modern individual family is so founded on the open or concealed domestic slavery of the wife, and modern society is a mass composed of these individual families as its molecules. In the great majority of cases to-day, at least in the possessing classes, the husband is obliged to earn a living and support his family, and that in itself gives him a position of supremacy, without any need for special legal titles and privileges. . . .[14]

This criticism, like the feminism of Engels' days, is directed mainly against the conditions which prevail in the property-owning classes. Engels even goes so far as to point out that, in this particular field, the position among the proletarians was more satisfactory than that among the capitalists:

. . . Sex-love in the relationship with the woman becomes, and can only become, the real rule among . . . the proletariat, whether

[14] *The Origin of the Family, etc.*, pp. 77 ff.

this relation is officially sanctioned or not. . . . Here there is no property, to preserve and to bequeath which monogamy and male supremacy were established, hence there is no incentive to make this male supremacy effective. What is more, there are no means of making it so . . . the law costs money and, on account of the worker's poverty, it has no validity for his relation to his wife. Here quite other personal and social conditions decide. And now that large-scale industry has taken the wife out of the home and to the labour-market and into the factory, and made her often the breadwinner of the family, no basis for any kind of male supremacy is left in the proletarian household—except, perhaps, of something of the brutality towards women that has spread since the introduction of monogamy . . . [In the proletarian family], therefore, the eternal attendants of monogamy, hetærism and adultery, play only an almost vanishing part. The wife has in fact acquired the right to dissolve the marriage, and if two people cannot get on with one another, they prefer to separate . . .[15]

We need not dwell here on the question whether this is an idealization of the conditions actually prevailing among proletarian families. It is not even relevant to the validity of Engels' argument. Should the conditions which prevail in the upper strata of a capitalist society have so great an effect in forming the views even of the working class, that the little private property (house, furniture, etc.) found in the proletarian household is in itself a sufficient incentive to influence the attitude of the proletarian woman to the fundamental decisions of her life, and should an ideology corresponding to those upper-class conditions influence the working class so powerfully that, for fear of scandal, they avoid separations which in particular cases might be both justified and economically feasible, that fact would merely provide additional reasons why the working class should overthrow a state of society which reflects so unfavourably on their own conditions of life,[16] even in those fields where the women of the upper strata are the chief sufferers. More important, though likewise without detriment to his conclusions, is another shortcoming of Engels' argument. His assumption of the proletarian woman's economic independence presupposes her potential capacity,[17] not only to enter a factory, but when

[15] *Ibid.*, pp. 76–7.

[16] Unfavourably from that working-class point of view to which Marxism makes its appeal, e.g., that of the organized Labour movement on the Continent; but not necessarily so from the standpoint of the actual views or opinions of a large part of the working classes themselves.

[17] Even if—in consequence, say, of the large size of her family—the wife preferred to make no actual use of her capacity, any professional skill that she had acquired before or during the marriage would make a great difference to her freedom to face a possible matrimonial crisis.

she has done so to earn enough to support both herself and her children ; unless she is to be faced with the alternative of continuing a marriage without mutual affection or of separating from the children. The virtual exclusion of women from better-paid jobs, with its consequences for their position both before and during marriage, would prove an additional shortcoming of capitalist society—a shortcoming with which Soviet society also was confronted at the start.[18] But this also could be explained by the wife's historical position as " head servant " (in the proletarian household, indeed, the only servant) which originated in a society based on private property in the means of production. According to Engels,[19] " the first condition for the liberation of the wife is to bring the whole female sex back into public industry . . . and this in fact demands the abolition of the monogamous [3] family as the economic unit of society ".

Whether the conditions for real freedom and equality for both partners to enter on or to continue in marriage would " be generally established when the abolition of capitalist production and of the property relations created by it has removed all the accompanying economic considerations which still exert such a powerful influence on the choice of a marriage partner," [20] may be open to question. So far as control of the means of production by the upper classes is concerned, the capitalist family, in the West, has already ceased to be the economic unit of society, as a consequence of the replacement of the individual owner-entrepreneur by management in the name of shareholders whose family relations are completely irrelevant to the carrying on of the business. Moreover, in the upper and upper-middle classes there is nothing to prevent girls from acquiring a professional qualification that would ensure their material independence without, or if they so chose even during, marriage. To establish actual equality between the sexes, the proletarian family would have to cease to be the economic unit of society as regards consumption. In other words, household duties should not occupy the worker's wife so fully that the working-class girl who aspires to the fulfilment of her natural functions within the given social framework hardly bothers to acquire such a degree of professional skill as would enable her to be free after marriage, or even if she has done so, is more likely than not to lose it while spending in household duties her years of greatest physical strength. Socialist literature has fully

[18] See below, pp. 285 ff. [19] *Op. cit.*, p. 80. [20] *Ibid.*, pp. 88–9.

recognized that it is a condition of the emancipation of women that society must shoulder the bulk of the responsibilities hitherto left to the housewife.

In accordance with the general tendencies of Marxism, the attempt has been made to show that such an achievement would merely confirm developments already observable in present-day society, though so far only to the advantage of its upper strata, or as methods of relief in emergencies. In official socialist literature, accordingly—as distinct from the writings of particular pedagogues of socialist views—radical suggestions for the future of education have been avoided. Bebel,[21] for example, considered that in the society of the future parents, by reason of their shorter hours of work, would have rather more opportunity to look after their children than they have now. Education being controlled by mixed committees composed of representatives of the parents as well as of the teachers, with a minimum of State interference, parents themselves would make sure that it was not organized in a way opposed to their feelings and interests. With socialism once established in an advanced industrial country, there is nothing logically inconsistent or economically utopian in following out such lines of thought very far—say to an electric kitchen in every home and a boarding-school education for every child above a certain age—and under such conditions there is nothing inherently unlikely in the idea that the majority of women would remain in employment even after marriage. Such a state of affairs, even though a minority (such as those with several children) should not continue in employment after marriage, would be quite a sufficient basis for actual equality of access to the majority of the better-paid professions, and equality of income for men and women doing similar work. It would go as far as economic conditions can do to ensure actual equality of status during marriage as well as after it.

Much of the work of the U.S.S.R. in the actual solution of family problems has been devoted to easing the economic and domestic burdens that prevent the housewife and mother from sharing in social productivity and social life; by securing her income before and after the birth of the child, and by the establishment of crèches and kindergartens.[22] Much more remains to be and can be done, for example, by the wider

[21] *Die Frau und der Sozialismus*, Stuttgart, 1922, pp. 451–2.
[22] See below, pp. 282–4.

introduction of labour-saving devices in the home and a corresponding approach to housing problems, even if the present share of the home in the upbringing of children is taken for granted, and boarding-schools remain merely supplementary institutions. But the real problem of Engels'—the classical Marxist—point of view arises only if we suppose all that can be done in these directions to have been done. Then a twofold question arises. First, is the wife's subordinate position in capitalist society (in the upper-class as well as in the proletarian family) due merely to the husband's economic position as sole or main potential bread-winner, and not, for example, to the woman's special physiological function making it much more difficult for her than for the man to look upon the satisfaction of the desire for children as accessory to the fulfilment of a function in social production? Second, is it really true that, once property inheritance has ceased to play a decisive rôle, "there is no other motive for marriage left except mutual inclination"? [20] To Marx and Engels [23] it was obvious that even after private property in the means of production had been abolished, no immediate transition to an egalitarian society would be possible. But so long as social gradations exist, even though these are based exclusively on varying degrees of skill and professional qualification, women may still have a very high economic motive for choosing the man with the high income and social prestige. And so long as a State—as does the U.S.S.R.—encourages economic inequality as an incentive to the citizen to increase his share in social production, will it be inclined, for ideological reasons, to oppose similar tendencies in actual social life, and to regard woman's social status as completely independent of that of her husband?

These are, indeed, fundamental problems of family life in a socialist society as envisaged by Marxism and realized in the U.S.S.R. Much less problematic—though strongly emphasized by the advocates of radical "sex emancipation" as well as by anti-Bolshevist propagandists—is the question whether or not monogamy in the usual sense of the word, i.e., the union of one man with one woman intended to be of a permanent character,[24] should remain the typical form of sexual relations, at

[23] See Marx's *Critique of the Gotha Programme*, English ed. (Marxist-Leninist Library).

[24] In the terminology of Engels and Morgan this includes the "pairing" as well as the "monogamous" marriage, the latter being characterized by the wife's subordinate position and especially by her inability to terminate it.

any rate of those which are meant to result in children.[25] Engels [19] found a sufficient basis for an affirmative answer to this question in his statement that " sexual love is by its nature exclusive, so marriage based on sexual love is by its very nature individual marriage ". Except on its subjective side [26] such a statement clearly fails to answer the question whether the psychological facts allow of the relative permanency (as a general rule) of unions based only on sexual love, when all economic incentive to the preservation of existing unions is removed. Engels seems to have thought the question one of little importance ; he restricts himself to a general statement, which most representatives of Western progressive thought [27] would accept, without indicating whether he expected short-term marriages to become a mass-phenomenon, with the consequences that would involve for the prevailing conditions for the upbringing of children, etc.

If only the marriage based on love is moral, then also only the marriage in which love continues. But that intense emotion of individual sex-love varies very much in duration from one individual to another, especially among men, and if an affection definitely comes to an end or is supplanted by a new passionate love, separation is a benefit for both parties as well as for society—only people will then be spared having to wade through the useless mire of a divorce case.[28]

This might be interpreted as an acceptance of purely psychological criteria of the desirability or otherwise of continuing a marriage. But Engels was enough of a sociologist to state, when declaring any forecast of future developments impossible, that the new generation " will make their own practice and their corresponding public opinion about the practice of each individual ". Public opinion is certainly an agency which influences individual behaviour in the direction deemed to be in the social interest ; so it may be inferred that social interest in the way

[25] Marriage unions other than these, however interesting from the psychological or educational point of view, are irrelevant in a study of the sociological position of the family—just as the statistical frequency of adultery or of intercourse with prostitutes in comparison with sexual acts between married couples is irrelevant to an attempt to ascertain the form of family typical at the present time.

[26] The subjective attitude of the founders of Marxism (see also doc. 5) is not irrelevant to a consideration of the question whether a libertine approach to the sexual problems of a socialist society can be logically inferred from its general outlook, or is, as the Bolshevists say, mere " lower-middle-class radicalism ", a relic of certain reactions to the conditions which prevail in a capitalist society. From this standpoint it is *not* irrelevant that no first-rank leader of Marxist thought showed in his or her private life any inclination to what is called " free love ".

[27] For later attitudes in the U.S.S.R., see below, doc. 17 (*a*), arts. 23–5, and doc. 17 (*b*), pp. 379–82.

[28] *Op. cit.*, p. 89.

in which men express their emotional life would not cease. In any case it should be granted that, in the statement quoted, Engels allowed himself to be urged very far by the current liberal ideology. Bebel,[29] like most Social Democratic propagandists, went much farther than Engels, even asserting that " the satisfaction of the sexual impulse is everyone's private affair just like the satisfaction of any other natural impulse " —which would render the formation of a " public opinion " about the sexual behaviour of a particular individual as little justified as, say, a " public opinion " about the respective merits of beef and pork. Evidently, Bebel would have had to object to the most radical piece of Soviet legislation, the recognition of *de facto* marriages, because legal rights and obligations were connected with " private affairs ". Bebel, indeed, made out his case by a typical Benthamite argument as to the likelihood of the social interest in healthy children, etc., being sufficiently secured by individual action once that was sufficiently enlightened by general educational progress. He evidently failed to see that this enlightenment itself supposes the spreading by public propaganda of a particular interpretation of the social interest, and also that the individual may interpret his interest in different ways according to the social milieu within which he has to face the consequences of his action. Persons who intend to share the whole of their lives with their sexual partners will probably have a greater fear of producing mentally deficient children, and in consequence be more careful in choosing those partners, than those who look upon sexual intercourse as the satisfaction of a moment's impulse. It is remarkable that Socialists like Bebel, whose whole economic argument was based upon the shortcomings of the liberal pattern of thought, should have mechanically applied that very pattern when asked to consider the non-economic aspects of life in a planned society. The only explanation of such behaviour, apart from their belief that once economic problems were solved the solution of cultural problems would automatically follow, is their permanent need of defending socialism against the accusation of seeking to establish a " barrack-State ".

The radical " Free Love " attitude represented among the Bolsheviks by some of their women propagandists was strongly opposed by Lenin,[30] as being a reflection of the decomposition of bourgeois society, of " lower-middle-class radicalism ". Lenin's

[29] *Op. cit.*, p. 475.

[30] See below, docs. 1 and 5.

argument, in both the documents reproduced below, was based upon the interests of the revolutionary movement in preventing demagogic reproaches by its opponents as well as in attracting supporters. Some degree of single-mindedness and consistency, without which no revolutionary activities are conceivable, will find expression in the revolutionary's private life as well as in his or her political work, and the very happy and stable marriages of both Marx and Lenin are not irrelevant from the political viewpoint. But we must not identify the attitude of first-rank leaders with that of the man or woman of the rank and file, or the behaviour desirable in the interest of the revolutionary struggle with that which is likely to prevail in a socialist society when once it is firmly established. A. M. Kollontay's defence of the " Free Love " position,[31] originally restricted to an abstract denial that the moral standards brought into being within a capitalist society should apply to sexual behaviour in its successor, has been further developed into a positive advocacy of standards regarded as libertine not only from the conservative standpoint, but also from that of the first generation of revolutionaries.[32] There may have been cases in which active Communists were prevented by the very conditions of their Party work from establishing or maintaining stable personal relations ; but to look upon such cases not as instances of sacrifice in the interests of the Revolution, but as normal for a socialist society, seemed at all times abhorrent to the average Bolshevist mind. Once the ideology of " Free Love ", developed by Kollontay partly from the standpoint of radical feminism, partly from the actual conditions of the Civil War, became an expression of social and moral disintegration under the N.E.P., it was damned from the Party's point of view.

I have devoted some space to these problems in this Introduction because it was necessary to discuss them somewhere, and the most suitable place for such a discussion seemed to be in connection with the explanation of the theoretical attitude of the socialist classics. In the actual development of Soviet policies and views they played hardly any part. From the beginning until the present time the above-mentioned attitude of Lenin has remained the official interpretation of the problem of sex in a socialist society. The position represented by Kollontay, which from the very beginning was a " deviation " from this accepted interpretation, has been driven underground—like all

[31] Doc. 4 (*d*)–(*e*). [32] Doc. 4 (*e*).

" deviations " from official Bolshevist policies. During the period of the N.E.P., when the new bourgeoisie reacted against the severe restrictions of the period of War Communism by adopting a libertine attitude, that attitude found some expression in poetry—though not, of course, in the schools encouraged by the Party, and only for a very short period. With the N.E.P. both the Nep-bourgeoisie and freedom of literary expression for non-Bolshevist views had to go. Like many other radical attitudes of the first years of the Revolution, the theory of the eventual " withering away of the family " was revived during the early years of the First Five Year Plan,[33] though with some differences of argument. Whereas the radicalism of Kollontay (and of Bebel also) simply reflected the approach of radical feminism, the theories of Sabsovich and Wolfson were based upon the progress which had by then been made, not only in the industrial employment of former housewives but also in communal feeding and similar measures, partly of an emergency character. All these ideologies were a mere accompaniment to actual developments which by no means corresponded to them ; that of Kollontay to the abolition of the former inequality of rights as between men and women, that of the 1929 ideologies to women's actual mass-participation in the industrialization of the country. Neither of these developments in fact involved changes in family life which corresponded in any degree to these ideological reflections. Therefore, though they both shaped the foundations of later Soviet policies, they did not prevent later reactions even against the original contents of Soviet legislation.

If we leave ideologies aside, and concentrate on actual happenings, it is obvious that the Soviet régime, during the first decade of its existence, was in practice concerned with introducing reforms which are not characteristic of a socialist organization of society, but have been introduced in other countries (though not all of them in any one country) by liberal reformers. Most of them, therefore, may be looked upon simply as measures aimed at overcoming the backwardness of Tsarist Russia. Six weeks after the Revolution the former ecclesiastical control of matrimony was replaced by civil registration ; [2] and before a year had passed Soviet Russia had been endowed with a very up-to-date Matrimonial Code based on complete equality of rights between husband and wife as well as between legitimate

[33] See below, doc. 8, and references in doc. 14, pp. 315 and 345–7.

and illegitimate children.[34] In order, evidently, to prevent irresponsible husbands from getting rid of their financial obligations, divorce—unless desired by both parties—was still left to the decision of the courts, and not until 1926 [35] did either partner obtain an unrestricted right to divorce, which, consistently, was removed from the courts to the Registrar's Office. The Land Code of 1922 [36] had already sought to grant equality of rights to the wives of the peasants, who formed the huge majority of the adult female population; though, at any rate so long as agriculture continued to be carried on on private lines,[37] the right of women to become "heads of the *Dvor*" [38] was likely to remain a somewhat theoretical one. The Family Code of 1926, while restricting the divorced spouse's right of support to one year (after which evidently the former wife was supposed to have found a job), granted to the housewife or peasant's wife the right to remuneration for her work during marriage by the ruling that all property acquired during the marriage was to be considered as jointly held, as opposed to the traditionally feminist provision of the 1918 Code which had established strict division of property. This latter rule meant that a divorced wife was deprived of any share in the fruits of the joint efforts of the marriage period, unless during it she had enjoyed a money income of her own comparable with that of her husband, or had made some special arrangement with him to compensate her for her domestic activities, as, of course, the average housewife—not to speak of the peasant's wife—had failed to do. The joint-property rule of the 1926 Code, intended as a support for the wife's right of divorce, provoked, for this very reason, protests from the peasants, who feared the dispersal of their property, the more so as the Code made provision against the circumvention of its rules by granting to women living in *de facto* marriage the same rights as to "registered" wives. The discussion which preceded the enactment of the 1926 Code provides

[34] See below, doc. 3 (*a*).
[35] Doc. 2, art. 2; doc. 3 (*a*), art. 30, and doc. 7, arts. 18–19.
[36] See below, doc. 3 (*b*).
[37] After the collectivization of agriculture, when women began to exercise the most responsible functions in its administration, women "heads of the *Dvor*" might have become somewhat less exceptional. But in the majority of cases actual equality between the sexes is possible only when membership of the *kolkhoz* is based, not upon the *Dvor*, whose "head" will normally be the husband, but upon the productive effort of the individual member. The question whether this should be the case has arisen for reasons quite unconnected with the emancipation of women. See my *Soviet Legal Theories*, published in this series, 1945, p. 199.
[38] The peasant homestead. See below, doc. 3 (*b*).

so interesting an illustration of the actual working of early Soviet matrimonial legislation, that we have felt justified in allotting it a comparatively large space in this collection (Document 6). It should be mentioned that the most strongly contested of the 1926 reforms, the legal recognition of *de facto* marriage, was never introduced into the Mohammedan republics of the East, where enforcement of marriage registration seemed an essential step in the attack on religious and tribal custom.[39]

From the very beginning the emancipation of women was thought to be conditional on some limitation of the size of the family by birth-control. Clandestine abortion had been just as much of a mass-phenomenon in Russia as elsewhere. In 1920 abortion was made legal, in order to remove it from the hands of quacks into those of skilled surgeons, but with an official comment [40] making it evident that the operation was never regarded as anything but an evil, though for the time being an unavoidable one. As regards the extent of that evil there have always been wide differences of opinion among Soviet surgeons,[41] but its unavoidability—unless illegal abortion with its even greater dangers to health were to prevail—was undisputed among Soviet politicians and sociologists. Their arguments were based in part upon circumstances which were evidently of a transitional character, such as the possibility of physical restrictions on the freedom of women in the backward East, where a girl might be forced by her family into an undesired marriage and "raped" by her husband, or the manifest insufficiency of crèches and similar institutions, which might mean that bearing an additional child would prevent the mother from remaining in employment. Other circumstances which influenced the decision, though surmountable in principle, have so far not been overcome in fact, e.g., the housing shortage; others, such as the shortage of contraceptives on the market, no serious attempt has been made to overcome.

Recognition of *de facto* marriage, automatic divorce at the demand of either party, and legalized abortion (though in the sight of public opinion abroad the order of these factors was rather the reverse) have been looked upon as the characteristic features of Soviet matrimonial legislation, though the first, for the reasons already mentioned, was avoided in a number of the Soviet republics, too frequent use of the second might be detri-

[39] See below, doc. 15 (*a*). [40] See below, doc. 3 (*d*).
[41] See below, doc. 9.

mental to a Party member's career, and the law which introduced the third had at the same time described it as an evil, though an unavoidable one. In short, after the reforms of the first decade the legal position in the U.S.S.R. came very close to what Engels had called the "pairing marriage", with this difference, that the Party in power maintained its right to influence, by propaganda and by its own internal discipline, the actual use which the citizens made of the rights granted them. Sometimes the use of these rights was likewise restricted by the power of State-controlled economics—as when the production and distribution of contraceptives became a matter of public policy, or the gratuitous performance of abortion was made to depend on the decision of a commission, which permitted it only if there were already three children, or in other special circumstances. More often, especially in the rural districts and in the Mohammedan territories, the backward social conditions prevented the legal emancipation of women from taking actual effect, unless the State intervened to remove such obstacles.[42] The emancipatory measures of the first decade, as well as the changes after 1935, can therefore be correctly evaluated only in the light of their actual working, and this we have endeavoured to illustrate in the second part of the material which follows.

The emancipation of women has helped to supply the labour force necessary for the rapid development of huge large-scale industry in a country formerly backward, and also in the collectivization of agriculture and the introduction of modern methods of cultivation. It has enabled industrial activity to be carried on and expanded during a war in which most of the men had to be mobilized and a large part of the former industrial area was lost, and it was thus a necessary condition for the achievements of the Red Armies. But it would be an error to overstate the quantitative importance of the movement so as to suggest that the housewife, including the peasant's wife, had ceased to be by far the most numerous representative of her sex. There has been a distinct increase in the number of women actively engaged in industry, partly in industries from which they had formerly been completely excluded, and also in the number in the professions, especially those for which they had long been regarded as suited. The tables which follow [43] show

[42] See below, doc. 10.

[43] The data here given are taken from the *Statistical Handbook* for 1932, published (in Russian) by the Central Statistical Administration of National Economy.

the progress made by women from 1926, the year of the promulgation of the Matrimonial Code and of the culmination of the N.E.P., to 1931, that of the end of the First Five Year Plan and of the culmination of the effort at reconstruction.

Industry.	Percentage of Female Workers.		Women Apprentices Jan. 1, 1931.	Percentage of Shock Workers [44] amongst	
	1926.	1931.		Men.	Women.
Coal mining	8·5	10·5	16·9	44·8	38·7
Oil production	0·3	2·6	11·7	66·8	56·6
Iron ore production	6·9	10·2	14·6	55·5	52·2
Heavy iron industries	7·7	13·8	24·2	69·1	73·2
Basic chemical industries	6·1	11·5	28·6	67·1	72·1
Engineering	7·4	13·6	24·2	64·3	61·6
Electrical engineering	19·6	27·5	—	70·2	85·0
Textile industries	58·9	63·6	62·2	58·4	68·0
Graphic industries	21·9	35·9	52·5	63·5	64·8

Of the industrial and other specialists available on May 1, 1930, more than 20 per cent. were women in the following cases: laboratory chemists (42·7), statisticians (32·3), teachers and research workers in languages (31·6), sciences and mathematics (27·3), pedagogy (23·3), and medicine (20·1). Further there were more than 10 per cent. of women among veterinary and zootechnic workers (19·5), teachers, etc., of economics, history, and philosophy (18·2), agronomists (17·7), specialists in chemical technology (13·5), finance (13·1), co-operation (12·4), applied arts in textile industry (10·5), teachers of law (10·5). In the medical profession the percentage of women was 45; they formed an overwhelming majority among the specialists in children's diseases, and majorities among gynæcologists and oculists; but very small minorities among surgeons and dermatologists. In Turkmenistan and Transcaucasia (prejudice evidently being equally strong among Christians and Mohammedans) women constituted only a third of the medical profession, while in Uzbekistan, a purely Mohammedan territory with a strong emancipation movement, the percentage corresponded

[44] The percentage of shock-workers (*udarniki*) might mean very different things in different industries, according to the standards applied, the privileges granted, and so on. But within a given industry it probably meant much the same for the men as for the women.

to the Union average—though women doctors, it is true, were much more strongly concentrated in the special branches concerned with the diseases of women and children. As for the prospects of women in the professions, girls everywhere—Transcaucasia excepted—were in the majority in the higher forms of the secondary schools leading to the university—obviously as compensation for the fact that they still had no chance of forming more than a minority among the skilled workers. This fact is the more interesting inasmuch as, evidently as a result of the backwardness of the peasantry, the elementary school still did not reach all the girls: they formed a strong minority (from 44·2 to 42·7 per cent. of all pupils) in the Ukraine, the R.S.F.S.R., Byelorussia and Georgia, while in Tadzhikistan (8·1 per cent.), Uzbekistan (25·2), Turkmenistan (29·1), Azerbaijan (31·2) and Armenia (35·1) evidently a very large percentage of the girls remained illiterate.

To arrive at the value of these data for 1930–1, we must compare them with the Russian past rather than with what, say, feminists in Anglo-Saxon countries might deem desirable and feasible. As concerns the opening of new possibilities to women, progress is evident in every field; so also are the State's systematic attempts to provide women in industry with every facility for acquiring higher qualifications. In nearly every industry the percentage of women preparing for higher qualifications was higher than that of women workers in general. In some important industries we also find women workers responding strongly to their increased opportunities by enthusiastic efforts, surpassing those of their male fellow-workers. But, except in the textile and graphic industries, some branches of teaching, and the medical profession, we nowhere find women in numbers approximating to those of men with similar qualifications, and the total number of women actively engaged in industry and the professions would drop to a very low figure were some special branches everywhere favoured by them left out of account. In spite of all the State's efforts, and even of the pressure which public opinion at that time exercised against women with no place in social production, the facts of physiology —and the practical difficulties of fulfilling the functions of motherhood while remaining in employment—would appear to have asserted themselves.

From 1936 onwards, certainly not without some connection with the growing danger of a war which would demand a high

degree of sacrifice in human life, the attention of the State, which had hitherto tended to be concentrated on women in industrial or professional employment, was turned to the mother and housewife. The first step in this direction, the appeal to a group of women who had hitherto stood aside from social life, may, for this very reason, be regarded as transitional; but obviously,[45] the possible influence of the wives of technical specialists on their husbands' rather than their own social activities was essential in this appeal, and the very fact that it was made involved some departure from the previous conception that a woman's place in social life depended on her own, and not on her husband's, achievements. Immediately afterwards,[46] motherhood was explicitly declared to be a profession to be encouraged even when carried to a point hardly compatible with any other form of productive activity. It was this viewpoint, rather than the change-over from discouragement of abortion to its complete prohibition, which made the decree of June 27, 1936, a turning-point in the Soviet attitude to the Family. The stabilization of the new society after the completion of the great reconstruction, and in view of the threatening danger of war, operated as a further incentive to the abandonment of the theory of an eventual withering away of the Family in a socialist society, which up to that time had held almost undisputed sway.[47] Henceforward the tendency towards strengthening the "socialist family" operated against the matrimonial legislation of the first period, which had centred round the emancipation of women. It achieved its decisive victory in the legislation of 1944,[48] which deprived *de facto* marriage of its legal recognition, and placed serious obstacles in the way of divorce.

In the U.S.S.R. as elsewhere, emphasis on the formal aspects of matrimonial bonds has come as a reaction to their actual dissolution by the war. In this country, the suggestion has frequently been made of a rededication service for couples reunited after long separation; in the U.S.S.R. the soldier is being protected against the risk of being served with a divorce notice by his wife, or of having his future family life burdened by claims for alimony from any charming acquaintances he may

[45] See below, doc. 12, and especially p. 246. [46] Doc. 13 (*d*), art. 10.

[47] See below, docs. 4–6, especially pp. 91, 134 and 149. The theory of the eventual withering away of the family as an economic and educational unit, obviously held, for example, by Lenin (see below, doc. 5, p. 79), must not be confused with the theory of "Free Love", i.e., of the withering away of stability in sexual relations, which was rejected by the Party from the very beginning.

[48] Doc. 17 (*a*).

have made on the long march from the Caucasus to the Danube. As Soviet ideology prohibits discrimination against unmarried mothers and their children, the State had to shoulder the responsibilities from which unmarried fathers were freed, all childless persons contributing towards the expense involved by means of a special tax. But stronger than all ideologies was the need to make up for the ravages of the war. All previous Soviet legislation had been able to start from the assumption that the sexes were represented roughly in equal numbers ; that of 1944 had to take into account not only huge losses of adult population in general, such as had been experienced during the Civil War and the Volga famine of 1921, but also the fact that in a well-organized State which had been able to protect its womenfolk from the worst but had had to sacrifice many millions of its men at the front, a war such as that of 1941–5 was bound to upset the normal proportion between the sexes. We shall consider the implications of these facts in the concluding section of this book ; but even at first glance they can be seen to be of primary importance. The framework of this compilation, therefore, would seem to have a rather more solid foundation than the fact that it was made at the end of 1944 : our examination of the circle which Soviet matrimonial policy has described since the first Code of 1918 would appear to indicate that a new starting-point has now been reached.

PART I

FUNDAMENTAL ATTITUDES AND FIRST REVOLUTIONARY LEGISLATION

DOCUMENT No. 1

LENIN'S LETTERS TO INESSE ARMAND [1]

INTRODUCTORY NOTE

The two letters from V. I. Lenin to Inesse Armand were written in January 1915, in reply to a plan for a pamphlet for working women devised by Inesse Armand and communicated to Lenin.

These letters are a most precious document on the Communist attitude to such important questions in the life and morals of the workers as the family and marriage.

Lenin calls for a serious, Marxist approach to these problems. With all the passion of the revolutionary he castigates triviality and philistinism in the problems of life and morals. He warns particularly against any enthusiasm for various " fashionable " ideas and demands which, outwardly revolutionary and " left ", are in fact reactionary and bourgeois—such as, for example, certain demands for " free love " and the like.

Lenin gives a profound class analysis of such demands. He points out that " bourgeois ladies " usually take " free love " to mean " freedom from seriousness in love ", from " childbirth ", " freedom of adultery ". He holds that demands for " free love " are bourgeois and should be " completely eliminated " from the pamphlet for the working women.

In his letters Lenin contrasts " base and vile marriage without love ", not with " freedom of love " or with " shortlived passion and liaison ", but with " Proletarian Civil Marriage with love ".

The letters are of great importance for the strengthening and development of the socialist family, for the communist

[1] The two letters to Inesse Armand, written by Lenin in January 1915, were published in *Pod Znamenem Marxisma*, 1938, No. 6, with an introduction and notes by the Marx-Engels-Lenin Institute written, of course, at the time of publication. The letters evidently reflect Lenin's attitude to the needs of the propaganda of a working-class party in a capitalist country, whilst the introduction bridges the gap to the latest developments in Soviet family policies. [R. S.]

education of the toilers and for the struggle against remnants of capitalism in the life and thought of the people.

They have a particular interest for the great host of the Soviet intelligentsia, for teachers and writers, for workers in art and literature, for all those who, in the words of Comrade Stalin, should be " engineers of the human soul ".

The Marx-Engels-Lenin Institute of the Central Committee of the All-Union Communist (Bolshevist) Party.

(*January 17, 1915*)[2]

Dear friend : I would strongly advise you to write out the plan for the pamphlet in greater detail. Much would otherwise remain unclear.

But there is one point I must make here and now :

§3—" (Women's) demand for free love " should, in my opinion, be completely eliminated.

It really looks like not a proletarian, but a bourgeois demand. What do you really mean by it ? What *can* one mean by it ?

(1) Freedom from material (financial) considerations in matters of love ?

(2) The same from material worries ?

(3) From religious prejudices ?

(4) From the father's veto, etc. ?

(5) From the prejudices of " society " ?

(6) From the narrow-minded conditions of the (peasant or middle-class or bourgeois-intellectual) milieu ?

(7) From the ties of law, justice and civil authority ?

(8) From seriousness in love ?

(9) From childbirth ?

(10) Freedom of adultery ?—and so on.

I have enumerated many—but certainly not all—possibilities. You were thinking, I am sure, not of Nos. 8–10, but either of Nos. 1–7 or of something in the nature of Nos. 1–7.

But for Nos. 1–7 some other designation must be chosen, since freedom of love does not precisely express this idea.

And the public, the readers of this pamphlet, will *inevitably* understand by " free love " something in the nature of Nos. 8–10, even *against your own intentions.*

Just because, in contemporary class society, the most talkative, noisy and " eminent " people take " free love " to mean Nos. 8–10, for this very reason it is not a proletarian, but a bourgeois demand.

For the proletariat Nos. 1–2 are the most important, and then Nos. 1–7, but this is not in fact " free love ".

[2] The dates of these two letters are noted at the top of the originals in the hand of I. Armand.

What matters is not what you *subjectively* " want to understand " by it ; what matters is the *objective logic* of class relations in matters of love.

Friendly shake hands ! [3]

W. J.

(*January 24, 1915*)

Dear friend : Forgive the delay in answering : I was hoping to yesterday, but they kept me busy and I found no time to sit down to a letter.

Concerning your plan for the pamphlet, I contended that the " demand for free love " was not clear and that—irrespective of your intentions and desires (I underlined that, saying : what matters are the objective class relations and not your own subjective wishes)—in the conditions of contemporary society it will look like a bourgeois, and not a proletarian, demand.

You do not agree.

Very well. Let us examine the matter once again.

In order to clarify what was unclear, I enumerated some ten *possible* (and in the circumstances of the class struggle inevitable) different interpretations ; adding that in my opinion interpretations 1–7 would be typical and characteristic of proletarians, and 8–10 of the bourgeoisie.

To refute this, it would be necessary to show that these interpretations either (1) are wrong ones (in which case they would have to be replaced by others or the wrong ones pointed out) or (2) are incomplete (in which case those that are missing should be added) or (3) do not fall into proletarian and bourgeois ones in the manner indicated.

You do neither the first nor the second nor yet the third.

Points 1–7 you do not touch upon at all. That is to say, you accept, generally speaking, their correctness. (What you write about the prostitution of proletarian women and about their dependence, their " inability to say no " fits Nos. 1–7 completely. There is no disagreement between us here on any count.)

There remain Nos. 8–10.

These you " do not quite understand " and you " retort " : " I fail to understand how it is *possible* (in so many words !) to *identify* (!!??) free love with " point 10. . . .

It looks as though I did the " identifying ", and you are ready to scold *me* and argue against *me*.

How is this ? Why so ?

Bourgeois women take free love to mean points 8–10—that is my thesis.

Do you reject it ? Then tell me what *bourgeois* ladies do understand by free love.

You do not say that. Do not both life and literature *prove* that bourgeois ladies give it exactly that meaning ? They prove it fully ! Your silence admits it.

[3] This " Friendly shake hands " is Lenin's own English, although the text of the letter is in Russian. [Tr.]

And since this is so, it is their class standing that matters, and to " refute " *them* would be hardly possible and almost naïve.

What should be done is to *break* clearly *away* from them and *oppose* to them the proletarian point of view. One must consider the objective fact that *they* will otherwise seize on suitable passages in your pamphlet, interpret them in their own way, convert your pamphlet into grist for their own mills, distort your thoughts before the workers, " muddle " the workers (by instilling into them fears as to whether *you* are not offering them *alien* ideas). And they have a hold on a host of newspapers, etc.

And you, having completely forgotten the objective and class point of view, go over to an " attack " on *me*, as though I were " identifying " free love with points 8–10. Strange, really strange. . . .

" Even a fleeting passion and liaison " is " more poetical and purer " than the " kisses without love " of (shallow and philistine) spouses. Thus you write. And thus you intend to write in your pamphlet. Very good.

Is this juxtaposition logical? The kisses without love of philistine spouses are *vile*. I agree. One should oppose to that . . . what? . . . it would seem: kisses *with love*? While you contrast it with " fleeting " (why fleeting?) " passion " (why not love?)—logically speaking, it looks as though (fleeting) kisses without love are here held against marital kisses without love. . . . Strange. For a popular pamphlet would it not be better to contrast the base and vile marriage without love of the bourgeoisie-intelligentsia-peasantry (my point 6 or 5, I think)—with a proletarian civil marriage with love (adding, *if you must have it*, that a fleeting passion-liaison can be vile but can also be pure). With you it turned out to be a contrast not of class types, but something in the nature of a " case ", which, of course, is possible. But is it cases that matter? If your theme is to be a case, the individual instance of vile kisses in marriage as against pure kisses in a fleeting liaison—such a theme should be developed in a novel (because here the whole *point* is in the *individual* circumstances, in an analysis of the *characters* and psychology of *given* types). But in a pamphlet?

You have understood very well what I was trying to convey regarding the unsuitable quotation from Ellen Key;[4] when you say that it is incongruous to appear in the rôle of a " professor *ès* love ". Exactly. Well, how about the rôle of a professor *ès* fleeting, etc.?

Really, I have not the slightest wish to polemize. I would willingly throw this letter of mine away and postpone matters until we meet. But I am anxious that the pamphlet should be a good one, that no one should be *able* to extract from it sentences unpleasant for you (sometimes a *single* sentence is sufficient to ruin the whole . . .), that no one should be *able* to distort your ideas. I feel certain that you have been writing here " against your will ", and I am sending you this letter merely because you will perhaps examine the plan more

[4] This refers to a quotation from the works of the Swedish writer Ellen Key who wrote on the problems of the feminist movement and of child education.

carefully on the strength of letters than after a conversation, and the plan is very important.

Haven't you a French socialist friend? Translate to her (as though from the English) my Nos. 1–10 and your own remarks about the " fleeting ", etc., and then watch her, listen to her attentively: this would be a little experiment on what *outsiders* will say, what their impressions of the pamphlet and their expectations from it will be.

I press your hand and wish you fewer headaches and a speedy recovery.

V. I.

PS. As regards Beaugy, I do not know. . . . It is possible that my friend promised too much . . . but what? I do not know. The matter has been postponed, i.e., the clash has been put off, *not* removed. We shall have to struggle and struggle. Shall we succeed in making them change their mind? What is your view? [5]

[5] Lenin is referring to a conflict with the Pyatakov-Bukharin traitor-group who attempted to organize the publication of their own sectional newspaper behind Lenin's back. The members of this group lived in the village of Beaugy, in Switzerland.

DOCUMENT No. 2

DECREE ON THE INTRODUCTION OF DIVORCE OF DEC. 19, 1917 [1]

1. A marriage is to be annulled when either both parties or one at least appeal for its annulment.

2. Such appeal is to be made to the local court, in accordance with the regulations of local administration.

Note.—Announcement of dissolution of marriage, where arranged by mutual consent, may be made direct to the marriage registration office, where the original entry of the marriage is preserved ; this office is to enter the annulment of the marriage in its register and to issue a certificate to that effect.

3. On the day fixed for the hearing of the appeal the local judge will summon both parties or their representatives.

4. If the whereabouts of one of the parties liable to summons be unknown, the appeal for annulment of marriage is allowed, provided the applicant states the last known address of the absent party, or both the applicant's own address and the last known address of the defendant.

5. If the whereabouts of one of the parties liable to summons be unknown, the date for the hearing of the case is to be fixed not less than two months after the day on which the court-summons has been published in the Gazette of the local administration, and notification is to be sent to the defendant's last known address as provided by the applicant.

6. When the judge has convinced himself that the appeal for annulment of marriage has been made by both parties or by one of them, he shall of his own authority declare the marriage void and issue a certificate to that effect. He shall also convey a copy of his decision to the marriage registration office where the marriage was originally concluded and where the files containing the original entry of the marriage are preserved.

7. Where a marriage is annulled by mutual consent both parties must include in the declaration which they submit a statement of the surnames they and their children propose to use. Where a marriage is annulled on the appeal of one of the

[1] *Collection of Laws and Decrees of the Workers' and Peasants' Government*, 1917, No. 152.

parties, and agreement between the parties on the subject cannot be obtained, the divorced parties shall reassume the surnames used by them before their marriage, while the surname of their children is to be decided upon by the judge, or—where the parties fail to agree—by the local court.

8. In cases of divorce by mutual consent the judge, when declaring the marriage dissolved, shall decide which of the parents is to keep the children born during the marriage where they are not of age, and which of the two parties shall provide for the maintenance and education of the children and to what extent, as well as whether and in what degree the husband shall provide for the maintenance and upkeep of his divorced wife.

9. If consent is lacking, the husband's share in providing for the maintenance and upkeep of his divorced wife in the event of her being destitute or without private means and unable to work, as well as the allocation of the children, shall be decided upon in the general order of suits by the local court independent of the amount of the suit. Having of his own authority declared the marriage dissolved the judge shall, pending the final settlement of the suit, temporarily decide the fate of the children and also determine the temporary maintenance of the children and of the wife, if she require it.

10. Suits relating to the annulment and invalidation of marriages shall henceforth be heard in the local courts.

11. This law shall bind all citizens of the Russian Republic irrespective of their religious denomination.

12. All suits relating to the annulment of marriage now under consideration by the religious consistories of the Orthodox Church and other faiths, by the Governing Synod and by any departments of other Christian and non-Christian denominations and by responsible persons in the administration of the affairs of the various denominations, which have not yet been decided or in which the decisions have not yet been put into legal force, are by virtue of this law declared invalid and are to be transferred to the local district courts together with all files to be found in the marriage-divorce departments of the above-mentioned institutions and with the above-mentioned persons.

The parties concerned shall have the right to submit a new appeal for the annulment of marriage under the provisions of this law, without waiting for their previous suit to be terminated ; moreover, renewed public notification to absent parties (see

paragraphs 4 and 5) shall be deemed unnecessary where such has already been made under the old order.

(*signed*)

V. I. Ulyanov (Lenin),
President of the Soviet of People's Commissars.

A. Sverdlov,
President of the All-Russian Executive Committee.

DOCUMENT No. 3

THE ORIGINAL FAMILY LAW OF THE RUSSIAN SOVIET REPUBLIC [1]

(*a*) From the Code of Laws concerning the Civil Registration of Deaths, Births and Marriages, of Oct. 17, 1918 [2]

Material Conditions necessary for the Conclusion of Marriage.

66. Persons intending to enter into marriage must have attained marital age. The marital age is fixed for females at 16 years and for males at 18 years.

67. Marriage cannot be entered into by any persons who are already in a state of marriage, whether registered or non-registered, where the latter has the validity of a registered marriage.[3]

69. Marriage cannot be entered into by relatives in the ascending or descending lines, or by consanguineous or half-consanguineous brothers and sisters.

Note.—Every relationship including affinity arising outside marriage is considered as an impediment to marriage between the relatives mentioned in the preceding article.

70. Marriage shall not be contracted unless the mutual consent of the parties to be married is obtained.

71. Difference of religion between persons intending to enter into marriage does not constitute an impediment.

72. The monastic state, priesthood or the diaconate are not impediments to marriage.

[1] The matrimonial legislation of the Bolshevist revolution began a few months after the conquest of power with the establishment of Registrar's Offices and the introduction of civil marriage (in place of the pre-revolutionary ecclesiastical registration of all acts of civil status, arguments against which were responsible for art. 71–3 and 148 of this document) and of legal divorce (see above doc. 2). In order to give the new authorities some guidance, the Code of Laws on the Registration of Deaths, Births and Marriages was enacted in the following year; thus Family law (together with Labour law) was among the first branches of Soviet law to be codified. The systematic codification of all branches of Soviet law followed at a later period, at the beginning of the New Economic Policy; we had therefore to quote (below, docs. 3 (*b*) and 3 (*c*)) from enactments of 1922 in order to illustrate the economic aspects of Soviet matrimonial law before its complete codification in 1926 (see below, docs. 6 and 7). The much-discussed law on the legalization of abortion (doc. 3 (*d*)) was enacted quite independently of the general matrimonial legislation, as a measure intended to improve health conditions. [R. S.]

[2] *Collection of Laws and Decrees of the Workers' and Peasants' Government*, 1918, Nos. 76–7, art. 818.

[3] This evidently refers to Church marriages entered upon before the introduction of obligatory civil registration by the Soviet régime, Dec. 20, 1917. [R. S.]

73. Marriage is not prohibited to persons who have taken a vow of celibacy even if such persons are members of the white (Catholic) or black regular clergy.

Invalidity of Marriage.

74. Marriage can be considered void only in those cases foreseen by the law.

75. Legal proceedings to have a marriage declared void may be commenced by the husband or the wife, by persons whose interests are affected by the marriage, or by the representatives of the public authorities.

76. Suits relating to the annulment of marriage are decided by local courts pursuant to the regulations of the local jurisdiction.

77. A marriage is considered void if contracted by the parties, or by one of them, before the attainment of marital age, with the exception of cases :

(*a*) when the action for the annulment of marriage is begun after the attainment of marital age, or

(*b*) when, as a result of the marriage, the birth of children or the wife's pregnancy shall have taken place.

78. Marriages are void if contracted by insane persons, or by persons in such a state as not to be able to act with discernment and to appreciate the significance of their acts.

79. Marriage is void if contracted at a time when one of the parties was already in the married state, the said state of marriage being still valid and not annulled by the death of the former spouse, or by divorce.

Divorce.

86. Marriage may be dissolved by divorce so long as both parties are living.

Note.—All regulations of the present law relating to divorce also cover valid ecclesiastical and religious marriages contracted up to December 20, 1917.

87. The mutual consent of husband and wife, as well as the desire of one of them to obtain a divorce, may be considered as a ground for divorce.

88. The petition for the dissolution of marriage may be submitted either verbally or in writing, with the official report drawn up thereon.

89. The petition for dissolution of marriage must be accom-

panied by the marriage certificate, or, if that be lacking, by the signature of the declarant to the effect that the parties are married, with a statement where the marriage took place; the party who gives such information is responsible for its accuracy.

90. The petition for dissolution of the marriage is presented to the competent local court according to the place of residence of both the married parties; or to any local court chosen by both the parties to be divorced; but if the petition for divorce is made by one only of the married parties, it must be presented according to the place of residence of the husband, whether he be plaintiff or defendant.

Note.—If the address of one of the parties to be summoned is not known, and the petition for dissolution of the marriage is presented by the plaintiff according to his place of residence, the defendant is to be summoned in the form prescribed for cases where the defendant's place of residence is not known.

91. Subject to the mutual consent of the married parties, petitions for divorce may be presented to the local court as well as to the Registrar's Office [4] at which the marriage was registered.

92. Upon verification that the petition for divorce actually issues from both parties, the Registrar must make an entry of the divorce and at the request of the former married parties deliver to them a certificate of divorce.

93. Divorce suits are heard by the local judge sitting in public and at his own discretion.

98. The decision of the local court on the dissolution of marriage is subject to appeal in the ordinary course to the Court of Appeal, and is not considered to have legal effect until the expiration of the time during which recourse may be had to the Court of Appeal, unless the parties shall have declared that they have no intention of having recourse to the Court of Appeal.

Rights and Duties of Husband and Wife.

100. Married persons use a common surname (the matrimonial surname). On the registration of marriage they may choose whether they will adopt the husband's (bridegroom's) or wife's (bride's) surname or their joint surnames.

101. Married persons retain their matrimonial surname during marriage and also after the dissolution of the marriage by

[4] The Russian text always refers to the Registrar's Office by its full title: "Department for the Registration of Acts of Civil Status". [Tr.]

death or by declaration of the court that one of the parties is to be presumed dead.

102. When a marriage is dissolved by divorce, the petition for divorce must state by what surname the married parties wish to be known thenceforth. In default of agreement between them on this question, the divorced husband and wife shall be known by the surname by which each of them was respectively known before their marriage.

103. If the parties entering upon marriage are of different nationalities, and one of them is a Russian citizen, change of citizenship, if explicitly desired by the bridegroom or the bride, may be effected in accordance with the general rules.

104. Change of residence on the part of one of the married parties does not oblige the other to follow.

105. Marriage does not establish community of property.

106. Married parties may enter into any property relation permitted by law. Agreements by husband or wife intended to restrict the property rights of either party are invalid, and not binding either upon third parties or upon the married parties themselves, who may at any time refuse to carry them out.

107. A party in need (i.e., who does not possess the minimum necessary for subsistence) and unable to work is entitled to support from the other party, provided that the latter is able to afford such support.

108. Should either of the married parties refuse to support the other if in need and unable to work, he or she is entitled to apply to the Department of Social Security of the local Soviet, according to the defendant's place of residence, with the request that the other party shall afford such support. . . .

129. If the property of the deceased [party to a marriage] does not exceed 10,000 rubles in value and consists of house, furniture or working tools, it is left to the disposal of the surviving party, who has equal rights with other relatives entitled to inherit.[5]

Note.—If a dispute should arise between the spouse and the relatives of the deceased as to the management of inherited property as mentioned in the preceding article, the matter is decided by the local court.

130. The right of a spouse in need and unable to work to be maintained by the other spouse is preserved even in the case of

[5] On later regulations as to inheritance, see below, sec. (*c*), and the added note. [R. S.]

divorce until a change of the condition which entitles to maintenance has taken place (art. 107).

131. If full accord upon the question of maintenance is secured between the parties to be divorced, the judge establishes the amount and form of maintenance to be paid by one spouse to the other at the time of the dissolution of the marriage.

132. In case of disagreement between the parties, the question of maintenance, its amount and form is decided in the general order of suits in the local court independently of the amount of the suit. Until the final settlement of the dispute by the court, maintenance to the spouse in need and unable to work must be paid temporarily to the amount and in the form determined by the judge who has decreed the dissolution of the marriage.

Family Rights.

133. Actual descent is regarded as the basis of the family, without any difference between relationships established by legal or religious marriage or outside marriage.

Note.—I. Children descended from parents related by non-registered marriage have equal rights with those descended from parents whose marriage was registered.

Note.—II. The provisions of the present article extend also to children born outside wedlock before the introduction of Civil Marriage (Dec. 20, 1917).

134. The persons registered as the parents in the register of births are considered as the father and mother of a child.

135. If there is no such entry regarding the parents of a child, or it is incorrect or incomplete, the interested parties are entitled to prove their paternity or maternity respectively by legal process.

Note.—The local People's Court is competent to decide suits concerning descent.

136. The interested parties, including the mother, are entitled to prove the true descent of a child even if the parties registered as parents at the time of the child's conception or birth are married by registered contract or by a contract having the validity of a registered one.[3]

140. An unmarried woman who becomes pregnant shall give notice not later than three months before the birth of the child to the local Registrar's Office according to her place of residence, stating the time of conception, the name and the residence of the father.

Note.—A similar notice may be given by a married woman if the conceived child does not descend from her legal husband.

141. On the receipt of such a notice the Registrar's Office shall inform the person designated as father in the notice. Such person is entitled within two weeks from the day of receipt of the information to appeal to the court against the statement made by the mother, on the ground that it is incorrect. If no appeal is made within the specified term, the person is to be considered as the father of the child.

142. Suits relating to evidence of paternity are determined in the ordinary course ; but the parties are bound to give true testimony, otherwise they will be held guilty of perjury.

143. Should it be established that the person designated according to article 141 has had such intercourse with the child's mother as to become, according to the natural course of events, the father of the child, the court must decide to recognize him as the father and at the same time compel him to share in the expenses connected with the gestation, delivery and maintenance of the child.

Personal Rights and Obligations of Children and Parents.

145. Children descended from parents related by registered marriage adopt the matrimonial surname of their parents. Children of parents related by non-registered marriage may be known either by the father's or mother's or by their joint surname. The surname of such children is determined by agreement between the parents, or failing such, by decision of the court.

146. In the case of dissolution of marriage by divorce or its invalidation, it depends upon agreement between the parents to determine which of the three surnames mentioned in article 145 the children shall adopt. In case of disagreement between the parents, the surname of the children is to be decided according to the judge's discretion, and in case of dispute between the parties, by the local court.

147. If the parents are of differing nationalities (if one of them is a Russian citizen) the children's nationality is determined by previous agreement between the parents as stated by them at the time of celebration of marriage at the Registrar's Office.

Note.—If the parents fail to agree on this question, the children are considered as Russian citizens, but upon attaining full age they have the right to declare their wish to follow the nationality of the other parent.

148. It is left to the parents to decide the religion of their children under 14 years of age. In default of agreement between the parents the children will be considered to adhere to no religion until they attain 14 years of age.

Note.—The agreement between the parents as mentioned in the present article relative to their children's religion must be concluded in writing.

149. Parents may exercise paternal rights over a male child until he attains 18 years of age and over a female child until 16 years of age.

150. Paternal rights are exercised by the parents conjointly.

151. All measures concerning the children are taken by the parents by mutual agreement.

152. In case of disagreement between the parents, the question in dispute is decided by the local court with the participation of the parents.

153. Parental rights are exercised exclusively for the benefit of the children. In case of abuse the court is entitled to deprive the parents of their rights.

Note.—Suits for depriving parents of their paternal rights are subject to the jurisdiction of the local court, and may be begun by representatives of the authorities as well as by private persons.

154. Parents are bound to take care of the development of their children under age, of their education and their training for a useful activity.

155. The protection of the personal interests of the children, as well as of their property, is the duty of the parents, who are the children's representatives in and outside court (unless there be a special appointment of guardians and trustees).

156. Parents are bound to keep their children with them, and have the right to demand their restoration from every person who retains the children without permission of the law or the court.

157. Parents are entitled to decide the manner of the upbringing and instruction of the children, but have no right to enter into any contract concerning the employment of their children from 16 to 18 years of age without their children's consent.

158. If the parents live apart, it is for them to decide by agreement with which of them their children under age shall reside. In default of agreement between the parents the question is determined in the general course of suits by the local court.

159. In cases where the parents are deprived of their paternal rights by the court, the latter is obliged to allow the parents interviews with their children, unless it be recognized that such interviews have an evil and prejudicial influence upon the children.

Rights of Property and Obligations of Children and Parents.

160. Children have no rights to the property of their parents, or parents to that of their children.

161. Parents are obliged to provide board and maintenance for their minor children, if these are in need and unable to work.

Note.—The parental obligations here stated are suspended in the event of the children being maintained by public or governmental care.

162. The duty of maintaining the children devolves equally upon both parents, while the amount of the maintenance paid by them is defined in accordance with their means ; but the sum expended by either parent must not be less than half of the subsistence minimum established for a child in a given locality. A parent who is unable to pay the whole of his share pays only a part of it.

163. Children are obliged to provide maintenance for their parents who are in a needy condition and unable to work, unless the latter receive maintenance from the government in accordance with the law of insurance against illness and old age, or from measures of social security.

164. Should the parents refuse to provide maintenance for their children, or should the children be unwilling to maintain their parents in the cases mentioned in articles 161–3, the persons entitled to maintenance reserve the right to claim same in accordance with the rules prescribed in articles 108–18.

165. The right of children to obtain maintenance from their parents and the right of parents to obtain maintenance from their children in the cases mentioned in articles 161–3 is reserved even in case of the dissolution of the marriage of the parents either by the death of one of them or by divorce, as well as by invalidation of the marriage.

166. On the dissolution of marriage by divorce and subject to mutual agreement between the parents on the questions connected with the maintenance and upbringing of the children, the judge at the time of granting the decree of divorce shall take

a decision on these questions. If the agreement as to the maintenance and education of the children entered into by the parents should not be to the benefit of the children, the latter reserve the right to claim from each of the parents the subsistence determined by law.

Rights and Obligations of Persons related to One Another.

172. Indigent persons (i.e., persons not possessing the subsistence minimum) and relatives who are unable to work, of the direct descending or ascending lines, consanguineous or half-consanguineous brothers or sisters, are entitled to obtain maintenance from their wealthy relatives.

Note.—No difference is to be made between relationships established inside and outside marriage.

173. Relatives of the direct ascending or descending lines as well as brothers and sisters, in the order of the established progression, are obliged to provide maintenance only in those cases where the indigent persons are not in a position to obtain maintenance from spouse, children or parents respectively because of their absence or their incapacity to provide maintenance.

174. Should relatives refuse support to their relatives who are in need and unable to work, the latter are entitled to claim maintenance in accordance with the rules set forth in articles 108–18 above.

175. Persons conjointly bound to provide maintenance are responsible therefore in equal proportions unless the court, on account of differences in their means, of the absence of one of them, or for some other important reason, has found it necessary to regulate in some other way their shares in the fulfilment of this obligation.

176. In case of impossibility immediately to obtain maintenance from the persons obliged to provide it, the court is entitled to impose this duty upon the more remote party under obligation, reserving to the latter the right to recover his expenses from the party who is immediately obliged to provide maintenance.

177. Agreements containing refusal of the right of maintenance are void.

(*b*) From the Land Code of October 30, 1922.

Art. 66 : All those persons shall be regarded as members of a *Dvor* who form part thereof (including minors and persons of

advanced age), as well as those who form part thereof temporarily, such as salaried labourers, and who have not left the *Dvor* in the manner established by law. The complement of a *Dvor* increases by marriage or by the adoption of new members into the *Dvor*, and decreases by the departure or death of members.

Note.—Persons joining a *Dvor* by marriage or adoption acquire a right to use the land and the communal equipment which constitute the *Dvor* in question, in accordance with the law; at the same time they lose their rights to use those of any other *Dvor*.

Art. 67 : The right to use the land, which includes the proceeds of tillage as well as buildings and livestock, belongs to the community formed by all members of the *Dvor* irrespective of their sex and age.

Art. 68 : The head of the household (man or woman) shall be regarded as the representative of the *Dvor* for all its economic affairs.

Art. 69 : In the event of the economy of the *Dvor* being conducted with a negligence leading to its ruin, the head of the household may—by decision of the executive committee of the *Volost*, on the demand of the members of the *Dvor* and with the consent of the village Soviet—be replaced by another person chosen from the same *Dvor*.

Art. 74 : The sharing-out of the basic assets of a *Dvor* is authorized only for the purpose—and subject to the possibility—of forming, with those members of the *Dvor* who would be leaving it, new agricultural communities on plots allocated to them jointly. In all other cases, the movable goods only of the *Dvor* may be shared out.

Art. 88 : Upon leaving a *Dvor* which has been declared indivisible, the departing member shall have the right to demand the payment in money or kind of that share in the assets (but not in the soil) to which he is entitled.

Failing agreement, the scale of payment is fixed by the Agrarian Commissions, but may not exceed one-third of the value of the total production assets of the *Dvor*. In addition, at the request of the remaining members of the *Dvor*, payment in money or kind may be spread out over a maximum period of five years, no interest whatever being chargeable for this distribution.

(*c*) From the Civil Code of November 11, 1922.[6]

Art. 416 : Inheritance by legal and testamentary succession is admitted, in conformity with the articles set out below, subject to the total value of the estate not exceeding 10,000 rubles in gold after deduction of the debts of the deceased.

Art. 418 : The persons entitled to succeed, under the conditions indicated in Art. 416, are limited to direct descendants (children, grandchildren and great-grandchildren) and to the surviving spouse, but may include destitute or incapacitated persons who were being wholly maintained by the deceased for a period not less than one year before his decease.

Note.—Only persons alive at the time of the death of the deceased and children conceived during his lifetime but born posthumously are entitled to succession.

Art. 419 : Legal succession, within the limits set by article 416, is effected wherever and in so far as it is not affected by a testament.

Art. 420 : In cases of legal succession, the inheritance is shared out in equal parts *per capita* among all the persons indicated in article 418.

Art. 421 : Of the persons indicated in art. 418, those who lived with the deceased shall receive the property connected with the equipment and daily requirements of the household, exclusive of luxury goods, without these articles being included in the maximum sum set down in article 416.

Art. 422 : As a testament shall be regarded the dispositions made in view of death by a person in writing, whether with intent to leave property to one or more specified persons from among those mentioned in article 418, or to share out this property among several or all of these persons in a manner differing from that provided for in article 420.

[6] The upper limit of inheritance established by art. 416 was abolished by the decree of January 29, 1926 (*Collected Laws of the U.S.S.R.*, 1926, I, No. 6, art. 37) and replaced by an Inheritance Tax, which, at first, was strongly progressive (after 1929 with a maximum up to 90 per cent. of the estate). During the recent war the tax was reduced to 10 per cent., with a tax-free limit for small estates. But, so far, there has been no change in the circle of those entitled to inherit, apart from an extension to near relatives other than those mentioned in art. 418, provided that they lived with the deceased in a common household and supported him (art. 418 provides for them only if they were supported by the deceased). On this issue see A. B. Holman, in *Iowa Law Review*, 1936. [R. S.]

(*d*) Decree on the Legalization of Abortions of November 18, 1920.[7]

During the past decades the number of women resorting to artificial discontinuation of pregnancy has grown both in the West and in this country. The legislation of all countries combats this evil by punishing the woman who chooses to have an abortion and the doctor who performs it. Without leading to favourable results, this method of combating abortions has driven the operation underground and made the woman a victim of mercenary and often ignorant quacks who make a profession of secret operations. As a result, up to 50 per cent. of such women are infected in the course of operation, and up to 4 per cent. of them die.

The Workers' and Peasants' Government is conscious of this serious evil to the community. It combats this evil by propaganda against abortions among working women. By working for socialism, and by introducing the protection of maternity and infancy on an extensive scale, it feels assured of achieving the gradual disappearance of this evil. But as the moral survivals of the past and the difficult economic conditions of the present still compel many women to resort to this operation, the People's Commissariats of Health and of Justice, anxious to protect the health of the women and considering that the method of repression in this field fails entirely to achieve this aim, have decided :

(1) To permit such operations to be performed freely and without any charge in Soviet hospitals, where conditions are assured of minimizing the harm of the operation.

(2) Absolutely to forbid anyone but a doctor to carry out this operation.

(3) Any nurse or midwife found guilty of making such an operation will be deprived of the right to practise, and tried by a People's Court.

(4) A doctor carrying out an abortion in his private practice with mercenary aims will be called to account by a People's Court.

N. Semashko, People's Commissar of Health.
Kursky, People's Commissar of Justice.

[7] Reprinted from N. A. Semashko, *Health Protection in the U.S.S.R.*, London (Gollancz), 1934, pp. 82–4.

DOCUMENT No. 4

EXCERPTS FROM THE WORKS OF A. M. KOLLONTAY [1]

(*a*) Critique of the Feminist Movement

During the whole of the nineteenth century the bourgeois feminist movement developed independently of the political movements of bourgeois men, showing only slight traces of the similarity of social level. The movement made great strides towards the end of the century, having cast a well-knit net of feminist organizations over all the bourgeois countries of West and East. Its main objective was the achievement of equal rights for women, equal rights with men in all spheres of life within the limits of a bourgeois capitalist society. From the start these advocates of feminine rights in the bourgeois camp never even thought of a new social order as offering women the widest and only firm basis of their emancipation. Socialism was alien to them. And when towards the end of the century some of the bourgeois " suffragettes " put forward demands borrowed

[1] A. M. Kollontay has for years been regarded as the outstanding propagandist of Bolshevist views on the problem of the family, and subsequently much criticism has been directed against her publications (see below, pp. 305 and 347). This criticism was encouraged by the fact that there was no clear borderline in Kollontay's work between arguments characteristic of the bulk of Party opinion at that time (see below, section (*c*)) and attitudes which were distinctly characteristic of a mere minority trend (see below, section (*e*) and my introductory note). In order to enable the reader to form his own opinion on these controversial issues, I have tried to give as representative a selection from her work on the subject as possible. This should not be regarded as representing the development of her views : sections (*a*) and (*b*) of our compilation are excerpts from the book *Women's Labour in Economic Development*, published (in Russian) in 1923, section (*c*) is part of a pamphlet published both in Russia and abroad in 1920, and section (*d*), in which the author approaches the attitude described in (*e*), was written in 1918, that is, during the early stages of the Civil War. Her argument proceeds from an attitude hardly controversial amongst Marxists (see above, section (*a*)) to a proclamation of theories on the eventual withering away of the family as a basic economic and educational institution which is typical of the period (see below, pp. 79 and 170–1). Thence she concludes with an essay on sex morality certainly not approved even by contemporary party opinion. Not only for Kollontay's later critics (see below, doc. 14), but also in order to form our own opinion about the basic issues of this book it is important to realize how far that chain of argument was conclusive ; that is to say, how many of its later parts can be eliminated without touching the basic Marxist assertions (see above, Introduction, p. 13). Zhenia (see below, p. 74) would obviously consider that her differences with her mother were the only thing that mattered and that, should those differences be settled in the wrong way, what she would describe as recurrences of the grandmotherly outlook would be bound to follow. But, evidently, Zhenia was no Marxist. What matters is whether her mother would recognize her own ideas duly represented and developed by the authors of the documents below, 14 and 17. [R. S.]

from the Socialists, they did so only in order to woo the support of the female proletariat, to bribe their sympathy and thereby enhance their own political significance.

A second characteristic aspect of the bourgeois " suffragettes " lay in their imagining themselves to be the advocates and spokesmen of the demands and aspirations of all women, believing themselves placed above all class differences, when in fact they were but the very mouthpieces for the needs and interests of women of the bourgeois class, even if of various social groupings.

The movement had its third hall-mark in the fact that the adherents of feminism, while endeavouring to imitate the men in every possible way, kept strictly apart and opposed the interests of women to those of men. The feminists made yet another mistake : they absolutely refused to take into account that woman bears a twofold responsibility towards society and that the " natural right " which they were so fond of quoting not only demands that women should effectively contribute to society but also that they should provide society with healthy offspring. Motherhood and its defence, the safeguarding of woman's interests as mother, were in no way included in the aims and programme of the bourgeois " equal-righters ", and the bourgeois women who late in the nineteenth and early in the twentieth century found the problem of safeguarding motherhood attracting their attention were not of those who had been drawn into the feminist camp. The bourgeois feminist organizations were very reluctant to include in their programmes the demands for safeguarding motherhood and protecting female labour ; they hesitated a great deal and began to include them only towards the twentieth century, when without these points they risked losing the support of the great masses of proletarian women, who came forward as active defenders of these demands.

The feminists naïvely attempted to transfer the struggle for women's equal rights from the firm basis of class relationships into the realm of a struggle between the sexes. The result was a distorted caricature.

Lacking a flair for politics, the feminists strayed from the true path of their struggle. Where they might have assured themselves of success and gained the support of the men of their own class, they lost both by proclaiming at every juncture, heedless of appropriateness, those onesided feminist catchwords which urged equal rights for women, instead of putting forward the demands common to their class which would by themselves have

resulted in a claim for women's rights. Only in the twentieth century did the more politically minded women's movements join hands with some definite political party, becoming a part or a complement of it. It was in this way that in pre-revolutionary Russia the " Female Kadets " (Constitutional Democratic Party) worked in the " Union of Equal Rights for Women " and later in the " League for Equal Rights for Women ". A similar policy was pursued by some German and English societies.

In their zeal to establish equal rights and prove woman in every respect equal to man, the feminists were bound to disregard the natural characteristics of women which mark them out for a special place in the collective.

In the primitive communist society women were respected by the tribe as being the mainstay of the household and giving birth to new life for sustaining the growth of the tribe. Motherhood, i.e., woman's ability to bear children, is not in itself a sufficient reason for society to support her on an equal footing with the men who bear all the responsibility of maintenance. But if the women share with the men in doing work useful for the society, their additional social responsibilities—child-bearing and child-feeding—undoubtedly entitle them to extra care and special treatment from the society. The bourgeois feminists, in their enthusiasm for equal rights as an overriding principle, failed to recognize this. They made their greatest mistake in believing that to acknowledge feminine rights is the same thing as to give women equal rights with men. The more hard-bitten feminists adopted a male style of clothing " on principle ", cut their hair short not for comfort but in imitation, walked along the streets with long masculine strides. . . . When the feminists found out that, driven by necessity, women were working as dockers in ports and lugging impossible weights, these naïve advocates of equal rights brimmed over with triumph and wrote in their newspapers and periodicals : " Women score yet another victory for equal rights ! Women dockers carry four hundredweight,[2] hold their own with men ! " It did not enter their heads that in the interest both of society and of the women dockers they should have written an article to the contrary, pointing out that in its greed for profit capitalism was undermining the nation's health, ruining the female organism by unsuitable and unbear-

[2] The Russian original has " 12 pud ", which equals 433·32 lb. avoirdupois. [Tr.]

able work, and thus destroying the welfare of the people. The feminists could not understand that women's different physique would always set them apart, but that this by no means affects the acknowledgment of their rights or their value to the community. Women should do not the same kind of work as men, but work that contributes equally to the welfare of the community, if the community is to give them recognition and guarantee them equal rights. The feminists did not grasp this ; hence the onesidedness and narrowness of their movement.

(*b*) The Revolution of Life and Morals.

Any skilled observer will agree that morals change before our very eyes. In the course of four years of workers' management the very roots of the age-old disability of women were torn up. On the one hand the Workers' Republic is mobilizing women for productive labour ; on the other it is organizing life on new principles which lay the foundations of communism. It is cultivating collective habits, customs and opinions.

We know that one of the bases of the new system of production under the proletarian dictatorship is the organization of consumption. Regulating consumption, however, means not only keeping count of consumers, not only equal distribution of goods, but also organization of consumption on a new communistic basis. Since the spring of 1918 all the towns in the Workers' Republic have been beginning to switch over to the principle of communal feeding. Soviet feeding-halls, free dinners for children, are beginning to replace the family household. Our poverty, our lack of supplies stands in the way of development and hinders the establishment of communal feeding on a large scale. The apparatus has been created, the channels through which the nation's foodstuffs are to be directed exist—but there is nothing to flow along them.

The country is impoverished, the country is lacking in goods, while the blockade, the obstinate and wicked blockade of the imperialist countries does not allow the goods of other countries to reach the Central International Stores. Nevertheless, however unsatisfactory, however bad our restaurants, however short of supplies and inexpertly handled they may be, communal feeding has established itself with the town populations as an inevitable element in life. In Petrograd during 1919–20 almost 90 per cent. of the entire population was fed communally. In

Moscow more than 60 per cent. of the population are registered with the feeding-halls. In 1920 twelve million town-dwellers were served in one way or another by communal feeding centres. Obviously this aspect alone produces considerable change in women's lives, in the conditions under which they live. The kitchen which enslaved women even more than motherhood did ceases to be the prerequisite of family life. True, it plays an important part during the period of transition while the signposts along the road to communism are still being erected, while the bourgeois forms of community life are not as yet outlived and the basis of the nation's economy is unchanged at its roots. And yet, even during this interim period, the family hearth is being pushed aside, degraded into an accessory, a complement to communal feeding where our poverty, destitution and food-shortage do not permit us to raise our restaurants to the requisite level. Every female worker is beginning to realize how many hours a ready-prepared Soviet dinner saves her, and grumbles at the restaurants only because their dinners are not sufficiently filling and nourishing, because willy-nilly she has to prepare additional food. Were the standard of communal feeding higher it is doubtful whether we should find many who would volunteer to bend over a cooking-range. If under the bourgeois system a woman was anxious to please her bread-winner husband with her cooking, it was precisely because he was in fact the bread-winner. In a workers' State, however, where woman is recognized as an independent unit and citizen, it is doubtful whether you would find many volunteers for stooping over a stove to win a husband's approval. Let men learn to love and appreciate women not for being good at kneading dough, but for their personal qualities, their human ego. "Separation of kitchen from marriage" is a reform no less important than the separation of Church and State, at any rate in the history of woman. Admittedly this separation is far from having been completely achieved, but it is significant enough that the Workers' Republic, in working out from experience the line of its economic development, from the first months of the Revolution has had to resort to communal feeding as the most economic and suitable form of consumption, requiring a minimum of human labour, fuel and foodstuffs. The more difficult the economic situation of the Republic was, the greater the need to organize communal feeding.

The new housing conditions created by the Workers' Republic also played their part in the change of life and morals and conse-

quently in the change in the living conditions of women. Hostels, communal quarters for families and especially for single people are multiplying. No other country has as many hostels as has the Workers' Republic. And it is to be noted that everyone is eager to join communal quarters. Not, of course, for principle's sake, not for the sake of their convictions—as did the utopians of the first half of the nineteenth century, following the teaching of Fourier and organizing lifeless artificial " phalansteries "—but because it is much more convenient and comfortable to live in communal quarters. Communal houses are always superior in their fittings to private flats ; they are supplied with light and heating ; they often have constant hot water and a central kitchen ; they are cleaned by professional cleaners ; some are provided with a central laundry, others with a crèche or a nursery. Whenever economic disorder is felt most acutely, whenever there is a shortage of fuel, or water-pipes fail to function, or petroleum runs short, the general inclination to settle in a communal house or a hostel is especially strong. All private flat-dwellers envy the inhabitants of communal houses. The waiting lists for hostels are growing longer and longer.

Naturally communal houses are far from having replaced the private flat. An overwhelming majority of town-dwellers are still satisfied with the conditions of individual management, of the family household. But it is a great step forward that the family household is ceasing to be the normal way of life. That it is the pressure of difficult economic conditions which makes families or single people want to settle in hostels is not so important as the knowledge that under the most unsatisfactory conditions the communal house has a number of advantages : it will naturally be able to hold its own against the uneconomic private family households which demand a great deal of female labour, once production flourishes. Women, or those of them who have to combine the care of a family with work, are beginning to realize the advantages of communal quarters. For these working women the communal house is the greatest blessing and salvation. The woman's strength is saved by a professional cleaner, by the common kitchen, the central laundry, by the fact that the house is provided with light, heating and hot water. Every working woman can now have only one wish : that there should be as many of these houses as possible and that they should eliminate even more fully all aspects of that fruitless household labour which devours a woman's strength. Of course there are women even

now who cling obstinately to the past; they are of the usual housewifely type for whom life centres on the cooking-stove. These mistresses-in-law of their husbands (often wives of responsible workers) manage even now, in communal houses, to turn their lives into an idolatry of the frying-pan. But they have no future. Being of no use to the working collective, these creatures are doomed by history to inevitable extinction while the communist way of life is in process of construction along the entire economic front. As to the communal houses, they not only provide the most satisfactory solution of the housing problem, from the point of view of town life, but doubtless also ease the life of working women, creating conditions in which women can during this period of transition combine a family with a profession. Family households will inevitably die a natural death with the growth in number of communal houses of different types to suit different tastes; and as the individual household which is enclosed within the limits of a separate flat dies out, the fundamental clamps of the contemporary bourgeois family will be wrenched looser. Once it has ceased to be a unit of consumption, the family will be unable to exist in its present form—it will fall asunder, be liquidated. But let this statement not frighten the adherents of the bourgeois family with its individual household, its egotistically enclosed little world. During the period of transition from capitalism to communism, during the period of working-class dictatorship, a fierce battle is raging between communal forms of consumption and the private family household. The victory of the former is unfortunately far off. A conscious attitude towards this question on the part of that section of the population which is most concerned—namely, the working women—can alone hasten this victory.

Soviet Russian statistics are still very poor in data regarding the housing problem and its solution; but information available about Moscow shows that communal houses are already playing an important part in our town life, at any rate in the large cities. In 1920, for instance, out of 23,000 houses in Moscow more than 8,000 were communal houses and hostels, i.e., hostels represented more than 40 per cent. of all houses. Thus from the first year of its existence the Workers' Republic, while changing the system of economy and production at its very roots, is tending to create conditions in which the emancipation of women from fruitless housewifery gains ground slowly but steadily.

But the reduction of woman's fruitless labour in the household

is only one side of her emancipation. Care of children and their upbringing was no less a burden, chaining her to the house, enslaving her in the family. This burden is completely lifted from women's shoulders by the Soviet government and its communist policy of safeguarding motherhood and of social upbringing and is placed on the social collective, on the working country.

In its pursuit of new forms of life, morals and economy which should correspond to the interests of the proletariat, the Soviet Republic inevitably made a number of mistakes and revised, straightened out its line. But in the realm of safeguarding motherhood and social upbringing the Workers' Republic immediately found the right approach. And it is precisely in this field that the greatest, the most far-reaching revolution of morals and views is taking place. Problems which in a bourgeois system are incapable of solution are solved naturally and simply in a country where private property is abolished and where policy is prompted by a desire to raise the nation's economy.

Soviet Russia approached the question of safeguarding motherhood from the angle of the chief problem of the Workers' Republic : the problem of developing the country's productive power, of establishing and increasing production. If this is to be brought about it is first of all necessary to release as much manpower as possible from fruitless labour, to utilize properly all available working hands for the country's production ; secondly, to assure the Workers' Republic of an incessant flow of fresh workers in the future, i.e., to safeguard the natural increase of population.

As soon as this point of view is adopted, the problem of freeing women from the burden of motherhood is automatically solved. The working country establishes an entirely new principle : the care of the new generation of children is no longer a task confined to the family, but rests on the community, the country. Motherhood must be safeguarded not only in the interest of women, but even more so to meet the difficulties of the national economy in its transformation into a workers' system : it is necessary to save women's strength from being wasted on the family in order to employ it more reasonably for the benefit of the collective ; it is necessary to preserve their health in order to guarantee a steady stream of fit workers for the Workers' Republic in the future. In a bourgeois country such an attitude towards the motherhood problem would be impossible ; the class-struggle and lack of agreement between private and national economic interests

would make it so. In a Workers' Republic, on the other hand, where the individual economic effort is absorbed by the national economy and where the classes disintegrate, disappear—such a solution of the motherhood problem is dictated by life and sheer necessity. The Workers' Republic treats women primarily as participants in its production efforts ; the mother's function is held to be a highly important but complementary obligation, not only towards the private family, but to society.

" Our policy in safeguarding motherhood and babyhood ", as Comrade Vera Pavlovna Lebedeva says quite rightly, " is guided by the fact that we always look upon woman as a worker."

But in order to enable woman to participate in productive work without forcing her nature, without abandoning motherhood, a second step was necessary : the removal of all cares connected with motherhood from the individual woman's shoulders, transferring them to the collective and thus recognizing that the rearing of children transcends family limits and is a social, a State institution.

Motherhood is looked at from a new angle : the Soviet government regards it as a social obligation. With this principle in mind the Soviet government outlines a number of reforms tending to lift the burden of motherhood from woman's shoulders and to place it on the State. Care of babies, economic protection of children, proper establishment of social education—the Soviet government undertakes all this through the Sub-department of Safeguarding Motherhood and Babyhood (headed by Comrade V. P. Lebedeva) and through the Narkompros (People's Commissariat for Education) Department for Social Education.

To remove the cares of motherhood but leave untouched the joyous smile which is born of woman's contact with her child—such is the Soviet government's principle in solving the motherhood problem. Naturally this principle is far from being fully implemented. In practice we lag behind our intentions. In our endeavours to create new forms of life and morals which would free the working woman from family obligations, we are stumbling over the same old obstacles : our poverty and economic distress. But the foundations have been laid, the signposts pointing the road to the solution of the motherhood problem erected ; it remains to follow the road indicated determinedly and firmly.

The Workers' Republic does not limit itself to safeguarding motherhood financially and giving the mother the sort of help we discussed in the last lecture. It intends above all to change

the system and to reform living conditions in a manner which will give women every chance to combine motherhood with rearing the baby for the Republic, to surround it with the necessary care and attention.

Since the first months of the existence of the dictatorship of the proletariat in Russia the government of peasants and workers has been engaged in an attempt to cover working Russia with a network of institutions for safeguarding motherhood and for social education. The mother and the baby became objects of special care for Soviet policy. When I was People's Commissar of Social Security during the first months of the Revolution my first job was to map out the course which the Workers' Republic was to follow in its policy of safeguarding the interests of women both as units of man-power and as mothers.

It was then that the College for Safeguarding Motherhood was set up and work begun on the exemplary " Palace of Motherhood ". Since then, under the direction of that able and energetic worker, Comrade V. P. Lebedeva, the enterprise of safeguarding motherhood has grown in scope and taken firm root.

The Soviet government hastens to help working women from the moment of their pregnancy. Facilities for medical consultation for expectant and nursing mothers are available all over Russia. In Imperial Russia there were only six centres for consultation—now there are 200 of them, and 138 milk kitchens.

But, of course, the chief task is to relieve the working mother of her unproductive worries concerning physical care for the baby. Motherhood does not by any means necessarily consist in changing napkins, washing the baby and being chained to the cradle. The social obligation of motherhood consists primarily in producing a healthy and fit-for-life child. To make this possible the working society must provide the most suitable conditions for pregnant women ; while the woman herself must observe all the requirements of hygiene during the period of pregnancy, remembering that during these months she does not belong to herself, that she is working for the collective, that from her own flesh and blood she is " producing " a new unit of labour, a new member of the Workers' Republic. Her second obligation, from the point of view of the mother's social task, is to feed the baby at her own breast. Only after having done this has the woman, as member of the working collective, the right to say that her social obligation towards the child is fulfilled. The remaining cares for the growing generation can be passed

on to the collective. Naturally the maternal instinct is strong and we should not let it die out. But why should this instinct be confined exclusively to narrow love and care for one's own baby? Why not let this instinct, so precious for working humanity, branch out and rise to its highest level—that of caring about other children, equally helpless though not one's own, and of devoting love and attention to other babies?

The watchword which the Workers' Republic proclaims to the wide masses of women—"Be the mother not only of your own child, but of the children of the peasants and workers"—should teach working women a new approach to motherhood. Is it conceivable, for instance, that a mother, who may in many cases be a Communist, should refuse her breast to another's baby ailing for shortage of milk, merely because it is not her own child? Humanity of the future, communist in its feelings and conceptions, will be as surprised by such an act of egotism and unsociableness as we are to-day when we read that a native woman who loves her own baby tenderly has with great relish consumed the baby belonging to a woman of another tribe.

Or another perversion: is it conceivable that a mother should deprive her own baby of her milk, so as not to burden herself with looking after the infant? But the fact is that the number of foundlings in Soviet Russia is increasing at an intolerable rate. True, this state of affairs is made possible by the fact that the motherhood problem, though on the way to solution, is as yet unsolved. Hundreds of thousands of women during this difficult period of transition succumb under the double burden of daily work and motherhood. The number of crèches, nurseries and maternity homes is insufficient; financial assistance cannot keep pace with the rise in prices for goods on the open market: all this makes working women, women in employment, afraid of motherhood and makes mothers leave their children at the State's doorstep. But this increase in the number of foundlings also shows that the women of the Workers' Republic have not yet fully realized that motherhood is not a private matter but a social obligation. . . .

Change in the Functions of Marriage.

In the Workers' Republic where the private households, at any rate in the towns, are giving way—or, to be more exact, are tending to give way—to social forms of consumption (communal houses, Soviet restaurants and other forms of collective

consumption) ; where a network of institutions for social education is spreading and where every woman works just like a man and is registered for her own rations separately from her husband, marriage is moulded into a new shape. In the Workers' Republic people come together not in order to set up a " cosy nook " (although even now there is often an element of calculation : e.g., calculation on double rations through marriage) but from mutual attraction. There is no need for a pair of lovers to sign a contract : in any case they cannot provide material security for each other, because they each receive their lodging, fuel, food and clothing on rations or allowances, not through the husband or the wife, but direct from the department where he or she works and in proportion to the value of his or her work for the collective. Naturally, while in its poverty our Republic is unable to fulfil its obligations towards the workers, people still have to fall back on the open market, manage their household in a private flat, worry about fuel, and so on. For this reason marriage is up to now something of a material transaction for many ; for example, a woman may come to a man, not because he is dear to her, but, if you please, because he " has a room in the House of the Soviets " ; or a man may come to a woman because it is easier to get through the winter on a double allowance of logs. . . .

But these facts are ugly perversions, remnants of the past which will cling to our way of life until the Workers' Republic overcomes the depression. It is important to observe the general line of development, and this general line shows that contractual, i.e., formal marriage has few advantages in the Soviet Republic. The number of people living in a state of free marriage is naturally on the increase as a result. It is true that, having regard to conditions in the transition period, with the Workers' Republic still unable to raise communal consumption to the proper level, with the network of institutions for social education still in its first stages and with the Workers' Republic unable to undertake to look after every member who is unfit for work, the Code of Laws on Marriage declares that each party in a marriage is bound to support the other in case of his inability to work. This is a measure of the transition period which will lapse as soon as material conditions in the Workers' Republic are stabilized and the problem of social security can be tackled on a large scale. In practice married people profit little from these instructions of the law. What does " support the other

needy party" mean when rations are issued to each party separately? It means that rations are to be shared. Not many will agree to this. The question is usually solved in this manner: if one of the married parties is unfit for work, the other goes knocking at the doors of all the public institutions which can take the invalid on their communal ration—sanatoriums, hospitals, hostels for the aged or invalid. And nobody would reprove the healthy spouse for putting his unfit "better half" under public care, although the decree demands that married parties should afford one another mutual help in periods of inability to work. It seems natural that all the responsibility for those of its members who are unfit for work should rest on society, and not on two individual people, even though they be bound in mutual love; the burden of material worries must be borne by the collective, by society. For as long as a man is fit to work, he helps by his labour to create those goods and resources out of which society will later have to help him in his illness, old age or incapacity.

Marriage is appearing in a new light. Before our very eyes a great change is taking place in the mutual relations of married couples; and what is especially interesting is that the new way of living, the new morals, are reflected even in the families of the former bourgeoisie.

Ever since those recent parasites, the bourgeois ladies, began to swamp our Soviet institutions and earn money themselves they immediately assumed an air of independence towards their husbands. It frequently happens that the wife earns more than the husband; the humble helpful wife becomes the head of the family. The wife hurries off to work while the husband stays at home to chop wood, light the fire, do the shopping. Once upon a time these ladies would throw a fit of hysterics if their husbands refused them the money for a new spring hat, a new pair of shoes. Now the wife knows that her husband has nothing—and throws her fit before the manager or the director of supplies in an effort to obtain an allowance or an extra ration.

However, in all fairness it must be said that the women of the old bourgeois class bear up very bravely—more so, I would say, than their soft, intellectual husbands—under all the hardships of the present period of transition, learning how to combine employment with household work and struggling with the shortages and all the discomforts of our life.

There is another characteristic trend—even in these bourgeois families one may observe a tendency towards simplifying the household, changing over to communal feeding, sending the children to a nursery : in short, discarding the family. That this is being done only under pressure of " necessity " is immaterial ; for as the family household is swallowed up by the national economy, the tendency already existing will gain strength with acquired habits and customs, and the family, in its bourgeois sense, will die out. A new family will take its place, the family of the collective of workers in which people will be bound together not by blood relationships but by their common work, their community of interests, aspirations and aims, and which will make them into brothers in spirit.

New conditions of production and a new system of economy produce a new way of life ; this reformed way of living will produce new men who are true communists in spirit and determination.

As marriage ceases to be of material advantage to the married, it loses its stability. Note that couples nowadays separate much more freely than formerly ; once love or affection has waned, people no longer strive to save the family at all costs. No longer are they bound by a common household, by the obligations of parents towards their children. The Church marriage ceremony is losing its inviolability. Naturally this fact, too, is not universal and is far from having become the rule ; but it is an indubitable fact that it exists on a growing scale and will continue to do so as we build up communal forms of living. The Workers' Republic has already made an attempt to separate " kitchen and marriage " ; the communist system will help to clear married life from its undercurrent of material calculations and profit. Look how many individual forms of marriage already exist : couples no longer connect their relations in any way with setting up a " nest ". Previously if a man was about to get married he would calculate and count whether he could afford a wife and how far that would prove profitable for him. A girl, before marrying, would work out what her husband could offer her. And both within the limits of their finances first of all provided themselves with a " cosy nook ". The wealthier sought to acquire a flat, the less wealthy bought at least their own samovar. It was still the first step to a " household ", a " house ". . . . And the spouses felt compelled to live together unless a quarrel separated husband and wife—this, however, not being the norm, being " not done ".

Nowadays a couple are in love but live apart. Sometimes husband and wife, for the sake of greater coherence (people in love always want to cement their love for ever) will go to the Commissariat to register their marriage in accordance with Soviet law—and yet live apart, the wife in one part of the town, the husband in another; the wife in Moscow, the husband in Tashkent. They meet occasionally—both are working. Their job, their social obligation, has precedence. This form of married life is found most frequently among Communists whose feeling for social duty is more strongly developed. And note that where previously the women were particularly anxious to have a household of their own (" It can't be done without one's own pots and pans, it would not be a family . . .") to-day, on the contrary, it is the husband who suggests that it would not be a bad idea to take a flat, have dinner at home and the wife always about —while the women, especially the growing numbers of women—workers who are being drawn into the Republic's creative activities, will not even hear of a " household of one's own ". " Better to separate than to agree to a family life with a household and the petty family worries; now I am free to work for the Revolution, but then—then I would be fettered. No, separation would be preferable." And the husbands have to make the best of it.

Not all of them put up with it, of course. There have been cases of husbands who, outraged by the fact that their wives were more occupied with the Women's Department than with their husbands, would throw the papers of the Women's Department into the fire. But it is not individual cases that count.

Phenomena must be seen in their evolution. We must decide whether this development tends to stabilize or to dissolve the family in the Workers' Republic. And once we follow up the line of development of our economy, it becomes clear that the workers' collective will gradually swallow up and assimilate the former bourgeois family.

(*c*) From *Communism and the Family.*[3]

Household Work Ceasing to be a Necessity.

There was a time when the entire life of women of the poorer class, in the city as well as in the country, was passed

[3] English edition, London (Workers' Socialist Federation), 1920. We have made minor corrections in the translation where these seemed necessary for clarity's sake. [R. S.]

in the bosom of the family. Beyond the threshold of her own house, the woman knew nothing and doubtless hardly wished to know anything. To compensate for this, she had within her own house a most varied group of occupations, of a most necessary and useful kind, not only to the family itself but also to the entire society. The woman did everything that is now done by any working woman or peasant woman. She cooked, she washed, she cleaned the house, she went over and mended the family clothing ; but she not only did that. She had also to discharge a great number of duties which are no longer fulfilled by the woman of to-day ; she spun wool and linen ; she wove cloth and garments, she knitted stockings, she made lace, and she took up, as far as her resources permitted, the pickling and smoking of preserved foods ; she made beverages for the household ; she moulded her own candles. How manifold were the duties of the woman of earlier times ! That is how the life of our mothers and our grandmothers passed. Even in our own days, in some remote village far out in the country, far from the railroads and the big rivers, you may still run across little spots where this mode of life of the good old times has been preserved unchanged, in which the mistress of the house is overburdened with labours of which the working women of the big cities and of the populous industrial regions have for a long time had no idea.

The Industrial Work of Woman in the Home.

In the days of our grandmothers this domestic work was an absolutely necessary and useful thing, on which depended the well-being of the family ; the more the mistress of the house applied herself to these duties, the better was life in the house, and the more order and affluence it presented. Even the State was able to draw some profit from this activity of woman as a housekeeper. For, as a matter of fact, the woman of other days did not limit herself to preparing potato soup, but her hands also created many valuable products, such as cloth, thread, butter, etc., all of which were things which could serve as commodities on the market and which therefore could be considered as merchandise, as things of value.

It is true that in the time of our grandmothers and great-grandmothers their labour was not estimated in terms of money. But every man, whether he was a peasant or a worker, sought for a wife a woman with " hands of gold ", as is still the proverbial

saying among the people. For the resources of the husband alone, without the wife's domestic work, would have been insufficient to keep their future household going. But on this point, the interests of the State, the interests of the nation, coincided with those of the husband : the more active the woman turned out to be in the bosom of her family, the more she created products of all kinds : cloth, leather, wool, the surplus of which was sold in the neighbouring market ; and thus the economic prosperity of the country as a whole was increased.

The Married Woman and the Factory.

But capitalism has changed all this ancient mode of living. All that was formerly produced in the bosom of the family is now being manufactured in quantity in workshops and factories. The machine has supplanted the active fingers of the wife. What housekeeper would now occupy herself in moulding candles, spinning wool, weaving cloth ? All these products can be bought in the shop next door. Formerly, every young girl would learn to knit stockings. Do you ever see a young working woman now knitting her own stockings ? In the first place, she would not have the time. Time is money, and no one wants to waste money in an unproductive manner, that is, without getting some profit from it. Now every housekeeper who is also a working woman is more interested in buying her stockings ready-made than losing her time by making them herself. Few and far between are the working women who would take up their time in pickling cucumbers or in making preserves when they remember that the grocery store next door has pickles and preserves ready to sell. Even if the product sold in the store is of an inferior quality, and even though the factory preserves are not as good as those made at home by the hands of an economical housekeeper, the working woman nevertheless has neither the time nor the strength which must be applied in any extensive operations of this kind for her own household. However this may be, the fact is that the contemporary family is becoming more and more liberated from all domestic labours, without which concern our grandmothers could hardly have imagined a family. What was formerly produced in the bosom of the family is now produced by the common labour of working men and working women in factories and shops.

Individual Housekeeping Doomed.

The family consumes but no longer produces. The essential labours of the housekeeper are now four in number : matters of cleanliness (cleaning the floors, dusting, heating, care of lamps, etc.), cooking (preparation of dinners and suppers), washing, and the care of the linen and clothing of the family (darning and mending).

These are painful and exhausting labours ; they absorb all the time and all the energies of the working woman, who must in addition put in her hours of labour in a factory. But it is nevertheless certain that the task of our grandmothers included a much greater number of operations. And in addition, they possessed a quality which is completely lacking in the household labours of the working woman of our day : the latter's labours do not create any new values ; they do not contribute to the prosperity of the country.

The working woman would in vain spend all the day from morning to evening cleaning her home, washing and ironing the linen, using herself up in ceaseless efforts to keep her worn-out clothing in order, she might kill herself preparing with her modest resources such food as might please her, and there would nevertheless at nightfall remain not one material result of all her day's work, and she would have created with her indefatigable hands nothing that could be considered as a commodity on the commercial market. Even if a working woman should live a thousand years, there would never be any change for her. There would always be a new layer of dust to be removed from the mantelpiece, her husband would always come in hungry at night, her little tots would always bring in mud on their shoes. . . . The work of the housekeeping woman is becoming more useless day by day, more unproductive.

The Dawn of Collective Housekeeping.

The individual household has passed its zenith. It is being replaced more and more by collective housekeeping. The working woman will sooner or later need to take care of her own dwelling no longer ; in the communist society of to-morrow this work will be carried on by a special category of working women who will do nothing else. The wives of the rich have long been freed from these annoying and tiring duties. Why should the working woman continue to carry out these painful tasks ? In

Soviet Russia, the life of the working woman should be surrounded with the same ease, with the same brightness, with the same hygiene, with the same beauty, which has thus far surrounded only the women of the richer classes. In a communist society the working women will no longer have to spend their few, alas too few, hours of leisure in cooking, since *there will be in a communist society public restaurants and central kitchens* to which everybody may come to take his meals.

These establishments have already been on the increase in all countries, even under the capitalist régime. In fact, for half a century the number of restaurants and cafés in all the great cities of Europe has increased day by day ; they have sprung up like mushrooms after autumn rain. But while under the capitalist system only people with well-lined purses could afford to take their meals in a restaurant, in the communist city anyone who likes may come to eat in the central kitchens and restaurants. The case will be the same with washing and other work : the working woman will no longer be obliged to sink in an ocean of filth or to ruin her eyes in darning her stockings or mending her linen ; she will simply carry these things to the *central laundries* each week, and take them out again each week already washed and ironed. The working woman will have one care less to face. Also, special clothes-mending shops will give the working women the opportunity to devote their evenings to instructive reading, to healthy recreation, instead of spending them as at present in exhausting labour. Therefore, the four last duties still remaining to burden our women, as we have seen above, will soon also disappear under the triumphant communist régime. And the working women will surely have no cause to regret this. Communist society will only have broken the domestic yoke of woman in order to render her life richer, happier, freer and more complete.

The Child's Upbringing under Capitalism.

But what will remain of the family after all these labours of individual housekeeping have disappeared ? We still have *the children* to deal with. But here also the State of the working comrades will come to the rescue of the family by creating a substitute for the family. Society will gradually take charge of all that formerly devolved on parents. Under the capitalist régime, *the instruction of the child has ceased to be the duty of the parents.* The children were taught in schools. Once the child

had attained school age, the parents breathed more freely. Beginning with this moment, the intellectual development of their child ceased to be their affair. But all the obligations of the family towards the child were not therefore finished. There was still the duty of feeding the children, buying them shoes, clothing them, making skilled and honest workers of them, who might be able when the time came to live by themselves and to feed and support their parents in their old age. However, it was very unusual for a worker's family to be able to fulfil entirely all these obligations towards their children ; their low wages did not permit them even to give the children enough to eat, while lack of leisure prevented the parents from devoting to the education of the rising generation the full attention which it demanded. The family was supposed to bring up the children. But did it really? As a matter of fact, it is the street which brings up the children of the proletariat. The children of the proletarians are ignorant of the amenities of family life, pleasures which we still shared with our own fathers and mothers.

Furthermore, the low wages of the parents, insecurity, even hunger, frequently bring it about that when hardly ten years of age, the son of the proletarian already becomes in his turn an independent worker. Now, as soon as the child (boy or girl) begins to earn money, he considers himself the master of his own person to such an extent that the words and counsels of his parents cease to have any effect upon him, the authority of the parents weakens and obedience is at an end. As the domestic labours of the family die out one by one, all obligations of support and training will be fulfilled by society in place of the parents. Under the capitalist régime, children were frequently, too frequently, a heavy and unbearable burden on the proletarian family.

The Child and the Communist State.

Here also the communist society will come to the aid of the parents. In Soviet Russia, owing to the care of the Commissariats of Public Education and of Social Welfare, great advances are being made, and already many things have been done in order to facilitate for the family the task of bringing up and supporting the children. There are homes for the very small babies ; day nurseries, kindergartens, children's colonies and homes, infirmaries, and health resorts for sick children, restaurants, free lunches at school, free distribution of textbooks, of

warm clothing, of shoes to the pupils of the educational establishments—does not all this sufficiently show that the child is passing out of the confines of the family and being removed from the shoulders of the parents on to those of the community?

The care of children by the parents consisted of three distinct parts: (1) the care necessarily devoted to very young babies; (2) the bringing up of the child; (3) the instruction of the child. As for the instruction of children in primary schools, and later in gymnasiums and universities, it has become the duty of the State, even in capitalist society. The other occupations of the working class, its conditions of life, imperatively dictated even to capitalist society the creation, for the benefit of the young, of playgrounds, infants' schools, homes, etc., etc. The more the workers became conscious of their rights, the better were they organized in any specific State, the more society would show itself to be concerned with relieving the family of the care of the children. But bourgeois society was afraid of going too far in this matter of meeting the interests of the working class, lest it contribute in this way to the disintegration of the family. The capitalists themselves are not unaware of the fact that the family of old, with the wife a slave and the man responsible for the support and well-being of the family, that the family of this type is the best weapon to stifle the proletarian effort towards liberty, to weaken the revolutionary spirit of the working man and working woman. Worry for his family takes the backbone out of the worker, obliges him to compromise with capital. The father and the mother, what will they not do when their children are hungry? Contrary to the practice of capitalist society, which has not been able to transform the education of youth into a truly social function, a State task, communist society will consider the social education of the rising generation as the very basis of its laws and customs, as the corner-stone of the new edifice. Not the family of the past, petty and narrow, with its quarrels between the parents, with its exclusive interest in its own offspring, will mould for us the man of the society of tomorrow. Our new man, in our new society, is to be moulded by socialist organizations, such as playgrounds, gardens, homes, and many other such institutions, in which the child will pass the greater part of the day and where intelligent educators will make of him a communist who is conscious of the greatness of this sacred motto: solidarity, comradeship, mutual aid, devotion to the collective life.

The Mother's Livelihood Assured.

But now, with the bringing up gone and with the instruction gone, what will remain of the obligations of the family towards its children, particularly after it has been relieved also of the greater portion of the material cares involved in having a child, except for the care of a very small baby while it still needs its mother's attention, while it is still learning to walk, clinging to its mother's skirts? Here again the communist State hastens to the aid of the working mother. No longer shall the child-mother be bowed down with a baby in her arms! The Workers' State charges itself with the duty of assuring a livelihood to every mother, whether she be legitimately married or not, as long as she is suckling her child, of creating everywhere maternity homes, of establishing in all the cities and all the villages day nurseries and other similar institutions, in order thus to permit the woman to serve the State in a useful manner and to be a mother at the same time.

Marriage No Longer a Chain.

Let the working mothers be reassured. The communist society is not intending to take the children away from the parents, nor to tear the baby from its mother's breast; nor has it any intention of resorting to violence in order to destroy the family as such. No such thing! Such are not the aims of the communist society. What do we observe to-day? The worn-out family is breaking up. It is gradually freeing itself from all the domestic labours which formerly were as so many pillars supporting the family as a social unit. Housekeeping? It also appears to have outlived its usefulness. The children? The parent-proletarians are already unable to take care of them; they can assure them neither subsistence nor education. This is the situation from which both parents and children suffer in equal measure. The communist society therefore approaches the working woman and the working man and says to them: "You are young, you love each other. Everyone has the right to happiness. Therefore live your life. Do not flee happiness. Do not fear marriage, even though marriage was truly a chain for the working man and woman of capitalist society. Above all, do not fear, young and healthy as you are, to give to your country new workers, new citizen-children. The society of the workers is in need of new working forces; it hails the arrival

of every new-born child in the world. Nor should you be concerned because of the future of your child : your child will know neither hunger nor cold. It will not be unhappy nor abandoned to its fate as would have been the case in capitalist society. A subsistence ration and solicitous care are secured to the child and to the mother by the communist society, by the Workers' State, as soon as the child arrives in the world. The child will be fed, it will be brought up, it will be educated by the care of the communist Fatherland ; but this Fatherland will by no means undertake to tear the child away from such parents as may desire to participate in the education of their little ones. The communist society will take upon itself all the duties involved in the education of the child, but the paternal joys, the maternal satisfaction—these will not be taken away from those who show themselves capable of appreciating and understanding these joys." Can this be called a destruction of the family by means of violence ?—or a forcible separation of child and mother ?

The Family a Union of Affection and Comradeship.

There is no escaping the fact : the old type of family has seen its day. It is not the fault of the communist State, it is the result of the changed conditions of life. *The family is ceasing to be a necessity of the State, as it was in the past* ; on the contrary, it is worse than useless, since it needlessly holds back the female workers from more productive and far more serious work. Nor is it any longer necessary to the members of the family themselves, since the task of bringing up the children, which was formerly that of the family, is passing more and more into the hands of the collectivity. But on the ruins of the former family we shall soon see a new form rising which will involve altogether different relations between men and women, and which will be *a union of affection and comradeship, a union of two equal members of the communist society, both of them free, both of them independent, both of them workers.* No more domestic " servitude " for women. No more inequality within the family. No more fear on the part of the woman lest she remain without support or aid with little ones in her arms if her husband should desert her. The woman in the communist city no longer depends on her husband but on her work. It is not her husband but her robust arms which will support her. There will be no more anxiety as to the fate of her children. The State of the Workers will assume

responsibility for these. Marriage will be purified of all its material elements, of all money calculations, which constitute a hideous blemish on family life in our days. Marriage is henceforth to be transformed into a sublime union of two souls in love with each other, each having faith in the other; this union promises to each working man and to each working woman, simultaneously, the most complete happiness, the maximum of satisfaction which can be the lot of creatures who are conscious of themselves and of the life which surrounds them. *This free union*, which is strong in the comradeship with which it is inspired, *instead of the conjugal slavery of the past—that is what the communist society of to-morrow offers to both men and women.* Once the conditions of labour have been transformed, and the material security of working women has been increased, and after marriage such as was performed by the Church—that so-called indissoluble marriage which was at bottom merely a fraud—after this marriage has given place to the free and honest union of men and women who are lovers and comrades, another shameful scourge will also be seen to disappear, another frightful evil which is a stain on humanity and which falls with all its weight on the hungry working woman: prostitution.

This evil we owe to the economic system now in force, to the institution of private property. Once the latter has been abolished, the trade in women will automatically disappear.

Therefore let the women of the working class cease to worry over the fact that the family as at present constituted is doomed to disappear. They will do much better to hail with joy the dawn of a new society which will liberate woman from domestic servitude, which will lighten the burden of motherhood for woman, and in which, finally, we shall see the disappearance of the most terrible of the curses weighing upon women, prostitution.

The woman who is called upon to struggle in the great cause of the liberation of the workers—such a woman should know that in the new State there will be no more room for such petty divisions as were formerly understood: "These are my own children; to them I owe all my maternal solicitude, all my affection; those are your children, my neighbour's children; I am not concerned with them. I have enough to do with my own." Henceforth the worker-mother, who is conscious of her social function, will rise to a point where she no longer differentiates between *yours* and *mine*; she must remember that there

are henceforth only *our* children, those of the communist State, the common possession of all the workers.

Social Equality of Men and Women.

The Workers' State has need of a new form of relation between the sexes. The narrow and exclusive affection of the mother for her own children must expand until it embraces all the children of the great proletarian family. In place of the indissoluble marriage based on the servitude of woman, we shall see rise the free union, fortified by the love and the mutual respect of the two members of the Workers' State, equal in their rights and in their obligations. In place of the individual and egotistic family, there will arise a great universal family of workers, in which all the workers, men and women, will be, above all, workers, comrades. Such will be the relation between men and women in the communist society of to-morrow. This new relation will assure to humanity all the joys of so-called free love ennobled by a true social equality of the mates, joys which were unknown to the commercial society of the capitalist régime.

Make way for healthy blossoming children : make way for a vigorous youth that clings to life and to its joys, which is free in its sentiments and in its affections. Such is the watchword of the communist society. In the name of equality, of liberty, and of love, we call upon the working women and the working men, peasant women and peasants, courageously and with faith to take up the work of the reconstruction of human society with the object of rendering it more perfect, more just, and more capable of assuring to the individual the happiness which he deserves. The red flag of the social revolution which will shelter, after Russia, other countries of the world also, already proclaims to us the approach of the heaven on earth to which humanity has been aspiring for centuries.

(*d*) From *The New Morality and the Working Classes* (1918).

The attempt of the bourgeois intelligentsia to substitute for the inviolate union of traditional marriage the looser, more easily severed ties of civil marriage undermines the indispensable basis of the social security of the bourgeoisie, the monogamous propertied family.

On the other hand, with the working classes less stability and greater fluidity in the relations of the sexes completely

coincides with and even directly results from the fundamental tasks of those classes. Rejection of the element of " submission " in marriage goes to destroy the last artificial links of the bourgeois family. This element of submission of one member of the class to another as well as the element of " property " are by nature alien to the psychology of the proletariat. It is not in the interests of the revolutionary class to appoint one single member of it as the representative of the individual and separate family-cell. The frequent conflict between family and class interest during strikes and political struggles and the moral standards the proletariat applies on such occasions demonstrate clearly enough the fundamentals of the new proletarian ideology. . . .

Imagine a respectable financier who in a moment of business crisis withdraws his capital for his family's sake :—the light in which bourgeois morality will see this action is obvious ; " the interests of the family " come first. Now compare with this the attitude of workers towards a strike-breaker who during a strike goes to work, in despite of his comrades, in order to save his starving family ;—the interests of class come before all else. Again, imagine a bourgeois husband who by his love and devotion has managed to distract his wife from all interests outside the home and has finally chained her to kitchen and nursery. " An ideal husband who has created an ideal family "—such will be the bourgeois verdict. And what would be the workers' attitude towards their " class-conscious " fellow who diverts the attention of his wife or beloved from the social struggle ? At the cost of individual happiness, at the expense of the family, working-class morality demands women's participation in life outside the walls of the home. Woman's enslavement in the home, with first regard for the interests of the family and one person's proprietary right over the other—all these phenomena dismantle the basic principle of working-class ideology, " the solidarity of comradeship " ; they disrupt the chain of class solidarity. The notion of ownership in personal relations, the idea of " submission " and inequality among members of the same class contradict the very essence of the basic principle of the proletariat—" comradeship ".

This principle which is at the root of the ideology of the rising class determines and colours the whole new code of sexual morality of the proletariat which is being evolved and which will aid in re-educating human psychology to a spirit of " community feelings ", of freedom instead of possession, of comradeship instead of inequality and submission.

It is an old truth that every new and rising class, born of a new material culture different from the previous stage of economic development, enriches humanity by a new ideology inherent in that class. The code of sex morality is an integral part of such ideology. Yet as soon as one ventures to speak of the " ethics of the proletariat " and of the " sex morality of the proletariat ", one meets with the shallow argument that " proletarian sex morality is a mere superstructure ", that " there is no place for it until the entire economic basis has been transformed ". As though the ideology of a class were built up only after the completion of the sudden turn in social and economic relations which assures this class of its supremacy ! The whole experience of history teaches us that the ideology, and therefore also the sex morality, of a social group is created during this group's arduous struggle against the hostile social powers.

Only the new spiritual treasures which take shape deep within the rising class and are correlated with its problems can aid this struggling group to fortify its social position ; by means of the new standards and ideals alone can it successfully grasp power from the antagonistic social groups.

To establish this basic criterion of morality which stems from the specific interests of the working class, and to regularize sexual standards in accordance with it—such is the problem confronting the ideologists of the working class.

The time has come to understand that only after the creative process that goes on deep in the bowels of society and shapes new demands, new ideals and standards, has been uncovered, only after the fundamentals of the sex morality of the rising, leading class have been established, can one find one's way among the contradictory chaos of sex relations and discover the vital thread which will enable one to unwind the confused tangle of sexual problems.

The time has come to remember that the code of sex morality which corresponds to its basic problems, can be a mighty weapon in fortifying the battle positions of the rising class . . . The experience of history must find at least some application—and what is to prevent us utilizing its teaching in the interests of the workers' class which is fighting for the communist system and for new, more perfect, fuller and happier relations between the sexes ?

(*e*) From *Love of Three Generations.*[4]

Zhenia had asked her mother's advice on how to arrange for the abortion (the law had just come into force) and went to the appropriate institutions to obtain letters of recommendation. She did not want the child :

—" I haven't the time . . ."

Olga Sergeyevna [5] did not tell her husband [6] of Zhenia's enquiries, considering the matter " Zhenia's private affair ". " If she thinks it necessary, she will tell him herself." But something weighed on Olga Sergeyevna's mind, some subconscious anxiety ; she was beginning to have doubts. Little trifles of family life started coming into her mind which earlier had appeared in a different light.

Olga Sergeyevna hated herself for these thoughts and tried to shake them off. But they were alive in her and disturbed her work. They persisted so strongly that under the pretext of ill health Olga Sergeyevna left the evening meeting half-way through and went home—where she found her husband and daughter in a mutual embrace.

. . . I was staggered [7]—not by the fact itself, you understand, but by everything that happened afterwards. Andrey

[4] During the N.E.P. period, A. M. Kollontay attempted an answer to the problem, raised in the preceding section, of the probable development of the new sex morality, in the shape of some novels, collected under the title *Love of the Toiling Bees* (there are also some English translations). The most famous of these novels, certainly intended as an explanation of the writer's own views, is *Love of Three Generations*, from which we quote a characteristic passage. The three generations are represented by Olga Sergeyevna's mother, a woman with old-fashioned views on the family and on the need to subordinate one's individual feelings to the demands of the institution of the family, and the established order ; Olga Sergeyevna herself, a Party member in a responsible position, a typical representative of the characteristic views of the Russian revolutionaries, with their contempt for cant and tradition, but with very strong views on the individual's duty to be consistent and serious in her " private " as well as in all other affairs ; and her daughter Zhenia, a member of the Young Communist League who did active service during the Civil War, and who is evidently supposed by the author to represent the views of the generation growing up under the proletarian dictatorship. The fact that her views are explained in polemic against those of her mother, which undoubtedly were those of Lenin (see above, doc. 1, and below, doc. 5) and of the old party generation which led the struggle for a socialist Russia, gives the novel the character of an intentional attack on what from Zhenia's point of view were bourgeois standards lingering on amongst the old revolutionaries. Critics would not fail to explain that attack by the conditions of the time when it was written (see above, Introduction, p. 15). No wonder that subsequent criticisms (see below, p. 305) concentrating on Kollontay's views would tend to fix on that novel, though there can be no doubt that at no time was it representative of the prevailing Soviet attitude to sex morality. [R. S.]

[5] Zhenia's mother.

[6] Olga Sergeyevna's second husband, Zhenia's stepfather, later referred to as Andrey.

[7] The story here takes the form of a narrative by Olga Sergeyevna.

simply took his hat and went out without saying a word. While Zhenia, to my involuntary question: "Why did you tell me, then, that you did not know who it was who made you pregnant?", answered calmly: "I would tell you the same even now. Who caused it—Andrey or the other one—I don't know."

"How do you mean—the other one?"

"Well, yes, during recent months I have had relations with another comrade whom you do not know."

You understand how staggered I was by all this. Zhenia told me that already when she was travelling to the front, taking the parcels, she led a sexual life. But the most frightful and incomprehensible thing was that she declared quite openly that she does not and did not love anybody.

"Why did you come together then? Do you mean to say that the physical demands were so strong in you? After all, you are so young. It's not natural . . ."

"Let me see . . . mother . . . I don't think I had physical demands in the way you mean, not until I met that other one with whom I have had a liaison for the past few months . . . now that's over, too . . . But I liked them and I felt they liked me . . . It's all so simple. And then it does not tie you down to anything. I can't understand why you should be so worried, mother. If I were to sell myself, or if they had raped me, I would understand. But I did it voluntarily and willingly. As long as we like each other we remain together; afterwards—we part. No one is the loser. . . . Unless we are to consider that because of the abortion I'll have to stop work for a couple of weeks. That's a nuisance, of course. But it's my own fault. Next time I'll take care."

And when Olga Sergeyevna asked her how she could combine two of them, and why she did it if she loved neither, Zhenia replied that this had come about by "accident", that the other one—not Andrey—appealed to her more, but that he treated her as though she were "a child", that he did not take her seriously and that that annoyed her. It was because she felt "offended" that she had grown intimate with Andrey who was quite "one of the family", whom she loved very much as a "comrade" and with whom she always felt happy and at her ease.

"And do they know about each other?"

"Yes, I don't consider it necessary to hide anything. If they don't like it they need not kiss me. I am going to live

the way I like. Andrey doesn't mind—and the other one, though he grew angry and gave me " ultimatums ", in the end of course gave in. Now I have left him myself. I got fed up. He's rude—and I cannot stand their rudeness."

Olga Sergeyevna attempted to demonstrate the utter " impossibility " of so superficial an attitude towards marriage, life and people. But Zhenia argued back.

" You, mother, say that it is base, that where there is no love people should not associate, that my ' cynicism ' drives you to despair. But tell me frankly, mother—if I were a boy, your 20-year-old son who has been at the front and is used to leading an independent life, would you also be horrified if he lived with the women he likes?—not with bought prostitutes, of course, and not with little girls he has seduced (that would indeed be base) but with women he likes and who like him? Would you be horrified? No? Well then, why should you stand aghast at my ' immorality '? I am fully aware of my obligations; I know my responsibilities towards the Party. But what has the Party, or revolution, war with the White Guards or the depression, everything you've mentioned—to do with my kissing Andrey or someone else? One should not have children during the depression; it would not be right. That I understand, and for the time being I won't become a mother whatever happens. As to the rest . . ."

" And have you thought of me, Zhenia? " Olga Sergeyevna asked; " how I should react to your relations with Andrey? "

" Does it change anything? You yourself wanted us to grow ' fond ' of each other. You were happy that we were ' friends '. Why should we be allowed to share the same experiences, to enjoy things together, but not to kiss each other? We have not deprived you of anything. Andrey adores you as he has always done. I have not robbed you of a single ray of his feelings for you. As to our kissing . . . well, you have no time for kissing anyway. And then, mother, you can't want to tie Andrey exclusively to yourself and not let him have any pleasures apart. That would be a nasty proprietary attitude. It's this grandmother's bourgeois upbringing coming up. And—it's unfair. In your days you lived as you liked. Why shouldn't Andrey? "

DOCUMENT No. 5

EXCERPTS FROM KLARA ZETKIN: *REMINISCENCES OF LENIN* [1]

" With us, too, a large part of the youth are keen on ' revising bourgeois conceptions and morality ' concerning sexual questions. And, I must add, a large part of our best, our most promising young people. What you [2] said before is true. In the conditions created by the war and the revolution the old ideological values disappeared or lost their binding force. The new values are crystallizing slowly, in struggle. In the relations between man and man, between man and woman, feelings and thoughts are becoming revolutionized. New boundaries are being set up between the rights of the individual and the rights of the whole, in the duties of individuals. The matter is still in a completely chaotic ferment. The direction, the forces of development in the various contradictory tendencies are not yet clearly defined. It is a slow and often a very, very painful process of decay and growth. And particularly in the sphere of sexual relationships, of marriage and the family. The decay, the corruption, the filth of bourgeois marriage, with its difficult divorce, its freedom for the man, its enslavement for the woman, the repulsive hypocrisy of sexual morality and relations fill the most active-minded and best people with deep disgust.

" The constraint of bourgeois marriage and the family laws of bourgeois states accentuate these evils and conflicts. It is the force of ' holy property '. It sanctifies venality, degradation, filth. And the conventional hypocrisy of honest bourgeois society does the rest. People are beginning to protest against the prevailing rottenness and falseness, and the feelings of an individual change rapidly. The desire and urge to enjoyment easily attain unbridled force at a time when powerful empires are tottering, old forms of rule breaking down, when a whole social world is beginning to disappear. Sex and marriage forms, in their bourgeois sense, are unsatisfactory. A revolution in sex and marriage is approaching, corresponding to the proletarian

[1] Modern Books Ltd., London, 1929, pp. 56–60 and 68–70. The passages quoted are reproductions of Lenin's utterances when discussing with Klara Zetkin his attitude to the problem of the Family. The book was published after Lenin's death ; but his remarks were certainly intended as a rejoinder to the point of view which we found explained in the preceding document. [R. S.]

[2] Klara Zetkin.

revolution. It is easily comprehensible that the very involved complex of problems brought into existence should occupy the mind of the youth, as well as of women. They suffer particularly under present-day sexual grievances. They are rebelling, with all the impetuosity of their years. We can understand that. Nothing could be more false than to preach monkish asceticism and the sanctity of dirty bourgeois morality to the youth. It is particularly serious if sex becomes the main mental concern during those years when it is physically most obvious. What fatal effects that has ! Speak to Comrade Lilina about it. She has had much experience in her work in educational institutions of various kinds, and you know that she is a thorough Communist and entirely unprejudiced.

" The changed attitude of the young people to questions of sexual life is of course based on a ' principle ' and a theory. Many of them call their attitude ' revolutionary ' and ' communistic '. And they honestly believe that it is so. That does not impress us old people. Although I am nothing but a gloomy ascetic, the so-called ' new sexual life ' of the youth—and sometimes of the old—often seems to me purely bourgeois, an extension of bourgeois brothels. That has nothing whatever in common with freedom of love as we Communists understand it. You must be aware of the famous theory that in communist society the satisfaction of sexual desires, of love, will be as simple and unimportant as drinking a glass of water. This glass of water theory has made our young people mad, quite mad. It has proved fatal to many young boys and girls. Its adherents maintain that it is Marxist. But a fig for such Marxism which directly and immediately attributes all phenomena and changes in the ideological superstructure of society to its economic basis. Matters aren't quite so simple as that. A certain Frederick Engels pointed that out a long time ago with regard to historical materialism.

" I think this glass of water theory is completely un-Marxist, and moreover, anti-social. In sexual life there is not only simple nature to be considered, but also cultural characteristics, whether they are of a high or low order. In his *Origin of the Family* Engels shows how significant is the development and refinement of the general sex urge into individual sex love. The relations of the sexes to each other are not simply an expression of the play of forces between the economics of society and a physical need, isolated in thought by study from the physiological aspect.

It is rationalism, and not Marxism, to want to trace changes in these relations directly, and dissociated from their connections with ideology as a whole, to the economic foundations of society. Of course, thirst must be satisfied. But will the normal man in normal circumstances lie down in the gutter and drink out of a puddle, or out of a glass with a rim greasy from many lips? But the social aspect is most important of all. Drinking water is of course an individual affair. But in love two lives are concerned, and a third, a new life, arises. It is that which gives it its social interest, which gives rise to a duty towards the community.

"As a Communist I have not the least sympathy for the glass of water theory, although it bears the fine title 'satisfaction of love'. In any case, this liberation of love is neither new nor communistic. You will remember that about the middle of the last century it was preached as the 'emancipation of the heart' in romantic literature. In bourgeois practice it became the emancipation of the flesh. At that time the preaching was more talented than it is to-day, and as for the practice, I cannot judge. I don't mean to preach asceticism by my criticism. Not in the least. Communism will not bring asceticism, but joy of life, power of life, and a satisfied love life will help to do that. But in my opinion the present widespread hypertrophy in sexual matters does not give joy and force to life, but takes it away. In the age of revolution that is bad, very bad.

"Young people, particularly, need the joy and force of life. Healthy sport, swimming, racing, walking, bodily exercises of every kind, and many-sided intellectual interests. Learning, studying, enquiry, as far as possible in common. That will give young people more than eternal theories and discussions about sexual problems and the so-called 'living to the full'. Healthy bodies, healthy minds! Neither monk nor Don Juan, nor the intermediate attitude of the German Philistines. You know young Comrade ——? A splendid boy, and highly talented. And yet I feel that nothing good will come out of him. He reels and staggers from one love affair to the next. That won't do for the political struggle, for the revolution. And I wouldn't bet on the reliability, the endurance in struggle of those women who confuse their personal romances with politics. Nor on the men who run after every petticoat and get entrapped by every young woman. No, no! that does not square with the revolution."

Lenin sprang up, banged his hand on the table, and paced the room for a while.

"The revolution demands concentration, increase of forces. From the masses, from individuals. It cannot tolerate orgiastic conditions, such as are normal for the decadent heroes and heroines of D'Annunzio. Dissoluteness in sexual life is bourgeois, is a phenomenon of decay. The proletariat is a rising class. It doesn't need intoxication as a narcotic or a stimulus. Intoxication as little by sexual exaggeration as by alcohol. It must not and shall not forget, forget the shame, the filth, the savagery of capitalism. It receives the strongest urge to fight from a class situation, from the Communist ideal. It needs clarity, clarity, and again clarity. And so, I repeat, no weakening, no waste, no destruction of forces. Self-control, self-discipline is not slavery, not even in love. . . .

". . . Unfortunately it is still true to say of many of our comrades, 'scratch a Communist and find a Philistine'. Of course, you must scratch the sensitive spot, their mentality as regards woman. Could there be a more damning proof of this than the calm acquiescence of men who see how women grow worn out in the petty, monotonous household work, their strength and time dissipated and wasted, their minds growing narrow and stale, their hearts beating slowly, their will weakened? Of course, I am not speaking of the ladies of the bourgeoisie who shove on to servants the responsibility for all household work, including the care of children. What I am saying applies to the overwhelming majority of women, to the wives of workers and to those who stand all day in a factory.

"So few men—even among the proletariat—realize how much effort and trouble they could save women, even quite do away with, if they were to lend a hand in 'woman's work'. But no, that is contrary to the 'right and dignity of a man'. They want their peace and comfort. The home life of the woman is a daily sacrifice to a thousand unimportant trivialities. The old master-right of the man still lives in secret. His slave takes her revenge, also secretly. The backwardness of women, their lack of understanding for the revolutionary ideals of the man, decrease his joy and determination in fighting. They are like little worms which, unseen, slowly but surely rot and corrode. I know the life of the worker, and not only from books. Our Communist work among the women, our political work, embraces a great deal of educational work among men.

We must root out the old ' master ' idea to its last and smallest trace. In the Party and among the masses. That is one of our political tasks, just as is the urgently necessary task of forming a staff of men and women comrades, well trained in theory and practice, to carry on Party activity among working women."

To my question about the conditions in Soviet Russia on this point, Lenin replied : " The Government of the proletarian dictatorship, together with the Communist Party and Trade Unions, is of course leaving no stone unturned in the effort to overcome the backward ideas of men and women, to destroy the old un-communist psychology. In law there is naturally complete equality of rights for men and women. And everywhere there is evidence of a sincere wish to put this equality into practice. We are bringing the women into the social economy, into legislation and government. All educational institutions are open to them, so that they can increase their professional and social capacities. We are establishing communal kitchens and public eating-houses, laundries and repairing shops, infant asylums, kindergartens, children's homes, educational institutes of all kinds. In short, we are seriously carrying out the demand in our programme for the transference of the economic and educational functions of the separate household to society. That will mean freedom for the woman from the old household drudgery and dependence on man. That enables her to exercise to the full her talents and her inclinations. The children are brought up under more favourable conditions than at home. We have the most advanced protective laws for women workers in the world, and the officials of the organized workers carry them out. We are establishing maternity hospitals, homes for mothers and children, mothercraft clinics, organizing lecture courses on child care, exhibitions teaching mothers how to look after themselves and their children, and similar things. We are making the most serious efforts to maintain women who are unemployed and unprovided for.

" We realize clearly that that is not very much, in comparison with the needs of the working women, that it is far from being all that is required for their real freedom. But still it is tremendous progress, as against conditions in Tsarist-capitalist Russia. It is even a great deal compared with conditions in countries where capitalism still has a free hand. It is a good beginning in the right direction, and we shall develop it further. . . ."

PART II

THE 1926 FAMILY CODE AND THE PRACTICAL APPLICATION OF SOVIET FAMILY LAW

DOCUMENT No. 6

DISCUSSION OF THE DRAFT OF THE CODE [1]

(*a*) In the Second Session of the Central Executive Committee (V.C.I.K.) of the R.S.F.S.R., Twelfth Election Period [2]

FIFTH MEETING, OCTOBER 17, 1925

Address by People's Commissar of Justice Kursky

Soon after the 1918 Family Code had been approved, juridical questions were brought up before the session of the All-Union Central Executive Committee — questions of the family, of marriage and guardianship—which concern the broad masses of the workers, which concern literally all and sundry.

[1] A lively impression of the effects of early Soviet matrimonial legislation and of the predominant trends in public opinion in town and countryside may be gained from a study of the discussion of the new Family Code by the Soviet Parliament; and the opportunity to familiarize ourselves with the working of Soviet parliamentarism during the N.E.P. period as well as with studying interesting argument on fundamental issues of democracy (see below, pp. 119–21) contributes to the interest we are likely to take in this document, apart from the immediate subject of this book. However, space has set some limits to our study, and nearly all the speeches reported (not only where the fact is explicitly stated, in view of the necessity of our restricting ourselves to short excerpts) are reproduced only in part. Others have been entirely omitted. Such a selection of necessity to some degree reflects the editor's subjective opinion as to the respective importance of the various trends, but I hope to have succeeded in giving all of them their hearing. The reader will notice that some of the speakers in the 1925–6 discussion already put forward the essential argument in favour of important parts of the recent (1944) legislation.

In order to appreciate the importance of every argument in its historical setting the reader will remember that at this time (1925) we are in the midst of the N.E.P. The revolutionary conquest of power is still of recent date. People are afraid lest religious custom or prejudice may threaten the foundations of the new State, and feel it necessary to pay special homage to "loyal clergy" as distinct from potential counter-revolutionaries (see below, pp. 95, 144 and 149). In the village the *kulak* is strongly entrenched, and he takes whatever profit he can from the dissociation of the traditional household of the middle-peasant which had already begun in pre-revolutionary times. The reported discussion, so far as it originated from rural conditions, focuses around the fear lest progressive family legislation should hasten that process or that, alternatively, mistakes in that field should place young women at the mercy of exploiters who are not necessarily less disagreeable because they are relatives. Though in the Party caucus the contest with the left-wing opposition is at its height, we hear in the hall no argument on the basic issues on which the justification or otherwise of

The project which had been drafted by the People's Commissariat of Justice and submitted to the Sovnarkom [3] was distributed for local comment.

Comments were received from the following executive committees: the Ivanovo-Voznesensk Regional Executive Committee, the District Executive Committees of Karnopol, Gzhatsk, Ostrozh, Kingisepp and Shuisk, and from the Autonomous Republic of the Volga Germans. The project has thus been studied locally.

General comments were that the project is timely and corresponds to the economic and moral conditions prevalent at the time of its conception. The need for certain amendments was pointed out, but the basic aims which distinguish the new project from its predecessor were approved during this preliminary local examination.

those fears and the general prospects of the rural family depend. There is quite a lot of more or less learned argument on the basic attitude of Marxism towards the Family in the transition period (see below, pp. 133–5, 145 and 149); and from the attitude taken by some speakers towards fundamental issues of ideology and life we may acquire some background for understanding why Ryazanov was to be dismissed from the Party in 1931 for connection with Menshevism, why Preobrazhensky was a leading Trotskyist, and Krylenko was to be purged in 1937. But no one tells us that the impact of matrimonial legislation on the peasant *dvor* will prove to be a second-rate issue once agriculture has been collectivized, and that the professional qualification of the parties to a matrimonial dispute will matter much more for their future than who is to get the cow. True, there is also no one to tell us that, once the village has been collectivized, arguments about the family as the basic cell of society (see below, pp. 149 and 383) will sound less strange to socialist ears than in the days of our discussion.

In consequence of the Constitution of the country, all the participants in our argument stand on one side of the cleavage that divides it from the rest of the world, and also from all those forces within the country itself which are trying to turn the wheel of history backwards. But there is another and older cleavage running through mankind, and in consequence of the very Constitution of the country both sides to that dispute are better represented in the parliament than they have ever been before. Also without the advantage of the Russian language which, by causing the family names of the women to end with *-va* or *-na*, provides some surrogate for our lack of physical opportunity to see these people, in many cases we should gather from the arguments used on which side of the cleavage each speaker stands. But they proclaim consciously enough their conviction that mankind's progress in the family issues depends on the ability of either side to rise above that cleavage, to speak of civic interests rather than those of either sex. [R. S.]

[2] Under the 1918 Constitution of the R.S.F.S.R. (and likewise the 1924 Constitution of the U.S.S.R.), the "All-Russian" (or "All-Union") Central Executive Committee fulfilled the functions of the main legislative organ of the respective federations. It was elected by the Soviet Congresses, that is to say, immediately after a general election, and met at intervals of a few months until the next Soviet Congress was elected, when the mandate of the former Executive Committee came to an end. Commissions of the V.C.I.K. took part in guiding the work of the main branches of administration, and its Presidium actually exercised the supreme power of the State (including the issue of much important legislation) as the name of the whole body suggests. Actually its functions corresponded almost exactly to those of the present Supreme Soviet: creating a background for fundamental legislation by its discussion by people working on the spot. [R. S.]

[3] Council of People's Commissars.

In addition, the project was discussed by a commission of the Sovnarkom, as well as in the Sovnarkom itself, and its fundamental aims were again approved, though certain amendments to individual articles were adopted. We can therefore say that this time—as opposed to 1918 (when the conditions prevalent prevented us from subjecting all questions to extensive study) our project has been put through extensive preliminary discussion.

Before coming to its characteristic aspects I must dwell for a moment on the Family Code which it is going to replace. The 1918 Code was based on two decrees issued by the Soviet government during the first months of its existence : the December decrees on divorce and on the registration of births, deaths and marriages.

During the first months of its existence the Soviet government removed wherever it could the inequality and injustices which we inherited from Tsarist rule. The Family Code fundamentally altered all the previously existing relations, inherent in the Tsarist system and in all bourgeois countries, which derive from the axiom that the family is the primary unit—above all, a property-owning unit—on which bourgeois society is based.

This central proposition on which the bourgeois family rests grants all privileges, all rights in this property-owning unit to the man at the woman's expense. The State-formulated conception of legal marriage fortifies this bourgeois unit and gives no recognition to any relations existing outside such marriage. It either considers them legally negligible or, latterly, has here and there accorded such relations an appearance of protection, very feeble protection. Apart from this, Church marriage has a definite importance in all bourgeois countries, even those where the Church is separated from the State. In France, for instance, where Church and State are separate entities, a marriage must first be concluded in accordance with civil law and then formalized by a Church ceremony. The State thus provides the Church rite with a definite importance.

The Family Code of 1918, depriving Church marriage of any significance, granted civil recognition only to the civil—Soviet—marriage. For our country this was, of course, a fundamental revolution ; and it is now interesting to see to what extent the new Code which replaces the clergy's parish registers in registering births, deaths and marriages took roots in our life.

I will draw your attention to data in the possession of the People's Commissariat of Internal Affairs, relating to these

entries, in order to show you how widely the Code was accepted despite the peasant character of our land and despite the fact that it has distant corners to which the law penetrates only after a considerable lapse of time. According to these data during a period of only three months—October, November and December of last year—there were 1,383,633 such entries ; in other words, over 5,000,000 registrations of births, deaths and marriages are nowadays made annually.

Let us compare some specified periods with pre-war days. In 1922 there were 132 registered marriages for every 10,000 inhabitants ; in 1923 there were 127 ; in 1924, 109. And if we look at pre-war data, which are quoted in the collection of the C.S.U.,[4] we shall find that in 1911 and 1913 there were, for every 10,000 inhabitants, 81 marriages entered in parish registers, which can be compared with our registered marriages.

Thus, although our 1924 figures of registered marriages per 10,000 inhabitants show a certain decline as compared with the two preceding years, we can point to a vast preponderance of registered marriages, and we can say that our method of formalizing marriage is being used much more frequently than it was in the days when marriages were registered in the Churches alone.

The most interesting question for us would naturally be this : how many of the registered marriages are still accompanied by a Church ceremony ? In this respect we have no complete data, but the Moscow Registrar's office has made an interesting experiment. They chose a recent month and checked how many of the marriages registered during that month were formalized by a Church ceremony. They found that during the month in question 704 marriages were concluded in church and 1,812, i.e., 71 per cent., outside church. Thus for large centres such as Moscow we can assume that only one-third of the marriages are concluded through the Church and two-thirds are purely civil, non-church, Soviet marriages.

Here are the main points in which the Code we are bringing before the All-Russian Central Executive Committee for study and approval differs from the old one :

Firstly, the fact of registration has changed its rôle and its importance.

Secondly, registered and non-registered marriages become equal in their material consequences.

[4] Central Statistical Office.

Thirdly, there is increased protection for the children in cases where a marriage is annulled either by divorce or at the unilateral desire of one of the spouses.

Fourthly, we introduce a demand for certain guarantees before a marriage is registered, which will make for greater care in the concluding of marriages.

Lastly, in some cases the property relations between the married parties have been differently construed.

You can see how many points of difference there are between the new project and the old one. I will now deal with these points one by one :

First point :—the change in the rôle and importance of the fact of registration. The previous Code was enacted at a time when Church marriage still prevailed and there was still no other way of formalizing marriages. To counterbalance the Church ceremony, the Code provided for the setting up of Registrar's Offices and afforded the protection of the Law only to those marriages which had been registered under the order established by the Code. This was laid down in article 52, which declared : " Only those civil marriages which have been registered at the Offices of Registration of Births, Deaths and Marriages, shall involve the rights and obligations of married parties as set out in this section." Even at that time (I myself took part in the session of the All-Russian Central Executive Committee which accepted that Code), even at that time the criticism was voiced that by such limitations *de facto* marriages would be deprived of absolutely all rights, since registered marriages alone enjoyed the State's protection, and that in only one respect, namely in connection with children, were *de facto* marriages protected by the law.

In the Family Code children's rights were based on the facts of parenthood, and were safeguarded irrespective of whether the marriage was registered or not. But the wife in a *de facto* marriage enjoyed no rights. This aspect of the Family Code is fundamentally altered in the present project : registered marriages and *de facto* marriages are now to have equal rights before the Law. As a result the fact of registration had to be re-defined, as it must be if *de facto* and registered marriages are made equal —it becomes a technical factor the importance of which lies in its helping to settle disputes about rights arising from marriage.

When this point was under discussion in the Soviet of People's Commissars it was opposed by an amendment from the People's

Commissariat for Internal Affairs. Holding that where registration is reduced to a mere technical asset in protecting rights arising from marriage, all relations between men and women were likely to be construed as *de facto* marriages, the amendment asserted that this danger could be met only if, while making registration a technical point for use as legal evidence, we at the same time defined what marriage is.

Here is the definition of marriage given in the amendment: Marriage is a voluntary association without time limit which is accompanied by all the legal consequences implied in a free contract between a man and a woman.

One need only read this definition to see how great a threat to women's rights can be concealed in a definition of this kind; for any legal possibility of protecting these rights is destroyed as soon as one of the parties refuses to acknowledge the presence of a voluntary agreement. It is impossible to evolve another definition of marriage which would avoid this pitfall. No definition of marriage either helps to solve the problem or protects the rights of women. On the contrary, by introducing such a definition of marriage we actually invalidate everything we propose to say about the rights of married parties in the articles which follow. That is why both the commissions and the Soviet of People's Commissars rejected the amendment, and the subsequent sections of the project refer to registered and *de facto* marriage in these terms only. In cases of dispute the organs of the Law have precisely to decide whether the relations in question had the character of a marriage or not.

Under the old Code there was no possibility of antedating the registration of a marriage which had existed as a *de facto* relationship for some time before being registered. Marriage was considered as having been concluded from the moment of its registration at the Registrar's Office, according to article 62 of the old Code. This situation went against the popular conception of justice and against the interests of women. It is amended in the project for the new Code, which says: "Persons maintaining *de facto* marital relations not registered under the established order may formalize their relations at any time by registration, taking the period of *de facto* association into account." That is what I had to say in connection with the registration of marriage.

It is for these reasons that we make registration itself optional, a means for facilitating the protection of rights, a technical means

of establishing, in case of dispute, the necessary juridical aspects before the law. It is for precisely these reasons that we make the material consequences of *de facto* marriage the same as those of registered marriages. That is the fundamental standpoint of our new project. By a number of notes, to be precise by a note to article 9 and a note to article 11, on the most essential aspect —that of property relations and rights to alimony—we render *de facto* and registered marriages equal. It was in order to introduce this standpoint that we had to effect a fundamental change in the very significance that registration had under the old Code.

I must also examine the conditions under which, according to the project, marriages can be registered. There is first of all the question of marital age. Under the old Code we fixed the marital age at 16 years for women and 18 years for men. There has been much controversy on this question. It has been pointed out that in certain regions the marital age should be lowered. But that is not all : from the comments of some of the discussion groups arranged by the Executive Committees to whom this project was sent we see that there exist two quite opposite points of view on the subject. One conference holds that in order to provide for a healthier generation the marrying age should be raised to 19 years for men and 18 years for women. The opposite viewpoint asserts that the marrying age must be lowered in the villages to 17 years for men and left at 16 for women.

(*Comrade Samursky, from the floor :* Bring it down to 15 !)

Kursky : While our comrades from the Caucasus feel that an even greater lowering of the marrying age is called for where racial characteristics include an earlier sexual maturity, we have found the following solution : in extreme cases the District Registrar's Offices are empowered to lower the minimum marital age as set down in this article, by not more than half a year, i.e., to 17½ and 15½ respectively. Amendments may be introduced to this when the project is being discussed in detail.

As regards the rights of women and children the most essential point is the so-called question of alimony, the right to support and maintenance when a marriage is dissolved for any reason, and in general the married party's claim to support as well as the children's claim to be supported by their parents.

We tackle this problem by laying down that a destitute spouse who is unable to work has a right to support. Here is the text of article 11 :

" A destitute spouse who is unable to work has the right to receive support from the other spouse if the court decides that the latter is able to provide such support. The spouse who is able to work may claim the right to receive support during unemployment."

The note to the article says :

" Persons maintaining *de facto* marriage relations, even though they have not registered these, may equally avail themselves of the right to receive support." I have already mentioned this.

This right of the spouses to alimony is exceptionally important in that it clarifies the very meaning of our Code and the rights of women generally.

(*Voice from the floor :* Why women and not men ?)

Kursky : Article 11 is concerned with the rights of men also, since by spouse is meant either husband or wife ; but the article is primarily intended to safeguard the women. And it is right that this should be so.

The first point that is here enacted, and that was already provided for by the old Code, is that a destitute spouse who is unable to work is entitled to support. Not only needy, but also unable to work : these are the conditions to be met before a married party can claim support. But the Soviet of People's Commissars went considerably further, and to our project, which had this sentence only, they added : " and during unemployment ".

I cannot tell what amplification the Commission of the All-Russian Central Executive Committee may yet add, but it appears that in court practice, if this point is accepted in principle, it will be necessary to provide a more precise definition of the term " unemployment ", so that it should not end by covering a spouse's intention to live at someone else's expense. This is an important point which requires greater precision.

This year the Moscow District Court made a most interesting experiment. It arranged a meeting of the People's Judges who had previous experience of the procedure in alimony suits. It emerged that the question of alimony among the working masses did not give rise to any particularly serious problems which would require the enactment of specific amendments, and that there was no difficulty in levying forced contributions as these are exacted from wages. And there is a basic principle of the law of civil procedure to the effect that after minimum deduc-

tions not more than half the wages earned may be exacted. The problem is here, therefore, more or less regularized.

But our peasant comrades among the members of the All-Russian Central Executive Committee will no doubt have their say as regards the villages. And the judges' meeting heard the main objections and had its attention drawn to the question of alimony where peasants are concerned.

In the Land Code there is a rider to the basic article 66 which says: Persons joining a *Dvor* by marriage or adoption acquire a right to use the land and the communal property which constitute the *Dvor* in question, in accordance with common law; at the same time they lose their rights in any other *Dvor*.[5]

This clause of the Land Code unquestionably entitles the peasant wife to maintenance, even if she is divorced during the first year of her marriage. Officially she has a claim to a certain portion, calculated by the membership and property of the *Dvor*. This point called forth serious objections on the part of the peasants. It was pointed out that this would lead to the impoverishment of the *Dvor*. But in all fairness we must recall that if there have indeed been cases where the payment of alimony went beyond the powers of a *Dvor*, on the other hand our enquiries have shown that among the peasants there are cases of so-called "working wives"—girl-workers who are taken as wives by registered marriage and subsequently ejected from the *Dvor*. I do not know how widespread this sort of thing may be, but it has been taken up by the press, and recently a journalist, Bragin, published an account of this usage under the headline *A Wife For a Season*.

There is another point to which our meeting paid special attention: as a matter of court practice it has become the rule that where a peasant-wife's claim to support is investigated, the property of both *Dvors* must be borne in mind; if the wife returns to her own *Dvor* and her material conditions become no worse than before, she is not entitled to alimony.

The meeting suggested that the demand for alimony might be satisfied in kind. Our courts pointed out that sometimes decisions like the following are made: a peasant woman who has one child is divorced; she takes the child with her, and with it is given a cow, in consideration of which her rights to alimony are cancelled for two years.

[5] The "other *Dvor*" evidently refers here to the *Dvor* of which the woman was a member before marriage. [Tr.]

Similar decisions have been given in court. In any case the meeting, having heard the peasant point of view, suggested that in court practice it was desirable to satisfy the claim to alimony in kind by a given amount of rye, flour, etc., but not to divide the *Dvor* or force it to part with its chief asset, land—a course of action by which *Dvors* have been impoverished time and again.

Such are the modifications introduced by court practice. But in any case our law will assure the wife, be she peasant or worker, the basic right to alimony.

In this connection we even go so far as to provide for the woman's protection where during the hearing of a case the defendant alleges several co-habitants. This is what under bourgeois law is known as *exceptio plurium.* Under bourgeois law all alimony suits are decided in such cases with the greatest of ease. A woman appeals for maintenance for her child ; the defendant cites a good-for-nothing friend who declares that he, too, is the woman's lover—and the case is dismissed.

In our Soviet law we cannot admit this attitude. Though the problem is a knotty one, a solution must be found. Prior to this code our court practice found a way out by declaring all the defendants responsible (*laughter*) and letting the woman exact a contribution from each. By the way, a French visitor of mine called this the judgment of Solomon. (*Laughter.*)

In our project, as it was brought before the Soviet of People's Commissars, we had come to the following decision : we established *en bloc* responsibility ; in other words we made all responsible, but we left the woman the right to demand alimony from only one of them—whichever she chose (*laughter*).

(*Voice from the floor :* Whichever earns most !)

Kursky : Yes, whichever earns most (*laughter*)—to protect women's rights. However, this version was not passed and the Soviet of People's Commissars approved instead the ruling formulated in article 27, which says :

" If the court, while examining the question, decides that at the time of conception the child's mother maintained sex relations with persons other than the person specified by article 23 of this Code, the court shall determine which of these persons is to be considered the child's father, and shall place upon that person the responsibilities provided for under article 26 of the Code."

In other words, as a general rule the court will be guided by the evidence of the plaintiff. Whoever is indicated by the

plaintiff is recognized by the court to be the father (*laughter*), unless he succeeds in proving that he was not implicated, in which case he will be freed from the responsibility.

Such are the main questions regarding the right to alimony which I thought fit to examine. Of course the comrades who are going to state their opinion of our project may devise a different solution ; but I think that they will not discover a new way of tackling this problem until the day when the State undertakes the bringing-up of all children. Vladimir Ilyich (Lenin), in his lecture to the workers of Moscow in 1919, pointed out the road we must travel—the road that leads to the communal rearing of children.

For the towns, the road signs pointing the way have already been erected. But these new methods have not yet found their way into the villages, where we still have some 20,000,000 private households with the smoke daily rising from the family hearth and individual management still in charge. There the problem will not be solved so soon, and we must therefore think hard how to safeguard the rights of women in the villages particularly.

And what is happening in those national republics where the marriage problem has made no progress at all ? I have already outlined the fact that in the heart of the R.S.F.S.R. (Russian Socialist Federative Soviet Republic) registration of marriage has become a widespread habit and the rights of women are protected by our law. But in the national republics, as I discovered recently when studying this problem, we have not even got to a proper beginning yet.

(*Comrade Samursky, from the floor :* And we won't get there soon !)

Kursky : In the distant Auls [6] and far-away Nomad camps we still find, untouched and inviolate, the antediluvian custom of formalizing marriage and family under the auspices of the clergy.

Comrade Krassikov.

It would seem to me that Dmitry Ivanovich [Kursky] has not sufficiently explained what is at the root of the fundamental changes in the structure of the law. For in its essence—to put it bluntly—it boils down to the fact that the concept of " legal " registered marriage is abandoned. In one word, once we pass this law, we shall cease to have legal marriage.

[6] Villages in the Caucasus. [Tr.]

We are thus placed on the ground of customary law which can be interpreted differently in different places. It is clear that under such circumstances the position of the People's Judge and of the litigants becomes extremely uncertain. Dmitry Ivanovich said that we are making registered and non-registered marriages equal, i.e., in other words, we do away with the legal effect of legal marriage by allowing the same rights to *de facto* relationships. But this is not true, this is not the case : at any rate there is no such thing in this law.

If you allow both registered and non-registered marriage, who is to decide when marriage exists ? Dmitry Ivanovich's answer is : The judge decides. But the judge can decide only on the strength of his judicial knowledge, which receives no guidance from the law ; the People's Judge is set no limits, no criteria in this respect. Consequently, so many judges, so many criteria ! It is taken for granted that our People's Judges are no stupid fellows—but if you jurists fail to provide an answer, the People's Judges will be even less in a position to do so. . . . Therefore, if the existing law is deficient, the problem of *de facto* relations must be elaborated to safeguard the weak party.

After all, adding a note to the law need not involve the re-shaping of both the law and of relationships. It would suffice to say that *de facto* marital relations are safeguarded in such and such cases, with such and such consequences. Having normative marriage, having the conception of marriage as an economic and working union, we must now give precision to the idea of marital relations ; we must say that relations which approach the relations regulated by the law—in so far as they are established in court—must be defended in the same way as registered marriages. The project would thereby attain its objective, and as its main concern lies here, this is a step forward.

Material guarantees—as for the case when the wife is incapacitated—must be provided, but we must not " pour out the baby with the bath water ". And we must not put *de facto* marriage at the top of the workers' and peasants' Code without defining it. If we safeguard the interests mentioned by the note to article 11 of the project, one of Dmitry Ivanovich's great arguments falls through.

I thus maintain that article 11 and its note provide a real improvement regarding *de facto* marriages. The interests of wife or husband unable to work, while the other spouse is alive and able to support the family or to provide assistance, must be

protected. But this in no way means that for this purpose we must throw overboard the registered marriage, i.e., the Soviet conception of marriage as based on certain conditions. This Soviet conception must be developed with reference to family and working conditions.

I am not moved by the fact that the new law will differ from bourgeois law or that certain bourgeois elements will be displeased by this definition. It seems to me that we did not take these objections into account in our creative activities ; but this project appears to take a new road, the road of a certain opportunism. By this I mean that the law is refusing to lead the population in a certain direction and to set certain norms, but instead adapts itself to all and everybody.

If a certain layer of the population even now dislikes the Soviet marriage, does that mean that we should not have introduced it in 1917? No, we introduced it despite the fact that our Soviet non-religious marriage was unsuitable for a large number of citizens who did not accept the Soviet system, who even now, in this period of transition, constitute a considerable number.

In my view, the problem being what it is, there is no sense in condemning registered marriage, destroying the conception of marriage and at the same time providing for conditions under which this marriage, with the aid of a court or other institution, can be shown to exist. If we reject the definition of marriage, i.e., the criteria by which we can judge that certain persons are in a state of marital relations, we shall have to fall back on the practice of the law courts, the higher and appeal courts, and we shall thus pass to the American system under which the rulings of court establish the law.

(*Comrade Krylenko, from the floor :* That's not bad !)

That is not bad, but it must be admitted that in so doing we reject the creativity, the instructions of the workers and peasants to examine marital relations from the point of view of work, economy and family—and instead take our stand on such indifferent ground that the criteria become quite elusive. In the eyes of some anarchist or some bourgeois intellectual certain relationships will constitute marriage and others may not.

Let us for example consider article 5, which says : " Marriage is not to be registered between persons one of whom is already in a state of marriage . . ." What marriage? Who is to determine whether one is married or not? Dmitry Ivanovich

says there is a strict article 22 under which everyone must fill in an exhaustive questionnaire on how often he has been married, etc., and which of these marriages were registered or non-registered ones, and how many children there are.

(*Comrade Samursky, from the floor:* Yes, that's a very weak point !)

For in the Registrar's Office they cannot decide whether it was marriage or not. The subjective opinion of the person concerned may be that it was not marriage ; but perhaps some time later a court will find that it was marriage, and you will be found guilty of perjury and put into prison.

(*Voice from the floor:* That's right !)

Look here : you may have said you were not married ; but two years later a court awards alimony against you. Be good enough to appear on a charge under such and such an article of the Penal Code. We are therefore admitting a purely subjective viewpoint which gives us no guidance. Who is to decide whether you were married or not ? . . .

All *de facto* relationships, however abnormal, however contradictory to our common, workers', Communist and human ideals, escape the control of the State because under the project there is no room for the nullity of a marriage.

You will retort that there is a certain Penal Code. But not in this case. If the citizen who comes to register marriage is already married *de facto*, he either does not mention this or he does not consider it marriage or he simply does not register his marriage at all. Thus arises a theoretical and practical possibility of polyandry and polygamy.

Nowhere does our law forbid polygamy, although, as we know, certain autonomous republics have such laws and many autonomous republics forbid polygamy. But according to the project the R.S.F.S.R. is an exception : polygamy is not forbidden here, not even in the draft of the Penal Code. If you fall back on customary law, how will you prove the inadmissibility of polygamy in the Caucasus or some other eastern republic if such is their customary law ? For the given locality it is customary—it is their *de facto* marriage.

I must further draw your attention to the fact that this law will undoubtedly lead to a strengthening of Church and generally of religious marriages. The struggle in this respect is doubtless still going on and is far from being ended. Millions, I have no doubt, will not register but be content with Church marriage.

This law lacks clarity and precision, and the peasant and worker likes precision. For the peasant marriage is a family, an economic, a terribly vital question, and he will go to the church because Church marriage will satisfy him on all counts. He will thus be able to do without registration.

In giving free rein to this tendency we present the Church marriage, the sectarian marriage and all other kinds of marriage with a chance of strengthening their hold ; for up till now the loyal churchmen, the loyal sectarians, and generally the people who tried to be loyal although they felt no sympathy for the Soviet law—up till now they have registered their marriages. The priests, for example, although no law compels them to do so, before performing the marriage ceremony ask : " Has the marriage been registered ? Have all the demands of the law been met ? " They put this question, and they perform the ceremony only after they have received a certificate from the Registrar's Office—in order that the marriage should be proper and not in conflict with the Soviet law.

Once this project is passed, this motive disappears, disappears for the priest because the citizen need no longer register, because registration is no longer the legal expression of marriage, and he will be perfectly correct in not asking about registration and will still be acting loyally.

Marriage, in so far as it creates a family and a working union, demands that its bases be strengthened, that it be publicized, so that everyone should know that two given people are a married couple. What is the essential criterion of marriage ? Not the inner understanding between the parties, not only their manifestation of will towards each other, but also towards the society which surrounds them.

Comrade Kartyshev.

In my opinion we shall have to cut out a number of points from the original project. The most important problem, especially in our society of workers, is the problem of providing support for the incapacitated spouse, and particularly for the unemployed. If we accept the project as it stands, a number of dandies and spongers are bound to make it their reason for choosing the most well-off working girls. As owing to their laziness nobody keeps them employed for long, they are permanently unemployed, and all the time are trying to live at other people's expense. The women dandies will do the same

—and our land is full of such persons who would gladly live at other people's expense, particularly in the towns.

Even among workers this sort of thing will happen: for example, there are ladies suffering from a weak heart or migraine who set off in pursuit of men from the rank of bus conductor to that of sanitary inspector inclusive—so long as he earns 160 or 140 rubles—and all the rest are out of the running (*laughter*). And then, since he is unsuitable—a drainage man is obviously not suitable for a lady afflicted with migraine—then she divorces him and the fellow is obliged to pay her, seeing that she is ill, some 20 or 30 rubles a month because she is "needy" (*laughter*), and how are you to prove that she is not "needy"? (*laughter*). This point will therefore have to be elaborated and the spongers will have to be burnt out, and burnt out with a red-hot iron.

We must make certain that dandies of this kind or the type of woman-chaser cannot exploit our law to live at other people's expense. (*Female voices from the public:* "They'll exploit it whatever happens!")

The second question I would like to discuss is the point about the "five fathers". We shall have to qualify this, I think. In practice we have the following possibility: there are highly skilled workers who earn up to 180 rubles and at the same time there is a charwoman who gets 30 to 40 rubles. Now she starts fishing about, i.e., trying by some means or other to lie with a man, to conceive and then to receive one-third of his wages —60 rubles—which is more than her own earnings. (*Laughter.*) Such cases do occur, and we must therefore qualify this point by saying that the money is provided for the child's actual expenses and not for the mother, and only where relations are continuous and not casual. (*Laughter—an exclamation*: "That's good! That's clever!")

You will say there should be fewer such occurrences. . . . I think Comrade Baranova has the best approach to the subject. She has the proletarian psychology, and she says such occurrences will take place when it is a case of "they married me off without me while I was up in the belfry".[7] (*Laughter.*) Such cases do happen among our workers.

How do they come about? We have clubs, cosy corners (*laughter*), all manner of societies; if you have visited such a

[7] *Bez menya menya zhenili, a ya byl na kalantshe*—Russian proverb, as much as to say: They married me without my knowing, or, I woke up to find I was married. [Tr.]

society two or three times, have talked, have helped a comrade to find her way even only through the intricacies of a political question (*laughter*)—there you go, marched off to court. We hear of such facts when paternity suits are brought forward. They will produce by way of evidence that the defendant really did go to some pub or restaurant, that he did have a pint, or that he did see her home. We must pay attention to this aspect. We must show these addicts of parasitism their proper place. No one should be allowed to exploit this problem. The commission will have to revise this part of the law completely.

As for the point that the court must recognize one father while there are several, and while scoundrels may be cited as witnesses—I feel that this is not just. Each one should be made to pay—this would be fair and in the child's interest. Otherwise it looks as though the court, under pressure from the Women's Department or for some other reason, might recognize as father not our drainage man who earns 40 rubles but the most well-to-do person, even though the latter be innocent. For this reason we must make each one pay the full sum.

Yet another problem : the so-called establishment of marriage. Here Comrade Krassikov promised us mountains, and then—at least that is my impression—he did not produce one molehill. Was it worth while speaking in the co-report for that ? What norms do you want to set up and is it necessary, now that the law fully provides for woman ?

Woman must not be the weak party ; but we must go further, and the first thing we must state in our code is that marital relations may be registered or non-registered, a point which so far is made only indirectly. We must also provide for the case where connubial relations exist between parties wishing to remain financially quite independent of one another. They must be given this right, and the article relating to financial relations must be further developed and rendered more precise.

Imagine the following case : Two skilled workers, a man and a woman, or, say, two responsible employees, come to associate. Financially they do not wish to have anything in common. Their whole marriage is based on mutual attraction, on cultural and ideological understanding and on sex relations. Neither of them has a financial interest in this marriage, but the court, basing itself on the article, will perforce insist on an encroachment on the rights of husband or wife. In so far as this is so, another article should be introduced stating that

spouses can enter into a financial contract, but that on the other hand they need not do so—just as they wish.

Apart from this, the comrades from the villages probably know not only of cases such as the one quoted by Comrade Kursky, about the "working wives", but also of the reverse case where a woman already advanced in years marries a village boy Vanka of eighteen who does not even know how to blow his nose; and the first thing she says is: "Let us move out. I want to pour out the soup at table, not your mother." [8]

(*Woman's voice from the public:* That's right!)

Vanka cannot do that because he is as yet unable to work. The wife leaves him, and as a result, on the strength of the law, they have to sell the last mare, the sheep, geese and chickens, and the *Dvor* is impoverished. We must put an end to this.

Lastly, a point which is not in the Code but which exists and will continue to exist in practice—the question of being responsible for the sins of others. Imagine that you or I have a brother, a fireman, say, a young fellow who fought in Comrade Budyenny's army; he has the pleasure of living with two wives and each of them has a baby (*laughter*): why should you or I pay for him? (*laughter*). The law must assert that "every sparrow is a bird on its own",[9] that in this matter everyone is responsible for himself. We must introduce a rider that brothers, sisters, parents and relations bear no responsibility in these matters either for sons or for relatives. We have had such cases in practice, and I have had to appeal to the Public Attorney of the Republic for remission in cases where under authority from the Land Commission—which has no right to act in this fashion—a peasant was made to sell his last mare in order to support his son's child.

Comrade Shurupova.

Comrades, I am going to examine the question of divorce. This is a painful question both for us women and for the men. I have noticed that some comrades are laughing and giggling. But during this session this question will have to be discussed in common and seriously. I shall not defend women overmuch. We, too, make mistakes. Nevertheless, in the majority of cases

[8] I.e. the mother-in-law, who presides at table and rules the household. "Pouring out the soup"—sharing it out with a big ladle—symbolizes this dominion. [Tr.]

[9] *Vsyakyi vorobyei sam po sebye ptitsa*—Russian proverb. Its meaning is explained in the words that follow. [Tr.]

the men are to blame (*laughter*). Don't be angry. I am not so young any more. I won't lie (*laughter*).

There are many of these divorces, but consider: do they benefit us in any way? Every one of us, every man or woman, will agree, they do not. For example: a man and a woman get divorced. They own a little house, a cow, and they have three children. And here they are, splitting their little property in two. The mother of course will not leave the children with the father, for children are always dearer to the mother. What is the woman to do now, with her children?

There is no danger for the husband. He will find another woman to live with. But for the wife life under such conditions is terribly difficult. The result of it all is poverty, and we have too much of that as it is. You yourself have pointed out what we lack. Above all we lack children's homes. If the State had made itself responsible for all this, it would not have managed. This is no matter for laughter, but for tears.

Now I shall turn on the men (*laughter*). I shall not take them under my protection. Husband and wife get divorced. We women are not yet fully educated; we are still in the dark, we were enslaved for centuries. All we know is priest's gossip —which we are only now beginning to forget—about "the wife must fear her husband". But now women are beginning to learn a little.

Despite the fact that I am an old woman I have just had a parcel from the Caucasus (*laughter*).

We are being drawn into all sorts of work. Our men comrades, they know a bit more than we do. You must teach us, you must not just laugh and giggle; that is of no use, particularly on the part of the enlightened comrades, the Party men. I do not consider this the way of comrades. They should be the first to give the women a hand, to teach them, show them the way about which Vladimir Ilyich used to tell us. You must not forget that Vladimir Ilyich was the first to sound the battle-cry on behalf of the oppressed women.

His road should be followed. At any rate there should not be laughing at women. To us that is very insulting.

What is the position of a peasant woman? She looks after the house, she sews, she washes and she helps her husband take in the harvest, while he—forgive me, comrades, for saying so—he will not go to bed alone and she has to obey his pleasure. And if she does not, he kicks her out (*laughter*).

We should think about these problems.

The comrade just said : " Who forces him to take two wives ? " I can prove it to you. He took two wives, each gave him a baby, so he must pay both of them. It is nobody else's fault : If you like tobogganing you must like pulling your sledge uphill.[10]

But comrades here are saying that some women have three or four (men). Maybe, but we peasant women, we have no time for that.

Comrade Beloborodov.

Comrade Krassikov's speech, his proposal regarding the need for a definition of the notion of marriage, was much to the point and quite right, for we cannot view marital relations merely in the light of relations between a man and a woman as two individuals associating purely for sexual intercourse. Marital relations beyond doubt constitute the most important element in social relations in general, and the State cannot remain an inactive spectator saying : " I sanction these relations without discrimination whatever form they take and whatever their duration." The State cannot take this attitude, chiefly in view of the extremely painful consequences on people's life in general.

Take the housing problem. The law on housing determines how living-space is to be allotted in the family, who among the relatives may live in, in what cases a man is not to be boarded on a woman, and, on the other hand, how the rent is to be calculated for relatives and also for the wife. Criminal court practice in regard to evidence also establishes certain relationships. If the witness is a relative of the defendant, the court may treat his evidence quite differently than if he were not. In the realm of agrarian relations we find everywhere that unless we provide a definition of marriage, highly troublesome complications will crop up which will lead to unnecessary waste of time during the examination of all sorts of suits and will doubtless throw up a great number of impediments for citizens who seek the protection of the Law.

The State cannot say : " It is a matter of complete indifference to me whether a marriage is going to last or not and whether it will or will not be frequently broken "—because on the stability of marriages depend a number of consequences of undoubted importance for society.

Let us imagine a disintegrated family in which the parents

[10] Russian proverb.

live in separation and in which there are children. The court decides on the question of alimony, but the point is : Can the court's decision completely and finally settle the child's fate ?

(*Kurz, from his seat:* Of course !)

Of course not, Comrade Kurz. It is obvious that after the separation, even after the announcement of the decision on alimony, it is important for the State what course the life of the growing child will take, under what conditions he will be brought up and what kind of citizen he will make. Once we examine the marriage law from this perspective, we shall have to say : " It is necessary, apparently, that marriages should be stable."

As far as I know expert biologists have been asked in this connection which sort of marriage produces the better offspring, a permanent, stable one or one of short duration. As far as I remember opinions on the subject were divided, there was no unanimity. Let us put it in this way, therefore, that where the biological value of the descendants is concerned, the question remains obscure, whereas from the point of view of social consequences we should decide in favour of continuous marriages—in so far as we are unable to arrange for community education for children and demand that the children be brought up in the family. A great deal of the present neglect of children [11] must be attributed to the disintegration of the family.

Comrade Kapustina (Kostroma District).

As a loom-worker I would like to say a few words in connection with our married life. We are very grieved at the rather unpleasant aspects it still presents. We do not want to give too much praise to the women, to vindicate them at all costs and to assert that they are always right and the men always in the wrong. But, comrades—men must confess that in most cases it is they who are guilty.

When one works at the loom one finds occasion for some very disagreeable observations. There is a man who, though he takes no part in the social work, does his own work properly and respects his wife. As soon as he is promoted, they become estranged. He begins to avoid his wife and family ; he no longer loves her. One of the comrades has suggested that the whole trouble begins with marrying a young girl who does not

[11] The Russian phrase used is *detskoy bezprizornost*, used to describe the running wild of uncared-for children, a phenomenon which had then become one of the major problems of post-revolutionary Russia. [Tr.]

want the mother to pour out the soup [12] and asserts: "I'll do the pouring out myself!" But the soup has nothing to do with it; the trouble is not that the girl wants to pour out the soup, but that when a fellow thinks of getting married, he likes his girl: he marries her, lives with her for a year or two, makes a place for himself at his work—and already she no longer pleases him. He no longer wants to live with her, leaves her and the child, finds another woman and so forth. This sort of thing is very bad. We must seriously think of means to diminish this polyandry and polygamy. The husband must pay more attention to the re-education of the wife.

Another great evil among the workers is the fact that as soon as a worker reaches a responsible position he abandons his family, finds another woman and thus spreads poverty. As responsible workers we must understand that this should not be and we must do our utmost to stop it, as the State cannot provide for the children and take them under its wing.

We also find that a girl gets married and after a year or two, when her husband leaves her, she takes up with someone else and there are more children . . . what kind of life is that? Proper relations are made impossible, for there can be no understanding between them, as the children are not purely their own.

I do not hold with the woman who, when her husband leaves her, runs after him. But it is not right that as soon as he has abandoned one wife, another woman joins him thinking, "With me he will live better than with his former wife."

My plea to women-workers is to rally to the decision to do away with polyandry and polygamy.

Meeting of October 19th, 1925.

Extracts from speech by Comrade Brandenburgsky.

At the basis of the project of the Code of Marriage, Family and Guardianship Law, there are two ideas which the two chief critics of the project, Comrades Krassikov and Beloborodov, altogether missed. What are these two ideas? The first one lies in the fact that under Soviet law [13] the family and its relationships are founded on *de facto* parentage—or, to use a familiar phrase, on common blood—and not on the formality of registered marriage. The second idea is summed up in the fact that

[12] See note above, p. 98. [13] See above, doc. 3 (*a*), art. 133. [R. S.]

legal consequences arising out of marriage derive not from the registration, the written record of this act, but from the sheer fact of connubial cohabitation.

Once we remember these two points in viewing those main objections levelled against the project, which have led some of our comrades to think that the Code needs complete revision, we shall come to quite different conclusions.

The first objection to the project asserts that with the acceptance of the Code legally defined marriage will have come to an end. This statement of Comrade Krassikov lacks all foundation. We shall have no difference between "legal" and "illegal" marriage, just as we do not differentiate between legitimate and illegitimate children—but that is the very basis of our matrimonial Code against which no one will argue.

. . . In this connection they assert that unless the legislature provides a definition of marriage, the court will be at a loss what to do. The court will know how to act; the best proof of this is provided by previous court practice, when the judges considered the circumstances in the light of the evidence, when they considered how people lived, for how long they had lived together, whether they ran a common household, whether they appeared in public as husband and wife. It is a fact that the judge can act without a definition from the legislature; indeed, can the legislature devise a general definition?

Comrade Beloborodov expounded at length the theme that it is essential to have continuous and stable marriages. I have read a statement by Comrade Popova in *Izvestiya* where she says that the possibility of frequent divorce should be curtailed and that measures should be taken to prevent each of the married parties from changing their "other half" so often. This may be right, but we must not let the law alone shoulder these extremely grave and complicated functions.

Comrade Beloborodov raised physiological and political considerations in asking whether protracted or short-lived marriages are biologically healthier. I myself am unskilled in this field, but so far as politics is concerned I do not think he is right. We should hardly aspire towards highly stable families and scrutinize marriage from that angle. But I cannot dwell on this subject now, and shall not occupy myself with either physiology or politics. In my opinion, this is how the question should be put: If you object to a frequent change of spouse, with what weapons do you propose to fight it? For if to-day we set down

a law with whatever norms you like, whatever rules of divorce you choose, it will not be a new one, it would be very old.

The whole bourgeois law, aimed precisely at preserving this firm and reliable family as being absolutely indispensable for a bourgeois society, laid down such conditions for marriage and divorce that the family should indeed have held firm and fast; nevertheless experience shows that in countries such as France, where one of the least lenient of codes is in force and where the impediments to divorce and the preconditions for marriage are most severe—it is precisely there that the family falls asunder.

It is a pity that Comrades Krassikov and Beloborodov did not stop to consider the fact that the establishment of continuous and stable marriages cannot be made a function of the law. The law only formulates the basic factors of life. These functions, however, spring from life itself, from the way in which the new life and morals evolve.

It has been said that by introducing this Code we shall first of all discard marriage registration and secondly afford support to Church marriage. Neither the first nor the second contention really holds good.

Why should registration be discarded? Read the first article of the project and you will find all the advantages which result from registration. There is the formal assumption that the child's father will be the mother's husband, an advantage of which many will want to avail themselves.

Comrade Krassikov said that the towns have almost completely given up registered marriages and that the villages are following suit. So far, so good. But the villages are not quite following the same road. We must make the next step forward; Vladimir Ilyich said in 1918 that this is only the beginning. It is impossible to deny that *de facto* marriages preponderate in our life. The problem is to formalize these relationships. Our enemies dare to suggest that the Soviet legislature must forbid "non-marriage relationships". We cannot forbid them; on the contrary, we must formalize them. In their essence they do not differ in anything from all the other relationships.

Comrade Kursky (Rapporteur, People's Commission for Justice).

Comrade Sentsov from Siberia has made a very important suggestion, and he states that this suggestion comes from a group of peasant-members of the All-Russian Executive Committee who consider that the present project of legislation regarding family,

marriage and guardianship is of primary concern to the villages, the interests of the economic community of the peasant *Dvor* and the family structure of the peasantry. In view of all this Comrade Sentsov proposes that the present Code be discussed here, but accepted only as a basis and then circulated in the country, together with the material furnished by the discussions of this session, and that after being debated locally it should then be finally approved at the next session of the All-Russian Executive Committee.

I consider it necessary to accept this motion if a large number of comrades vote for it. It is clear that legislation which in fact literally concerns one and all, as I have already stressed in my speech, legislation which makes very important changes in the previously existing marital relations, really requires especially serious discussion. I therefore propose that the discussion of the project continue and that Comrade Sentsov's motion come up for debate, while at the end of the debate I shall put this motion to the Session for its decision.

If the motion is accepted, the project of the Soviet of People's Commissars should be accepted as a basis and then be circulated together with all other material.

Comrade Baranova (Tver District).

I shall mainly examine article 11, Chapter III, of the draft,[14] about which many comrades have already expressed their views, and which deals with assistance for the needy spouse in the case when one of the two is unemployed.

It seems to me that it is not sufficiently clear and that this article should be decoded. It is no secret that such assistance is being given even now, but when this is accepted into the law, people will rely on this article for guidance. I also feel that there is some foundation for comrades' speeches pointing out that there will be abuses, that there will be idlers—as comrades put it—on both sides who would abuse this article and utilize it in evading work. I share these views and think the article should be tightened up, by setting down some period over which this help will be granted or some similar details, and that in general this article should be improved upon.

Furthermore, article 11,[14] I believe, says that the property acquired by the married parties during their married life should be shared, since they acquired it together. This point brings

[14] Arts. 10–11, and 14 of the final text (doc. 7). [R. S.]

great clarity and precision into what has been up to now, during the past seven years, the most arguable aspect of our family and marriage legislation. The burden of this sharing fell on the peasant and working women who divorced their husbands.

It is, of course, easier to settle this point for a worker's family, where as everyone knows there is no great property ; all the couple possess between them is some clothes and a chair or two which need not be shared. In the villages the problem is much knottier, much more complicated. We see how a peasant girl after marrying lives and works in the family for over three years —and when she divorces her husband she gets two or three pounds of flour, a few sacks of potatoes, and that is all. It should be added to article 11 that greater fairness must be practised in sharing property at divorces in the villages.

Some comrades have said that property should not be shared, as this might result in an impoverishment of the household. I consider that property should not be shared where one of the married parties has lived in the family for only a month, or two or three ; but where he has done so for several years he has every right to receive a certain proportion of the property of the household in which he worked.

Comrade Korytin.

As a peasant I cannot agree to this Code ; I cannot agree to the order it establishes for divorce. The number of divorces in our country is going up and up. I suggest that some steps should be taken to prevent this rise in the number of divorces. Why do people get divorced ? One of them decides to separate —he goes and obtains a divorce. I feel that people should not be permitted to have a divorce without some important reason. One must have an important reason. (*Laughter.*)

(*Comrade Krylenko, from his seat:* What reason ?)

There are cases like this : a peasant is promoted to a high position, but his wife is a peasant woman. So he says to himself : " I must separate from her. It is beneath my dignity to talk to her." And he looks for some other girl. And this peasant had lived with his wife for some ten or fifteen years ; but suddenly he abandons his wife and children and obtains a divorce.

(*A voice from the public:* How else would you do it ?)

(*Comrade Krylenko, from his seat:* Do you propose to compel them ?)

There is no compulsion, but it does not follow that if a peasant is promoted he must leave his peasant wife and marry a town girl. For townsmen this law has no particular significance, but for the peasants it means a great deal, especially for a peasant woman. When a peasant woman is abandoned with her children she is capable of anything : she could kill herself and her children.

A few words in connection with the sharing of property. It was said here that a woman who stayed in the family for two or three years after her marriage is to receive part of the property upon divorce. I do not think this is just. To my mind, where the property was really acquired during marriage, they are entitled to share it, but if they have lived together for a year without making any acquisitions they need not share anything. It happens very rarely that husband and wife live by themselves ; in most cases they live with the entire family, who would all have to suffer.

I divorce my wife. We have children. My wife immediately appeals to the court and I am ordered to pay for the children. Why should my whole family suffer on my account ? As there was a common household, the court decides that the entire household must contribute. We must pay attention to this point. The husband's share in the household should be taxed—why should my brother suffer ?

(*Comrade Krylenko, from his seat:* The brother will not be called upon !)

If we live together, the whole family suffers. If I am ordered to pay 100 rubles and the family owns two cows and one horse, we shall have to destroy the whole household, since if we live together the sum will be levied on the common household. We must watch this point more seriously. By all means take the husband's share, take all of it—that will " cure " him for ever. But as things stand, people indulge at other people's expense. We must see to it that this sort of thing does not happen again.

For frequently this is what happens : two brothers live together ; one of them has six children, the other is a bachelor but has gone far enough to have a baby. For a year he has not paid for it, and the court orders him to pay 60 or 70 rubles —and the whole household has to be ruined. Why should my brother be responsible for me, when he has six children and I none ? The brother suggests to him that he should marry, but he says, " No, I am in love with another woman."

(*Comrade Krylenko, from his seat:* He need not answer for it, the law does not say so !)

The court makes the whole family pay, since they live together. This session must take care that this does not happen, and that payment should be exacted only from the defendant's share.

Extracts from the speech by Comrade Gnipova (Kursk District).

Marriage is effected between two people, but it takes a whole session to examine the marriage law. The speakers who have already had their say seem to have covered everything save the main point : How are we to rid ourselves of these nuisances ?

I shall first of all attack women. Why ? Because it is not right that I, a woman, should attack the men. You, women comrades, should bear that in mind and not take offence. Although there are but few of you—there should be more—will you all listen ?

To begin with I shall explain where our guilt lies. Some women dwell on the frequency of our divorces. Who has allowed this to come about ? You yourselves, women comrades, allowed it. We do not know our own worth yet. We value ourselves too cheaply. Women comrades, we must realize our own value. It will not do to say, as one of the women who spoke yesterday said, that " one man visits four women . . ." Once we start saying from this platform that one man frequents several women . . . this is shameful, women comrades !

We must assert our standing, so that one man, instead of visiting four women, should wait two months for one. (*Laughter.*) Unless we bring this about the men are quite right in grasping four. It will not do ! The question I ask is, how are we to avoid being interchanged like gypsies ? We women are nearer to the children, we know their illnesses, we are of more use to them, and yet we permit that sort of thing to happen. I know I am the fourth he comes to, and yet I expect him.

Women comrades, we must take a firm stand to end this once and for all. We shall thus put an end to our children's suffering and to the impoverishment of our households. I do not think this problem is so difficult.

I have finished about women. Now I shall speak about you, men comrades. Though divorces are so frequent in this country, I can forgive the man who lived with his wife for a year, and then divorced her because their temperaments were not suited.

This is pardonable, and in this connection our achievements, in that we do not torture one another, do not tie people to each other for life, are excellent. But I cannot forgive the man who lived with his wife for twenty years, had five children, and then ceased liking his wife. Why did he love her before and ceases now? Shame on you, men comrades!

(*Comrade Krylenko, from his seat:* They don't ask your forgiveness!)

They do not, but I am discussing facts, things which exist. He notices that his wife is badly dressed and has become ugly. But why does he not understand the reason for her ugliness? For she is worn out, and often on his account. And why is she badly dressed? He should dress her as he has dressed the one for whom he has betrayed his wife. Why should he not dress her as any decent human being should be dressed? One of the comrades spoke of love. At such a man's age, there is no love. What love can there be, after twenty years? That is not love, that is bestiality. For this is how they understand it: "Here is freedom, I feel untrammelled, give me a divorce."

That will not do at all, men comrades. Unless we all, both men and women, impose limits on ourselves, we shall go on debating this problem at every meeting without ever achieving any useful result.

Extracts from the speech by Comrade Sapogova (Ivanovo-Voznesensk).

I shall dwell for a while on the early marrying age. I am a loom-worker and I am constantly among the working masses and the peasants.

It is not merely, as some comrades stressed, a question of maturity or immaturity. Fixing an early marrying age facilitates legalized rape. Some comrades may think it funny that an adult person should submit to legalized rape. But this is how things are among workers and peasants. One can observe cases where parents who financially are poorly off, try in their own interests to marry their daughter off as early as possible. "You are already entitled to be married, and it has such and such advantages," they will say. One can see this happening everywhere. We still live with the old traditions: just as our parents did not know how to bring us up, so we will be unable to teach our children.

A girl is married at the age of 16: How can she look after herself as the mother of a child?—in our country it is chiefly

a matter of safeguarding motherhood and children. In villages in some far-away corner girls of 16 and 17 are already mothers ; but they do not know how to preserve their health, do not know how to rear a healthy child. The conditions of peasant life weigh heavily on women : they have to lift weights, they cripple themselves and develop serious illnesses. We will not be able either to warn or to prevent them.

The marrying age should be raised also because—as every straight-thinking man will agree—young people of both sexes between 17 and 20 easily fall in love and are as easily disappointed. If one were to analyse how many divorces occur in normal-age marriages and how many in marriages entered into at an abnormal age, I am sure one would find that the majority of divorces take place where marriage was entered into below the age of 20. The marrying age must be raised in order that women may have time to reach greater awareness and to understand their rôle as wives and mothers, and that they may learn to preserve their own health and that of their husband, while men at a normal age can learn to realize what they mean for the family.

I will further suggest that the couple should be sent for medical examination before marrying. This is most important. By doing so we can guard the population against venereal disease, since it frequently happens that the sufferers by marrying infect their family.

Extracts from the speech of Comrade Krylenko.

The main question can be formulated in the following way : Should we, should the working class, should the most conscious representatives of the working masses, should the advance-guard of these masses, with the help of this law which touches the very depths of our life and morals, lead the wide working masses forward, lead forward our land—or should we, in publishing this law, trail behind at the tail-end of those moods, demands and survivals of (bourgeois) feelings, those ideas which still persist among the masses in our country ? That is the most radical question to be asked. The answer to this question will solve a great many of the practical difficulties which present themselves, the practical suggestions which have been made here.

You have heard one suggestion at least which tempts one to shrug one's shoulders. It was suggested that we should establish a norm of divorces, or, in a more figurative phrase, a norm

of husbands and a norm of wives sanctioned by the law. It was suggested that we interfere in certain cases—for the sake of the integrity of the *Dvor*—in the private relations of some people, or, as I commented from my seat at the time, " compel them ", force them in the old fashion to continue their cohabitation at all costs when one of the parties declares his unwillingness. It was suggested—and is typical of the state of mind of those who made the suggestion—that a compulsory Soviet marriage be established ; and in this connection it was said that the law should reject and not take into account perhaps millions of people who maintain *de facto* marital relationships.

If this were suggested with a view to preserving the household, etc., one could still understand it. But when a trained lawyer, like Comrade Krassikov, stepped forward with similar suggestions, it was clear that these comrades had not asked themselves the principal question : for what purpose this law was enacted.

And yet this question is answered clearly and with precision by the first basic article which says : " Registration of marriage is established with the aim of facilitating the safeguarding of personal and proprietary rights and the interests of spouses and children,"—wherever the law is summoned to the defence and protection of these interests. And yet we are told : " All you require is to establish compulsory registration, rejecting, disregarding the huge numbers of people maintaining *de facto* relationships ; leave these without the support of the law—which ought to aid the helpless—leave them unaided in future, too, and all this because this formality had not been observed in good time, because their marriage was not registered." Can we possibly adopt this viewpoint for even one minute ?

Under prevailing conditions where economic inequality exists, and where owing to our period of transition life's economic problems are—as one comrade rightly said—the decisive factor for the majority, can we under such conditions set up the rule which much to my surprise was advocated by another lawyer, Comrade Yakhontov : that a woman who has entered into relations with a man already married to another woman by registration, shall not enjoy a wife's rights and shall not be protected by the law ? What are " a wife's rights " ? According to our Code these are definite rights of property which will allow her to put up a fight for her existence, under certain conditions including that of economic inequality. And yet it is proposed

that we deprive her of this support of the law—which ought to protect her—for the very reason that she has entered into relations with a man already married by registration. Some sort of peculiar legal fetishism is at work here, some peculiar kind of idolatry of the letter, oblivious of the main aim for which this Code is being compiled. And that is what qualified lawyers were proposing to us.

We listened to the comrade from the Crimea who said that in the cases under discussion the law-courts will not manage to adjudicate. Let us stand firm and see to it that the courts do manage. As I remarked from my seat at the time, we should ask ourselves whether the courts exist for the population or the population for the courts. If the courts cannot manage, must we therefore issue a different law? But that is laughable!

Again, there is the problem of polygamy and polyandry. Some comrades—Comrade Krassikov among them—talked themselves into the conclusion that a legal norm must be established and criminal legislation introduced providing for the punishment of polygamy. Their argument was that after all we do set up such a norm for the Oirat district or for the Kazakh Republic where Mohammedanism still exists.

But we introduce it there for different reasons. Polygamy there is a means of enslaving women, a survival of old traditions when women were looked upon as slaves and harems were set up. On the territory of the R.S.F.S.R. this does not exist.

I do not mean to say that avoiding a legal norm implies condoning polygamy. But in this question of *de facto* relations a legal norm will lead nowhere and cannot be introduced. There was a case in Samara of a woman who came to court to demand alimony from her own father by whom she had three children. And the court was faced with this dilemma: was she or her father to be charged as a criminal, was this a crime or was it not? At that time we refuted the charge and affirmed that in such cases penal repression, the treatment meted out to criminals, was inapplicable. Some other solution must be found. That is why, for our present problem too, we must choose a new means—the means of communist constructiveness, and solve it differently, without penal sanctions, and in any case without trailing along on the leash of philistinism.

Comrade Kursky's Summary of the Discussion.

In my concluding speech I shall first of all dwell on the

basic problem put forward by Comrades Krassikov and Beloborodov, against which some objections have already been raised. Comrades are afraid that our attitude towards the question of optional registration of marriage, our equalization of registered and non-registered marriages, will lead to polygamy. The fears expressed by these comrades naturally demand serious attention.

It has been attempted here to examine into the occurrence of so-called *de facto* marriages. We can provide some statistics of non-registered *de facto* marriages, those which are acknowledged by both spouses. We are in possession of the 1923 census of the Central Department of Statistics and the data for the same year which are to be found in the Central Registry Office (Z.A.G.S.). The Registry Office data show that for every 10,000 persons in 1923 there were 127 registered marriages; the Central Department of Statistics data show that for every 10,000 people in 1923 there were 134 marriages. These additional seven marriages are those *de facto* marriages which during the census were announced as marriages. These are regular and stabilized marital relations which by the parties involved are regarded as marriages, and it is to this group of *de facto* marriages that we primarily give our protection.

For even under the existing code *de facto* relations, even though only temporary, are given protection, including a right to alimony, if they involved pregnancy and the birth of a child. Thus this group of *de facto* marriages has been acknowledged before.

There remains only a certain proportion of *de facto* marriages which, being childless, perhaps appear doubtful to one of the spouses, i.e., to one of the parties involved, but which would cease to be doubtful if the matter were argued out in court and if by varying evidence it were established that this marital relationship was of a continuous nature and that it was in fact given public recognition by the parties involved, as Comrade Brandenburgsky has rightly pointed out. This group of *de facto* relationships alone is in question, with the aim of widening the compass of legal protection.

Naturally we must adhere to this aim and refrain from introducing any limitations, since if we do, even in the form of defining the very conception of marriage, we should go against the interests of the women, the weaker parties in this question. I therefore consider that the argument against the attitude of our project towards registration does not stand up to criticism.

There is no ground for apprehensions lest certain elements ruin everything, and no need to fear that in my old age I am out to organize mass marriage—that's nonsense.

Once we approach the matter scientifically and attentively, we shall discover a certain extension of women's rights, and that precisely in the direction which we have set ourselves—and yet some speakers asked: What steps are we taking against polygamy? This project of the Code is our first and foremost weapon against polygamy. Why? Because under the previous code there was no full protection of *de facto* relationships, whereas here we are protecting them. We are in effect telling the "spouse"—in inverted commas—who is trying his best to evade his duties towards wife or husband: "You shall answer for this!" We confront him with a threat of material and other sacrifices; consequently we increase the discomforts of such a situation and thereby oppose polygamy, for everyone will have to face the problem of regularizing his relationships.

Apart from this there exists the following undesirable phenomenon: the vagueness of relations with one's first spouse. There are not a few cases, whether in divorce or marriage, where we have a firm and formal marriage, and at the same time find that quite undisturbed relations are being maintained with a non-registered husband or wife. The project opposes these vague relationships by introducing responsibility for *de facto* marriages and making it a duty for non-registered couples to clarify their relations. The project is consistent in its principles, for we are developing the protection of the weaker party, which is the woman and the child, and combating the levity and vagueness with which some look upon marriage.

Next, in the order of the articles, I shall discuss the marrying age. A number of comrades have expressed their views on the subject. Of especial interest were the suggestions by peasant comrades that it should be raised to 19 years for men and 17 for women. This question was naturally discussed by the Commission. We took the point of view of the existing Code which up till now—judging by available data—has not called for correction. We took into account the available experience which gave no grounds for raising the marrying age. But if the session asks for further enquiry into this question by the Commission, the matter should come under review.

Our Code enables all the national republics to introduce amendments for lowering the marrying age in accordance with

their own specific conditions. Comrade Samursky pointed out in particular that for Daghestan the age should be 15 years or even less. I am convinced that the national republics will have to introduce some changes into the [sections on] property relations in order to protect women's rights. Some elaboration appears necessary.

Next, I want to examine the safeguards of marriage which we put forward in article 5.[14a] The speeches both of men comrades and especially of women comrades seem to demand that, before marriage is concluded, not only should a signed statement be produced to the effect that there is no infection with venereal disease, tuberculosis or any other contagious disease, but that a doctor's certificate of health should be submitted. That is the extent of these demands.

This problem was discussed in the Soviet of People's Commissars, and it was decided that at the present moment we cannot afford to be as particular as, for instance, a certain Dr. Zakharyn who examined his own prospective son-in-law before giving his permission for his daughter's marriage with this young man. In time, perhaps, we shall reach such an attitude. We are in any case trying to provide a safeguard by this signed statement, which, by the way, has already become a standing practice at a number of Registrar's Offices.

As to article 7—relating to surnames in marriage—I will remind you that in 1924 a law was passed under which a common surname was not obligatory. Under our former Code in 1918 a common surname was obligatory for the spouses, either the husband's or the wife's or a combination of the two. Practice has shown that in this particular regard we have a number of cases where those who get married do not wish to change their surname, and the Registrar's Offices were faced with this demand. This problem is set by life itself, and our project rules that a common surname is not obligatory. One peasant comrade has pointed out the practical difficulties likely to ensue from a difference in surnames; but under the existing Code, too, the original surname is resumed after divorce. So that in practice we face quite a number of complications which have to be considered. By keeping the common surname optional, we preserve for each party that outward independence which is indeed so necessary and which is inherent in all our articles.

Passing on to the question of property between spouses, I

[14a] Art. 6 of the final text (doc. 7). [R. S.]

must examine article 10,[14b] which affirms that married parties may enter into all kinds of agreements in connection with their property. A complementary section to this article adds that such agreements become legally void as soon as one of the parties considers that his interests have been violated. The People's Commissariat of Justice had only the first part, but the Soviet of People's Commissars introduced the addendum in an effort to safeguard the interests of the weaker party where these agreements are of a superficial and insecure character.

I am forced to say that hardly anyone examined the article which says that in divorce property acquired by the spouses during marriage is to be shared. This is an extremely important article, and it introduces something new. At first we had " segregation of property ", but now " community of property " is being introduced : property acquired by common effort becomes common property and on divorce is to be shared equally.

In my explanatory note I have pointed out the motives of this rule which was inspired by the broad masses of the workers. We find a number of cases among them where a worker's wife, a housewife, runs the whole house, looks after the upbringing of the little children and thus participates in the common household, but does not receive anything for her pains after the divorce because the husband—the worker—keeps everything.

By the way, this particular article was suggested by a delegate of the women-workers.

Such community of property appears to be quite a sound principle. As for the peasants—we have the Land Code which regards everything acquired by the *Dvor*, i.e., by every member of the *Dvor*, as common property, and both women and children are members of the *Dvor*.

Turning to the question of alimony, the demand that on dissolution of marriage there should be aid and assistance for spouse or child, I have to point out that we propose one basic modification : only the destitute spouse who is unable to work has a claim to alimony.

Comrade Kartyshev devoted much passion to outlining abuses of these provisions, quoting instances which would hold true neither under the old nor under the new law. If a man is earning 20 rubles and a woman 60 rubles, and if on top of this salary she wants to share his 20 rubles, she cannot do so under

[14b] Art. 13 of the final text (doc. 7). [R. S.]

the law. She cannot be held to be destitute, a woman unable to work. As regards this inability to work, headaches are no reason for such an inability.

The project of the Soviet of People's Commissars has one weak spot : the right to alimony during unemployment. This is a danger spot, because it is conceivable that people may shirk work. In practice there will probably be some modification of this point, in the form of registration at the labour exchange in order to establish the cause of the unemployment. The principal modification introduced in connection with the right to alimony is sufficient to guard the law against any abuse, especially in this sphere.

I must also draw attention to the interesting speech made by Comrade Baranova, who approached the subject most thoughtfully. Her speech had only one shortcoming : she was unfortunately not acquainted with certain articles of other Codes.

It is precisely in connection with the right to alimony that arguments crop up among peasants, among members of a *Dvor*. I have been sent a note asking how this right agrees with the Land Code. This code contains articles which provide against a splitting up of the farming establishment. Now, where a divorce is granted by the courts, a right exists to a share of the *Dvor*. But among peasants these matters are regulated under the Land Code, which states that no demand for the sharing out of a *Dvor* can be made where less than two years have elapsed.[15] An article to this effect is contained in the Code. In consequence, where divorce takes place before the lapse of this period, there is a right to alimony in kind only ; and as I have already mentioned, there have been cases in which the courts have awarded a cow to provide for the feeding of an infant and similar cases.

Such are the existing modifications. In any case we cannot deviate from the basic right to support. We cannot refuse a peasant woman the right to alimony, the claim to a certain portion of the property comprised in the peasant *Dvor*. Otherwise we should leave these women unprotected. In our endeavours to preserve intact the economic strength of a *Dvor* we should be forcing an unemployed woman on to the streets, we should be penalizing an innocent woman who has been divorced by her husband or forced to leave him through intolerable conditions arising in the *Dvor*.

[15] I.e., between marriage and divorce, which here also measures the length of "partnership" in the *Dvor*. [Tr.]

I shall now examine the question of divorce itself and quote certain data concerning its occurrence.

Statistics recently issued by the Registrar's Offices on divorces during the months of October, November and December 1924 show that for every 10,000 inhabitants of district towns there were seven divorces, with three and two divorce cases respectively for the same number of inhabitants in smaller towns and villages. By multiplication we thus obtain annual figures of 28, 12 and 8. We are thus shown that on the land divorces are not frequent. It is of course conceivable that a *Dvor* should be hard-pressed by demands for a sharing out of its property ; but I consider that the solution to this problem of alimony is to be found in the Land legislation which provides both a ruling on the apportioning of a *Dvor* and laws governing the sharing out from a *Dvor* and so forth. The problems raised by the speakers should be asked and answered in this light.

As to the question whether we are to ratify the Code in this session or postpone ratification to the next session, I must say I have the very clear impression that votes are divided and that there is on this matter no such unanimity as was expressed when I asked whether we should postpone discussion of the Code or discuss it at once. But it seems to me that a great majority of comrades are inclined to approve this Code ; and I do think that by our common efforts we could introduce even into this Code certain amendments wherever they are called for, and it will not become an armchair project.

I want to oppose the comrade who asserted that the project had not been sufficiently debated locally. It has been sent round to both Regional and District Executive Committees. It has been both in Ivanovo-Voznesensk and in Smolensk. Perhaps it has had no chance for discussion in Uyezd and Volost[16] Executive Committees, but the question was argued widely in the press (I have quite a number of cuttings from newspapers and magazines) and you can see what interest, what discussion it has aroused during this session.

In any case a commission must be formed to study the project in detail, and if this commission fails to reach agreement and

[16] *Uyezd* : a small administrative unit including several villages. *Volost* : an administrative unit intermediate between the *uyezd* and the *gubernia* (the larger administrative unit taken over from Tsarist times). Since the time of the discussion reported, *uyezd* and *volost* have been replaced by the *rayon* (district), with the *okrug* (somewhat corresponding to a county), and the *oblast* (a region much larger than the old *gubernia*) above them. [R. S.]

decides in favour of postponement with a view to a more careful consideration, the question can be settled. It cannot be settled by a casual speech here and now, because, comrades, we must not delay the protection of the weakest—which is the very aim of our project. (*Applause.*)

Extracts from the Debate on Kursky's Concluding Speech.

Comrade Krylenko: " Comrade Ryazanov proposes that in view of a number of remarks—and remarks to the point—the project should be sent round, printed in the various local papers, and then, as was suggested by the comrade from the Volsk district which has not seen the project, examined in all *volost* and town meetings and sessions everywhere."

(*Voice from the floor:* " That's right ! ")

Comrade Krylenko: " That may be right from the point of view of having everyone informed, but it is quite wrong if existing legislation is taken as norm. Comrade Ryazanov says : Let them discuss it at all the meetings. And what then ? How, in what way, are you to summarize all opinions ? "

(*Comrade Ryazanov, from the floor:* " At the next session ! ")

Comrade Krylenko: " I am sorry : but we have a definite, well-established order which can be widened to a maximum for the sake of perfecting the State apparatus ; but we cannot go so far as to say now : We shall cancel the project of the Code on Family and Marriage, arrange a referendum, create the machinery necessary for establishing total opinion and go by that. This is not permissible—it is a utopian proposal."

(*Comrade Ryazanov, from the floor:* " No one mentioned a referendum ! ")

Comrade Krylenko: " If you are to consider all suggestions, you will see that this amounts to a general referendum."

Comrade Kalinin: " It seems to me that the project under examination is one deeply affecting life and morals. It is a rather bold project."

Comrade Brandenburgsky: " Where does the boldness lie ? "

Comrade Kalinin: " I would say that it is generally desirable that every law should be subjected to mass discussion and mass study. Comrade Krylenko is quite wrong in opposing Comrade Ryazanov on this matter.

" If mass discussion both in the press and at meetings is generally desirable, it is all the more so when we introduce legislation of such great significance to our way of life. I must

point out that we are to some extent deprived of definite pronouncements from women's organizations. Women's organizations have not stated their final opinions . . .

" I should make it clear that Comrade Kursky, too, favours postponement. His speech has perhaps been misunderstood : he was proposing to submit the project to a commission.

" It seems to me that while we can well submit it to a commission, we must in any case postpone it. I fear that we have neglected the feelings of the peasants and are in a hurry to publish this Code. That is why we must postpone it. For we have long ago decided in general to invite the masses to participate in legislation. Comrade Krylenko asks : ' How are we to discover and assemble mass opinion ? ' He need not worry : it will be ascertained.

" I have for instance observed that the number of people who want to be heard on the subject exceeds that of representatives from the national republics.

" One must also note that the proposal put forward by Comrade Sentsov originates not in the initiative of the Presidium, but in the initiative of a local meeting.

" This proposal appears to me to be fundamentally a very reasonable one. The time has come when we should exercise the greatest care in approving legislation. The essence of a law, Comrade Krylenko, lies not only in its expediency, but also in the manner of its introduction, in the fact that the masses participate in its creation. If the essence of laws lay in their expediency, their soundness alone, Comrade Krylenko, Yakhontov and other lawyers would have produced millions of such laws, there is no doubt. But the whole point, and our main task, lies in drawing the masses of the workers and peasants to participate in legislation. And we must endeavour to increase the participation of the broad masses in the discussion of this very Code."

Comrade Larin : " What does the proposal put forward by one of the comrades, and to my surprise supported by Comrade Kalinin, imply ?—the proposal to submit this Code to discussion by all *volost* executive committees. Is this right in principle ? Is our Soviet land to be governed through the primary units of democracy or through the power of the Soviets ?

" Are we creating our laws on the basis of a general vote, a referendum ? Are we to place ourselves on a level with the more backward ? Or do the working masses elect the best from their midst, élect the advance-guard to lead them forward ?

"If we are to accept the method of deciding exclusively by majority votes in village meetings, then we must take the leadership of the country from the advance-guard and pass it on to a body of the most backward, long-bearded village elders, in which body Comrade Ryazanov should be included . . ."

[But the "village elders" got their opportunity to make their voice heard; though, as we are soon to learn, they did not as yet have their way. Sentsov's motion was agreed to. So we meet, one year later, once more in the great hall of the Kremlin.]

(*b*) Third Session of the Central Executive Committee of the R.S.F.S.R., Twelfth Election Period.[17]

NOVEMBER 15, 1926.

Report by Comrade Kursky.

Comrades: May I recall that the Second Session of the Twelfth Assembly of the All-Russian Executive Committee has already examined the project of the Code of Laws relating to Marriage, Family and Guardianship, submitted as drafted by the Soviet of People's Commissars, and that, having accepted this project as a basis, the Committee decided to have it circulated for local discussion at widely-held people's meetings, with a view to ascertaining the attitude of the broad masses to this project of law which vitally concerns the interests of one and all?

The discussion has assumed unusually large proportions. According to calculations made by the People's Commissariat of Justice, the number of village meetings alone amounted to 6,000, and may in fact have been considerably greater.

In paying attention to the trends of opinion that the examination of our project in the various districts has revealed, I must first of all dwell on those which became apparent at the village meetings. Here a tendency showed itself to preserve, to conserve the patriarchal peasant family; the motive being, of course, an economic one: the desire to preserve an economically more powerful household, and so on.

The letter which Comrade Platov, a member of the All-Russian Executive Committee, recently published in *Izvestiya* was more or less in that tone; in it he declared that the project of the People's Commissariat of Justice which had been circulated for local

[17] Since for this session, as distinct from the preceding, the complete minutes were not available, this compilation is based on the official report of the proceedings in *Izvestiya*. [R. S.]

discussion was a project of no marriage or polygamy, that it would bring havoc to the villages, that the villages still cling obstinately to Church marriage, to the patriarchal—the letter does not use the word "patriarchal"—but precisely to the old family, and that every divorce is a misfortune for the village.

I must say that, according to surveys now in my possession of the resolutions adopted at village meetings in the Archangel and other districts, such opinions were indeed voiced, but I did not discover any general trend in this direction. Nevertheless, this approach to the problem of family structure in the villages demands careful examination.

I must begin by saying that, on the strength of existing statistical data, this viewpoint does not in the least accord with the economic processes now affecting the villages, which could be slowed down by some legislative measure if anyone so desired. In the last edition of Krushchova's interesting book, *Classes and Groups in the Villages*, the following data from the 1924–5 census of the Central Department of Statistics are quoted showing how often the common property of peasant families was shared out: in consuming districts over 135,000 peasant *Dvors* have been counted; of these in 1925 2·5 per cent. divided, i.e., out of every 100 *Dvors* 2½ divided. Even if we take into account that small percentage of *Dvors* which for one reason or another joined forces, we still have 2·1 per cent. which in 1925 completely divided. In the producing districts, not counting the Volga region (where 94,000 *Dvors* have been counted), this percentage is even higher: 2·7 per cent.; in the Volga districts the percentage is 3·7—which means that in the course of one year an average of four *Dvors* out of every hundred would divide up.

Even if we remember that on the Volga the rate of division among the peasant *Dvors* has since then slightly decreased, as has the number of families sharing out their property on account of the famine, and that later these processes for a while completely ceased, as was shown by an investigation, we must still give the average annual percentage of *Dvors* dividing as at least 2 per cent. This means half a million new *Dvors* each year. We thus find nothing less than a definite natural process of disintegration of the old many-membered family. I shall not now touch upon the economic consequences of these divisions. Fortunately, thanks to the considerable amount of land the peasants acquired in the course of the revolution, we do not face any marked economic symptoms of a decline of agriculture in connection with these

family divisions. As you know, the available data show an indisputable decrease in untilled land, even among those who own up to 2 desyatiny of land.[18] We thus have no process of economic decline, although, as some comrades rightly pointed out, there is an initial outcrop of non-producing small holdings as a result of the family divisions.

The facts show that we must completely abandon the reactionary Utopian idea of preserving the patriarchal family and preventing the division of peasant families into smaller units. It is impossible to stop processes which have their roots in the life and morals of the broad peasant masses.

As regards the other argument put forward by the advocates of these views, namely that the villages still adhere strongly to Church marriage, we must admit that this may well be the case. We cannot deny that there are in the villages large numbers of people who chose the Church ritual when entering into marriage ; but the available data make it possible to establish another fact which will prove vital in assessing the discussions that took place. We have the following figures of marriages celebrated annually in the R.S.F.S.R., as out of every 10,000 inhabitants : in 1911–13 there were 81 marriages (this is the number of marriages entered into per year per 10,000 inhabitants and celebrated in church, there being no other form of marriage in those days) ; in 1922 we have 132 registered marriages ; in 1923, 127 ; in 1924, 109 ; in 1925 (during 9 months), 60 marriages, which averaged out gives an approximate annual total of 100.

We can thus note two developments. On the one hand there is a very considerable increase in the number of registered marriages after the end of the imperialist, and particularly after the end of the civil, war (a similar increase in the number of registered marriages can be observed in all countries). On the other hand there is a gradual decrease in the number of marriages, bringing the figure to a norm of more or less 100 for every 10,000 inhabitants.

Reviewing these developments as a whole, we are bound to declare that the registration of marriage has become a custom, that it has become the normal way of formalizing marital relations, and is fully recognized throughout the territory of the R.S.F.S.R.

To speak of the villages as clinging to the Church ritual is therefore wrong. At best we may say that side by side with

[18] 1 desyatina equals 2·70 acres. [Tr.]

registration, marriages are still being formalized by a Church ritual which has no legal import. In any case we can assert the complete victory of our way of formalizing marital relations. Thus the second argument put forward by the adherents of this right wing at the village meetings is without foundation.

Another trend of opinion which came to light at the village meetings I would call the middle course, the basic trend. It advocates the registration of marriages, i.e., the preservation of the law as it is at present. In this connection I shall take the liberty of reading out two resolutions, typical of those adopted by village meetings and, for our present purpose, extremely characteristic. I must add that these resolutions provide a great deal of material in other respects too (one of the meetings raises the question of divorce, the other that of alimony) but they are characteristic as far as the basic problem is concerned.

I shall read the resolution adopted at the meeting of the citizens of the Ukhtobtrovsk commune of the Kholmogor region in the Archangel district. The meeting resolved :

(1) to take note of the report ; (2) to express satisfaction that our government has submitted the law on marriage and the family for discussion by us, the peasants ; (3) to express the wish that—

(*a*) the need for registering marriages should be realized, as otherwise both men and women in the villages will lead lives of greater profligacy and debauchery ;

(*b*) the division of agricultural *Dvors* should proceed as laid down under the present law, but the law should make it clearer that during proceedings the reasons for such a division must in all circumstances be stated and that property will be allotted to or withheld from persons demanding it, according to these reasons ; this condition should be introduced with a view to the preservation of existing *Dvors* ;

(*c*) the adoption of other people's children, as set out in the project, should be approved.

And here is the resolution of the citizens of the village of Maletino in the Pinezh region :

(1) Registration of marriage is to be considered necessary for the following reasons :

(*a*) because the parties to non-registered marriages may be without safeguard ;

(*b*) in order that persons living in non-registered marriage should provide all kinds of evidence ;

(2) Divorce should be permitted without limitation ; but in

each case the reasons leading to divorce should be stated ; and if these reasons are found to be insufficient, divorce should not be granted and the guilty party should be brought to court.

(3) Relatives should not bear the material responsibility in cases of alimony ; it should be borne by the parents.

(4) Where a marriage is non-registered, no provision for the children's upkeep should be exacted.

(5) Where a marriage is registered and one of the spouses leaves for valid reasons after having shared in the household for not less than three years, household property should be divided ; but no such division should be permitted in the case of non-registered marriages.

Resolutions of this nature were passed by 60 per cent. of all the meetings throughout the Archangel district. Out of 89 meetings, 50 expressed views favouring legal protection for registered marriages only and the imposition of restrictions on the sharing out of *Dvors* and on divorce. The reasons which were given were narrow-minded : that this would lead to debauchery, that with *de facto* marriages the parties will be unprotected. But on the whole there was a very clear desire that the old law should be preserved and that registered marriages alone should be protected. However, as I have already pointed out, 40 per cent. of the village meetings raised the necessity of affording the protection of the law to non-registered marriages also. Very typical is the resolution adopted by a general meeting of the citizens of the village of Piremen, in the *Volost* of Trufangorsk, in the Onega district. It says :

(1) Only registered marriages should be considered as legal marriages with all their consequences, because the peasants have not yet fully abandoned Church marriage.

(2) Divorce must be free.

(3) Only such property must be shared between, spouses after divorce as they acquired during their life together.

(4) The spouse able to work should not receive assistance from the other spouse, nor should he or she receive assistance during unemployment.

(5) Relatives, whether direct or by marriage, should not share the responsibility for alimony of a member of the family.

(6) Where, in establishing fatherhood, other cohabitants are cited, the latter should be made to contribute towards the child's upkeep.

Note.—Young people present at the general meeting, but out-

voted at the count, during the discussion of the question dealt with in paragraph 1 raised their voices for the equalization of *de facto* marriages with registered marriages.

This note which accompanies the minutes of this meeting is characteristic.

We can thus discern three definite trends of opinion in the villages. When we turn to the towns, we shall meet with a completely reversed attitude to the problem. In the towns an overwhelming majority of the meetings, especially those held in the workers' quarters, voted for the extension of legal protection to non-registered marital relations. This can be stated, not as an approximate survey, but as a definite fact.

Before proceeding to a detailed discussion of individual articles of the project, I want to examine the main trends of opinion revealed at the urban meetings. Here, too, there were those who advocated the exclusive protection of registered marriages, but the argumentation ran along different lines and was based on the following considerations : The State is interested in the control of marriage ; not only does it keep account of marriages entered into, but insists that certain necessary conditions should be fulfilled before a marriage is entered into, such as a minimum marrying age, a signed certificate of health, etc. These measures have in view the health of the future generation. Compulsory registration, in the eyes of the advocates of this point of view, would also be a weapon in the struggle against Church marriage. Although we can point to a very considerable percentage of registered marriages, Church weddings will be granted legal protection once we reject registration, and we shall thus, these advocates insist, be giving Church marriage an opening.

A further contention of the advocates of this point of view, to which we must give particular attention, is that registered marriage implies not only property rights, but a number of other rights in addition, first among them the right to a vote. According to our law, a housewife is entitled to a vote ; therefore, with a registered marriage, a housewife—the wife—receives the franchise.[18a] Then there are quite a number of privileges in con-

[18a] Before the 1936 Constitution only citizens recognized as productive workers, home-makers amongst them, were enfranchised. The above remark was relevant only in a lower-middle-class *milieu* ; girls without distinct occupation who lived with their parents would become entitled to a vote (which implied a definite social status) when marrying and thus shouldering a housewife's duties. Most workers and peasant girls, of course, were active in production, and therefore already enfranchised before marriage. [R. S.]

nection with military service. The import of registered marriage here lies in that evidence of marriage must be submitted, as it must, for instance, for the right to become a member of a communal dwelling-house and for a number of other privileges connected with registered marriage. The advocates of this point of view therefore insist that we should formalize marriage through registration, which would bring with it certain definite rights. This attitude was voiced not only at the previous session of the All-Russian Executive Committee, but also during the debates held at Uralsk and Rostov-on-Don. There are also a number of literary works propounding this point of view.

Another point of view expounded at the urban meetings approaches the main thesis of our project regarding the protection of non-registered marriages. The adherents of this school declare that the project does not provide a sufficiently clear definition of the conception of marriage as such and that it is necessary to include in the law such a definition of marriage, to enable the State to protect the rights of spouses and children, and the obligations which ensue from non-registered marriage. The State which takes the marital relations of the citizens under its wing provides marriage with a number of advantages, and this makes it necessary for the law clearly to define, and in the case of non-registered marriages to enumerate, the criteria by which it would be possible to distinguish between marriage and a casual liaison. The adherents of this school are of the opinion that certain relatives, too, should be answerable to a claim for alimony. Such is the second viewpoint raised at the general meetings.

Lastly, the third attitude to which I must devote special attention is the one which defends the basic thesis of our project—namely, the protection of the legal rights of non-registered marriages.

But what is the basis of the main thesis of our project? I shall in the course of my explanations come to the actual text of the project for the Code of Laws relating to Marriage, Family and Guardianship which was approved by the Soviet of People's Commissars, and which differs from the earlier project in that it sets out with greater precision a number of norms that attracted special attention during the discussions.

The first point to be made clear is that side by side with registered marriages we face a considerable spread of marital relationships unformalized by registration. Some highly revealing statistical data are available in this connection. I may begin

by recalling the data which I quoted during the second session of the All-Russian Executive Committee, relating to the proportion of marriages registered at Registrar's Offices and to those marriages disclosed by citizens questioned during the 1923 census. This census showed that for every 10,000 inhabitants there were 7 more marriages than were registered ; this means that for every 100,000 inhabitants 70 marriages had been entered into which remained unregistered and were yet regarded as marriages.

A marked spread of non-registered marriages is confirmed by other data also. The Moscow District Court has made a very interesting investigation. They selected, from the proceedings of People's Courts both in Moscow and in other districts, a number of suits connected with alimony. Three hundred such cases were investigated, and these were chosen so as to give a representative idea of the 18,000-odd alimony suits that come before the People's Courts of the city and district of Moscow every year. We must bear in mind that only cases in which alimony was claimed for the upkeep of children were reviewed ; i.e., the *de facto* marriages considered include only those in which there were children.

In terms of percentages we have 36·4 per cent. of marriages non-registered but involving a comparatively long period of association (23 per cent. of these last for about one year and 13 per cent. last longer than one year, even two years and some even longer than that). The marriage is entered into, children are born, and then the father abandons the mother and the latter brings a suit for alimony.

As we have seen, there is a considerable proportion of *de facto* marriages which without registration last for a more or less considerable period of time and in the main correspond to the outward criteria indicated in article 12 of the project of the Soviet of People's Commissars. Life itself thus creates a clear-cut necessity —that of providing protection for those *de facto* marriages which involve an association of a more or less lasting nature.

The chief objection the advocates of the project met with when it was submitted to the second session of the All-Russian Executive Committee, arose over the very vagueness of the term " *de facto* marital relationships ". The earlier project laid down that the property of persons who *in fact are in a state of marital relations even though unregistered* is subject to the provisions of the same articles as apply to registered marriages ; and that persons who *in fact are in a state of marital relations even though unregistered* are entitled to claim maintenance and support. It was pointed out that this formula

covered all sorts of casual relationships, although these, as the investigations of the Moscow District Court go to show, represent a negligible fraction of unregistered marriages, some 4 per cent. all told, and although the main body of alimony suits arise over cases in which two people have been living together for quite some time and have virtually created a family, until this family is then broken up—possibly at the wish of one of the spouses—and the alimony claims ensue.

The main argument raised against us declared that we were affording protection to every casual liaison without defining what we mean by *de facto* marriages.

The project in its present shape is meant firstly to take that argument into account. It clearly defines both what is meant by registration and by " *de facto* marital relations ". The idea of registration is defined in articles 1 and 2 of this project :

> The registration of marriages is established with the aim of facilitating the protection of personal and property rights and the interests of spouses and children. A marriage is formalized by registration at a public Registrar's Office as laid down in part IV of this Code.
>
> The entry of a marriage at a public Registrar's Office shall be deemed irrefutable evidence of this marriage unless it be disputed in court.

Such is the quite evident significance of registration, and such are the advantages it provides over non-registered marriages for which our project envisages protection only in the sphere of property relations. The time will come, I am profoundly convinced, when we shall make registered and *de facto* marriages equal in all respects and abolish registration. Registration will then serve only to provide statistical data of these events in so far as it will always be necessary to keep a count of them. This time will come—but for the present, registration, whatever solution of the problem we propose, will always have the advantage of providing an indisputable title to all the rights arising out of marriage ; for such protection of *de facto* marriages as is provided by the present Code and was envisaged in the earlier project, is confined to a single point : the protection of property rights arising from *de facto* marriage.

Article 12 of the present project lays down the conditions to which this protection is subject. These are the criteria :

> Evidence acceptable in court of a marital relationship where the marriage has not been registered comprises : the fact of living together,

the existence during this association of a common household, awareness by a third party of these marital relations, evidence thereof in personal correspondence and other documents, as well as reciprocal material support according to the circumstances, joint education of the children, etc.

Comrade Kurz (from the floor): What about Church weddings?

Kursky: The article adds "et cetera . . ." When this project was submitted to the Soviet of People's Commissars, there were two opposed points of view. The original draft did not include the first three criteria establishing the title to protection in a *de facto* marriage, namely association in a common household and evidence of marital relations in correspondence and other documents. These prerequisite criteria were, I repeat, not provided for in the original project. After enumerating a number of criteria which either separately or in one or another combination would provide the courts with evidence of the existence of a *de facto* relationship, the Soviet of People's Commissars decided that it was necessary to base the protection of the law on the most adequate and widely representative conditions, and thus produced the draft of article 12 which I have just quoted. As I pointed out, this limits the conception of marriage in that it grants protection to *de facto* marriages only where there is evidence of a joint household, of cohabitation, and of letters and other documents bearing witness to these marital relations.

Comrade Krassikov (from the floor): All these three criteria?

Kursky: Yes, all these three criteria. Such is the basic thesis which we incorporated in our project and which the Soviet of People's Commissars altered in the spirit of article 12. We must not forget that the project envisages protection of *de facto* marriages only in the sphere of property rights; it extends, that is to say, its provisions regarding the property of spouses—about which I shall speak later—to non-registered marriages and likewise extends the right to alimony, to a maintenance grant for the spouse, to non-registered marriages where these satisfy the criteria laid down in article 12. But in order to benefit from the other privileges arising from marriage which I have already mentioned: the political rights [18a] and the right of joining a communal dwelling house and so forth. . . .

Comrade Kurz (from the floor): Be good enough to register!

Kursky: Yes—be good enough to register. That is the main point which we must make absolutely clear.

Comrade Ryazanov (from the floor): Is it worth all this fuss?

Kursky: Yes, it is, because you would otherwise leave hundreds of thousands of women without any protection. That is why it is worth all this fuss, Comrade Ryazanov.

Discussion on Kursky's Report.

Comrade Y. Larin:

I shall speak only on the question of article 12 of the project, about what should be deemed criteria of marriage. This article is prompted by the desire not to entitle a wife to a share in the property where relations were only of a casual nature, and thus to reduce profligacy among women. It is said that the prospect of easy acquisition of property persuades women readily to consent to a liaison. The Soviet of People's Commissars therefore lays down three criteria in article 12 : " Evidence acceptable in court of a marital relationship where the marriage has not been registered comprises : The fact of living together, the existence during this association of a common household, awareness by a third party of these marital relations, evidence thereof in personal correspondence and other documents . . ." I shall not go into the statistical, economic and other arguments. All this is relative. If the Komsomols [19] declared at one of the village meetings that there is no need for the registration of marriage, perhaps our Pioneers [20] will say that there is no need for marriage at all. (*Laughter.*) I shall not base myself on these arguments. It seems to me that this article makes virginity and virtue compulsory for everybody. (*Laughter.*) One might say it has in view the members of the family " department of public nutrition " :—a servant, a concierge and such may live together with the owner of a flat while the wife does not necessarily do so. I know a militiaman [21] who has been married for a long while, although his marriage is unregistered ; he has two children who run about the streets and bear a strong resemblance to him ; this militiaman and his wife consider each other husband and wife, although they do not live in the same flat and run no joint household. But if the wife of this militiaman were to go to court and say : " We recognize each other as husband and wife "—the court, according to article 12, will have to reject this argument. She would add : " Look here, I have two kids ! "—and, according to article 12, they will retort :

[19] *Komsomol*—the Young Communist League which organizes young people of both sexes from the second half of their teens up to the twenties.
[20] The Communist children's organization. [21] Borough Police.

" Pardon us, but you are a maiden ! " (*Laughter.*) The article proposes criteria of marriage which do not accord with the facts of reality. This may lead to the wholesale condemnation as non-existent of marriages which do in fact exist.

How many cases are there where the spouses do not live together ? I know a secretary of the District Committee who in the course of Party transfers left Moscow for the provinces and has been living there for the last six months already, while his wife and children are here. According to the ruling of the present law their marriage would be considered annulled because they have ceased to live together and no longer maintain a joint household. But not knowing article 12, they did not even suspect this. (*Laughter.*)

We know from court proceedings that persons in a position to engage and dismiss employees invite their women and girl sub-ordinates to their flats and seduce them. The present draft of the law leaves these gentlemen unmolested and unthreatened by any consequences to their property. Such a person will be brought to book only where the fact of rape can be established. Leaving the women thus utterly without defence, we provide all sorts of bosses with an opportunity of abusing their powers, since they will be in a position to use women and girls without financial commitments and since it will be much more difficult to bring a charge against them, the culprit finding it much easier to clear himself.

Finally the project makes no stipulation whatever as to how long these criteria must have applied. For after all, all this can be arranged in a single day. Let us suppose a man takes a room and brings a woman there : here you have cohabitation. Then he orders supper—there is your joint household. Then, while ordering the menu, he says : Bring me such and such a brand of wine, and for my wife such and such a different brand. That is demonstrating marital relations to a third party. After which the woman will write a letter to someone to say that she has got married to So-and-so—and if, the following morning, he goes and buys her a pair of boots, you will even have property jointly acquired during marital relationship. There you have all the criteria. And if, from Comrade Kursky's speech, the woman discovers what law is valid in the Ukraine, she may travel there and register the marriage without the man's knowledge. (It is true that Ukrainian law stipulates that the public Registrar's Office must make relevant enquiries of the other party within one

month ; but it may just happen that this man will be having a month's holiday and the period during which he can protest will elapse)—there you have a formally fixed marriage.

Approval of this article will therefore have four results : (1) a certain category of inhabitants living in *de facto* marriage will be deprived of protection ; (2) marriages which do exist will be annulled ; (3) an uncompromising implementation of the law will leave many women in a position of dependence ; (4) and its implementation will lead to many incongruities in practice. There is therefore no need to squeeze into the law those criteria which would adequately identify marriage. This should be entirely left to the courts. The Soviet of People's Commissars by this law imposes restrictions not only upon women, but also upon the courts, by instructing them not to recognize a marriage where all these criteria do not apply. Article 12 is an exclusive law, both against women and against the courts. It is an expression of distrust in the courts.

Comrade Kapustina (Kostroma District) :

The majority of peasants and workers point out that the project sets up a very low marrying age : 16 for a girl and 18 for a boy. This is bound to make itself felt on the young organism, especially on the feminine one. If women become pregnant as early as the age of 17 and in addition have to bear the brunt of work both in the family and in the field, they will—without having time to mature—overstrain themselves and age rapidly. And if the marriage does not come off, they will have lost all means of returning to a normal life and will be doomed to toil and suffer all their life. I therefore suggest that the minimum marrying age should be fixed at 19 for men and 18 for girls. The man's age must be raised because at so early an age he will be unable either to manage a household or to create such relations with his wife as would lead to a normal life.

Evening Meeting, November 15, 1926.

Comrade Krassikov (of the Supreme Court of the U.S.S.R.) :

Our existing legislation on family and marriage relations was created by the methods of bourgeois law. This legislation has not and cannot have anything communist in it, as some comrades are trying to prove. The new law which is being submitted to the

present session of the All-Russian Executive Committee for approval likewise has nothing communist in it. Under present circumstances the existing legislation is quite satisfactory and we must not make fresh demands on it. Our associates in the U.S.S.R., such as the Ukraine and White Russia, recognize this and base their laws on family and marriage on our existing legislation.

In my view, you, as a legislative body, must decide the precise shape into which the legislation on marriage and family will mould itself. I consider that here all romanticizing and all illusions would be not only superfluous but even harmful. The law we are examining has, as I said, nothing communist in it. There are, in fact, no communist laws as such at all, since in a communist [22] society there can be no laws.

Under the prevailing conditions we are compelled to construct our law according to the methods of bourgeois law. The project for the Code of Laws on Marriage, Family and Guardianship as drafted by the Soviet of People's Commissars contains nothing that would go against bourgeois law.

The State is forced to enact laws making the care of women and children obligatory. The State puts the matter thus: If two people propose to get married, these two must, firstly, undertake to help each other, and secondly, if they intend to have children, undertake to keep these children, to feed them, rear them and educate them. In a communist society this care is undertaken by the society itself, without making its individual members bear these responsibilities. But during the period of transition we are forced to follow the methods of the bourgeois countries.

Our main task, and I would say the minimum task of our project, should lie in arriving at a definition of marriage. But our project has left out the most essential aspect: a condition that the society be informed that a marriage has been concluded between two people, with all the attendant consequences. Marriages must be declared to the society. Without this, marriage will be no better than a pseudo-marriage, something like a marriage, but not a marriage from the legal point of view. We might argue about what official departments would have to be notified of the conclusion of any marriage—but that is not the

[22] The speaker, and his Bolshevist auditory, are thinking, of course, of the second stage of the new society in the Marxist sense, as opposed to the first, the socialist stage. [R. S.]

main point. The principal question is the need for registering marriages.

We could say in our project that we grant our protection not to those who enter upon a marriage, who register it after they find themselves without means—that we grant it not on the ground that a marriage has been entered upon, but because it is the duty of the State to help workers who are in difficulties.

I insist that the registration of marriages is a means of aiding the weaker party. It is much more advantageous for a child if its mother's marriage is a registered, not a *de facto* one ; and since the registration of marriages benefits the children, a law should be enacted to protect the children's interests.

We must be quite clear that only registered marriage is marriage. If Nikolai Vasilyevich Krylenko thinks that the equalization of *de facto* and legal marriages is communist law, he is mistaken. Such a law is purely bourgeois. And there is no need, it seems, to dwell on what communist law in fact is. Comrade Lenin has said that we shall still have to make use of bourgeois law for a long time to come.

In his report Comrade Kursky has not proved that marriage registration is redundant. On the contrary, he said a great deal about the fact that registration is necessary and even inevitable. All the opponents of registration are in the end its advocates. I am bound to state that no arguments against registration have been put forward. I suggest therefore that to the new Code of Laws relating to Marriage, Family and Guardianship an article be added, laying down that only the marriage of two people who have undertaken definite duties both towards each other and towards their children, and who have registered their marriage before society, shall be considered as a marriage.

Comrade Kasparova (of the Women's Section of the Central Committee of the All-Union Communist Party (Bolshevists)) :

We are building socialism in our country. Yet, when we face the facts of everyday life, we for some reason allow ourselves to be turned aside ; although our task is to go forward towards socialism. The present project is certainly a step forward. And if we alter article 12 of this project, we shall achieve what we had in view, what we are striving for.

We must approach the realities of our life realistically. Our actual economic situation shows that we are not sufficiently strong to give social security to all who need support. We are therefore

considering that some of the destitute should be cared for by the State, and the others by the family.

Article 12, in a very concealed fashion, indicates that very many women will be left completely without aid. If you stand by the three points enumerated in article 12 to guide the courts in proving marital cohabitation where the marriage is not registered —the fact of living together, the existence of a joint household and the awareness of a third party of these marital relations—you will tie the judges down and they will have no means of helping the women.

I suggest that article 12 be dropped altogether and that it be left to the discretion of the judge to find marital relations proven, on the basis of the facts of the case. For you know very well, comrades, that during the present period *de facto* marriages do exist. Can you ignore them?

I agree that at the present time it is difficult to provide for all destitute persons at the government's expense. But at the same time we cannot do away with those little channels of socialism through which we guide our aid for destitute workers. If we are to do away with this form of assistance, we shall have taken a reactionary step back. I hold that we must have social security. But article 12, as I see it, indirectly opposes social security and the case for aiding women who live in a state of marriage but whose marriage is not registered.

Comrades, I approve the project of the Code, but I oppose article 12.

Comrade Mutush (Siberia):

The project of family and marriage legislation was discussed very heatedly. I must say that the project has many vague and inexact points. I have attended many workers' meetings on the subject. Even separate women's meetings were arranged. What was said at these meetings? First, it was pointed out that the marrying age was unsuitable. Sixteen for women and 18 for men is too early. The workers think that it would be difficult to lead an independent life at this age. The marrying age ought to be raised.

Then the workers discussed whether marriages should be registered or not. The majority favoured registration. I think that even if marriages are not to be registered, some support should be given to the women.

But the general approach to the family problem is much too

one-sided. Everywhere and by everyone the man is blamed. And yet very often it is the woman's fault that the family disintegrates. I know of cases where the wife abandoned her husband and children to take up with another man.

I must say in general that women have done some unpleasant things. A woman, for instance, would come to the Women's Department, would tell tales about her husband, would slander him—and then a commission was set up to go and inspect matters, putting the man to shame.

Our project also contains an article dealing with changes of address. This article says that if the husband or the wife change their address, the other spouse is not obliged to follow suit. I think that this article should be completely eliminated. If the one spouse does not follow the other, they are going to have the dickens of a life at home. They are, in fact, no longer husband and wife.

The most dangerous article in the project is No. 29. This states that a pregnant woman who does not live in registered marriage is entitled to declare the name of the child's father at the Registrar's and ask for it to be recorded. I think, comrades, that with no more than a big belly for evidence we shall not get very far.

Comrade Vasilyeva (Moscow):

I do not want to defend women, nor do I want to speak for the men. I merely want to state a fair point of view. I am bound to say that cases do occur—not many, to be sure—in which women make use of the law to exploit their position.

Here is one case, from life in the towns:

A citizen lived with his wife and had two children before the civil war. During the civil war he was called up, fought and lost one leg. When he came back to his wife as a cripple, she of course no longer liked him and demanded a divorce. They were divorced, and although he had only a pension of 20 rubles, the man took both children. And now, eight years later, this divorced wife brings a suit against her husband, demanding that he should pay alimony to her for a third child, a daughter who may or may not be his. The case was heard at the Zamoskvaretsky [23] Court. And guess what! The court decided that the invalid with two children and a pension of 20 rubles should pay 5 rubles a month towards the upkeep of this daughter. Is

[23] A district of Moscow.

this right, comrades? No, it is not right. In my opinion, the wife should share the duties of rearing the children equally with the husband. If they had shared the children, no alimony could have been demanded in this case.

Let me tell you of another case. A Red Army soldier serves in the Red Army and receives 1 ruble 50 kopeks. While he is serving, a claim is brought against him in the village for alimony. The case comes before court, and it is decided that the Red Army soldier, who receives 1 ruble 50 kopeks a month, should pay 8 rubles monthly for the upkeep of the child. And since he is on service, the claim is made on his father. How can a father be responsible for his sons and spend some of the means of the communal *Dvor*? And if all the sons are called upon to pay alimony, where will the father find the money?

Comrade Kutuzov (Moscow):

The project of law drafted by the Soviet of People's Commissars will be accepted by the people without grumbling or dissatisfaction, because it has already been discussed by the people, has been widely debated in the press and was several times at the disposal of the central legislative organs for their study. The people are well acquainted with the bases of this law and we know that against these bases they do not argue.

But can we say that this law is faultless? No, comrades. And why? Comrade Kursky himself said that it is a temporary law. And in my opinion, Comrade Kursky was also right when he said that the eyes of the whole world are on this law of ours on family, marriage and guardianship. And if this is so, let us talk about this law a little more seriously.

I would like to make a few remarks about the essential points of the project. In my view, article 4, which says that for the registration of a marriage the mutual consent of the marrying parties is necessary, should also add that proof is required to show that neither party is already married; it should be made clear that documentary proof will be necessary. It would also be necessary to state definitely what papers or documents are needed. But the project before us gives no such details.

Article 7 says that when a marriage is being registered, the spouses may declare their wish to assume a common surname, either the husband's or the wife's, or retain their original surnames. But can one have twin surnames, comrades? If one can, as Comrade Krylenko said, this should be stated in the law.

Article 9 says that if one of the spouses changes his address, the other is not bound to follow. But, one may ask, for how long is such a change of address to last? If a married person changes his address for a month, that is one thing. If he does so for three years or longer, that is quite another. It is necessary to state clearly the period for which one spouse need not follow the other.

With regard to article 12 I would say that Comrade Larin and Comrade Kasparova are quite right: either you will have to eliminate this article completely or fix a period of cohabitation.

As for article 19, which says that a marriage can be dissolved while the spouses are still alive, either at the mutual desire of the spouses or on the unilateral wish of one of them, I must say that this is hardly the way to solve the problem. I agree that a marriage should be annulled if both parties ask for it. But if the demand comes from only one of them, the motives of this wish to break up the marriage should be approved in court. Furthermore, this article should specify a definite period that must elapse before a divorce can be demanded and lay down how often a person may be divorced.

I shall now pass on to article 30. This rules that if a person against whom a paternity suit has been entered with the Registrar does not protest within one month, he shall be regarded as the father. But what happens, comrades, if I am in the Far East and unable to send in my protest? What will happen then? The result will be that they will go and marry me off without my knowledge and with a baby on top of it all. I feel, comrades, that one month is too little and that this period should be extended.

Article 35 of our project says that if the father be unknown the child is to bear the mother's surname. But supposing the mother does not agree to this? There should be an amendment to this article, adding the words "with the mother's consent".

In general and as a whole the project of the People's Commissariat of Justice and of the Soviet of People's Commissars should be accepted and the necessary amendments made.

Comrade Rasynkova (Vyatka District):

I do not understand why in this project *de facto* marriages only are put on a par with registered ones, and not casual marriages also. The law makes no mention of the casual marriage. I feel that an amendment putting casual marriages on a par with registered ones should be introduced into the Code. There were some men who said that when husband and wife separate, the

children should be left with the wife and the husband should only pay alimony. It was also said here that women are only interested in the alimony. That is not true, comrades! A woman is interested in bringing up her child. If the man does not want the child, the woman finds it difficult to rear the child—and the result is large numbers of Bezprisornye.[24]

I consider that the government should create special children's homes where children can be brought up. And the means for this education should be provided by the father and the mother.

Comrade Gnipova (Kursk District):

I speak from this platform in the wake of lawyers and scholars: it is thus evident that I shall not have much to add. But we women must make use of what rights are granted us under Soviet law. Comrades, all of you are defending woman and child; and yet we must admit that so far the women have received very little; we must not be blamed for the way in which we have been brought up, the old-fashioned way, and that we cannot therefore make proper use of the rights given to us.

Burdening an entire family with the payment of alimony is naturally liable to interfere with our agriculture. I consider it unfair, and I think it will lead to nothing but a campaign of ill-feeling against women.

If, for example, three brothers live together and possess one cow, and the court decides that alimony is to be paid by the whole family, is the cow to be divided into small pieces? No good will have come from such a decision, but the farm will have been ruined.

One of the comrades here said that the time limit within which paternity must be proven should be extended. If we were with child for eighteen months, then this time limit could be extended; but as we carry our children for nine months, as always, the father should be traced even more quickly and be made to pay.

Then, the question of age has been discussed here, the fact that early marriages are detrimental to health. I must subscribe to this view: what kind of a new generation will we have from 16-year-old mothers? But there is yet another danger. Nowadays even girls of 25 are worn out—and the cause of this is abortions. I do not know who is competent to deal with this; but something must be done, for not only 16-year-olds are ruined by abortions, but women of 25 and 30 too.

[24] Children running wild for lack of care and supervision. [Tr.]

Comrade Soltz mentioned our struggle to abolish Muslim polygamy, and yet we find, even among communists, people with four wives. But apart from that, dear ladies, we shall have to set ourselves a rigid and well-defined limit ; so that no ill words are spoken of us from this platform. If our men are not to think us cheap, let us show them what we are worth. I forget the name of the comrade who spoke of people getting registered fifteen times. This must be rectified : the law should lay down how many times the same person may register a marriage, whether just once, or twice, or three times. This must be established in law.

Last night I was unable to sleep, trying to think of what to say and how to contradict Comrade Ryazanov. But I lack the strength. Speaking from this platform he reaped a great deal of applause, and this is what he said : Our communism is not worth a kopek.

For him life was made easy, and now nothing will satisfy him. But to us women who have been oppressed throughout the ages, the Communist Party has thrown out a rope which we are clutching with both hands ; the Communist Party has freed us from oppression.

A voice from the floor : Did Comrade Ryazanov say that ?

Comrade Gnipova : He did ! If Comrade Ryazanov intends to abolish *de facto* marriages, why has he not, in the sixty years of his life, arranged matters in such a fashion that we beget children only after registration ; for now we beget them before registration, some before and some after. Why did not Comrade Ryazanov alter this ?

Comrade Ryazanov (from the floor) : One can't keep everyone in line !

Comrade Gnipova : I think that even if Comrade Ryazanov had five heads he could not alter things, nor can anyone else. We must recognize the *de facto* marriage. Who are the women bearing children ? A widow, a young girl, a daily woman. But we refuse to recognize *de facto* marriage. We do wrong, comrades !

We must pay the most serious attention to our young generation !

Comrade Blinov (Tambov District) :

I should like to approach the new law from the peasant point of view. Article 5 sets the marrying age for girls at 16. Let me tell you of one case, the case of a girl who married at the age of 16. She lived with her husband for one year and had a child before

she was 17. Then her husband died and she was left with her share of the property. But our Land Code allows a share in the property only to persons of 18 or over. What is to be done in a case like this? Some solution must be found or we shall have great confusion.

Now as to the rights of women among the workers and among the peasants. I am forced to say that there is a difference. For a working woman it is much more difficult to obtain her share of property than for a peasant woman. It looks as though the law means the peasant woman to receive her share at once while the working woman will have to await the decision of the court.

As to alimony, the law says the court is to decide, and there matters end. But in reality, once you come to the peasants to collect alimony, you discover that there is nothing to collect. This cannot be sold, that cannot be sold. Among the workers, too, we meet with reluctance to pay alimony. That is why I, too, feel that marriage registration should be made general.

Comrade Larkin (Moscow):

It has been said here that only in extreme cases do women abuse their right to claim alimony. But let me tell you how matters stand in the Kolomna factory. The women spy out how much this or that worker receives by way of salary. If they discover that he is paid in wage group 4 or 5 [25] they do not go into court; but if he is paid in groups 8 or 10, they lodge a suit against him for alimony.

I quite agree that the children of non-registered marriages must be brought up. But what are we to do when other children point their fingers at the child of a *de facto* marriage and tease him with having several fathers? What kind of an education would that produce, comrades? I insist that marriages must be registered and that alimony should be exacted only from a father whose paternity is proved by the fact of registration.

[25] Russian workers, including all officials and employees, were divided into seventeen wage groups (*rasryady*), according to their skill and to the responsibility connected with their work. A man in *rasryad* 4 was hardly a semi-skilled worker, whilst one in *rasryad* 10 was being paid very much for a manual worker. Within the *rasryads*, earnings could be improved by piece-work, so that, in theory, the man in *rasryad* 10 might exceed the maximum earnings established for responsible workers (apart from Spezi under special contract), namely *rasryad* 17 plus 50 per cent. lump compensation for overtime. (At the time of the discussion, that maximum amounted to 225 rubles, and this was also the maximum which a Party-member was allowed to earn in any intellectual profession—say as a writer, or as a lawyer paid by fees. A manual worker, who could earn such amounts only by very exceptional achievements, would hardly be pressed to deduct the surplus, if he were a Party-member.) [R. S.]

Comrade Khlamov (Tambov District):

I have paid some attention to article 22 of the new code. This says that married parties may come to an agreement by which after divorce they decide how much each of them is to contribute to the upkeep of the children. And immediately below, in article 24, the point is made that if one of them defaults, the other is entitled to sue him.

In fact, the court arrives at its decision, and issues an order. And the poor woman wears herself out with this order. She begins a weary life of litigation. It must be made impossible for people liable to alimony to refuse payment. The law must include a strong article to this effect.

Comrade Vinokurov (of the Supreme Court of the U.S.S.R.):

May I draw the attention of the meeting to the speech of one of the comrades—a peasant from the Donets District? This comrade asserted that we should not protect *de facto* marriages. I feel I should make clear the utter mistakenness of such an approach to the problem. With such points of view we shall never succeed in establishing socialism. In order to set up socialism, we must give women their freedom. The opinion expressed by this comrade does not in any way reflect our ideology. It expresses the ideology of classes alien to us, classes which favour the enslavement of women.

Comrade Kursky stated in his report that in the Archangel district 40 per cent. of those who discussed the project favoured the recognition of *de facto* marriages. This shows that they have been moving forward down there, that there is a progressive trend of opinion. In the towns, as you have been told, an overwhelming majority voted for keeping registration optional. We must take note of these progressive trends and mould our laws accordingly. Our task is to march ahead, not to trail at the tail end. Those who advocate the old ideology—compulsory registration, etc.—are trailing behind at the rear and not marching in the van.

Comrade Krassikov brought forward some arguments in defence of compulsory registration. He and other comrades say that if registration is abolished, it will be impossible to prevent marriages at an early age or between persons of bad health. But this argument does not bear criticism. As though with the introduction of registration we shall have only normal marriages!

This is not taking things seriously, comrades! Even if we do introduce registration, we shall not eliminate cohabitation between diseased or very young people. Not even registration could check this.

Comrades have further pointed out that article 12 provides an opening for Church marriage. The question, however, is: Does the law really favour Church marriage? The law makes no mention of it. On the contrary, the rural population and the urban bourgeoisie who look favourably on Church weddings but who at the same time view things realistically—these people will not prefer Church weddings, simply because they will want documentary proof, the piece of paper that will entitle them to corresponding benefits.

Comrade Soltz wants to regularize sex relations through registration. But is it to be assumed that irregular marriages can be checked by registration alone? It is very easy to be registered to-day, divorced to-morrow and again registered and yet again divorced. We shall not attain regularization of marriages through registration. If we intend to regularize marriages by means of registration, we shall have to be consistent and forbid divorce. Only in this way could we hope for results.

Another question I should like to discuss concerns article 12. The question here arises whether we should lay down in the law criteria to define marital association where there has been no registration of marriage. Article 12 rules that such criteria include: the fact of living together, a joint household and the announcement of such marital relations before a third party. But are these criteria universal, comrades? Is a situation inconceivable in which the husband lives in one flat and the wife in another, or in which they own no property in common? There are therefore no universally applicable criteria of marriage. One of the criteria may apply, or a combination of several. It will be left to the judge to select these criteria or combinations of them when proving marital relations. That is why, comrades, we must not lay down a definition of marriage in the law. On the other hand, if we accept the law in this form we shall be adding to the enslavement of women. We should confine ourselves in this article to listing all the criteria that could serve as evidence of marital relations, and it should be left to the judge to decide which of the criteria fit a given case.

Comrade Preobrazhensky (Moscow):

Marriages differ. There is already one sort of marriage which heralds the marriages of the future. People concluding such a marriage do not consider registration necessary because they know that neither of the parties will harm the other. There are few such people. The second sort of marriage comes about when registration is preferred. But what is this registration? It is primarily a safeguard for the women. But what kind of safeguard does it afford them? Registration facilitates the claim to support. That is all. As compared with non-registered marriage, registration offers no novel advantages.

Why, in comparing it to *de facto* marriages, should we favour registration? This project makes a certain concession in that it supports registration. But what do we gain from registration and where will it lead us?

That is a question we must examine in the light of our basic aims. I agree that our aim is to combat the lightheaded view of marriage. But what is at the root of this lightheaded attitude?

The economic and social conditions of our life, taken as a whole, force us to make that concession, but at the same time we make no allowance for the women who live in non-registered marriage.

We have discussed here the difficult situation in which our Code places the peasant farms in connection with the sharing out of property. We know, comrades, that before the war there was already a great deal of such division of property. Was it connected with marriage? Certainly not. Do we now, after the war, notice an increase in the frequency of such cases of sharing out? We certainly do. We know it well and take all its consequences into account. But can we connect this phenomenon with our marriage legislation? In no wise, for property is being shared out in the villages because the young people there have made a great step forward culturally. The young are beginning to look at life with different eyes. They are wanting to build their own lives, and for that they require their independent portion.

But, comrades, even if matters stand so that the villages demand a concession from the law, we can still not have two different legislations: one for the towns and one for the rural areas. Once we have decided, in the words of Lenin, to march in the van, can we lag behind with the backward ranks? Once we have, in the towns, taken a firm stand for the Code we

advocate, we cannot turn back from the Code because some peasant *Dvors* are behindhand with it.

Comrade Kostenko (North Caucasus):

As one listens to this meeting one begins to understand that the villages need a law providing for registration and the towns one that does away with registration. But since we can create but a single law, it should reflect the interests of both town and country. The project declares that a marriage is formalized by registration. This implies that we recognize only registered marriages. But *de facto* marriages also exist. Do we give protection to the wronged party in their case, too? We do. And the project makes that clear. Yet the question remains as to what we understand by *de facto* marriage. I see that even our experienced lawyers fail to agree on that point. What is the village going to understand by *de facto* marriage? To some peasant girl it may perhaps mean that she can go and live with just anybody.

Comrade Gnipova (from the floor): That is how they do take it.

Comrade Kostenko: The words "*de facto* marriage" cannot therefore be left unexplained.

We peasants further consider that article 17, which says that married parties' rights in connection with the property of peasant *Dvors* are set out in articles 66–67 of the Land Code, should be scrapped and replaced by article 10 for guidance, for that article says that the amount of the share due to each spouse from their marriage is, in cases of dispute, determined by the courts. Article 12 should be altered, but not eliminated. Comrade Byeloborodov is right in demanding that this article should be kept: since we give protection to *de facto* marriages, we must define what *de facto* marriages are and what are the criteria by which they can be established.

The problem of surnames is not a trifling matter, but, as Comrade Samursky put it, a matter of principle. We must not give rise to red-tape entanglement in the village Soviets and Registrar's Offices by registering the wife under one name, the husband under another and the children under a third.

It is my view that in the Commission we shall have to pay special attention to all problems connected with sharing out and division of property, and with provision for those women who conclude marriages—registered or *de facto*—with peasants. We shall not during this session achieve a law that will fully provide for the peasants. But the Commission must concentrate upon

this point and bring in a motion before this meeting proposing that the Soviet of People's Commissars be entrusted with the drafting of several articles in this direction, to be submitted to the next session of the All-Russian Executive Committee for its approval. (*Applause.*)

Comrade Volkova (Ivanovo-Voznesensk District):

The majority of our rural population wish to preserve a system described as *domostroy*,[26] according to many of the speakers here. I declare, comrades, that this is not true. But it is true that the villages do not wish to attract to the rural areas the marriage instability that exists in the towns. Who is responsible for the neglected children (*Bezprisornye*)? The villages? The towns, begging your pardon. What will happen if 85 per cent. of the population of our country, formed by the peasantry, did as the towns do? We should flounder in disintegration. Marriage registration exerts a useful check in this respect.

Furthermore, how are we to understand article 19, which says that while both spouses are alive, their marriage can be annulled either upon mutual consent or at the unilateral desire of one of them? This means that they simply decide to separate—and do so! No, I think marriages should be annulled in court only.

Comrade Panarina (Voronezh District):

It sometimes takes a year and a half before a peasant woman manages to obtain the alimony awarded to her. The peasants at all their meetings clamour for a reform in the cruel exaction of alimony.

I should like to say something about the sharing out of peasant *Dvors*. Although it is quite rightly said that the farms should not be ruined, but should, on the contrary, be fostered, we must think of safeguarding the children. We cannot wait until an extra lamb or an extra piglet is born on the defendant's farm. Even his cow should be sold and the proceeds devoted to the child's upkeep. I think parents who abandon their children should be forced to work. Then the number of children running wild would not go on increasing.

Finally I think the marrying age should be raised, because a woman who marries at 16 will not last half her normal lifetime.

[26] *Domostroy*, a sixteenth-century textbook on the desirable organization of the household; in its application to family problems, of course, a symbol of reactionary patriarchalism. [R. S.]

Comrade Kiselev (Secretary of the All-Russian Central Executive Committee):

I have the impression that the discussion which has already for a whole year been turning on the question of marriage and family, has found no echo in the project submitted by the Soviet of People's Commissars. The question of marriage should be tackled in such a manner that the Proletarian State would create something stable in the sphere of the family. The project of the Code gives no stability to the family. Above all, the project is vague and needs amplification in so far as the peasants are concerned.

Article 13, if you examine it, applies neither to peasants nor to workers, but to N.E.P. men. It says: "Spouses may enter into all the agreements on property provided for by the law. Agreements between spouses which prejudice the rights of either husband or wife are invalid and not binding either on a third party or on the spouses, who are at any moment free to denounce such agreements."

This will suit neither peasants nor workers. They have nothing to agree about. But there are on the whole very few articles which relate to the peasants, and this is a very important point. And on top of that, those few articles which do apply to the peasants contradict each other. There is, for instance, an obvious contradiction between the Land Code and the first part and appendix of article 57. It only goes to show that our project paid scant attention to the peasants' problems.

I agree with Comrade Preobrazhensky that we must not lag behind. But neither can we ignore the peasants. If we do not create stable relations in the matter of dividing peasant property, we shall impede the progress of the country's industrialization.

Voices from the floor: Hear! hear!

Comrade Kiselev: These problems are not sufficiently interrelated in the project and the demands of peasant life are not reflected in the Code. The fact that a hundred million peasants find their interests neglected by the Code cannot go unchallenged. I do not know whether we shall be able to solve this problem, even in the Commission. The peasants who have spoken at this session demanded the raising of the marrying age, the introduction of compulsory registration, etc. I, too, believe that women should be protected against all the accidents that may befall them. But the registration of marriage must be compulsory!

Applause and Voices from the floor: Hear! Hear!

Comrade Kiselev: De facto marriages may also receive the protection of the law, but registered marriage should be the chief consideration. Otherwise it will look as though there were no difference between a registered marriage and a Church wedding. We are here retreating from our positions.

Comrade Gimranov (Tartar Republic):

The whole of the first article of the project has, I think, a purely technical significance: "The registration of marriages is established with the aim of facilitating the protection of personal and property rights and the interests of spouses and children." As though we had reached so high a level of cultural and political development that only a couple of kilometres now separate us from the attainment of communism and that the State thinks it apposite to establish registration as an improvement in the technique of levying alimony. I consider this the wrong approach, for it offers no protection to the economically weaker members of our society. The problem of marriage cannot possibly be separated from the problem of the family. The family is the small cell of our Soviet society, containing the socialist spirit, the element of socialist construction. The problem of the family is far from being an individual problem. State organs must play their part not only when the family is already existing, but also when this family is in the process of being formed.

By article 12 we give full recognition to *de facto* marriages. It has been said here that to advocate compulsory registration is to reproduce the views of bourgeois thinkers. I think it is not the form that matters, but the content. During the period of transition we do not reject the forms where we need and can utilize them. But we fill them with quite a new proletarian significance which safeguards the future of socialism.

Comrades, I see no reason for abandoning registration. If a man and a woman live together, have a joint household and make no secret of their marital relations before a third party, why should they refuse to register? There you have the utter indecision of the law—which ought to be firm, precise and clear and binding on every one of those who inhabit the territory of our State, irrespective of whether or not they be loyal citizens.

Closing Speech by Comrade D. I. Kursky.

Comrades, the debate on the report of the Code of Laws relating to Marriage, Family and Guardianship has faithfully

reproduced the general picture we got when the project was discussed at the workers' meetings in towns and villages. I could not say definitely and exactly how the votes are divided in the Republic as concerns the fundamental problem of compulsory registration. But like the discussions, the present debate convinces me that the majority agree that the time has come for us to afford the protection of the Law to the new shoots of the life around us, and that in this sense our project takes into account the demands of reality. The heat of the debate shows that this very problem conceals a neuralgic spot.

Let me dwell on the fundamental aspects. There is firstly the question of divorce. An analysis of divorce statistics would provide us with a useful insight into married life. Now at the village meetings people said : Divorce must be restricted because divorces are becoming much too frequent ; some sort of check should be imposed ; it should not be permissible to divorce very frequently, sufficient reasons should be required, etc. I feel, comrades, that one must not allow one's everyday life to determine one's outlook. If I have for twenty years been happily living in registered marriage, I advocate registration ; and if I myself live in *de facto* marriage, I oppose registration. But this is a problem which should be approached with a more serious economic analysis of actual conditions. What are the statistics in this connection ?

For every 10,000 inhabitants of the R.S.F.S.R. there were in 1922, 10 divorces ; in 1923, 9 ; in 1924, 11 ; and during nine months of 1925, 8·5, i.e., averaged out over the whole year— 11 again. You can see that we have here a fairly stable and definite figure. This shows that we are not here dealing with an isolated phenomenon such as profligacy. We can note here a general stability.

Comrade Ryazanov (from the floor, ironically): Yes, general stability, quite normal and not in the least alarming.

Comrade Kursky: Not in the least alarming. Take a further look. What is the age at which divorce is most frequent ? The majority of divorces dissolve a first marriage. This proves that we are not faced with endless series of divorces. The age of the majority of persons divorcing each other lies between 20 and 24.

Comrade Ryazanov (from the floor): That's just it !

Comrade Kursky: This shows that these people divorce in order to achieve a new and stable marriage. 53 per cent. of divorces

occurred in marriages which had lasted not more than one year. Only in 13 per cent. of cases were marriages of greater duration concerned.

Comrade Ryazanov (from the floor): You see—the older people have settled down!

Comrade Kursky: Some people have accused our project of protecting mainly the second wife and neglecting the first wife with whom the husband may have lived for many years. I may say that our law provides complete protection for the children. There is no discrimination against the first wife in the matter of alimony. I feel, comrades, that the women should not look at the matter from this "harem" point of view. The position of the first wife is covered by article 15, which says:

"The right of the spouse in need and unable to work to be supported by the other spouse continues after the annulment of marriage until the conditions laid down in article 14, under which support is granted, no longer apply, but for a period not exceeding one year from the annulment of marriage. The amount of support payable to the unemployed spouse after the annulment of marriage is determined in court for a period not exceeding six months and may not exceed the sum payable in each case under the Social Insurance Scheme."

This is done in the interests of that new family which comes to take the place of the old one. Very wrong is the attitude of those comrades who ask for a restriction of divorce. The absolute right to divorce is one of the achievements of the October Revolution, and in this respect women cannot make any concessions.

As to the question of alimony in the towns and in the villages, I shall confine myself to replying to the suggestion that alimony suits are more numerous in the towns than on the land. There is quite a number of them in the villages, too: in many regions one-third of all the cases heard in the People's Courts are concerned with alimony and other aspects of family life. The partly landed character of rural economy constitutes the main impediment to any solution of the alimony problem in the villages, simple though it be where the workers are concerned. It has been suggested here that alimony should be "nationalized". The proposal was to levy it for the State treasury so that the State could then rear the children in children's homes. This would be a most inexpedient solution. During the present years of transition this problem must be solved on the basis of existing conditions. And it is solved suitably by article 57. It is this very

appendix to the Land Code which will help to solve the problem of alimony in peasant economy.

The problem of *de facto* marriage is already knocking at the village door. Average everyday conditions tend towards stabler marriages—but certain painful phenomena survive : for instance, a *kulak* registers his marriage with a farm-hand girl and divorces her in autumn. This " wife for a season ", as she has been called, is not a negligible factor. All the power of our law must be exercised for her protection.

The suggestion that women exploit alimony, that there are—to repeat the phrase used here—" alimony women ", is a mistaken one. It is an overstatement of isolated cases which themselves are usually exaggerated. I need do no more than point out that our law limits alimony to a fixed period (six months in case of unemployment) and that in addition the child is entitled to maintenance by both its parents. This means that the mother, too, has to bear a certain proportion of the alimony. Complete equality exists here.

As to the question of the marrying age, quite a number of comrades have argued that 16 is too low a marital age for girls. A considerable number of rural delegates, too, demanded that this minimum age should be raised. This is a matter for careful handling. Why did we choose 16? Sixteen is the customary norm, which existed even before the Revolution. We felt that it reflects reality. But if the Commission finds that the marrying age should be raised, we should certainly do so.[27]

I shall now come to the main question. I do understand the comrades from the villages who propose compulsory registration. The whole system on the land does, as some comrades put it, make life a matter of hard cash and a good wife. But we must not forget that at the village meetings 40 per cent. opposed compulsory registration. They were the spokesmen of the new school of thought in the villages, and they, too, must be considered. I fail to appreciate, however, the stand taken by comrades like Comrade Krassikov, who in his speech at first stressed registration as an act sanctioned by the State, and then raised the need for providing an article in the law that would defend the rights of a *de facto* wife if she is in need of protection. This is a case of inconsistency. The consistent argument would run like this : Only registered marriages are valid. No other relations are to be acknowledged as marriage or taken into legal consideration.

[27] See below, doc. 7, art. 5.

What did Comrades Ryazanov and Soltz, who here advocated compulsory registration, propose to do about the *de facto* marriages that do exist? Comrade Ryazanov's speech was an outcry against the prevalent profligacy; but that will not help in the matter or diminish the evil. Comrade Soltz produced a mutilated definition of marriage provided by the People's Commissariat of the Interior. Is that the cure for the prevalent evils? Of course it is necessary to educate our young people and to maintain among them at all costs a serious attitude towards the problems of sex. That is an unquestioned truism. But it does not affect our legislation. There is only one real way of curing the evil—to protect property interests in *de facto* marriages by acknowledging both parties' right to the property and by entitling the *de facto* wife (and this is a very serious legal point) to the same alimony benefits as the registered wife.

I am sure that when the project is examined in the Commission we shall take all considerations into account, particularly the valuable point made by Comrade Byeloborodov that contemporary marriage relations are strongly affected by the purely numerical proportion between the sexes. We shall not only succeed in bringing our Code into line with the dominant plan of bringing conditions nearer to those that will exist in a communist society, but at the same time take fully into account the peripheral phenomena which demand the protection of the law. I think Comrade Terechova was right when she said that 75 per cent. of members of this session will vote for the project.

Comrade Ryazanov (from the floor): Wait for the count!

Comrade Kursky: I propose that a vote be taken on the project. (*Applause.*)

[The ayes had it. And now we will see what it was they have enacted, in the definite shape given to the Code in the Commission.]

DOCUMENT No. 7

PARTS I AND II OF THE CODE OF LAWS ON MARRIAGE AND DIVORCE, THE FAMILY AND GUARDIANSHIP

Decree of the All-Russian Central Executive Committee passed at the Third Session of its Twelfth Election Period on November 19, 1926[1]

PART I

MARRIAGE AND DIVORCE

Chapter 1

General Principles

1. The registration of marriages is introduced in the interests of the State and society as well as for the purpose of facilitating the protection of the personal and property rights and the interests of husband and wife and of children. A marriage is contracted by registration at a Civil Registrar's Office in the manner prescribed by Part IV of the present code.

2. The registration of a marriage at a Civil Registrar's Office is conclusive evidence of the existence of the state of matrimony. Documents attesting the celebration of marriage according to religious rites have no legal effect.

Note.—Marriages celebrated according to religious rites prior to December 20, 1917, or which were celebrated in localities occupied by the enemy prior to the establishment of the Civil Registrar's Offices, have the same effect as registered marriages.

3. Where *de facto* conjugal relations exist between persons, which relations have not been registered in the manner prescribed, such persons are entitled at any time to regularize their relations by registration, stating when so doing the period of their actual cohabitation.

Chapter 2

Conditions Governing the Registration of Marriages

4.[2] The following conditions are required for the registration of a marriage : (*a*) there must be mutual consent to register the marriage ; (*b*) both parties must be of marriageable age ; and (*c*) the documents set forth in Section 132 of the present code must be produced.

5.[3] The marriageable age is fixed at eighteen years.

Note.—The Presidiums of the Central Executive Committees of the Autonomous Republics, the Presidiums of the Executive Committees of the Autonomous Regions, Regional Executive Committees and also those of Town and District Soviets in towns may, in exceptional cases, and acting upon individual petitions, lower the marriageable age fixed for women in the present section, but not by more than one year (April 6, 1928, *Collected Laws and Decrees of the R.S.F.S.R.*, 1928, No. 47, Sec. 355, and February 28, 1930, *Collected Laws and Decrees of the R.S.F.S.R.*, 1930, No. 12, Sec. 146).

6.[4] It is unlawful to register the following marriages : (*a*) between persons one or both of whom is or are already married either with or without registration ; (*b*) between persons one or both of whom has or have been adjudged weak-minded or insane, in the manner prescribed by law ; (*c*) between relatives in the direct line of descent ; also between brothers and sisters, whether of the full blood or the half blood.

Chapter 3

Rights and Duties of Husband and Wife

7. On registering a marriage the contracting parties may declare it to be their wish to have a common surname, either that of the husband or of the wife, or to retain their antenuptial surnames.

8. On the registration of a marriage between a person who is a citizen of the R.S.F.S.R. and a person who is a foreign citizen, each party retains his or her respective citizenship. Change in citizenship of such persons may be effected in the simplified

manner provided for by the Union laws (Sec. 16 of the regulations governing U.S.S.R. citizenship, edition of November 23, 1930, *Collected Laws and Decrees of the U.S.S.R.*, 1930, No. 58, Sec. 614).

9. Both husband and wife enjoy full liberty in the choice of their respective trades and occupations. The manner in which their joint household is conducted is determined by the mutual agreement of the two contracting parties. A change of residence by either husband or wife does not oblige the other marriage partner to follow the former.

10. Property which belonged to either husband or wife prior to their marriage remains the separate property of each of them. Property acquired by husband and wife during continuance of their marriage is regarded as their joint property. The share belonging to either husband or wife shall, in case of dispute, be determined by the court.

Note.—The rights of either husband or wife in regard to the use of land and in regard to property used in common and forming part of a peasant household are defined by Sections 66 and 67 of the Land Code [5] and by the enactments published to supplement the same.

11. Section 10 of the present code extends also to the property of persons married *de facto* though not registered, provided such persons recognize their mutual status of husband and wife, or their marital relationship is established as a fact by a court on the basis of the actual conditions under which they live.

12. Proof of joint cohabitation is sufficient for the court to establish marital cohabitation in cases where the marriage has not been registered, provided that in addition to proof of joint cohabitation proof of a common household be adduced and that statements have been made to third persons either in personal correspondence or in other documents tending to prove the existence of marital relations, taking also into consideration such circumstances as the presence or absence of mutual material support, joint raising of children, and the like.

13. The husband and wife may enter into any contractual relations with each other regarding property provided they are lawful. Agreements between husband and wife intended to restrict the property rights of the wife or of the husband are invalid and are not binding on third parties or on the husband or wife, who may at any time refuse to carry them out.

14.[6, 6a] When either husband or wife is in need and unable to work he or she is entitled to receive alimony from the other

conjugal partner, if the court finds that the latter is able to support the former. A husband or wife in need of support but able to work is likewise entitled to alimony during the period of his or her unemployment.

15.[6, 6a, 7] The right of a husband or wife in need and unable to work to receive alimony from the other conjugal partner continues even after the dissolution of the marriage until there has been a change in the conditions which according to Section 14 of the present code serve as a basis for the receipt of alimony, but not for a period exceeding one year from the time of the dissolution of the marriage. The amount of alimony to be paid to a needy unemployed husband or wife in case of dissolution of the marriage is fixed by the court for a period not exceeding six months and shall not exceed the corresponding amount of Social Insurance relief.

16. The right to receive alimony both during marriage and after its dissolution extends also to persons who are married *de facto*, though not registered, provided they fall within the purview of Sections 11 and 12 of the present code.

Chapter 4

Dissolution of Marriage

17. A marriage is dissolved by the death of one of the parties to it or by a declaration of the presumptive death of either the husband or the wife through a notary public or court (May 27, 1929, *Collected Laws and Decrees of the R.S.F.S.R.*, 1929, No. 40, Sec. 422).

18. During the lifetime of both parties to a marriage the marriage may be dissolved either by the mutual consent of both parties to it or upon the *ex parte* application of either of them.

19. During the lifetime of both parties, the dissolution of a marriage (divorce) may be registered at the Civil Registrar's Office, whether the marriage was registered or unregistered, provided that in the latter case it had been established as a fact by the court in accordance with Section 12 of the present code.

20. The fact that a marriage has been dissolved may also be established by a court, if the divorce was not registered.

21. When registering the dissolution of their marriage the

husband and wife indicate what surname each of them wishes to use. In the absence of an agreement between the parties on this point, each resumes his or her antenuptial surname.

22.[6a, 8] When registering the dissolution of a marriage it is the duty of the Registrar to consider the question of which child or children, if any, shall be entrusted to the custody of each parent, to what extent each parent is to bear the expense of raising the children, and the amount of alimony to be paid to a husband or wife unable to work. In case the husband and wife arrive at an understanding on these points, such agreement is recorded in the register of divorces and a corresponding extract from the book is handed to both husband and wife; this agreement does not deprive either the husband or wife, or the children, of the right subsequently to present, by way of an ordinary lawsuit, a claim for alimony in a sum exceeding that stipulated in the agreement.

23. If the obligations set forth in the agreement have not been carried out, the persons interested may apply at the office of a notary public for a writ of execution in accordance with Clause B, Section 47, of the regulations governing the State notaries public (January 23, 1928, *Collected Laws and Decrees of the R.S.F.S.R.*, 1928, No. 15, Sec. 116).

24.[6a, 9] In the absence of an agreement the question of the amount of alimony to be awarded to children is settled by an ordinary lawsuit; the court at the time the statement of claim is filed renders a decision, after careful consideration of the circumstances of the case and the interests of the children, specifying which of the parents, and to what extent, he or she must, pending the decision of the lawsuit, provisionally bear the expense of the maintenance of the children, and who is to have provisional custody of the children.

The amount of alimony awarded to a husband or wife in need and unable to work must in the absence of an agreement likewise be decided by the court upon the institution of an ordinary lawsuit (see Clause B, Sec. 1, for a list of documents which serve as a basis for the issuance of writs of execution and the making of levies through the office of a notary public. Decree of the Soviet of People's Commissars, May 21, 1930, *Collected Laws and Decrees of the R.S.F.S.R.*, 1930, No. 38, Sec. 477.)

PART II

MUTUAL RELATIONS BETWEEN PARENT AND CHILD AND BETWEEN OTHER RELATIVES

Chapter 1

General Principles

25. The mutual rights of children and parents are based on consanguinity. Children whose parents are not married possess the same rights as children born in wedlock.

26. The father and mother of a child are recorded in the register of births.

27. If no record is made of the parents, or if the record made is incorrect or incomplete, the parties interested are entitled to prove or disprove paternity or maternity by recourse to the court.

28.[10] In order to protect the interests of the child, the mother is granted the right, during the period of her pregnancy or after the birth of the child, to file a declaration of paternity with the local Civil Registrar's Office according to her place of residence, stating the name, patronymic, surname and residence of the father of the child.

29. The Civil Registrar's Office informs the person alleged in the declaration to be the father, of the filing of such declaration. If the putative father, within a month after receiving this notification, does not raise any objection, he is recorded as the father of the child. The person alleged to be the father may within one year after the date of the receipt of the notification institute a suit against the mother of the child contesting the truthfulness of her statement.

30.[11] The mother of the child has also the right to institute a paternity suit in court after the birth of the child.

31. If the court is satisfied that the person stated in the declaration (Sections 28 and 30 of the present code) is the father of the child, it enters a finding to that effect and imposes on the father the duty of contributing to the expenses connected with the pregnancy, lying-in, childbirth and maintenance of the child, also to the expenses of the mother during the period of her pregnancy and for six months after childbirth.

32.[12] In case the court during the trial of the paternity case finds as a fact that the mother of the child at or about the time of conception had sexual intercourse not only with the person referred to in Section 28 of the present code, but also with other persons, the court enters a decree which recognizes one of these persons as the father of the child and imposes on him the duties set forth in Section 31 of the code.

Chapter 2

Rights and Duties of Relatives

33.[13] Parental rights are to be exercised exclusively in the interests of the children and in case they are improperly exercised the court is authorized and empowered to deprive the parents of their rights.

34. If the parents have a common surname, that surname is also given to the children. If the parents have not a common surname, the surname of the children is determined by agreement between the parents. In the absence of an agreement between the parents on the question of the surname of their children, the surname of the children is decided upon by the Office of Guardians and Trustees. If the father is unknown, the child takes the name of the mother. In the case of a dissolution of the marriage, the children retain the surname given them at birth.

35. If the citizenship of the parents is not the same, but at least one of them at the time of the birth of the child is a citizen of the R.S.F.S.R., and at least one of the parents at the time of the birth of the child was living on U.S.S.R. territory, the child will be deemed a citizen of the R.S.F.S.R. If one of the parents was a citizen of the R.S.F.S.R. at the time of the child's birth but at that time both parents lived outside the territory of the U.S.S.R., the citizenship of the child is determined by agreement between the parents.*

36. A change in the citizenship of either husband or wife, where both are citizens of the R.S.F.S.R. and living on U.S.S.R. territory, does not affect the citizenship of their children. The citizenship of children in cases where one of the parents, citizens

* See Sec. 7 of the regulations governing U.S.S.R. citizenship (*U.S.S.R. Statutes*, 1930, No. 34, Sec. 867).

of the R.S.F.S.R. but who live outside the territory of the U.S.S.R., loses his R.S.F.S.R. citizenship, is determined by agreement of the parents.*

37. Agreement between the parents that their children adhere to any particular religion is of no legal effect.

38. All steps in regard to children are taken by both parents jointly.

39. In cases where a difference of opinion arises between the parents, the point in dispute is decided by the Office of Guardians and Trustees, with the participation of the parents.

40. If the parents live separately, they may agree on the question of the residence of their minor children ; in the absence of such an agreement between the parents, this question is settled in the ordinary way by a suit in a People's Court.

41. On the parents rests the duty of taking care of their minor children, in particular of bringing them up and preparing them for socially useful activity.

42.[14] Parents are obliged to provide maintenance for their minor children, as well as for needy and incapacitated children.

42 (1). The duty of providing for minor children and for those who are needy and incapacitated also extends to the stepfather and stepmother (*a*) in case the parents of these children are dead ; (*b*) in case the parents do not possess sufficient means to provide for the children.

These duties are imposed on the stepfather or stepmother provided the child was dependent upon or was brought up by either one of them prior to the death of the father or of the mother, or prior to the happening of the contingency set forth in Clause (*b*) of the present section.

Stepsons and stepdaughters are obliged to provide for a needy and incapacitated stepfather or stepmother in cases where they had been dependent upon the latter for not less than ten years (Nov. 29, 1928, *Collected Laws and Decrees of the R.S.F.S.R.*, 1928, No. 22, Sec. 233).

42 (2). Whoever has come into any inheritance from a person who had been supporting children ; or from a person who was legally obliged to support them, must support the minor children, or those who are needy and incapacitated, to the extent of the value of the property inherited.

In the case where the inheritance was shared by several

* See Secs. 9 and 10 of the regulations governing U.S.S.R. citizenship (*U.S.S.R. Statutes*, 1930, No. 34, Sec. 867).

persons, the duty imposed by the present section becomes their joint obligation and is shared among them *pro rata* in proportion to the value of the respective shares inherited by each of them (Nov. 29, 1928, *Collected Laws and Decrees of the R.S.F.S.R.*, 1929, No. 233).

Note.—The obligation to support children mentioned in the present section arises : (*a*) when the parents of these children are dead ; (*b*) when the parents have not sufficient means to support the children (Nov. 29, 1928, *Collected Laws and Decrees of the R.S.F.S.R.*, 1929, No. 22, Sec. 233).

42 (3). Persons who have taken over children to be permanently brought up and kept are, in case of their refusal to do so, obliged to pay alimony to minor children or to those needy and incapacitated : provided (*a*) the parents of these children are dead ; or (*b*) the parents do not possess sufficient means to support the children.

The duty set forth in the present section does not extend to guardians or trustees or to persons who have undertaken to raise a child by virtue of an agreement with the Department of Public Education, the Department of Public Health or some other constituted authority of the State (Nov. 29, 1928, *Collected Laws and Decrees of the R.S.F.S.R.*, 1929, No. 22, Sec. 233).

43. The protection of the interests of minors, whether they pertain to their persons or their property, is incumbent upon the parents, who act as guardians *ad litem* of the children in courts and other institutions.

44. The parents are entitled to sue in court for the return of their children from any person detaining the children on his premises without warrant of law and not in pursuance of any court decree ; in such case the court is not bound by the formal rights of the parents but decides according to the merits of each case with due regard only for the welfare of the children.

45. Parents are granted the right to entrust their children to other persons to have them brought up and educated. They also enjoy the right, with the consent of the children, to make contracts of apprenticeship and work for wages in the cases and in the manner permitted by the labour legislation in force at the time.

Children may not be entrusted for purposes of being brought up and educated to persons who under Section 77 of the present code may not act as guardians and trustees (April 10, 1930, *Collected Laws and Decrees of the R.S.F.S.R.*, 1930, No. 19, Sec. 241).

46. In the event of non-fulfilment of their duties on the part of the parents or in case they do not properly exercise their rights with respect to their children, or if they treat their children cruelly, the court issues a decree to the effect that the children be taken away from the parents and handed over to the care of the Office of Guardians and Trustees, and the court is authorized to decree at the same time that both parents contribute to the support of their children.

Note.—The Office of Guardians has the right pending the decision of the court to issue orders to take the children away from their parents or from other persons in whose custody they are, if the continuance of their stay with these persons constitutes a menace to the children.

47. In the event of the court issuing a decree depriving parents of their parental rights, the Office of Guardians and Trustees must allow parents to see their children except in cases where such meetings may prove injurious to the children.

48. The duty to support children rests upon both parents; the extent of their contributions towards their support depends upon their respective means.

49. Children must support their needy incapacitated parents.

50. When parents are unwilling to support their children, or children their parents, in the cases provided for in Sections 42 and 49 of the present code, the persons entitled to support may sue for such support in court.

Note.—In case of any change in the material position of the parents or children, the court decree may be modified by instituting a lawsuit in the usual way.

51. The deprivation of parental rights does not relieve parents of the duty to support their children.

52. Persons who are jointly liable to contribute support are liable in equal shares, except where the court in view of the unequal means of the persons liable to contribute or in view of the absence of one of them, or for some other cogent reason, finds it necessary to fix other ratios for the discharge of this duty.

53. The rights of parents and children with regard to the property of a peasant household (*Dvor*) are determined by the pertinent sections of the Land Code.[15]

54. Needy brothers and sisters, if minors, are entitled to obtain support from their brothers and sisters who possess sufficient means if the former brothers and sisters are unable

to obtain alimony from their parents because the parents are not a party to the action or because they are impecunious.

55. A needy, incapacitated grandfather or grandmother is entitled to alimony from his or her grandchildren if the latter possess sufficient means, provided such alimony cannot be obtained from the conjugal partner or the children. Similarly needy grandchildren who are either under age or incapacitated are entitled to alimony from their grandfather or grandmother who possess sufficient means, provided they are unable to obtain such alimony from their parents.

56. Children born of members of a peasant household (*Dvor*) are recognized as members of the *Dvor* to which their father or mother belongs, irrespective of whether their parents are married with or without registration.

Where parents belong to different peasant households, their children may be registered as members of one of these households at the option of the parent with whom the children are living.

Disputes concerning the place where a child is to be recorded as a member of a peasant household are decided by the court, which is guided by the interests of the child (Jan. 25, 1930, *Collected Laws and Decrees of the R.S.F.S.R.*, 1930, No. 5, Sec. 53).

56 (1) Where the fatherhood of a member of a peasant household (*Dvor*) has been established, the court fixes at the same time the quantity of food products which the *Dvor* of the father must contribute to the support of the child.

Children born of a member of a peasant household (Sec. 56) retain the right to alimony out of the personal means of the father and out of the personal means of the mother over and above the rights which they possess as members of the peasant household, on the general principles laid down in Sections 48 and 50 of the present code (Jan. 25, 1930, *Collected Laws and Decrees of the R.S.F.S.R.*, 1930, No. 5, Sec. 53).

Chapter 3

Adoption

57.[16] Adoption is allowed only in the case of young children and persons under age, and exists exclusively in the interests of the children.

58. Persons deprived of the right to act as guardians in accordance with Section 77 of the present code have no right to adopt.

59. Adoption is effected by order of the Office of Guardians and Trustees and must be registered in the usual manner in the Civil Registrar's Office.

Note.—The adoption of children of Soviet citizens by foreign citizens (subjects) residing on U.S.S.R. territory is allowed provided the rules laid down in the present chapter are observed and provided further that special permission be obtained in each individual case from the Presidium of the Executive Committee of the respective Gubernia, Okrug, or other respective administrative area (Sept. 3, 1928, *Statutes of the R.S.F.S.R.*, No. 117, Sec. 735 *).

60. At the time of adoption, the adopted child may be given the surname of the adopter, and with the consent of the adopted child, also the adopter's patronymic.

61. If the parents of the adopted child are living, or if it is under the care of a guardian or trustee, adoption can take place only with the consent of the parents, if they have not been deprived of their parental rights ; or of the respective guardians or trustees.

62. Where the adopter is married, adoption can only take place with the consent of the other conjugal partner.

63. No children above the age of 10 may be adopted without their own consent.

64. Adopted children and their offspring have the same personal and property rights and duties with regard to their parents by adoption, and the latter with regard to their children by adoption and their offspring, as have the corresponding relatives by consanguinity.

65. Adoption effected in the absence of, or without the consent of, the parents of the adopted child, may be annulled by the Office of Guardians and Trustees at the request of the parents, if the child's return to them is in the interests of the child. In order to annul the adoption of a minor over 10 years of age his own consent is required.

66. Any person or institution may institute a suit in court for the annulment of an adoption if such annulment is necessary in the interests of the child.

67. Where an adoption is annulled the court enters a decree

* See Sec. 11 of the regulations governing U.S.S.R. citizenship (*U.S.S.R. Statutes*, 1930, No. 34, Sec. 367).

taking the child away from the adopter and entrusting it to the care of the Office of Guardians and Trustees; the court is empowered at the same time to require the adopter to pay alimony to the child.

NOTES

[1] *Collected Laws and Decrees of the R.S.F.S.R.*, 1926, No. 82, Section 612. Later additions are evident from the text. The notes which follow, with the exception of those signed [R. S.], are taken from the official Russian edition of the Code published in 1933. References to penal sanctions refer, of course, to the Criminal Code. An English edition of that Code was published by the Foreign Office in 1934. [R. S.]

[2] *To art. 4:*

(*a*) Forcing a woman to be married or to continue in married cohabitation and abducting a woman for the purpose of marriage is punishable by imprisonment not exceeding two years.

Note.—If rape is committed at the same time, the measures provided for by articles 151 and 153 of the Criminal Code shall take effect. (For application in regions where the acts referred to in the article are a survival of tribal customs.)

(*b*) The paying of a marriage-price by the bridegroom, his parents, family or relatives to the parents, family or relatives of the bride, whether in money, livestock and other property or by personal labour, is punishable by imprisonment or compulsory labour at the place of employment (see note 7 on p. 197 below [R. S.]) for a period not exceeding one year. The receiving of a marriage-price involves liability to the same punishment as well as to a fine to the amount of the marriage-price accepted. (For application in regions where the action referred to is a survival of tribal custom.)

[3] *To art. 5:*

(*a*) The conclusion of *de facto* marriage with a minor (below the age of 18) who has attained sexual maturity is not regarded as a socially dangerous act and shall not involve liability to prosecution.

From this provision shall be excluded all those Regions (Autonomous Republics and Districts) whose territories come under the scope of art. 198 (for backward regions where the giving away of minors is regarded as a survival of tribal custom. See below, doc. 10 of this compilation [R. S.].)

(*b*) Under art. 198 the conclusion of marriage with a person below the marriageable age is punishable with imprisonment not exceeding two years.

In cases where marriage is concluded with a person who has not yet reached sexual maturity or where he or she is subjected to compulsion in entering such a marriage, the measures provided for in art. 151 of this Code are applicable. (For application in regions where early marriages are a survival of tribal custom.) (On this point see below, doc. 10 of this compilation [R. S.].)

(*c*) The performing of a religious wedding ceremony over persons below the marriageable age renders the minister of religious worship liable to prosecution under art. 125 of the Criminal Code.

[4] *To art 6:*

(*a*) The performance by mullahs of marriage rites over persons already married and concluding a second marriage is to be judged in the light of arts. 17 and 199.

(*b*) Under art. 199 bigamy and polygamy are punishable with imprisonment not exceeding one year or a fine not exceeding 1,000 rubles.

Note.—The laws concerning bigamy and polygamy shall not apply to marriages contracted before the publication of these laws. (For application in regions where these actions are a survival of local custom.)

(*c*) If the court finds that the plaintiff has entertained *de facto* marital relations while being at the same time party to a registered marriage, this shall not be treated as evidence of bigamy. The court must, however, declare the registered marriage to have been dissolved from the moment when, according to its findings, the *de facto* relationship began. (On this point see below, p. 220 [R. S.].)

[5] See above, p. 42 [R. S.].

[6] *To arts. 14 and 15:*

When arts. 14 and 15 are held to apply, the court must establish whether the unemployed spouse has applied to the labour exchanges for work, and award maintenance grants against the defendant only after evidence received from the labour exchange to the effect that the plaintiff was not offered employment.

[6a] An evident mistake of the reprinted translation has been corrected. [R. S.]

[7] *To art. 15:*

If a woman's inability to work has been caused through some action on the part of her former husband during their married life (induced abortion, bodily injury, etc.), any decision to make the defendant responsible for financial aid to the plaintiff must be based not upon art. 14 of the Code of Laws on Marriage, Family and Guardianship, but on art. 403 and other articles of the Civil Code.

[8] *To art. 22:*

(1) It is incumbent on the Public Registrar's Offices to watch with particular care over the dissolution of marriages by explaining to the divorcing parties before the registration that liability for the upkeep of the children rests on both parents and that divorce does not relieve them of this responsibility.

(2) The Registrar must establish, when divorce is registered:

(*a*) which of the children will stay with the mother and which with the father;

(*b*) which of the parents will bear the cost of the children's upkeep;

(*c*) the amount of money paid by one parent to the other for this upkeep;

(*d*) the rate of payment (monthly, fortnightly, etc.).

[9] *To art. 24:*

(*a*) In hearing divorce cases the judge should concentrate on the child's interest to determine where the child would be most assured of a normal upbringing. But in deciding this question there is no necessity for the judge to transform the court hearing into a petty enquiry into the details of the intimate relations between the spouses and an evaluation of their "moral behaviour", etc., as is still frequently done in the courts. (But see pp. 314, 382 and 388 of this compilation [R. S.].)

The Supreme Court once again stresses directives issued previously in connection with similar mistakes in the courts.

"In the decisions of our courts, as organs with the function of fostering among the masses a revolutionary outlook, the principles of a new life and a comradely attitude towards women, there should be no room for expressions showing the court to be, not in the van, but trailing at the rear with the outlook of the philistinism inherited from the old regime."

[10] *To art. 28:*

To inform the Public Registrar of a child's paternity during pregnancy is the mother's right—not her duty. In not availing herself of this right, she does not forfeit the right of bringing a paternity suit after her confinement.

[11] *To art. 30:*

(*a*) Where a paternity suit is contested, the court may on the strength of the evidence establish as father a person whose paternity is denied by the child's mother, and may raise the question of appointing a guardian if the mother refuses to accept maintenance grants from this person.

(*b*) If on arriving at a private agreement the litigants decide to withdraw the paternity suit, the court must investigate the nature of the agreement reached and refuse to close the case if the conditions of the agreement are prejudicial to the plaintiff or the child.

(*c*) Concerns the prematureness of introducing blood-tests as a means of proving or disproving paternity.

(*d*) Concerns the inadmissibility of medical opinion as evidence in paternity suits.

[12] *To art. 32:*

In the event that it is established that the plaintiff has been intimate with persons other than the defendant, the court cannot reject the suit, but must call these persons as additional defendants and establish the actual father of the child.

[13] *To art. 33:*

(*a*) Loss of parental rights can be inflicted only where abuse of these rights has been proved. It can be inflicted irrespective of the steps taken by the (Criminal) Court for social protection.

(*b*) Failure to pay alimony is adequate reason for bringing a suit demanding loss of parental rights.

[14] *To art. 42:*

Parents are responsible for the maintenance of their children until the latter are of age. If a minor accepts paid employment, this may be a ground for raising the question of reducing the amount of or terminating the alimony.

[15] See above, pp. 41–2 [R. S.].

[16] *To art. 57:*

(*a*) Adoption does not mean that the adopted person forfeits his right to inherit the property left by his parents at their death.

(*b*) Adoption does not free the child's father from paying for his upkeep.

(*c*) Adoptions effected before the revolution are recognized only where the conditions of adoption were being observed at the time of the publication of the 1918 Code of Marriage, Family and Guardianship law.

DOCUMENT No. 8

FROM A. M. SABSOVICH'S PAMPHLET: *THE U.S.S.R. AFTER ANOTHER 15 YEARS.*[1]

In order to create a socialist society, the existence of the material and social premises (in the form of an extremely high level of development of production, the abolition of classes and the socialization of all the tools and means of production) is not enough. What is also needed is a cultural revolution: man must be completely re-made, for which purpose the conditions of living and forms of human existence must be radically changed.

The conditions of living must above all be changed by the elimination of the individual household, of that "family hearth" which is and has always been the origin of women's slavery.

Calculations of the number of workers that will be required in the different branches of social labour in 1942–3 lead to the conclusion that even if there is a steep rise in labour output, a shortage of man-power in fifteen years' time can be averted only if all able-bodied men and women between the ages of 21 and 49 are employed by the community on its essential services. Consequently the complete liberation of women from household slavery and the elimination of the individual household is not only a task whose achievement would be desirable within the general plan; but a task whose satisfactory solution is an unavoidable

[1] The pamphlet from which the reproduced passage is taken was published in 1929, on the basis of a lecture on "the general plan" of long-term development delivered by its author after the enactment of the First Five Year Plan. A. M. Sabsovich is regarded by present-day Soviet writers as a main representative of the "leftist" deviation on the family problem, together with A. M. Kollontay and others, and is dealt with in rather less friendly terms than Kollontay, for reasons that seem connected with his lack of preparedness to subordinate his personal views to the general policy of the Party rather than with any specific aspects of those views, at least in the field with which we are concerned. While A. M. Kollontay, as we have seen above (doc. 4 (*b*)), tried to make the best of the hardships of the War Communist period and saw the growth of the new and freer relations between the sexes where actually there was no more than War emergency, Sabsovich placed his utopia in the future and foresaw the complete withering away of the private household and of the family from an expected increase in national prosperity. He shared her basic evaluation, that is, he expected that the nation, even when it had passed the emergencies in which the employment of all available woman-power was a matter of life and death and could choose between real alternatives, would continue to absorb all the energies of the female sex in social production and devote the material riches thus forthcoming to the creation of the material conditions for the abolition of the Family. Extremist views on sexual relations (as distinct from the institution of the Family) are lacking in Sabsovich, perhaps only in consequence of his different personal position in comparison with a woman writer with a literary vein. [R. S.]

necessity, one of the important prerequisites for a realization of other fundamental objects of the general plan, including above all the projected development of the productive capacity of the entire country's economy.

The individual household must be replaced by communal establishments catering for the primary needs of the workers. Vast factory-like kitchens, in numbers sufficient to serve the entire population, must completely supersede home cooking. This will considerably improve the nation's feeding while greatly cheapening it. A corresponding apparatus, sufficiently complex and mechanized, must be created not only for preparing food, but to provide a more convenient way of feeding the population : an organization of large communal dining-halls at centres of work and in rest centres, in the crèches, in social and educational institutions, etc. ; a large-scale extension and perfection of the canning industries, etc. ; in many cases the most convenient and expedient way of obtaining ready-made food at home will be this mechanized method.

Home laundering must be made unnecessary by setting up communal mechanized laundries equipped with technically perfect machinery (such laundries already exist in America and some countries of western Europe) which would disinfect, wash, dry and iron the linen in a few minutes.

Public baths, public swimming pools and showers built at the centres of work, rest and study, etc., and accessible to all workers at any time will dispense from baths prepared at home.

Factories for clothes and underwear and mechanized repair-shops must completely do away with the need for private sewing and mending of clothes and linen which at present takes up so much time and labour, chiefly by the women.

Lastly, mechanized cleaning and tidying of living quarters will again free women from having to waste a great deal of labour on individual home-cleaning.

In this way everything that at present necessitates the existence of the individual home and ties women to it must be done away with for the ends of the general plan. And this is not enough. One of the factors in maintaining the present forms of living is the individual upbringing given to children in each family separately. This is a bad thing, both for the children, who are subjected to the educational influence of parents who may make very poor teachers, and for the parents, especially the mothers, who are forced to devote to this task a great deal of

their time and strength and thereby deprived of a chance of taking on a job or some social work. We have already begun a struggle against this evil by organizing crèches, kindergartens, and playgrounds, by increasing the number of schools, and so on. But we are still poor and are merely taking our first steps in this direction. In fifteen years' time, even if we do not succeed in socializing education completely, i.e., in bringing up the children from their earliest days in special State establishments and at the government's expense, children's homes, crèches, kindergartens, etc., and some considerable degree of socialization of education will in any case have been organized on so wide a scale that all women will in the daytime be free from immediate worries about their children and will leave their physical and mental education to the State, which will be in a position to organize this business much more rationally and usefully both for the children and in the interests of the entire community.

Lastly, a vast network of public institutions for use in hours of leisure from essential community work—(" palaces of science ", libraries, reading-rooms, rooms for private study, etc.)—and for recreation from work or study (clubs, physical training halls and grounds, gardens, and specially arranged terraces for resting in the open air, etc.)—all this will dispense with any need or reason for the separate life of separate families in isolated flats and little houses designed with an eye on the " family hearth ".

DOCUMENT No. 9

SOVIET EXPERIENCE WITH LEGAL ABORTION

(*a*) N. A. Semashko's Commentary on the Results of the Law of November 18, 1920 [1]

Results of the Legislation.

It is impossible, of course, to obtain any exact data as to how this law affected the spread of abortions : prior to this legalization abortions were secret, and were therefore as a rule not registered. It is certain, in any case, that the legalization of abortions led to an increase in the number of women applying to hospitals for these operations. Thus in Moscow there were registered per 100 births, 6·4 abortions in 1911, 19·6 in 1923, 31·4 in 1925, and 55·7 in 1926.

However, these figures are due merely to the legalization of abortion, rather than to any absolute growth in the number of abortions and consequent reduction of the birth-rate. This may be seen from the fact that the birth-rate for a long period remained practically stable (in 1911, 43·8 ; in 1923, 32·2 ; in 1924, 42·9 ; in 1925, 43·8).

On the other hand, the legalization of abortions resulted in a sharp decline in the number of women applying to hospitals with incompleted abortions which had been begun illegally. Thus data covering twenty provinces indicated only 42 per cent. incomplete abortions for 1923, 37 per cent. in 1924, and 38·5 per cent. in 1925. Incomplete abortions in these years were registered mostly in the villages where the number of hospitals was still small. In Moscow the figures are even more indicative : 57·9 per cent. in 1923, 43·2 per cent. in 1924, 15·5 per cent. in 1925, 12·2 per cent. in 1926 and 10 per cent. in 1932. More recently the number of women applying to the hospitals of the big cities with cases of incomplete abortions has become altogether negligible. This fact is highly gratifying and shows that an end has been put to the maiming of women by ignorant quacks.

Another important consequence is the sharp decline of after-birth ailments. Thus according to Roessle, after-birth infections

[1] From *Health Protection in the U.S.S.R.*, London (Gollancz), 1934, pp. 84–8. The passages quoted follow immediately upon the text of the Law, reprinted above (p. 44) as doc. 3 (*d*).

in Berlin resulted in 13 deaths per 1,000 births in 1922, 14 in 1923 and 11 in 1924. It will be interesting to compare these figures with those registered in Leningrad. The number of deaths in Leningrad resulting from the same cause was as follows : 3·9 in 1922, 3·5 in 1923, 2·7 in 1924 and 2·4 in 1925. Thus the aim pursued by the Soviet law on abortions, which was the protection of the woman's health, has been fully achieved.

It should be pointed out that, despite the growth of abortions, their number in the U.S.S.R. is less than in other countries. In 1929 there were 8·2 abortions per 1,000 inhabitants in the U.S.S.R., whereas in Germany (where abortions are prohibited, and there are consequently numerous illegal and unregistered abortions) there were twice as many (15·4).

What categories of women profited most from the legalization of abortions ? Statistics for Moscow and Leningrad (as well as other cities) show the principal causes of abortion to be housing shortage, poverty, illness and large families. In other words legalization benefited the most needy women.

The Fight against Abortions.

Although legalizing abortions in the interest of women, the People's Commissariat of Health at the same time carries on a determined fight against the spread of abortion, as an operation adversely affecting health.

The fight is carried out in three directions :

(1) Propaganda of birth-control measures under the direction and control of the women's consultation bureaux.

(2) The development of the network of maternity and infancy protection institutions (crèches, mother-and-child homes, etc.) which come to the aid of women, providing proper care and food for the child and thereby eliminating in many cases the need for an abortion ; with the same object in view, the health authorities have organized special committees of doctors and representatives of women's organizations which consider the different applications for abortion, and often render assistance for the purpose of preventing the abortion, as well as fixing the order in which the women are to be admitted to the hospitals for free operations (there are also hospitals where abortions are performed on women who can afford to pay for them).

(3) The third method of combating abortions consists of general sanitary education. A large number of pamphlets and leaflets are distributed, explaining how dangerous abortion is to

a woman's health, even when performed under most favourable hospital conditions.

(*b*) Extracts from the Proceedings of the First Ukrainian Conference of Gynæcologists, Kiev, 1927, on Experiences with Abortion for Social Indications.[2]

From the Paper of Prof. M. G. Szerdukov, Director of the Grauermann Maternity Clinic, Moscow, on Artificial Abortion as a Biological Trauma.

. . . The following tables show the relation of all abortions initiated or completed in all Moscow clinics to the total number of births registered in the City of Moscow, and the proportion between the artificial abortions initiated in the clinics and the

[2] This selection has been made from the German translation of the *Proceedings* of the Congress published as a supplement to Vol. 104 of the *Zeitschrift für Geburtshilfe und Gynäkologie*, 1933. Though that publication was evidently prepared for press before Hitler's accession to power, we may suppose its predominant bias, which also found expression in the Preface, to have been provided by a desire on the part of Right-wing doctors to refute German advocates of abortion by reference to experiences in what these latter erroneously (see above, docs. 3 (*d*) and 9 (*a*), and the speeches of the most fervent advocates of legal abortion in this document itself) believed to be their Promised Land. In view of the well-known dangers of indirect translations, of which only some of the more technical could be reduced by my making this translation myself, it is necessary to state here the probable bias of the source used, especially as it contains avowed gaps. (The editors used only the Russian text of the *Proceedings* and omitted those speeches which were available only in the Ukrainian language.) But from the speeches of Yefimov and Selinsky, here reproduced, it is obvious that no editorial bias was needed in order to create the impression that the Congress was actually a demonstration against legalized abortion. The user of the source itself will feel this impression even more strongly than the reader of this selection, because (1) this is not a medical, but a sociological book, and the main attacks of the opponents of abortion were based on technical medical grounds, amongst which I felt that neither I nor my readers would be competent to make a proper selection, and (2) this book deals with Soviet attitudes, and I felt no need to devote part of my space to utterances which merely prove a fact obvious from the very start, namely that in 1927 among the renowned representatives of the medical profession there were many opponents of fundamental tenets of the Soviet system. I felt little inclination to reproduce, say, statements about the alleged destruction of the traditional sanctity of marriage by the legalization of abortion when these were coupled with demands for abortion to be legalized when it was carried out by a doctor outside the clinic under suitable conditions—that is to say, for a well-to-do private patient. The criticism of abortion reproduced in this selection appears the more impressive when we keep in mind that it came from doctors who evidently shared the basic assumptions of the Soviet system.

The scope of disagreement between those trends with which we have tried to acquaint the reader seems smaller from our point of view than it appeared when they met in the conference hall at Kiev. All agreed that abortion was an evil, and all agreed likewise that it was at the time unavoidable. Even those who made the latter point as fervently as did Selinsky might agree, in 1936 (see doc. 13), that most of the reasons for which they had defended abortion in 1927 had meanwhile disappeared. The fervour of argument appears to be supplied by trends that were outside the official scope of Soviet thought, but—as in so many disputes of the N.E.P. period—backed the surface argument between those who emphasized the medical and those who emphasized the sociological aspect of the issue: on the one side defenders of a traditionalist, on the other those of an individualist, libertine outlook. Differences in fairly fundamental questions among the defenders of the existing

cases of miscarriage, probably due to secret abortion,[3] who entered a clinic to have the abortion completed.

Year.	Number of Births.	Total Abortions.	Of which :			Percentage to Births of :	
			Artificial		Incomplete	All Abortions.	Artificial Abortions.
			number.	percentage.	number.		
1922	35,320	7,969	4,245	53·27	3,724	22·56	12
1923	48,852	9,062	3,829	42·14	5,233	19·16	8·65
1924	51,980	10,183	5,782	56·78	4,401	19·56	11·12
1925	57,537	18,071	15,261	84·45	2,810	31·41	26·54
1926	Not available	31,986	25,259	80	6,393	—	—

. . . It is important to notice that, in relation to the increasing total number of abortions, the number of incomplete abortions, amongst which many secret and criminal [3] abortions are included,

Soviet legislation are illustrated by a comparison between Yefimov, prepared to sacrifice "humanitarian considerations" to the public weal, when the latter so demanded, and Selinsky, who at least temporarily came near to the recognition of "a woman's rights over her own body" (see above, Introduction, p. 14). But these differences were not likely to be realized to a very strong degree by people who, though defending the policies of a powerful State, were bound to form a minority in a congress of a learned profession, a mere ten years after the Revolution, held in the rather lower-middle-class town of Kiev. Quite apart from such characteristics of the milieu, the professional attitude of those who took part in the Congress forced on them all the counter-arguments, whilst it was bound to let all the arguments in favour of the official policy appear as sociological, that is outside, interference with their professional duties. Remove from the ground of the ideological battle described in this document the general social setting in which opposition to the original Soviet legislation on abortion was bound to seem a veiled opposition to the Soviet system in general, remove unemployment, suppose that the Soviet achieved some positive success in improving the conditions of childbearing mothers, and even without any change in fundamental attitudes you get the setting described below in docs. 13 or even 17. For most of Dr. Gaymer's patients (see below, p. 184) it would not have been difficult to support the legislation of 1936, though some of their arguments were still repeated in those days (see below, p. 256).

Phrases in brackets are my own, being used to summarize a longer argument put forward by the speaker concerned—in most cases one of a technical character. [R. S.]

[3] The general assumption, which underlies all the statistics put forward at the Congress (by doctors who in any case might be supposed to know the conditions of their own work) is that a woman who enters a clinic with symptoms of miscarriage, such as hæmorrhage, has intentionally started abortion : either with the intention of thus compelling her admission to the clinic without the rather complicated procedure by which the alleged need for the operation was checked with the shortage of beds (see below, Dr. Benderskaya's paper) or through a quack with results that compelled her to resort to a clinic. According to Soviet law, only a quack (or a doctor acting under improper conditions), and not his victim, could be described as criminal. It is extremely difficult to check how far this assumption holds good (one of the papers read at the Congress, but not here reproduced, deals with it in a rather inconclusive way) ; honest answers by the patients could, of course, be expected only in cases of artificial abortion, though in those cases the need for convincing a commission of the necessity for an operation, and the general moral atmosphere, might cause biases of a different kind. See below, note 13. [R. S.]

continues to decrease. The Soviet policy in relation to abortion is thus to some extent justified. . . .

Recently one of the largest Moscow abortion clinics—that attached to the Dostoyevsky Hospital—issued statistics relating to 2,696 abortions carried out in 1925. Nearly all the women concerned were aged from 21 to 30; 50 per cent. of them were undergoing the operation for the first time, 38 per cent. for the second or third. The cause of the abortion was in 58·7 per cent. of the cases material insecurity, in 8·6 per cent. the excessive number of children already being supported, and in a mere 7·2 per cent. were medical indications such as tuberculosis, syphilis, etc., responsible. In 93·4 per cent. of the cases the rise in temperature after the operation did not carry it above 98·6 to 99·5 degrees; in 5·4 per cent. the temperature reached 99·6 to 100·5, and in 1·38 per cent. 100·6 to 102·5 degrees. Perforation of the womb occurred in 0·15 per cent. of the cases.

. . . Most of the women who undergo abortion are not further surveyed by doctors or by the Department for the Protection of Mothers and Children . . . but many of us are convinced that no small proportion of cases of chronic disease of the female organism can be traced to abortion as their cause.

. . . At my suggestion, one of my collaborators, A. V. Lankovich ("The Effects of Artificial Abortion on Birth", *Journal of Gynæcology and Women's Diseases*, Vol. XXXVII, Leningrad, 1925), has investigated the after-effects of artificial abortion on birth, the post-natal period, and the fœtus. For this purpose, the basic functions of the female organism before, during, and after birth were compared as between two groups of child-bearers, the one group made up of 661 women with one or more previous abortions, the other of 1,723 women for whom no abortions were recorded.

A rise of temperature during birth (in consequence of endometritis) was observed 4·3 times as frequently amongst the women with previous abortions as amongst the others. The average duration of birth in the first group was 1·3 times as long as in the second, and the percentage of *placenta previa* cases 3·5 times higher. Compared with the second group, the women with previous abortions had 2·2 times as many defects of the placenta; and delays in the involution of the womb were four times as frequent. . . . Among women with three or more previous abortions these disturbances occurred even much more frequently. The percentage of stillborn embryos was greater among the women

with previous abortions, in consequence of the prolonged duration of the birth and the degeneration of the placenta. . . .

Artificial abortion carried out in accordance with all the rules of surgery, without any subsequent infection, still forms a hormonal trauma upon which the womb reacts by persistent atrophy and fibromatosis. In such cases we found as later consequences of the abortion trauma fibromatous metropathy with callosity of the muscular tissues, atrophy of the endometrium and subnormal functioning of the ovaries, characterized by oligomenorrhœa or amenorrhœa which resisted all attempts at treatment (so far as restoration of the capacity to bear children was concerned, though some improvement in the general and psychological state of the woman was achievable).

. . . Among 7,000 gynæcological cases dealt with at our clinic, . . . the constitutionally subnormal types (infantile and asthenic) supplied the largest number of cases of infertility. In the second place follow pyknic women, but these proved infertile only in cases of congenital infantilism of the womb. . . . My experience shows that the preservation of pregnancy in infantile women furthers the development of the womb, whereas artificial abortion stabilizes its infantile state. . . .

From a Paper by Dr. G. J. Areshev, Director of the Women's Clinic at Erivan, Armenia, on Experiences in Abortion for Social Indications in Armenia.

Soviet Armenia is mainly a peasant country. . . . The intelligentsia, few in number, and the dwellers in the two or three towns existing in pre-revolutionary times did not raise the abortion issue with the vehemence known elsewhere. In small places hardly anything can be kept secret ; and such conditions prevented women from having abortion carried out at home just as they prevented doctors from undertaking it.

. . . Our country was one of the battle-grounds of the imperialist war. It was completely destroyed, and the population brought to a condition of absolute beggary. The copious influx of refugees from Turkish Armenia resulted in acute lack of agricultural land, and this rendered abortion more widespread. . . . The following years (1918–20) of starvation and of war with the neighbouring States resulted in the establishment of secret abortion as a common practice. In 1920, 29 per cent. of all the women who entered our clinic were abortion cases.

After the establishment of the Soviet regime, the percentage

of abortions receded in the years 1921 and 1922. This fact can easily be explained as a result of increased confidence in the future. The further development of abortion differed as between the peasants and the townsfolk respectively.

However legitimate the gynæcologists' indignation about the unwillingness of women to become mothers may be, it cannot easily be justified in regard to those families of urban poor whose whole diet consists of bread, with the mere occasional addition of a warm soup. In these an additional child means a mouth too many. Very different are the conditions in the villages, where the child is not a mere burden. At 7 or 8 years of age it can do some domestic work, and if the land to which to apply its forces were available it could make some contribution to its own upbringing. People talk of intensifying agriculture. But at this stage of development, the only remedy is restriction of the number of children by abortion. In consequence, the number of abortions is greater in those districts where there is a marked shortage of land ; but there is no abortion problem in the areas where more land is available and where peasants, therefore, can carry on more easily. . . . There is a shortage of land everywhere in Soviet Armenia, but the worst conditions are found in the Lori-Bambak district. The amount of land available there per head of the population is similar to that in other districts—1·3 to 4 acres—but the productivity of the soil, 5,000 feet above sea-level, is only half that normal in the Ararat plains. Our reports show that the largest number of abortions is to be found in this, that is, the poorest district. Amongst those who are not members of the Social Insurance scheme (most of them peasants) who enter our clinic for abortion, or after abortion, the largest number comes from this district.[4] . . . In the villages of other districts abortion is without importance. . . .

In the town of Erivan, where our clinic carries out a large part of all the abortions, while also serving as a nursing-home in cases of normal delivery, the total number of admissions increased from 397 in 1920 to 2,025 in 1926. The percentage of abortion cases to total admissions increased from 1922, when it was 14·2, up to 1925 ; but during the last three years it has

[4] According to Table II of Dr. Areshev's paper, which is not here reproduced in full, 96 out of a total of 214 non-insured patients seeking abortion came from the Lori-Bambak district. The next largest numbers—49 and 31 respectively—belonged to the towns of Erivan and Leninakhan (and are evidently in the main wives of traders or independent craftsmen). No agricultural district, apart from Lori-Bambak, supplied more than 17 non-insured patients. [R. S.]

remained stable, at about 26 per cent. We have already explained the much higher percentage (29 per cent.) in 1920. . . .

Two hundred and eighty-eight, that is, 10 per cent. of all the abortions carried out, concern women from 21 to 30 years old, the age-group most fitted for motherhood. In view of the statistics of preceding births [5] it may be stated that the age of women who undergo abortion increases in proportion to the number of earlier births. Nearly half the cases of abortion concern women with many preceding births. To answer the question what number of preceding children is likely to deter mothers from having more, I have made use of the data of the Department for the Protection of Mothers and Children. Of 620 cases of artificial abortion admitted by the Department,[6] 67, that is, 11 per cent., concern childless women, 137 (22 per cent.) mothers with one child, 187 (30 per cent.) mothers with two children, and 229 (37 per cent.) mothers with three or more children. Thus a large number of children is a very frequent cause of resort to abortion.[6]

While the total number of abortion cases increases, the percentage of abortions initiated in secrecy decreases. It is not true that secret abortion is a consequence of the refusal of artificial abortion under clinical conditions.[7] Only 61 of the 284 women who in 1926 applied to the commission of the town of Erivan were refused ; but in that year we had 356 admissions for incomplete abortion. Evidently some 300 women themselves took the

[5] These are given in the parts of the paper not here reproduced. [R. S.]

[6] Dr. Areshev's source seems to me to render his conclusions rather questionable. In view of its purpose, and the Soviet administrative regulations dealing with demands for abortion, the Department was not likely to be approached by women seeking abortion unless there was some likelihood of its influence being exercised to secure the woman a place on the priority list for admission to hospital, in view of evident difficulties implied in her having another child. Cases of extreme poverty apart, such support was most unlikely to be produced for women with no children, or with only one, while it was assumed that the existence of three children established a *prima facie* case in favour of the mother's assertion that she could not rear an additional child. In consequence, his data illustrate the principles according to which the public institutions disposed of the hospital accommodation available for abortion cases (which, in a country with a nationalized health service and a law permitting abortion only if carried out in hospital, is synonymous with granting legal abortion) rather than the subjective desires and opinions of women with a certain number of children. [R. S.]

[7] But see the opposite opinion expressed in the following paper. It should be kept in mind that Dr. Areshev, as distinct from Dr. Benderskaya, is reporting on a rather backward country, where some women might for purely traditional reasons prefer abortion by a "wise woman" (for which, as Dr. Areshev explains in the parts of his paper not reproduced here, a certain comparatively safe procedure was established by ancient custom), with only subsequent resort to the clinic, especially in cases where a negative answer by the Commission might with fair likelihood be expected. [R. S.]

initiative, by making use of various devices, without even approaching the Commission.

Occupations of the Patients.	Artificial Abortion.					Secret Abortion.					Grand Total.
Number of previous births :	0	1	2	more	total	0	1	2	more	total	
Housewives . . .	9	70	87	150	316	102	127	116	268	613	929
Soviet Office and Distributive Workers [8].	6	20	8	16	50	17	5	12	22	56	106
Teachers	1	4	11	12	28	2	6	8	7	23	51
Students	1	6	2	1	10	7	2	4	—	13	23
Doctors, Nurses, S.N.	—	1	1	3	5	4	4	2	2	12	17
Workers	—	1	—	1	2	2	2	1	1	6	8
Unemployed . . .	3	2	—	—	5	4	2	1	—	7	12

. . . Of 1,150 women only 28, that is, 2 per cent., had no husband to support them.

Husband's Occupation.	Artificial Abortion in the Clinic.					Secret Abortion.					Grand Total.
Number of previous births :	0	1	2	more	total	0	1	2	more	total	
Soviet Office and Distributive Workers .	13	68	87	119	287	67	93	79	126	365	652
Workers and Craftsmen	—	13	6	28	47	30	32	34	96	192	239
Soldiers	3	8	9	8	28	18	11	11	13	53	81
Unemployed . . .	—	5	7	19	31	12	3	19	43	77	108

The fact that 60 per cent. of the total number concern families of Soviet employees [8] illustrates the unsatisfactory state of living conditions in Erivan. In this connection, the terrible housing shortage should not be left unmentioned. The President of our Town Executive Committee, Comrade A. Kostanian, has justly said that there is only a small difference between the space allotted to a living citizen in our town and that granted to a dead one : in the latter condition he can claim in the cemetery 1·8 square yards per corpse, while the normal allowance for living Erivanians amounts to 2·5 square yards each. It is noteworthy that the more intelligent strata of the population resort less to secret abortions : only 45 per cent. of the latter concern wives

[8] In the condition of Soviet Armenia at that time, when the towns were commercial and administrative centres, this group embraced the bulk of the economically active urban population, apart from such folk as small traders and craftsmen and their assistants. Especially did it include the bulk of those occupations in which most women in the U.S.S.R. as well as in the rest of the world at that time earned their living. In order to make this clear we have chosen the explicit translation of "Soviet employee" above. [R. S.]

of Soviet employees, who form 71 per cent. of the clinical abortion cases.

Statistics grouped according to the number of previous abortions show that only 10·4 per cent. of our patients had three or more abortions in the background. The obvious explanation is, of course, not the recurrence of a desire to have children after three abortions, but the likelihood that the inflammatory conditions which follow upon some abortions result in definite infertility. . . .

Dr. B. A. Benderskaya, Kiev. . . . The birth statistics of the last decade show a rapid decrease in the average size of families ; the family with one or two children is beginning to predominate. In Tsarist Russia, limitation of the size of the family was a privilege of the bourgeoisie and of a part of the lower middle class. Only in the large industrial centres where the workers were skilled and enjoyed some education was some decrease in the birth-rate observable. The increase of cultural standards and of cultural demands during the last ten years has resulted in a slow but regular decrease in the birth-rate, especially in the larger towns. In the villages it is still at the pre-War level. In the Kiev region it amounted in 1926 to 43 per 1,000 inhabitants in the villages against a mere 25·4 per 1,000 in the towns. . . .

The issue of family restriction in our country, especially during the transition from one historical epoch to another, calls for careful attention. . . . The number of abortions carried out in Kiev nearly doubles from year to year ; the number of births decreases very slowly ; the general mortality, especially amongst children, decreases at a remarkable rate. In spite of the marked progress of abortion the balance of population increase improves in mounting progression. . . .

In the hospitals of the Kiev region there were in 1923–4 751 abortions, 85 per cent. of them secret ; [3] in 1924–5, 32 per cent. of the total of 1,685 were secret ; in 1925–6, there were 2,991, of which 30·2 per cent. were secret. Thus there is still an absolute increase of the hæmorrhagic cases which correspond to secret abortions. This is caused on the one hand by the quite insufficient number of beds available, on the other by prejudices deeply rooted in the rural way of life which can only gradually be overcome by the general advance of civilization in the villages. In twelve rural districts where the civilizing work of the Village Consultation has already a record of two years' activity, no more than 23 per cent. of the abortions were secret. . . .

The large number of hæmorrhagic cases [3] in Kiev can only be explained by the lack of hospital accommodation; it is interesting to note that every year this number almost exactly corresponds to the number of refusals of requests for hospital admission for artificial abortion. In 1925–6 there were 1,006 refusals, and 996 abortions with hæmorrhage. . . .

In the town of Kiev at least it seems impossible to provide the necessary number of beds; therefore since 1925 we have opened, apart from the free beds, a limited number of additional beds for which a moderate fee—eight rubles [9] for the operation and the stay in hospital—is asked. We regard the supply of beds for abortion cases as a form of social assistance, and offer free beds only when certain social conditions are fulfilled. In 1925 fees were demanded for 15·7 per cent. of all the beds supplied for abortion cases, and in 1926 for 48 per cent. Payments for beds are not intended to be a source of income to the District Health Administrations, so our example is not likely to be followed in the villages.

In fighting abortion our first task is to combat secret abortion and the quack, but no less important is the struggle against abortion for "social indications" in general. . . . We must make it clear to the masses of workers and peasants that the operation, even if carried out under the best conditions conceivable, does great harm to the female organism. Abortion must be replaced by other devices for family limitation, that is, by contraceptives.

The advocates of repression of abortion by law are wrong. In many capitalist countries the prohibition of abortion merely results in increasing the number of secret abortions. The women workers and peasants in our country have conquered the right to be not merely bearers of children, but equal participants in all the political life of their fatherland. They should aim at the restriction, but not the prohibition of abortions. . . .

In a socialist society, when the conditions of cultural and material welfare have improved and the interests of the collectivity are preferred to those of the individual, women will be prepared to fulfil the function of motherhood without any pressure, but morally backed [10] by the demands of the collectivity in whose life they share.

[9] At the rate of exchange then in force, less than £1 in gold; but much more in terms of purchasing power. For the average money wages of employed women workers in the Ukraine see the remark in Dr. Selinsky's speech below. [R. S.]

[10] The application of this term, which is not developed in the text available, is the only hint—by a woman doctor, we should remember—at a most important

D. I. Yefimov, People's Commissar for Health of the Ukrainian Soviet Republic. . . . The statistics we have heard to-day show that the number of abortions in the Ukraine is increasing. But from the conditions prevailing in Western Europe and America we can see that the increase is not due to the fact that abortion is legalized in our country. It is increasing in those countries also, in spite of its being dealt with as a criminal offence. Our legislation regards abortion as a social evil, but it has abolished criminal repression in order to remove the quack. Thus will the harm implied in abortion be reduced, and the struggle against it made easier.

The biological and psychological injury done to the female organism by abortion is so obvious that no special proof of it is needed ; but this should not induce us to prohibit abortion so long as socio-economic conditions and the raising of the cultural level demand the restriction of the number of births. Our legislature has legalized abortion in full consciousness of its consequences ; for the demands of life overrule humanitarian considerations. Under present conditions we cannot prohibit abortion ; no one here can prove that such prohibition would reduce the number of abortions. Abortion would continue to be carried on in secrecy, and more women would suffer trauma. . . .

How is abortion to be fought ? Professor Szelitsky was right when he asserted that the doctors present at this Congress should support the State in fighting abortion, but, where abortion is necessary, should carry it out in such a way that the harm done to the woman is minimized. But even the best manner of performing the operation cannot prevent the woman suffering a physical and moral trauma. Under the present conditions fighting abortion means replacing it by contraception. Once we succeed in making progress in that field, more contraceptives will be available. (In this respect it is necessary to find a correct line by your co-ordinated scientific efforts.[11]) At present, the production and sale of contraceptives is left to private speculators and quacks. Contraceptives are sold in the streets like any other commodity, without medical control.

factor of the whole issue ; namely, that the existence of conditions in which abortion was not only legal, but was in many cases regarded as a necessary condition of cultural progress, might encourage the bringing of pressure upon pregnant women by husbands, employers, and other persons likely to suffer as a result of the pregnancy in order to induce them to avail themselves of that legal opportunity. This factor was a most important incentive to the abolition of legal abortion in 1936. [R. S.]

[11] In the available report of the Congress, one—strongly critical—paper on the effects of *coitus interruptus* forms the only medical contribution to this problem. [R. S.]

Abortion does not result in restricting the increase of population. According to the latest statistics, we have an annual access of some 60,000 Ukrainians. . . . Only by increasing social wealth and by overcoming the inheritance of the past shall we overcome the demand of women to limit the number of their children by any means whatever, even by abortion. . . .

Dr. M. L. Graymer, Kiev. . . . I made enquiry amongst 100 women who were seeking abortion. Eighty-one of them were married, 15 unmarried, 4 widows. Seventy had already had children, 42 were office and distributive workers, or wives of such, 20 were workers and wives of workers, 21 other housewives, 9 students.[12] In five cases there were medical, and in nine cases eugenic indications for the operation; 16 sought abortion because they were afraid of disgrace and ignominy; 8 (officials, teachers, and a dancer) feared they would be handicapped in professional life by having children; 49 were in difficult material conditions, and 9 were unhappily married, or were already divorced. In one case the husband demanded that his wife should undergo abortion; in three cases it was impossible to ascertain the reason for the request.

In nearly half the cases the cause of abortion is material need. But on devoting some attention to the attitudes of these women we find, rather to our astonishment, that they are afraid, not of impairing their own material position, but of the difficulty of providing the additional child with all that is necessary, or of the need to take something from the children already born.[13] The mother of two children, the second of whom is chronically ill, feels an obligation to devote to him all her efforts and her means; she does not feel that she would be justified in sacrificing an already living being to the interests of one as yet unborn. A worker's wife does not want a second child, for to have one would mean taking the bread out of the mouth of her firstborn. Those who have no children, but are in a difficult material position, hope for "better times", when they will be able to satisfy their natural desire for motherhood. A mere 6 per cent. of the women

[12] At this time Kiev was not an industrial centre. Thus Dr. Graymer's enquiry may have covered a fairly typical section of the female population of the town (but, of course, not of the Ukrainian towns in general). [R. S.]

[13] To the sociologist, the question of rationalization will immediately arise—without of course impairing the sincerity of one or the other woman especially quoted by Dr. Graymer. But even on the assumption that rationalization plays some part in the arguments put forward, it is not irrelevant for the sociologist to notice the kind of rationalizations which a Ukrainian woman puts forward to a Soviet doctor. [R. S.]

who seek abortion because of material difficulties decline motherhood for selfish reasons. Strange as it may seem, in many cases a reasoned and refined appreciation of motherhood enforces abortion upon women who, in view of difficult material conditions, have to weigh every threat to the interests of the already existing or the additional children. . . .

Dr. V. V. Selinsky, Tulchin. . . . After all the speakers who have emphasized the harmfulness of free abortion my opinion may appear heretical ; but a justified doubt is as good as an unbiased belief. Some speakers, with unmoved looks, and turning their backs on the human aspects of the problem, solemnly explain to us abstract truths about abortion. Some of those in this hall seem to be blind, socially short-sighted, or simply hypocrites in social matters. They do not see, or do not want to see, the real socio-economic and mass-psychological conditions under which abortion has become epidemic. In the opinions uttered in this Congress there is more moral prejudice than impartial objectivity. We have been told quite a lot of atrocity stories about the harm done by abortions ; infections and perforations of the womb, nervous disorders, reduction of the birth-rate to a point at which the instinct of motherhood would be destroyed, degeneration of the nation. But I would say with Tolstoy : They are trying to frighten me, but I am not afraid.

(Much of what has been said concerning the dangers and risks involved in abortion holds equally true for many other surgical operations, some of which are regularly carried out for mere diagnostic purposes without any therapeutical indication.) Can a connection be established between abortion and hormonal disturbances ? If such a connection as is alleged really exists, how do our urban women who systematically practise abortion, after reaching the Balzacian age, manage to compete so successfully with their 20-year-old friends in vigour and beauty of body, while their sisters of the countryside, after having punctually borne six to eight children, are transformed at 30 into walking corpses, or, if you prefer, squashed lemons ? The story of the hormones does not seem to be quite so simple as they tell us it is. . . . Every gardener knows that if a chrysanthemum bush bears too many flowers, some of them have to be cut off, so as to save the bush and obtain large, double flowers. So long as the birth-rate and the coefficient that corresponds to the conditions of (socio-economic) saturation do not coincide, there will

be a difference which must be written off. From the point of view of the statistical balance it may not matter how the correction is carried out ; but it will be easier, I take it, for the individual woman to endure some abortions than to follow one little coffin after another to the cemetery and to bury her youth and vigour with them there. Certainly, a chrysanthemum bush may be induced to produce more and finer flowers ; but to secure such a result we must change the composition of the soil, and improve the conditions of cultivation. Improve civilization, and we shall read other figures in these tables, and we shall be able to speak of abortion in different terms. Open your eyes to the facts of real life, to the socio-economic conditions under which women have to live and to bestow life upon new human beings !

Marriage, in view of its lack of stability and short average duration, does not grant women the conditions necessary for bringing up children. Alimony does not always achieve its purpose ; and the figure of the father incapable of meeting his obligations is of greater theoretical interest to the lawyers than practical interest to mothers. Contraceptives are unreliable. The right to free motherhood can be realized by women with a monthly income of forty to fifty rubles, but many women are unemployed. Remember the reproach which, in Zola's novel, the secret abortionist casts at the surgeon with his diploma : " You throw women into prison or the Seine ; we pull them out ! " Do you mean to restore to the quacks the function of pulling women out of the river ? One speaker was horrified by the fact that the woman's request and the doctor's prescription are sufficient for the carrying out of an abortion. Yes, such is the law, and it is just. The woman's request is sufficient because no one is more capable than she herself of judging her social indication.[14] No one of us men would accept a decision by some commission as to the social interest in his being married or not. Do not prevent women from deciding for themselves a fundamental issue of their lives. Woman has a right to a sexual life as freely realized as is that of man. In order to remain completely fit from the social and biological points of view, she

[14] In describing the actual position in these terms, Dr. Selinsky seems to have overlooked the realities of the situation as explained, for example, in the paper of such a clear and reasoned advocate of official Soviet policy as Dr. Benderskaya. Actually, it depended upon the decision of a Commission, acting with an eye to the social interest, how the limited hospital accommodation, and the opportunities for availing oneself of the legal freedom of abortion, should be distributed. Any other approach would have meant restricting hospital accommodation for other purposes. [R. S.]

ought to be able to satisfy that need as normally as does a man. We need no mass-produced class of spinsters, which would be merely harmful to the community. Unquestionably, abortion is an evil ; but as yet we have no substitute for it.

Resolution of the Congress.

(1) The First All-Ukrainian Congress of Gynæcologists notes a remarkable increase in the number of abortions, not only in the towns, but in the villages also.

(2) The legalization of artificial abortion has resulted in a considerable decrease in the number of secret abortions and of the diseases or deaths ensuing thereupon.

(3) The increase of artificial abortion has not so far resulted in a reduction in the rate of increase of the Ukrainian population.

(4) After thorough investigation in which the manifold harm done to women by artificial abortion has become evident, this Congress declares that it is most important to warn the population of its harmful consequences, and against a lighthearted approach to abortion.

(5) In view of the seriousness of the operation of abrasion and the possibility of incidental complications, this Congress considers that it should not be carried out except in hospitals by surgeons, specially qualified.

(6) The most efficient method of combating abortion is the distribution amongst women of harmless contraceptives as a means of birth control.

(7) Scientific investigation and practical testing of contraceptives is at this stage the most urgent social task before gynæcologists, and should be regarded as an essential part of their prophylactic activity.

DOCUMENT No. 10

SOVIET JUSTICE AND ADMINISTRATION IN THEIR FIGHT FOR THE EMANCIPATION OF WOMEN IN THE SOVIET EAST

(*a*) S. Yakopov: *The Struggle against Offences Rooted in the Traditional Way of Life* [1, 2]

"By 'traditional' offences we understand such acts of individual representatives of the population, being survivals of the past, as are in themselves socially dangerous and therefore must be fought."

In these or similar terms do some of our contemporary jurists define "traditional" [2] offences.

It is at once obvious that such a definition is based on a purely formal method of thought which is alien to the proletarian conception of life. In the first place, it does not specify the most essential feature of "traditional" crimes—their class character. Secondly, by this very omission, it obscures the political significance of the struggle against "traditional" crimes. Therefore we consider the explanation of the Plenary Assembly of the Supreme Court of the Russian Soviet Federal Socialist Republic (May 21, 1929) to be most timely and correct. This direction recommends "when investigating a case, to expose as fully as possible the social and class setting of the parties and their economic position".

This explanation of the Plenum of the Supreme Court also adopts a well-defined class attitude with regard to *kalym* (payment of ransom for a bride), as is shown by the following passage: "Taking into account the fact that *kalym*, as a means of obtaining possession of a woman (her labour power) generally expresses a class interest, and that this practice is directed essentially against the interests of agricultural labourers and small peasants, we instruct the courts to take a strong line in the fight against *kalym*, giving, of course, due consideration to the special circumstances of each case."

There can be no disagreement about the fact that the abolition of "traditional" crimes requires first and foremost an uprooting

[1] *Revolutsia i Natsionalnosti*, 1930/4–5, pp. 58 ff.

[2] A single adjective in Russian (*bytovje*) serves for this phrase; but in the text I have sacrificed accuracy for brevity and rendered it by "traditional". [Tr.]

of those basic conditions which produce them. The economic inequality of women (especially, amongst others, in our national republics and regions such as Azerbaijan, Bashkiria, and Kazakhstan), religious and customary prejudices (*shariat* [3] and *adat* [4]), cultural backwardness—all these conditions still give rise to " traditional " offences in our national regions.

At a time when the socialist offensive is developing on all fronts, the class enemies (the clergy and the big landowners in the forefront) avail themselves of every opportunity to preserve the existing social and economic relations on the basis of *shariat* and *adat.*

The measures taken by the Soviet State to promote the emancipation of women provide first and foremost for the recruitment of women into industry, the creation of special producers' co-operatives (*artels*) for women (*traktsye* and others) and of special Women's Institutes (e.g., the well-known Women's Club in Azerbaijan named after Ali Bairanova), the extension of a network of crèches, hospitals and canteens, easier access for Eastern women to schools and other cultural and educational institutions, the allotment of special funds to the Commissions for the Improvement of the Working and Living Conditions of Women, and so on.

For instance, we must place on record the extraordinary extent to which the land and water reforms in the Republics of Central Asia have contributed to the emancipation of women.

Although Associations for the Joint Cultivation of the Land [5] are at present recognized as the main forms of *kolkhoz* economy

[3] The Moslem religious law. [Tr.]

[4] The Moslem customary law. [Tr.]

[5] Associations for the Joint Cultivation of the Land, *Artels* and Communes were the three types of *kolkhoz* known before the wholesale collectivization of agriculture. Broadly speaking, the first type corresponds to the type of agricultural co-operative obtaining in Continental capitalist countries : the land and the crops remain under private control ; certain operations only are carried out jointly and certain means of production only (mainly those too expensive for the individual peasants) are used in common. In the *artel*, now the regular type of *kolkhoz*, the most important branches of production are completely socialized ; each member is obliged to give most of his labour to them and is entitled to a corresponding share in the earnings of the collective ; at the same time he enjoys the use of a private " auxiliary economy " to cover the private needs of his family and also in some cases to produce some commodities for the market. In the Commune, at one time propagated as the highest form of *kolkhoz* but completely dropped since 1935, there was no private economy at all ; the economic existence of each *kolkhoz* member depended exclusively upon his share in the collective earnings. In the backward regions of the Soviet East, with which the article deals, the collectivization of agriculture was undertaken rather carefully, the Association for the Joint Cultivation of the Land being promoted at a time when in the more advanced regions of the Soviet Union the replacement of this type of *kolkhoz* by the *artel* was being mooted. [R. S.]

in our Eastern Republics, the collectivization of village economy must nevertheless have introduced considerable changes in the habits of life. As *kolkhoz* economy develops and passes into higher forms (*Artel* and Commune),[5] the background which produces " traditional " crime will accordingly die out. We must point out, however, that this process takes some considerable time.

* * * * *

Soviet legislation, in its struggle for the emancipation of Eastern women, does not confine itself solely to measures of an economic and cultural character.

Side by side with these measures, Soviet legislation provides a number of punitive sanctions, without which the struggle against survivals of tribal life must be and remain ineffective.

As a logical consequence of the principal postulates of Soviet legislation in the early years of the revolution establishing the equality of women, criminal responsibility was established for the violation of women's rights, in the Penal Codes of our National Republics (the Penal Codes of the R.S.F.S.R. for its Autonomous Republics and Regions and the Penal Codes of the Uzbek, Tajik, Azerbaijan, Armenian and Georgian Soviet Socialist Republics).

On October 16, 1924, the Government of the R.S.F.S.R. passed a law in pursuance of its struggle against " traditional " offences in the Autonomous Republics and Regions. This law applied to the Autonomous Republics of Kirghizia, Turkestan and Bashkiria and was later extended to the Oirat, Kalmyk, Karachaev, Abjarian, and Kabardino-Balkarian Autonomous Regions. Later still, this statute was extended to various autonomous units on the North Caucasian Border. This statute of the R.S.F.S.R. made special provision for each of these Autonomous Republics and Regions for those kinds of " traditional " offences which occurred in their respective territories.

Subsequently, the second session of the twelfth Election Period of the All-Russian Central Executive Committee (April 16, 1928) deemed it necessary to consolidate all the individual enactments of the R.S.F.S.R. Government in its struggle against " traditional " offences hitherto promulgated for the various Republics and Regions, into a single legislative act of the R.S.F.S.R., designed for all the national units where survivals of tribal life still exist. This decision is reflected in the Penal Code of the R.S.F.S.R. in the form of a special chapter, entitled : " Offences representing survivals of tribal life." The measures

of social protection provided for " traditional " offences in the first decree of the Government of the R.S.F.S.R. (October 16, 1924) had in various cases been more severe than those contained in the decree passed in 1928. Thus, for instance, imprisonment not exceeding five years was the measure of social protection for compelling a woman to marry against her will, especially by way of *kalym* (payment of ransom).

The wording of the decree for the Bashkirian Autonomous S.S.R. was somewhat different, but the measures of social protection were the same, that is to say imprisonment not exceeding five years. It should be mentioned that the first decree of the Government of the R.S.F.S.R. gave special consideration to such kinds of " traditional " offence as abduction and compelling a woman to marry. Abducting a woman on reaching marriageable age preliminary to marrying her against her will, was also punished by imprisonment not exceeding five years.

In principle, the terms of imprisonment imposed for any particular offence are rather less important than the fact that our legislation recognizes practices of this kind as being punishable and applies to them adequate measures of social protection, although this does not mean that it is of indifference to the legislator how many years should be given for any particular offence. But it is most important that the legislator should determine the range of practices which, under the dictatorship of the proletariat, are to be considered as socially dangerous, and, on that ground, as punishable.

In the case of socially dangerous persons and of class enemies the legislation of the U.S.S.R. ordains confiscation of property by the Court as a form of punishment. It thus acknowledges that confiscation by Order of Court should be applied only in cases which are exactly delimited by the law.

In the struggle against the various kinds of " traditional " offence confiscation of property is legalized as a measure of social protection in addition to imprisonment and removal from the bounds of a given locality.

Such measures may be applied, for instance, against a person who belongs to the clan of the victim of a murder and declines to be reconciled with the murderer and his clan as laid down by local statutes relating to conciliatory proceedings, and also against persons who obstruct such a reconciliation. This kind of crime assumed very ugly forms at times in our national Regions, inflicting great economic damage and preventing our local organs from

getting on with their proper task of building up socialism. For this reason, the Presidium of the Central Executive Committee of the U.S.S.R. accepted the arguments of the U.S.S.R. Government and decided to apply confiscation of property, either wholly or partly, to crimes of this kind which represent a survival of tribal life.

In the years 1926–7, abduction of women was the most widely spread of all these crimes in our national Regions. Sixty-six cases out of 155, or 42 per cent., were cases of abduction. (See Table 1.)

TABLE 1

CONVICTIONS FOR CASES OF TRADITIONAL OFFENCES IN 1926–7

Autonomous Region.	Abduction.	*Kalym.*	Forced Marriage.	Polygamy.	Rape.
Ingushetia	14	21	5	—	1
Ossetia	19	1	—	—	—
Chechen	6	—	—	—	5
Adigian	3	5	—	6	—
Kabardino-Balkaria	11	9	—	12	—
Karachaev	3	4	—	6	6
Oiratia	2	1	1	—	—
Circassia	6	3	—	3	—
Kalmykia	2	—	—	—	—
Total	66	44	6	27	12

One cannot but agree with the opinion of the Commissions for the Improvement of the Working and Living Conditions of Women, attached to the Presidium of the All-Russian Central Executive Committee, that the figures of this table present only an incomplete picture of the extent to which "traditional" offences occur in the Autonomous Regions. A considerable proportion of these offences never comes before the Court. This is due, on the one hand, to a lack of initiative on the part of the organs of revolutionary law, and on the other hand to the special nature of "traditional" crimes (a girl who has been raped usually seeks to avoid prosecuting the man who has raped her; she marries him, because under the local conditions of social life it is extremely difficult for a victim of rape to marry any other man).

We have not yet got the full figures for all these Autonomous Regions during the year just ended. But the evidence for the various Regions for 1928–9 indicates that instances of abduction

of women (some forms of *kalym*) still occur. Thus, for instance, during the year just ended, 20·8 per cent. of all offences [6] in seven Autonomous Regions of the R.S.F.S.R. fell into the category of *kalym*, 24·5 per cent. into that of customary abduction, and 46 per cent. into that of polygamy. If we examine the distribution of the most widespread offence, polygamy, among the various Republics, it appears mainly as a " privilege " of the Bashkir Republic. Almost 75 per cent. of the cases brought before the Courts of the Bashkir Republic were cases of polygamy.

Legislation in the Turkmen S.S.R. against " traditional " offences did not at first embrace the complete range of such offences. The first law passed by the third session of the first Election Period of the Central Executive Committee of the Turkmen S.S.R. (October 6, 1926) provided measures of social protection against polygamy, *kalym*, abuses in connection with divorce amongst the indigenous population, and marrying off a woman below the age of puberty. Later on, the second session of the second Election Period passed a final version of the Turkmen Penal Code which included the laws against " traditional " crimes passed by the third session of the first Election Period, and supplemented these by measures against other kinds of " traditional " crimes (blood feud, abduction, *kaitarma*, and so on).

Amongst all the various kinds of " traditional " offence which we have enumerated, *kalym* is one of the most dangerous and one which demands a special approach. *Kalym* is a most barbarous and despicable violation of woman's liberty, for it reduces the woman to the position of a chattel. *Kalym* results in a barbarous and brutal exploitation of the woman. What is more, *kalym* is a means to illegal enrichment. The institution of *kalym* makes it extremely difficult for small peasants and agricultural labourers to set up house and found a family. *Kalym* in rural areas enslaves the agricultural labourers and small peasants. Marriage by means of *kalym* is a special privilege of the clergy, the big landowners, and the *kulaks*. Finally, *kalym* is a weapon in the hands of the class enemy by which he tries to prevent the integration of Eastern women into a socialist system. That is why a determined fight against *kalym* remains one of the most important tasks not only for our judicial and prosecuting organs but for Soviet society as a whole, especially in the national Republics and Regions. *Kalym* does not always take the form of direct payment for the

[6] The author obviously means " traditional " offences. [R. S.]

bride in money or goods : it frequently takes the form of personal services. There was, for instance, an agricultural labourer in the Ak-Darian district of the Samarkand region whom a woman hired for four years, promising him her daughter in marriage. At the end of these four years she suggested that the labourer should wait for some years longer. The labourer was annoyed at this and brought a suit before the People's Court of the Ak-Darian district, demanding payment of an adequate amount of money for the four years' service.

In the Syr-Darian district there occurred a lawsuit based upon the declaration of one Niyas-Badalov, an agricultural labourer who had worked without pay for the farmer Khazanov for about eight years, because Khazanov had promised him his niece in marriage. It was found that Khazanov not only had not kept his promise but at the end of the eight years had paid nothing to the worker Badalov.

In the Uzbek Republic, 248 charges of paying *kalym* were brought before the Courts in 1928.

Polygamy is another and equally dangerous kind of crime representing a survival of tribal life, and it finds a place in the legislation of the Turkmen, Uzbek and other S.S.R.s. Thus, the Uzbek Penal Code establishes criminal responsibility and imprisonment not exceeding five years for everybody who marries without having first dissolved his former marriage. This law is in fact wholly directed against the rich landowners and *kulaks*, for polygamy under the conditions prevailing amongst the Eastern nationalities is the exclusive privilege of the propertied class. The existence of *kalym* has its repercussions within the strata of small peasants and agricultural labourers, as it makes possession of an adequate amount of money, goods, livestock or other such property necessary for marriage. Thus the big landowner is in a position to acquire more than one wife ; according to *shariat*, he may have three. Polygamy, like *kalym*, reduces the woman to a chattel, restricts her liberty and is an insult to her person and dignity. With the exception of those rare instances where the sexual element prevails, polygamy fundamentally pursues the aim of exploiting woman economically. Besides, it is not difficult to imagine what kind of relations will exist between a woman and a husband who has several wives. We have evidence to show that favouritism and quarrels among the wives on this ground lead to hurt feelings, intrigues, bodily injuries and sometimes—rarely, it is true—even to murder.

Polygamy is one of the reasons for the development of *kalym*.

In 1928 the " traditional " offences most widespread in the Turkmen S.S.R. were inciting the divorce of a married woman and marrying a minor.

Forty-one cases out of 162 (i.e., 25·31 per cent.) fall within the clause dealing with marrying minors ; 52, i.e., 32·11 per cent., within the clause dealing with compelling a married woman to a divorce. The remaining cases fall within the clauses dealing with customary abduction, *kalym* and so on. One hundred and six people were sentenced to varying measures of social protection for one or the other of these offences. Eight of the offenders, i.e., 7·55 per cent., were members of the All-Russian Communist Party (Bolshevists), candidates and members of the *Komsomols* (Communist Youth Movement). The persons convicted can be divided into the following groups, according to their social position :

TABLE 2

SOCIAL POSITION OF OFFENDERS

Peasants.	Workers.	Clerks.	Other Groups.	Total.
88	6	2	10	106
83·2%	5·66%	1·89%	9·43%	100%

Unfortunately, the statistics do not show under the heading " peasants " the class characteristics of those who committed " traditional " offences : whether they were small peasants, middle-class farmers or *kulaks*.

It is extremely interesting to note the degree of illiteracy among the persons convicted. Only 21 of them, i.e., 19·8 per cent., could read and write, and 85, i.e., 80·2 per cent., were illiterate. These figures suggest that the political and educational work among the peasant masses is extremely ineffective : no real progress has been made in liquidating illiteracy ; the legislation against offences which are survivals of tribal life has not yet been properly explained and popularized.

We must make reference to certain regions and districts where acquittals are the rule. The reasons for this state of affairs are twofold : because there are alien elements among the organs of criminal investigation, and because court officials are insufficiently

trained. In the Tashausk district of the Turkmen S.S.R., for instance, 78 per cent. of all cases were brought to court but there was not a single conviction. There can be no doubt that in this instance not only the investigating organs but also the Prosecution were guilty of grave neglect.

The same state of affairs, that is to say a continuous flow of acquittals, exists in the Uzbek S.S.R. The investigating organs, of course with the knowledge of the Prosecution, very frequently dismiss cases of " traditional " offences without giving any reason. For instance, a Commission of the People's Commissariat of Justice of the Uzbek S.S.R. examined the work of the Kashka-Darian district where the big landowners and the clergy were putting up a strong opposition against women activists : it disclosed that amongst the cases dismissed there was one of murder in the village of Zakzav-Bek in the Budinsk district : the mutilated body of one Ravat-Bida Turnova, a girl of 18, was found in a well. The evidence shows that the victim was an activist who worked amongst the women in the village. No proper action was taken to investigate the crime and discover the murderers. The main reason, as established by the Commission, was due to disintegration, to the penetration of elements alien to the Soviet regime into social organizations and to criminal abuse of office. In 1928, for instance, fifty court officials had to be prosecuted.

We must note that the Government and the Courts in Armenia are rather more assiduous in implementing the legislation against " traditional " crimes. The year 1928, as against 1927, showed a considerable increase in the number of " traditional " offences brought to court in Armenia. This increase is to be explained not so much by the growth of criminality but by the greater publicity given to such offences following on the mobilization of public opinion and the instructions given by the Supreme Court of the Armenian S.S.R. Out of 16,752 cases which in 1926 were brought before the Armenian People's Courts, 259, i.e., 1·5 per cent. of all criminal cases, were cases of " traditional " offences. Eight of the convicted persons were minors of both sexes—192 were men and 26 women. Seven of the persons convicted were members of the Communist (Bolshevist) Party or of the All-Union Lenin Young Communist League.

The distribution of convicted persons with regard to their social position is shown in the following tables.

TABLE 3

SOCIAL POSITION OF PERSONS CONVICTED FOR "TRADITIONAL" OFFENCES IN ARMENIA

Workers.	*Kulaks.*	Middle-Class Farmers.	Small Peasants and Agricultural Labourers.	Clerks.	Non-Working Elements.
3	20	122	70	5	11

Middle-class farmers thus form the main contingent of those who committed "traditional" offences.

TABLE 4

MEASURES OF SOCIAL PROTECTION IMPOSED FOR "TRADITIONAL" OFFENCES

Imprisonment not exceeding 1 month	4
,, from 1 month to 3 months	7
,, ,, 3 months ,, 6 ,,	31
,, ,, 6 ,, ,, 1 year	57
,, ,, 1 year ,, 2 years	32
,, ,, 2 years ,, 5 ,,	6
Conditional Sentences	64
Compulsory Labour[7]	4
Fines	17
Other Measures of Social Protection	5

The number of conditional sentences imposed in these cases of "traditional" offences is considerable.

TABLE 5

DISTRIBUTION OF THE VARIOUS KINDS OF "TRADITIONAL" OFFENCE

Abduction of a Woman.	Compulsion of a Woman to Marry.	Marrying a Minor.	*Kalym.*	Polygamy.
44 17·0%	5 2·0%	126 48·6%	4 13·1%	15 19·3%

The Supreme Court of the Armenian S.S.R. gave directions to the local authorities, stressing the necessity of considering in

[7] A penalty characteristic of Soviet law; not to be confused with imprisonment with forced labour, which is regarded in the U.S.S.R. as a main factor in the re-educational effect of a prison sentence. "Compulsory labour at the place of employment" implies no interference with the personal freedom of the convicted person apart from his being prevented from changing his place of employment while serving his sentence. Failure to work would be a criminal offence, quite apart from the wartime legislation which made it an offence for all citizens. But a certain percentage of his earnings, established by the Court, is deducted from his wages and paid as a fine. [R. S.]

each case the danger to society involved and the frequency of similar cases and to intensify the struggle and to apply measures of social protection accordingly.

We must not omit to place on record the slackness in bringing cases of " traditional " offences to a decision. This feature, common to nearly all the Autonomous Republics, generally leads to the worst kind of red tape. In many Autonomous Republics and Regions of the R.S.F.S.R. and in the Turkmen, Uzbek, Armenian and Azerbaijan S.S.R.s, it frequently happens that the judgment in a case is delayed by the court officials for more than six months, although the higher courts and the Public Attorney were ordered to use every means possible to speed up the proceedings in cases of " traditional " offences.

We have to pay special attention to cases of murder directed against the emancipation of women. Only recently could the assassination of a woman with this motive be construed as a counter-revolutionary crime. Previously, such anti-feminist murders were treated like any other murder in law and in practice, and capital punishment was accordingly not available as a measure of social protection.

The Government of the Socialist Soviet Republics of Uzbekistan and Turkmenia, and later also of the Transcaucasian Federation, petitioned the Presidium of the Central Executive Committee of the U.S.S.R. to include anti-feminist murder in the category of counter-revolutionary crimes and accordingly to apply the supreme measure of social protection—the death penalty. This question was considered by the Committee for the Improvement of the Working and Living Conditions of Women, attached to the Presidium of the Soviet of Nationalities, by the Presidium of the Soviet of Nationalities of that Central Executive Committee and finally by the Secretariat of the same. On February 16, 1930, the Presidium of the Central Executive Committee of the U.S.S.R. made the following pronouncement :

" In view of the aggravation of the class struggle alike in town and country and of the consequent increase in anti-feminist murders especially among the Eastern nationalities, which murders are thus counter-revolutionary crimes, we direct the Central Executive Committees of the United Republics to rule that where it is established that the murder of a woman was committed because of opposition to the emancipation of women, clause 8 of the statute referring to crimes against the State (counter-revolutionary crimes) may be invoked."

In other words, the Presidium of the Central Executive Committee of the U.S.S.R. referred this kind of crime to the category of Crimes against the Revolution and sanctioned the application, in serious cases, of the supreme measure of social protection—the death penalty.

During the period of intensified class struggle, especially in the Caucasian and Asiatic villages, there were outbursts of anti-feminist terrorism, particularly in connection with the discarding of the veil and the yashmak.

In Uzbekistan alone, there were 203 cases of anti-feminist murder in 1928. In the first half of 1929, such cases amounted to 165. We must place on record that the actual number of women murdered on political grounds was considerably larger, for there were also many cases which were not investigated. For instance, according to a communiqué of the Public Attorney, sixty-eight women were murdered in Khorezm in 1928, but only twenty of the murderers came up for trial.

Women members of Soviets were also murdered in the regions of Samarkand, Bergand and Andizhan, and an attempt at murder was made in Khojent, in the Tashkent district. Here the Chairman of the Village Soviet of Dargomsk, one Gaziskhanov, was murdered by assassins hired by the big landowners, because he had worked zealously for the emancipation of women in the village. In this case the clergy had instigated the murder and thus played a major part in the crime.

The clergy and the big landowners were continually fighting the efforts of Soviet legislation to achieve the emancipation of women, and in pursuance of their obstructive aims they availed themselves not only of our internal difficulties but also of various factors in the sphere of foreign policy. In a period when our relations with the Conservative Government of England were strained, and diplomatic relations were broken off, the clergy engaged in strong agitation. They preached in the settlements and villages that the English had severed relations with the Soviet Union and were preparing for war because they disapproved of the fact that women were discarding their veils and yashmaks.

Further, they spread rumours that the recent earthquake in Central Asia was an act of punishment by Allah for the same offences. In that period, there was also a number of anti-feminist murders.

We have previously pointed out that there is a certain amount of corruption among the lower grades of government officials in various localities of the national Regions and that this arises from the presence of alien and disreputable elements.

We have additional evidence to show that similar corruption exists also in other national Republics. In the Amiadlisk *daira* [8] of the Azerbaijan S.S.R., for instance, betrothals of girls under age were arranged under the direct protection of local government officials. In this *daira*, there was also a forced marriage and *kalym* was received. One shrewd villager married off his daughter three times and each time he received a substantial consideration.

In the Ordubat *daira*, cases of the following kind were noted : people who knew that the law did not permit minors to be married off, brought to the Registrar's Office instead of the girl of 13 about to be married another woman of 18, or sometimes even of 25.

At an earlier period, marriages were also arranged in quite a number of regions. In the Yaiji settlement of the Ordubat *daira*, for instance, twenty-five cases were recorded of marriages arranged for girls between 6 and 12. One Fatma Asker-Kizi, the daughter of a woman delegate, arranged a marriage between her daughter, aged 9, and a member of the *Komsomol*. In all these cases, it took an investigation by an instructor of the Organization of Azerbaijan Communist Women Workers to rouse the attention of the general public and of the local government officials. These facts refer to 1928–9. Similar things occurred in other districts, as late as 1930. All that has been said above convinces us that the religious and customary law (*shariat* and *adat*) which existed among the Eastern peoples of the U.S.S.R. before the Revolution are still to some extent preserved. These traditions obstruct the building up of socialism in the Soviet Union, they stunt the cultural development of these nationalities and delay the recruitment of the large masses of working women into constructive work for socialism.

Although the Soviet laws about " traditional " offences and the measures to bring about the emancipation of the Eastern women have been implemented with some success,[9] the significance

[8] A small administrative district. [Tr.]

[9] To wit, some progress in the work of arousing public interest in the struggle for the emancipation of women ; a certain speeding up of proceedings by the judicial and crime-investigating officials in matters of crimes representing survivals of tribal life ; a start in appointing women to positions in the courts and in the departments dealing with the investigation and prosecution of crimes ; increasing participation of women in the work of the People's Courts as People's Assessors ; and the recruitment of women for industry.

of these achievements is very considerably diminished by a number of shortcomings.

These defects were fully exposed by the Commission for the Improvement of the Working and Living Conditions of Women attached to the Central Executive Committee of the U.S.S.R.

The most important shortcomings are as follows :

(1) Soviet legislation has not been sufficiently popularized amongst the great masses of the workers, especially the women.

(2) The courts do not apply sufficiently strong measures of social protection in pursuance of their penal policy. This is true in particular of cases where imprisonment is commuted into compulsory labour at the place of employment,[7] a conditional sentence is imposed, or an acquittal is given.

(3) Legal advisory assistance for women is inadequate.

(4) Proceedings by the organs of justice are slow.

(5) The conservative attitude of officials in the judicial and crime-investigating bodies which has frequently been observed during trials of " traditional " offences and the not infrequent corruption of some organs of the judiciary by the presence of alien elements.

(6) Inadequate appointment of women to positions in the judiciary.

(7) Both the judicial organs and the various social organizations fail to avail themselves sufficiently of Women's Institutes, Peasants' Clubs, mobile tents and other cultural and educational institutions, nor do they make sufficient use of the Associations of Women Delegates for popularizing the legislation against " traditional " offences.

In our efforts to remove these defects, better planned and more systematic work for the emancipation of women should take first place. Soviet Trade Unions and Co-operatives ought to give more attention to this work than they now do. The integration of women into the process of production, and the creation of special producers' co-operatives (*Artels*) constitute a main task of our central and local administrators.

The press, which till now has been almost oblivious of this front, might render great service to the struggle for the emancipation of women. Our judicial organs and social organizations have up to now made extremely little use of mock trials and debates on the subject of women's emancipation and " traditional " crimes. If such trials and debates can be

arranged, they may contribute decisively to the struggle against " traditional " offences. Soviet legislation against crimes which are survivals of tribal life has not yet been sufficiently disseminated. There is a dearth of popular pamphlets and booklets to explain the history and significance of " traditional " crimes.

The departments of the Soviets dealing with social life can do a great deal of good and useful work in the sphere of protecting women's rights. Experience in many localities shows that these departments have achieved a great deal by supervising the correct application of Soviet laws for the emancipation of women. Everything possible must be done to improve the work even further, to bring indigenous women into these departments and to train activist women for this work.

Another problem that must be tackled with greater determination than at present is that of appointing indigenous women from the rural strata of workers, agricultural labourers, small peasants and middle-class farmers to positions in the Courts and in the departments dealing with the investigation and prosecution of crimes. Further, the potentialities of the Boards of Information have not yet been properly realized. In part, this is due to the scarcity of qualified workers and a lack of popular literature. Nevertheless, if even such possibilities as exist were utilized more fully, Boards of Information could be set up in most of the Soviets, Women's Institutes, Peasants' Clubs and the Legal Sections of the Conferences of Women Delegates.

We should point out that the work of Boards of Information amongst the nomad population of the Eastern nationalities of the Soviet Union deserves special attention. It is precisely amongst the nomad population (in Kazakhstan and elsewhere) that tribal life has survived to an extremely high degree. For this reason the setting up of Boards of Information amongst the nomad population will contribute to the emancipation of women.

The clergy and the ministers of religion frequently play the part of inspiring and providing an ideology for agitation and propaganda against the measures of the Soviet Government for the emancipation of women. The ministers of religion thus implicate themselves as abettors in " traditional " crimes, and the courts must apply firmer measures against them. In this connection, the social organizations should widely increase their anti-religious work amongst the population, avoiding, of course, a leftish ardour which would only assist the class enemies.

We have previously mentioned the slow procedure in matters of " traditional " crimes. This dilatoriness does not inspire the women victims with faith in the help likely to be forthcoming from our investigating and prosecuting organs. Our social and Trade Union organizations must in cases of need exert pressure upon the crime-investigating organs, at least by means of the press, to speed up the proceedings in cases of " traditional " offences. An end must be put to all the manifestations of red tape which hinder the quick decision of cases.

What is more, officials who fail to take action against those who break the laws safeguarding the rights of women, should be punished for neglect of duty.

Finally, we must devote especial attention to the special work amongst the native women who act as People's Assessors. If possible, special courses of systematically conducted educational conferences should be arranged for them. If all these measures are carried out, the work of fighting crimes representing survivals of tribal life should greatly improve.

The abolition of special departments for Women Workers and Peasants within the Party Committees makes it essential that the Commissions for the Improvement of the Working and Living Conditions of Women attached to the Central Executive Committee of the Union and Autonomous Republics and to the district, provincial and regional Executive Committees should improve to the maximum the quantity and quality of their work in this sphere. These Commissions can cope with these problems only if they can rely on the unfailing assistance of the whole of public opinion in the Party and the Soviet Union.

There can be no doubt that the emancipation of the working woman in the Eastern national Republics of the Soviet Union is intimately dependent on the economic and cultural rebirth of these Republics which will come with the socialist reconstruction of the economy of the peoples in these regions and a revolution in their way of life. Nevertheless, Soviet legislation against crimes representing survivals of tribal life will, if successfully applied, contribute decisively to the emancipation of women, to their integration into production, to socialist economic reconstruction and to the building up of a civilized social life.

(*b*) I. Babintsev and V. Turetsky : *On the Emancipation of Women in Azerbaijan.*[10]

As early as in the first years after the October revolution, Lenin pointed out that woman's real emancipation will be brought about by integrating her into the productive social life of the country.

> This is the main task—to bring women into socially productive work, to get them away from " domestic bondage ", to liberate them from the deadening and humiliating subordination to the eternal and exclusive background of kitchen and children. This will mean a long fight, demanding a radical change in social techniques and customs. Yet this fight will come to an end with the full victory of communism. (Lenin, *Works*, Vol. XXV, pp. 63–4.)

This inspired prediction of Lenin was fully confirmed in the result. Formerly, Azerbaijan was the most backward of the Transcaucasian Republics. Remnants of tribal customs had there survived most hardily, and its women, on the whole, took no part in socially productive work before the revolution. But now the women of Azerbaijan take an active part in building up socialism, and women's labour has come to occupy a permanent place in industry and agriculture.

In 1931, the general body of workers and clerks consisted of 305,161 persons, of whom 61,140, or 20 per cent., were women. In 1935, there were 377,191 workers and clerks, and 96,345 of them, or 25·7 per cent., were women.

Moreover, in 1931, of 54,614 persons in all working in the oil industry, 5,149, or 9·4 per cent., were women ; in 1935, out of a total of 82,141 workers, 15,381, or 18·7 per cent., were women—i.e., twice as many in proportion. In the machine-manufacturing industry, the workers in 1931 numbered 6,869, and 508, or 7·4 per cent. of them, were women ; in 1935, 1,420, or 17·6 per cent. out of a total of 8,077, were women—almost two and a half times as many in proportion. In the cotton industry, the number of workers in 1935 was 5,731—3,134, or 54·7 per cent. of them, women as compared with 40 per cent. in 1931. In the building industry, there were 35,150 workers in 1935 ; 4,907, or 14·3 per cent. of them, were women, as compared with 4·2 in 1931—more than three times as many in proportion.

According to the data of the Azerbaijan Statistical Department

[10] *Revolutsia i Natsionalnosti*, 1936, No. 3, pp. 51 ff.

of National Economy, on August 1, 1934, the proportion of women engaged in all industries was 27·8 per cent., including 3·9 per cent. Turkoman women, 4·3 per cent. Armenian, 17·3 per cent. Russian and 2·3 per cent. of other nationalities. The total figure for Turkoman women workers was 19,900 in 1934 as against 15,800 in 1931.

In agriculture (machine and tractor service stations and State farms) the percentage of women workers is 22·1, including 1 per cent. Turkoman, 1·1 per cent. Armenian, 17·9 per cent. Russian and 2·1 per cent. of other nationalities.

In State administration, Turkoman women constituted 3·4 per cent. and Armenian women 4·4 per cent. of the personnel. Turkoman women make up 1·2 per cent. of the managing bodies of national economy; the overall percentage of women in institutions of scientific research is 41·8, made up as to 4·9 per cent. of Turkoman women, 5·0 per cent. Armenian, 22·2 per cent. Russian and 9·7 per cent. of other nationalities.

These figures prove that the recruitment of native women, especially Turkoman women, into industry and agriculture has been successful, although they are not yet sufficiently integrated into the organs of economic administration and government. The proportion of Turkoman women in technical engineering and agrotechnics is still comparatively small. Thus Turkoman women number 33 or 0·6 per cent. of the workers in technical engineering, Armenian women 127 or 1·5 per cent. and Russian women 508 or 6·1 per cent. One or 0·1 per cent. of agrotechnicians are Turkoman women, 7 or 0·6 per cent. Armenian, 20 or 1·7 per cent. Russian, and 2 or 0·1 per cent. of other nationalities.

During recent years, the part played by women in agriculture has increased remarkably. Turkoman women and women of other nationalities have become a most important force on the collective farms. They are active as shock workers, chairmen and managers of the *kolkhozes*. In the cotton *kolkhozes*, they cultivate and collect the cotton and also share in the sowing and the necessary preliminary work. In the grain *kolkhozes*, they work at ploughing, sowing, weeding and harvesting.

Once women had become *kolkhoz* members with full rights, they made themselves models of conscientious and pioneering labour. Women Stakhanovites in cotton production such as Basti Bagirova, Mina Muzaleyan and others have trained round themselves a new generation of workers. They are examples to

the other members of the *kolkhozes*, and they are known to everyone in all the collective farms of Azerbaijan.

The People's Commissariat of Agriculture and its local organs have not, however, sufficiently realized the full importance of the organization of work amongst the *kolkhoz* women. There is no thorough training of new cadres of women for work with tractors and combines. According to the records of the People's Commissariat for Agriculture, no Turkoman women at all work in Azerbaijan as tractor drivers or on the combines. No permanent and systematic political and educational work with activist women members of *kolkhozes* is being undertaken, and the conferences of agricultural units in the regions are convened only irregularly.

Such an attitude on the part of the organs of the P.C.A. towards the work amongst women *kolkhoz* members and towards their promotion proves that these organs have not yet sufficiently assimilated Comrade Stalin's clear instructions at the first Congress of *kolkhoz* shock workers : " The women in the *kolkhozes* are a great power. To keep this power under is to connive at a crime. It is our duty to raise the women in the *kolkhozes* and thus to set this power to work."

The integration of women into the national economic life of the country has stimulated the more intensive development of a network of pre-school institutions, children's homes and crèches.

Thus the institutions of pre-school education—kindergartens, nurseries and other permanent establishments—increased as follows :

In	1921–2	there were	72	institutions	with	4,317	children
„	1930–1	„ „	463	„	„	13,549	„
„	1932–3	„ „	1,060	„	„	46,494	„
„	1934–5	„ „	1,113	„	„	49,831	„

In 1935, this educational network has grown with remarkable rapidity. According to the records of the Pre-School Department of the People's Commissariat of Education, the number of children at present attending pre-school institutions amounts to 100,000.

The increase in permanent crèches for children is also considerable.

Year.	Number of Crèches.	Number of Cots.
1930 . . .	61	1,230
1932 . . .	121	4,349
1934 . . .	176	6,915

Another aspect which deserves special attention is that Turkoman women, and also those of other nationalities, have during recent years become very anxious to get their children into pre-school institutions and crèches.

It is very significant and of the utmost importance that the attendance of girls at secondary and elementary schools and of women at high schools has increased with gathering momentum. In 1915 there was not a single Turkoman woman in the secondary and elementary schools, to say nothing of the high schools.

In 1929, 22 Turkoman women attended institutions of university level ; there were 130 in secondary schools and 280 in elementary schools.

In the school year 1934–5 the number of girls in primary schools was 170,778, or 42·8 per cent. of all pupils ; 101,967 of these girls were Turkoman (40 per cent. as compared with Turkoman primary schoolboys), and 24,057 (47·8 per cent.) Armenian. In secondary schools, there were 22,439 girls (29·6 per cent. of all the pupils) : their proportion, as against the male school population of the same nationalities, was as follows : 24·6 per cent. (9,981) Turkoman, 22·2 per cent. (45,007) Armenian, 53·1 per cent. (59,062) Russian, 17·5 per cent. Lezgian, 9·6 per cent. Talym, 6·2 per cent. Avarian, 27·1 per cent. Tat and Mountain Jewish, 44·8 per cent. Gruzian, 12·3 per cent. Tsakhurian, 64·3 per cent. Greek and 50·9 per cent. German. These records show that even now not all the girls of the indigenous population attend schools. Furthermore, the proportion of these girls in the secondary schools is lower than that in the primary schools, which points to a great drifting away from the schools of girls in the senior forms. 49·5 per cent. of the population consists of women.

The work of bringing girls into universities, technical institutes, workers' colleges and the like has met with considerable success. On January 1, 1935, of 11,628 university students, 2,843 were women ; 1,035 of these were Turkoman ; in the technical institutes the number of Turkoman women was 1,971 out of a total of 3,908 women, and in the Workers' Colleges 966 out of 1,785 women. In the Soviet Party schools, 97 out of 136 women students were Turkoman.

Much progress has also been made in providing for women a network of organizations for political education. In 1923–4 there were 40 women's clubs out of a total of 229 clubs ; now the number of women's clubs is 49. These clubs have great prestige

amongst the women. The Central Palace of Culture of Turkoman Women Workers named after Ali Bairanova is pre-eminent amongst the women's clubs in the Republic ; it is the pride of Azerbaijan. The Palace has 4,486 members. Two study groups on political science are conducted in this Palace, one on Party history and one for preparing Party candidates. There are also twelve study groups, one—with 256 members—for the study of religion from the atheistical point of view, and others for workers' correspondence, photography, military technique, Western dancing, physical culture, literature, folklore, community singing, theatricals, string and wind instruments. Six hundred and nine members altogether take part in these study groups. Voluntary social organizations have a membership of 553.

Two hundred and eighty-eight women attend courses for the liquidation of illiteracy and semi-literacy (these courses are attached to the Palace) and sixty attend study groups for the technique of propaganda.

The Palace of Culture has its own Workers' Colleges ; also a medical faculty, a pedagogical faculty and a department for the training of qualified personnel, with sections for pre-school work, midwifery, telegraphy, bookkeeping and typing. In 1934–5, 424 persons were admitted into these faculties and into the Workers' Colleges.

The Palace has organized legal advice and free representation in the courts for the protection of women's rights.

This club plays an active part in the politico-economical campaign and in the study of the more important decisions of the Party and the government. It has conducted a series of lectures, concerts and plays.

The Ali Bairanova Palace of Culture is not only a centre of attraction for the Turkoman women, but it is visited by members of women's clubs in Erivan and Tiflis who make excursions thither.

The Palace is part of the institutional framework of the Azerbaijan People's Commissariat for Education ; its budget amounts to one million rubles a year. The administration of the Palace is firmly organized and the leadership is good. Comrade Kadyrbekova, the head of the Palace, is a Turkoman woman, a Party member since 1923 ; she has had great experience of work among women and is enthusiastic about her job. She deservedly enjoys great popularity extending to the most remote regions of Azerbaijan.

The leading organizations of Azerbaijan frequently drop the whole work for the emancipation of women, and transfer it to the Ali Bairanova Palace of Culture.

The Soviets, on their part, do not do as much as they should to recruit women for work of a leading nature in the Soviets. They do not make sufficient use of the increased socio-political activity of women.

Only 13,084 women deputies are elected to the Soviets, or 22·7 per cent. out of a total of 57,691. Eleven thousand seven hundred and twenty-three of these sit in the Village Soviets, 666 in the Town Soviets, 141 in Settlement Soviets and 614 on the District Executive Committees. In 1930–1 there were forty women chairmen in the Village Soviets, but in 1935 only five of them remained. The increase of women on the staff of sections and groups of deputies is also insufficient.

In Baku and its urban districts considerable attention is given to the (political and educational) work amongst women and to their promotion. But this kind of work in the other regions of Azerbaijan is unsatisfactory. The existing departments of political organization at the factories have not enough guidance for their work among the women. They frequently simply copy the higher women's organizations attached to the Regional Party Committees. Not troubling themselves with their peculiar function, they neglect their proper task—guidance in large-scale work of the Soviets among women.

The Central Executive Committee of Azerbaijan does not give proper attention to the matter of organizing this work among women. This problem of work among women and the implementation of measures which would contribute to their speedier emancipation has not been recognized as important and as having specific bearing on conditions in Azerbaijan. The position of Assistant Organizer of Women's Work in the Factories on the Azerbaijan Central Executive Committee remains vacant. The C.E.C. of Azerbaijan has not complete data with regard to the number of active women members of Soviets, members of sections, and of groups of deputies, of women in a leading position in the Village Soviets, District Executive Committees and Town Soviets. There is also no systematic educational work among the active women members of Soviets.

The Azerbaijan Council of Trade Unions does not do any work for the real emancipation of women. The following declaration by the secretary of the Azerbaijan Council of Trade Unions is

characteristic : " Nowadays," he says, " inasmuch as international solidarity is very strong, there are no special distinctions between Turkoman and Russian women. Therefore the problem of political and educational work with Turkoman women need not be singled out." Neither the Azerbaijan Council of Trade Unions nor the Central Committees of the Unions have taken any measures to advance work in industry ; they have not tackled the serious problem of promoting women to qualified jobs in production, nor have they given consideration to the improvement of living conditions of native women engaged in production. We meet with cases where individual enterprises refuse to employ Turkoman women ; this happened for instance in a wholesale cookery in the district of Ordzhonikidze.

* * * * *

The enormous achievements in building up socialism in Azerbaijan and raising the cultural level of the population, have also stimulated exceptional changes in social life. Crimes which constitute survivals of tribal life and are directed against the interests of the working woman have decreased, although they have not completely vanished. Such phenomena still occur as marriage of minors, *kalym*, forced marriage, murder of women and suicide of women in connection with emancipation. Crimes connected with the discarding of the veil, bigamy and polygamy have grown considerably less frequent, as has the abduction of women with violence.

In the rural *kolkhozes* the veil has nearly everywhere been discarded. It is still worn in Nakhichevan and other regions on the Iranian border, and in such towns as Nuka and Shamakha, where the people are slower to free themselves from the fetters of religious fanaticism. Now and again one meets a veiled woman in Baku itself. In the Fortress, the mountainous parts and the Azizbekov region the veil is worn only by the lower-middle-class population, former merchants and counter-revolutionary elements who have been exiled from the towns : the wives never used to wear the veil before their husbands were exiled, but now they flaunt their class hatred by wearing it in the streets of Baku. Among some workers in Azerbaijan the opinion is current that certain women have kept the veil in order to hide an inferior or dirty garment. This, however, is in our view a very wrong and politically harmful opinion : it weakens the struggle against the veil and provides a screen for some organizations which are inactive in their work among women.

The People's Commissariat of Justice and the organs of the prosecution, and even the Supreme Court, fail to pay special attention to the struggle against crimes connected with the emancipation of Eastern women. They neither take account of the cases of this kind, nor do they study the causes of their emergence. In 1933, the Supreme Court dealt with instances of the following crimes : murder of women because of their emancipation, abduction of women and the giving and receiving of *kalym* ; in 1934 only cases of abduction were considered. No records exist for the first half of 1935 of the conduct of cases in these categories. It is also difficult to find even partially complete information about the conduct of these cases in the regional courts and in the hands of the regional prosecuting organs. In the localities, many such cases fall outside the field of vision of the local judicial and prosecuting organs. The investigation and examination of cases of this kind is extremely drawn out : the punishment is not severe enough, the social and class background of these crimes is insufficiently elucidated both during the preliminary investigation and in court, and the class character of the accused persons is not sufficiently revealed ; the motives behind these " traditional " crimes, which violate a woman's personality and rights, are not brought to light in the course of investigation, and finally, public opinion takes no interest in the investigation of cases connected with the emancipation of women, so that many guilty persons remain unexposed.

We must note that crimes directed against women, in particular murder, marriage of minors, and driving a person to suicide by burning, revealed a tendency to increase in 1934, whilst the fight against them has weakened. Thus, according to the records of the school authorities of the People's Commissariat of Education, there was quite a large number of cases of teachers marrying their minor pupils. In the Massalinsk region, the teacher Jafar Naimatov married a minor pupil, the teacher Takhmaz Takhmazov tried to do the same. In the Astarinsk region, one Basharet Askerov, headmaster of the Dichensky school, abducted a pupil in the third form of his school. Quite a number of other occurrences confirm the view that the considerable degree of school-leaving by girls in the senior forms arises to a certain extent from the custom of marrying girls under age.

The newspaper *Eastern Woman* cites the following instances of the marrying-off of minors : In the Bamzali settlement of the Kutkashensh district, Telli Abdulkhanukh Kky, a girl of 13, was

married by force to the 35-year-old Azir Osmani Ogly ; Durna Mamed Veli Kzy, a girl of 12, was married to the 40-year-old Muzan Abdulfat Ogly ; in the Pirali settlement, the girl Tyul Jannet was forcibly married to Nazir ; in the Bum Bakhshali settlement, one Aslam Ogly married Shakhnobat, a girl of 13. In the Kesshen settlement of the Kasakjsk district, one Eiyub Emir Ogly, a *kolkhoz* member, affianced his daughter, a girl of 9, to Mekhraly Abzhuddo Ogly. In the Bedalan settlement, the Party organizer Tartuli Mediev abducted the daughter of Adi Aga Kishi Ogly, a *kolkhoz* member, and lived with her in the woods for nine days. Mediev was sentenced by the Massalinsk People's Court to only two years' imprisonment. In the settlement of Chimi in the Zyvansk district, Mina Raji, a girl of 14, was married to Naitulla Nariman Ogly against payment of *kalym*. In the same village, Shaksh Baji Aibatully Kzy, a girl of 14, was married to Bakish Ramazan Ogly who also paid *kalym*. In this village there were also cases of bigamy ; thus Abas Tamyr Zakirov took two wives.

All these cases were brought before the crime-investigating and prosecuting organs for investigation at the same time, but the actual procedure was drawn out over a long period.

In some regions of Azerbaijan, people in marrying off minors have recourse to bribery or to straightforward deception by sending other persons of maturer age for inspection instead of the girls under age.

Twelve cases were under investigation by the Baku public prosecution in the second half of 1935 (August 17, 1935). Eight of these were cases of causing suicide by burning, 3 of polygamy, 1 of marrying a minor, and 2 of anti-feminist murder. Only 5 cases were brought before the Baku courts in 1935. The penal measures were three to five years' imprisonment for causing self-conflagration, ten years' imprisonment for murder, six months of forced labour for marrying a minor. These cases were eighteen days or more before the court, but for over a month, and frequently up to two months or more, they remained in the hands of the crime-investigating and prosecuting organs. It was only during the last months of 1935 that the public prosecutor of Baku began to participate in trials of cases of this kind.

The cases of self-conflagration by women merit special attention : frequently they are due to derisory treatment and the absence of care and attention on the part of the responsible organs. Here is a typical case of this kind which arose in Baku in 1935.

The culprit was one Shamailov Benjamin. On June 17, Sara Manashirova, a Mountain Jewess of 17, poured paraffin over herself and set fire to it. She was severely injured by burns and died after two days. During the trial, the following facts were brought to light : not long before Manashirova had committed suicide, Shamailov had become intimate with her during a walk. According to the custom of the Mountain Jews, the bridegroom pays a certain amount to the parents of the bride, on condition that the bride proves to be virgin. If she is not, he is excused payment. At the time of the official negotiations with the matchmakers, Shamailov refused to pay and declared that Sara was no longer a virgin. Manashirova, tormented by this behaviour on the part of her bridegroom and afraid of publicity which would bring her into disgrace, died by her own hand. Only on August 26 was official information given and the case was adjourned until the next session of judges conversant with the Tat language.

Another case was the charge against Mamedov Khanum Rustam Kzy. His daughter Nisa Mamedova had suffered much derisory treatment at the hands of her stepmother. She was not sent to school and was frequently beaten. Driven to despair, Nisa ended her life on July 7 by setting fire to herself. This case is still pending but has not yet been investigated.

There are many cases of this kind in the Republic. They all indicate that the actual emancipation of women demands intensive attention on the part of the Soviet and Party organizations, and primarily on the part of the organs of justice.

In beautiful, prosperous Azerbaijan, a country that has been awarded the Order of Lenin for distinguished successes in building up socialism, there should be no room for the oppression of women, no matter what guise it may assume.

(*c*) O. Gordon : *Court Practice in dealing with Delicts against the Emancipation of Women.*[11]

. . . The bourgeois nationalists, the remnants of the destroyed exploiting classes and other anti-Soviet elements who stubbornly opposed the liquidation of the survivals of the old system, contended that these survivals had long since been overcome

[11] *Sovetskoye Gosudarstvo*, 1941, No. 1. Readers may notice the much more concrete approach to the sociological implications of the legal norms applied, in comparison with the schematic and propagandist approach predominant in the two above documents, which originated in the period of the first Five Year Plans. [R. S.]

and that there was no call for any action on the part of the Soviet government. In reality, this is not true. The survivals of the old system make their appearance in ever-changing shapes, but they exist even now among certain strata of the workers and demand unfailing attention, increased cultural and educational work and at the same time a proper application of penal sanctions as one of the weapons of the struggle against these survivals.

The Penal Codes of the seven Union Republics—the R.S.F.S.R. and the Uzbek, Turkmen, Tadzhik, Georgian, Azerbaijan and Armenian Republics—specify offences which are " survivals of the tribal way of life " and are punishable in the penal order. However, not all forms of these offences are common to the Codes of the Union Republics mentioned ; separate Codes give different definitions of these crimes and the sanctions provided for them likewise differ ; there are also differences in the position such offences occupy in the various Penal Codes.

The Penal Codes of the R.S.F.S.R. and the Uzbek, Tadzhik and Armenian Republics contain special chapters devoted to delicts which are survivals of tribal customs. In the Penal Code of the Azerbaijan Republic the relevant articles are to be found partly in the chapter dealing with offences against the person, partly in that dealing with offences against public order. In the Penal Code of the Georgian Republic articles relating to offences which are survivals of tribal custom are collected in a separate Statute which is an appendix to the Code. The ravishment of women, however, is dealt with not in this statute but in the chapter dealing with crimes against the person.

The sections dealing with offences which are survivals of tribal custom in the Penal Codes of the Armenian, Uzbek and Tadzhik Republics, the corresponding sections in the Penal Codes of the Azerbaijan and Turkmen Republics and the Statute of the Penal Code of the Georgian Republic apply to the entire territory of each of these republics.

The Xth section of the Penal Code of the R.S.F.S.R., according to article 205, " covers those Autonomous Republics, Autonomous Districts and other localities of the R.S.F.S.R. where the actions dangerous to the community, enumerated in the Xth section, are survivals of tribal custom among the nationalities living in these territories ". The law does not

mention by name those localities where this section, regarding survivals of tribal custom, is applicable. It was apparently thought that in each individual case the question whether this or that article is relevant will be examined specially by the court. In reality no such examination is made, and there have been cases, in court practice, of persons being punished for polygamy or for marrying a person below the marital age, where the defendant belonged to a nationality for which these actions cannot be regarded as survivals of tribal custom and although these actions are not punishable under any other article of the Penal Code.

It is necessary to note that the constitutions of the Uzbek, Turkmen, Tadzhik, Kazakh and Kirghiz Republics expressly declare that " opposition to the effective liberation of women (marrying those under age, *kalym*,[12] organized opposition to the participation of women in studies, agricultural and skilled labour, State administration and social and political work) is punishable by law ".

We shall here dwell, not on all the forms of offences against the liberation of women, but only on some of these : the ravishment of women, *kalym* and polygamy and the marrying of persons who have not attained marital age or sexual maturity.

The ravishment of women is regarded as a criminal act by the Penal Codes of five Union Republics : R.S.F.S.R., Armenian S.S.R., Azerbaijan S.S.R., Turkmen S.S.R., and the Georgian S.S.R. In defining the nature of this crime, the Penal Codes of the republics differ chiefly in that some Codes are concerned with the ravishment of women with a view to marriage, while others in addition take account of ravishment with a view to sexual intercourse. The ravishment of women with intent to sell them or to place them in brothels is mentioned as a special form of delict.[13] Finally, some of the Codes lay down that consent to sexual intercourse on the part of a girl below the age of consent does not free the seducer from criminal responsibility.

Despite the fact that the Penal Codes of the Union Republics are at pains to stress that the ravishment of women is a legally punishable act only where it is committed against the woman's will, the courts of these republics sometimes fail to penetrate to the heart of the matter and find the defendant guilty even

[12] See above, pp. 191 and 193–4.

[13] The penalty provided for this delict corresponds to that for the gravest forms of non-political crime, for example the most serious forms of murder. [R. S.]

where the woman gave her consent, i.e., where in fact it was not ravishment but only a simulation thereof.

Thus the People's Court of the Khulin region of the Adzhar Autonomous S.S.R. found T. guilty of ravishing Z. Yet, from the facts of the case, it is obvious that there was in reality no ravishment, but that the young people agreed to meet in a field whence the girl went to live in T.'s house. The appearance of ravishment was caused by the girl's father's opposition to the marriage and his refusal to allow T. to marry his daughter.

A similar case is that of A., who was prosecuted by the People's Court of the Vartashin region of the Azerbaijan S.S.R. because he " corresponded with M., a Georgian, from May 1937 onwards, ravished her on September 6, 1937, in order to marry her and kept her with him until January 1, 1938, when at last the marriage was formalized at the Registrar's since the girl had then attained full marital age ". The facts show that here, too, there was no ravishment—the girl voluntarily came to live with A., moved into his place, and later they registered at the Registrar's.

Another such case is that of M., who was prosecuted by the People's Court of the 2nd district of the Sabirabad region of the Azerbaijan S.S.R. because he ravished S. from a cotton field and was discovered with her in one of the villages. When the case was reviewed, it was found that M. was prosecuted erroneously. The " ravished " woman was his cousin ; they were in love ; but the girl's stepfather intervened because he had chosen a different bridegroom for her. Trying to evade the hateful marriage, the girl secretly eloped with M. into another village. The stepfather set enquiries on foot and M. was brought into court. The girl stated in court that she loved M. and that she would commit suicide if she were married to the other man.

We know of similar cases, heard in the People's Courts of the Georgian S.S.R., where the defendants were likewise wrongly brought before the court and prosecuted on charges of ravishment, while in fact there was merely an appearance of ravishment because the relatives of the girls concerned opposed their intended marriages, and the girls, not daring to resist the will of their relatives openly, resorted to simulated ravishment.

The main reason for such judicial errors lies, not only in too superficial an investigation of these cases (though this, of course, is often true), but also in the absence of any clear understanding of the nature of the crime, in the fact that even the

court officials are sometimes under the influence of certain historical traditions.

. . . According to art. 1549 of the pre-revolutionary Code, setting down the punishment for ravishment committed with the woman's consent, the ravisher was to be sentenced to from four to eight months' imprisonment, at the request of parents or guardians, and the " ravished " to confinement in a convent or to a life of solitude in the house of her parents and under their close supervision, for a similar period of time.

As this short summary shows, law and custom, in prosecuting for the ravishment of women, far from defending woman's rights, her personal liberty or her right to dispose of herself according to her own will, protected instead the interests of the tribe, the power of the private owner, of the master of the house, of the " father " and his right to decide the woman's fate.

Soviet penal law takes a diametrically opposite point of view : according to Soviet law, the object of making the ravishment of women an offence is precisely to safeguard woman's freedom, her right to marry according to her own will, independently of or despite the will of parents or other relatives. Therefore, the ravishment with their consent of women who have attained marital age is a manifestation of woman's independence and cannot be considered a crime in the conditions of Soviet reality. To prosecute in such cases is a mistake of the courts ; instead of defending woman, it leads to a defence of the old, proprietary attitude.

An examination of suits concerning polygamy and bigamy reveals a series of complex questions.

All the seven Penal Codes of the Union Republics which deal with crimes that are survivals of tribal custom include a prohibition of bigamy and polygamy ; but they vary in their definitions of the nature of the crime.

The Penal Codes of the R.S.F.S.R. and of the Tadzhik and Armenian S.S.R., and the Statute appended to the Penal Code of the Georgian S.S.R., make polygamy and bigamy, i.e., the state of being married, simultaneously, to two or more women, punishable ; while the Penal Codes of the Uzbek, Turkmen and Azerbaijan S.S.R.s prohibit the concluding of marriage where a previous marriage is still valid. And these Codes further differ in the wording of the relevant articles.

The Penal Code of the Uzbek S.S.R. speaks of marrying a person who is in a state of registered marriage or in a state of

marriage having the effect of a registered marriage ; the Penal Code of the Turkmen S.S.R., of concluding a new marriage while a previous marriage concluded according to the established order has not yet been annulled. The text of the relevant articles of the Penal Codes of the Uzbek and Turkmen S.S.R. does not, in fact, prohibit bigamy as a survival of tribal custom, but deals with it in the section concerning crimes against public order, as concealment of facts which would be an impediment to the conclusion of marriage. The Statute of the Penal Code of the Georgian S.S.R. limits the punishability of polygamy and bigamy to cases in which such a marriage occurs as a form of religious and tribal survivals. There is here probably an implicit reference to the views still held by the Pshavs, who will not tolerate a wife's sterility or the absence of heirs.

The fullest definition of the nature of the crime is contained in the Penal Code of the Azerbaijan S.S.R. which considers as punishable the act of concluding a new marriage, even where it is entered into by a religious ceremony, while an earlier marriage registered in accordance with the established order is still valid and cohabitation with the previous spouse in fact continues. The article in question endeavours, on the one hand, to cover all possible cases of evasion of the law (fictitious divorce), and on the other considers *de facto* cohabitation a necessary factor in the delict : where this does not take place the conclusion of a new marriage is not punishable even if the previous marriage has not been annulled in accordance with the established order.

. . . Where polygamy was practised, the wife would move into the husband's house. She would there live together with him and his other wife or wives, sharing a partially or completely common household and common life. Even in our days the factors indicative of polygamy or bigamy among the backward peoples are similar : common life and household and sexual intercourse of the husband with both or all wives. Simultaneous cohabitation with two or several women by members of the peoples whose law makes polygamy and bigamy punishable can in our view be considered an offence only where these points apply.

The next and extremely serious problem, the solution of which is necessary for any regular court enquiry into cases of polygamy or bigamy, is how to regularize the marital relations of persons who have been prosecuted for these offences, the problem of giving financial security to the wives, children, etc.

Not one of the Penal Codes of the Union Republics gives any guidance on this problem ; the special laws make no provision for it and the courts, bereft of directives, are left to solve it at their own discretion. Quite frequently there are suits in which the court, having pronounced sentence for bigamy, at the same time annuls the defendant's marriage with his first or second wife : sometimes against the will of the spouses and without taking the presence of children, etc., into account.

Thus, for instance, the People's Court of the Arys region of the Kazakh S.S.R., in fining defendants for bigamy, at the same time annuls the marriages of all the accused with their second wives.

A similar practice obtains at the People's Court of the Tulkubas region of the Kazakh S.S.R., which always accompanies its prosecution of polygamy with an enforced divorce.

The People's Court of the Ketmen-Tubin region of the Kirghiz S.S.R., having sentenced Tnashev to one year's correctional labour for bigamy, at the same time decided to divorce him from his wife Tandysh and to award her the property and clothes belonging to her and 1,000 rubles in money.

The People's Court of the Alkhaltsych region of the Georgian S.S.R., having acquitted a defendant who was brought before the court on a charge of bigamy, declared : " It became clear in court that the defendant wishes to live with his first wife ; his second wife does not wish to live with him ; she should therefore leave the house of the defendant and be awarded a third of the property."

Such law-making by the courts is to be explained solely by the fact that all guidance on this extremely complex problem of life and morals is lacking, while its solution is imperative. These cases deal with a " continuous " offence which does not end with the prosecution of the husband. The very question of selecting the punishment for these cases is one of special importance. Practice shows that the courts usually impose a fine (generally of 1,000 rubles) for polygamy or bigamy. The fine is paid, but as cohabitation with the wives continues the backward sections of the population may get the impression that all that is needed is to pay a certain sum for the second wife. The educational function of punishment is thus eliminated. It seems to us that in these cases punishment by fine should be prohibited and an order established to regularize the marital relations of persons found guilty of bigamy or polygamy. This

gives rise to a controversial question: Can the court while investigating the offence be allowed at the same time to decide with which of his wives the accused is to continue marital cohabitation?

In our view this is impossible. Soviet law regards marriage as the voluntary union of a man and a woman. There should therefore be no thought of forcing a person to continue to live together with the spouse chosen for him by the court. Moreover, this would mean court intervention in divorce, while questions of divorce in our country are not in the hands of the courts, even of the civil courts.[14]

It is also possible to adopt the obvious attitude (a viewpoint which has many adherents among lawyers) that in all cases of bigamy cohabitation with the second and subsequent wives should be terminated; i.e., to uphold the first marriage as "lawful" (irrespective of the way in which it was concluded) and thus consider all subsequent marriages as "unlawful".

The question of the "lawfulness" or "unlawfulness" of a marriage depends in the end on the way the marriage was formalized, whereas in bigamy or polygamy, as has been pointed out, the manner of the celebration of a marriage is not evidence of a delict. In some cases the first marriage was celebrated according to religious rites and the second marriage formalized at the Registrar's. In other cases none of the relationships is formalized at all. There are also cases where the parties concerned resort to a fictitious divorce but continue *de facto* cohabitation.

In the case of polygamy and bigamy we are not concerned with the concealment of facts which would impede the celebration of marriage or with making false statements to the Registrar —actions which are crimes for all Soviet citizens without exception. Polygamy and bigamy are offences not because they infringe the legally established form of marriage: they are prohibited because they run counter to the Soviet conception of marriage, the Soviet attitude towards women as individuals with the same rights as men. Any continued association between a husband accused of polygamy and one of his wives should therefore be voluntary, and the parties concerned will follow

[14] The reader may keep in mind that this article was written before the legislation of 1944 (below, doc. 17), which transferred divorce from the Registrar's Office to the competence of the courts. But even now it would be inadmissible for a court to proceed in divorce matters without a petition from one of the spouses, and no divorce could be granted in connection with a criminal prosecution. [R. S.]

a variety of motives in their choice : mutual affection, the presence of children, etc.

It is impossible to avoid some juridical innovation here. Perhaps it would be expedient to devise a way for the court, when pronouncing its verdict, to ask the defendant to regularize his marital relations with one or other of the women concerned for a certain period, leaving points of disagreement and questions of maintenance for the wives, sharing of property, etc., to be solved by the court in the order of civil suits.

It may be that some other satisfactory solution to the problems under discussion could be found. But we repeat that unless they are really solved, no purely practical directives to the courts regarding the shortcomings in their work will achieve a fundamental improvement in court practice : all such directives can be but palliatives.

It is necessary to examine the position in the Tadzhik S.S.R. The Penal Code of this republic was introduced as late as June 15, 1935. It makes polygamy and bigamy punishable, but not the celebration of a new marriage while another marriage is still valid. Further, as opposed to the other Penal Codes that have a similar wording (R.S.F.S.R., Armenian S.S.R., and Georgian S.S.R.), it does not specify that this law does not apply to marriages celebrated before its publication. This does in fact lead to situations in which the investigating organs bring people to court on charges of bigamy or polygamy who are then prosecuted in court even if their marriage were celebrated long before the revolution or in the years immediately following it.

Such a practice is obviously wrong, for in the Tadzhik S.S.R., too, the principles of Legal Procedure of the U.S.S.R. and Union Republics of October 31, 1924, are law, the third article of which states that only those laws are retroactive which abolish penal sanctions for certain actions or mitigate these sanctions.

. . . The Penal Codes of the Union Republics make it punishable to marry a person below marital age, whether or not this person has attained sexual maturity ; in the latter case a more severe punishment is prescribed.

Wherever suits concerning marriages with persons below marital age or crimes which are a survival of tribal custom are dealt with, an especially attentive and careful attitude is required from the organs of the law. Soviet law punishes these crimes because it defends the rights of women and seeks to safeguard for them every chance of physical and psychological development.

However, formal, bureaucratic approach to the matter can often lead to opposite results. Judges must be particularly careful in dealing with cases where punishment for marrying a girl below the marital age is to be awarded.

The People's Court of the Ketmen-Tyubin region of the Kazakh S.S.R. in 1939 sentenced to two years' imprisonment the *kolkhoz* member K., a man with eight dependants, having found him guilty of marrying, two years earlier, his cousin who had not then reached the marital age. Medical experts established the girl's age (in 1937) as 16–17 years and concluded that she had attained sex maturity and was a fully developed adult woman. The sentence imposed on K. led to a situation in which all the care for that large family fell upon the young woman.

The People's Court of the Yavan region of the Tadzhik S.S.R. in 1938 sentenced C. to two years' imprisonment for marrying in 1936 a girl who had not attained the marital age. At the time of the trial she was 18 years of age and stated that she had already been married before.

In such cases it is necessary to check most carefully all the circumstances of the case and to approach the question of punishment with great care, taking into account the conditions of family life, the presence or absence of children, and bearing in mind that this punishment to some extent inflicts a burden on the woman whose rights the court upholds. The girl's return to her parents or relations (as in cases of ravishment) should not be in any way compulsory : it should be subject to her own clearly expressed wish.

Practice has shown that the formal defence of women's rights in certain cases becomes in fact a defence of some prejudice or of old customs still prevalent among the backward sections of the population of the Union Republics.

By way of example may be quoted a case heard in the People's Court of the Talavsk region of the Georgian S.S.R. L. G. (18) caught a girl S. K. in the street, took her by the hand, and telling her that she was his bride said she must marry him. Another boy, E. (16) came to visit a girl D. and placed his hand on her shoulder. According to the old customs of the Kistins the girls may not marry other boys after this and no one may marry them. Both young men were brought into court where the " injured parties " asked for the case to be dismissed, declaring that the defendants had apologized and that

they had made peace. The father of one of the girls explained that such indeed was the old custom, but that he had no complaint against the defendant since his daughter had made peace with him and was consequently free to marry another. In spite of the fact that the actions of the defendants were devoid of any element of crime and that it was merely a question of an old custom still surviving among the Kistin mountain tribe, the court sentenced each of the accused to one year's compulsory labour with deduction of 25 per cent. from their wages.[15] It is interesting to note that the court, having found no suitable article in the Penal Code of the Georgian S.S.R., pronounced sentence under articles 4–8 of the Family Code !

A similar sentence was given in the case of K. D. who was prosecuted in the People's Court of the Akhaltsykh region of the Georgian S.S.R. for " ravishment of women ". The defendant was found guilty, for having met A. S. at some relatives', having taken her by the hand and asked her to follow him and when she refused, having snatched her headgear with its golden ornaments and run away (he returned it to the girl the next day). The case shows that K. D. wanted to marry the girl but met with opposition from the parents. As the evidence of the " injured party " herself showed, the defendant did not make a single movement which could be interpreted as attempted ravishment. The only point at issue was his taking her headgear which by A. S. herself and by a number of witnesses was regarded as an insult to her, since the cap may not be worn by all girls but is the privilege of an only daughter of marrying age.

By its sentence in this case the court defended a custom, at the root of which lie the principles of a local law which makes no difference between ravishment with violence and a young man's taking the liberty of touching a girl's hand, taking her kerchief, etc.

[15] See Note 7, p. 197.

DOCUMENT No. 11

A. YURASHKEVICH: *LITIGATION BETWEEN PARENTS ON THE EDUCATION OF CHILDREN*[1]

We are well aware that our Soviet system has already created all the conditions for a further rapid rise in the material and cultural standard of the workers, for an abundance of goods and products and for satisfying the rapidly growing cultural needs of workers, peasants and intelligentsia. The solution of the rest of our problems depends on the success of Communist education in the wider sense of the word, of Communist education embracing the whole mass of workers as well as the Soviet intelligentsia (V. Molotov, *The Third Five-Year Plan for the Development of the People's Economy*, p. 57, O.G.I.Z., 1939).

In the light of this statement by Comrade Molotov, special attention should also be paid to the solution of the problems that confront us in the sphere of education in the narrow sense of the word, of the education of the growing generation in the U.S.S.R. It is in the achievement of these tasks that an examination of the relevant problems of our socialist law should prove useful. Among these problems litigation over children occupies a special place. This problem merits our particular attention, for the education of the children—the future builders of a socialist society—depends upon its proper solution.

We shall confine ourselves to those cases of litigation in which the necessity arises to appoint a person with whom the child is to live; since, as we know, all other disputes between parents regarding the management of their children's education are decided by the organs of Guardianship.

For actions connected with the education of children to be heard in the People's Courts is rare. It is sufficient to mention that 50 per cent. of the sections of People's Courts in the White Russian S.S.R. reported the absence of cases of this kind during their 1937–8 sessions.

The fact that the number of suits in the People's Courts concerning the education of children is so small proves that the socialist family is firm and stable.

An analysis of the personal rights and duties of children and parents, as regulated in the Codes of Laws on Marriage, Family and Guardianship of our Union Republics, shows that litigation over the education of children, heard in the order of common

[1] *Sovietskaya Yustitsia*, 1940, No. 1. (All footnotes to this article are its author's.)

suits, can occur firstly between parents, secondly between the parents and a third party, and thirdly between the family and the State organs.

The question which of these categories is most frequent in our courts can be answered with the help of the available data as follows : in the overwhelming majority of cases, litigation over the education of children involves the parents when they are divorced or about to be divorced ; in some cases it occurs between the grandmother and grandfather, stepmother and stepfather of the child on the one hand and its father and mother on the other ; and only on rare occasions did representatives of government bodies act as plaintiffs, with the parents appearing as defendants.

What arguments do plaintiffs put forward to support their case that they should be in charge of the child's upbringing ?

Some of them do nothing at all to substantiate their claims ; others speak with sincerity of difficulties in paying alimony ; and some reinforce their claims with assertions about the strength of their parental feelings.

But the vast majority of plaintiffs usually allege the bad education the child is receiving at the hands of the defendant. They confront us with details of the difficult material conditions in which the child is growing up, with the fact of its having been beaten by the person in whose charge it is, with the moral or political disintegration of the defendant which prevents him from providing the child with a proper upbringing, etc.

The courts also hear cases in which the plaintiffs ask for the child to be taken from them and given to other persons for its education. An example was case No. 3215 (1938), heard in the People's Court of the fourth section of the town of Minsk, in which a mother asked that her 10-year-old son be taken from her and handed to his father for education. In case No. 678 (1937), heard in the People's Court of the second section of Minsk, the plaintiff was a 14-year-old boy who asked the court to compel his father to fulfil his parental duties towards him.

The arguments with which plaintiffs in suits relating to the education of children support their cases permit us to state that the basic principle of socialist law on marriage and the family —maximum protection for the child's interests, and realization of parents' rights exclusively in the interests of children and of socialist society—has become firmly rooted in the minds of the mothers and fathers of our socialist State.

Yet the arguments with which plaintiffs support their claims do not always fall in with the real state of affairs. There are cases where the plaintiff is prompted not by the child's interests but by completely different motives: by a desire to evade the payment of alimony or to obtain such payment, by the wish of spouses to resume their joint life, by the intention to "annoy" the defendant, to cause him trouble, compel him to a certain course of action, etc.

It is not difficult to discover the real aim of the plaintiff once the relations of the litigants are carefully examined. Thus the Civil Appeals Section of the Supreme Court of the R.S.F.S.R. on February 6, 1930, rejected an appeal by Mr. Sarkisyan, the father, for the right to educate his child at home, declaring that the hearing had shown that he was "trying to take away the child, not in its own interests, but exclusively with the aim of getting back his former wife, Shumun".[2]

Decisions in court might also be quoted here in which it was stated that the reason for bringing the action was by no means the plaintiff's wish to better the child's situation, but simply a desire to avoid the payment of alimony or to obtain alimony, an attempt to exploit the child. The courts base these deductions on the fact that the plaintiff over an unbroken period of time endeavoured to evade paying alimony, showed no interest in the child's education, neglected his children, was interested in his own life alone.

Our law establishes the complete equality of the rights and duties of parents with regard to the children; neither father nor mother has any advantage over the other.

In the bourgeois world the picture is an entirely different one. The predominance of the male in the economics of capitalist society is the reason for his predominance in marriage and the family. "The husband of our days", Engels says of the bourgeois family, "must in the majority of cases earn a living and support his family, at any rate among the more prosperous classes, and this gives him a predominant position in which he can do without special legal privileges. In the family he is the bourgeois, and the wife represents the proletariat."[3] Although more than fifty years have passed since these words were written, the position of woman in the capitalist world has not improved; on the contrary, it has deteriorated.

[2] *Sudebnaya Praktika*, No. 7, 1930, pp. 13–14.
[3] F. Engels, *Origins of the Family, Private Property and the State*, 1937, p. 68.

The position of dependence which the mother occupies in the bourgeois family stands out especially clearly once we become acquainted with the manner in which suits between spouses concerning children are decided under bourgeois law. These suits take place both when the spouses are living together and when they are separated.

An examination of the bourgeois law which regulates litigation between spouses over the education of children will lead us to the conclusion that the so-called parental authority is granted to the mother only when the father, for various reasons, is unable to exercise it ; that the decisive part in the children's education belongs to the father where the spouses live together ; and that, in solving the problems of the children's education, there is in reality no equality whatever between father and mother.[4]

We should arrive at the same conclusion on examining the law and court practice in suits over the education of children between spouses who live separated. Bourgeois law and justice here take exactly the same point of view, of the privilege of the father as head of the family. However, law and justice waive this principle in favour of the mother where the father does not ensure to his child the upbringing of a respectable bourgeois.[5] Thus, in suits between parents regarding children, bourgeois law and justice first of all protect the rights of the father. The mother's right to the child's education exists only conditionally, in so far as it is allowed by the father where the spouses live together, or is determined by law and by the court where they live apart.

Although our law establishes the complete equality of the parents' rights and duties within the family, we occasionally find a court decision accepting it as a general rule that small children should necessarily be left with the mother, on the ground that she, by virtue of " her natural maternal qualities ", is better qualified than the father to take care of them.

In a number of cases this sort of preference for the mother may lead to an infringement of the interests of the children and of society.

Some time ago a Georgian, Elikanidze, brought an action in the People's Court of the Third District of the town of

[4] Cf. arts. 107 and 164 of the " Compilation of Civil Laws " (Vol. X, Part 1) ; arts. 372 and 373 of the Napoleonic Code ; 1626, 1627, 1634 and 1684 of the German Civil Code ; art. 274 of the Swiss Civil Code.

[5] Cf. art. 164 of the " Compilation of Civil Laws " ; 1635 of the German Civil Code ; art. 156 of the Swiss Civil Code ; art. 138 of the Californian Civil Code.

Odessa, suing for the custody of his son Yakob after having divorced his wife, in order to give the boy a Communist education and safeguard him from petty-bourgeois surroundings. The People's Court held that the interests and comfort of a 3-year-old boy demanded, first of all, physical welfare and hygiene; Communist education belonged to the time of school age, which was controlled and directly influenced by the State. It therefore ruled that the child should stay with his mother. The Supreme Court of the Ukraine confirmed this decision.[6]

Without wishing to query whether the decision given in this case was justified by its ultimate results, it is necessary to examine the motives of the court.

In the court's opinion, Communist education is a matter for school-age; before they start going to school, children do without it—what matters for them is a life of spontaneous growth. It is hardly necessary to prove the utter mistakenness of such argumentation.

It is fitting to recall that Engels, in exposing Dühring who had declared that a child "during the period of its natural minority", i.e., before the age of 14, must be left in the charge of the "natural educator of children", i.e., the mother, pointed to the backwardness and sham-science of these assertions.

"On this problem", Engels wrote, "the Utopians are on an immeasurably higher level than Herr Dühring. Together with a free union of people in a collective and the transformation of private crafts into a common industry, they propose the communalization of child education and real freedom in the interrelations of the members of the family."[7]

The appearance in our court practice of the statement that children at an early age must be brought up exclusively by the mother goes to show that the courts are forgetting the principle that litigation over the education of children must be decided in the interests of children and society alone, and that no prejudice favouring one or the other spouse should be allowed in this connection. "Our law knows no privileges regarding the education of children," the Civil Appeals Section of the Supreme Court of the R.S.F.S.R. has pointed out.[8] In deciding suits over the education of young children, it is therefore necessary to take into account not only the mother's natural qualifications,

[6] *Complete Collection of Decisions of the Civil Appeals Section of the Supreme Court of the Ukrainian S.S.R.*, 2nd edition, 1923.

[7] F. Engels, *Anti-Dühring*, O.G.I.Z., 1938, p. 266.

[8] *Sudebnaya Praktika*, No. 8, 1929, D. 32,799.

but other circumstances as well : as, for instance, the parents' affection for the child, their cultural standard, the child's social background, etc., and to give a ruling in each case after having considered these factors as a whole and in the interests of the child and of socialist society.

To decide such suits only in the light of " natural maternal qualifications " would mean to ignore the importance of social relations and surroundings for the education of a child, and would lead to the separation of home and social education.

In the courts we meet with actions over a child's upbringing brought by one of the spouses when an agreement as to who was to bring up the children had already been reached and recorded in the Registrar's department. When such an appeal for the transfer of the child comes before the court, the question arises : What is the force of such an agreement and can it be changed ? Court practice answers this question in the affirmative and, we are bound to say, acts rightly in so doing. The interests of the child may demand a change in the previously fixed relations to the child of the persons who have charge of its education.

On November 10, 1925, the Civil Appeals Section of the Supreme Court of the Ukrainian S.S.R. ruled, in connection with Sukholinchenkova *v.* Nosol, that " alimony suits, as well as rulings on the question of custody of a child, . . . being suits of a continuous nature, can be repeated and both the amount and the decision arrived at may be modified ".[9] That is why an agreement on the custody of a child, arrived at during a divorce suit, is no obstacle to subsequent litigation, and must itself be regarded merely as one of the arguments of the parties, subject to examination and evaluation by the court.

The class of suits studied here concerns litigation between parents as to which parent is most qualified to care for and bring up children, to make them into new Communist beings. This formulation of the problem contains the key to its solution—a decision must be made as to what would be most likely to benefit the children and socialist society.

Litigation over children involves the interests of the child, of the litigants and of the State. It is evident that the court must exercise special care in deciding such cases, studying in detail all the circumstances of each.

In deciding disputes concerning the transfer of children, the court must examine the child's living conditions, its social

[9] " V.S.U.", No. 24, 1925.

surroundings, the affection shown for the child by the persons in whose charge it is and by those who lay claim to it, the interest of these persons in the child's education, the way in which this education is being handled, etc. ; and must then, on the strength of these data, make such a decision as will prove most beneficial to the child and to society.

Not all courts fulfil these requirements. We meet cases in which the court paid attention to the material circumstances of the litigants, completely oblivious of the main thing : which of the parties would be most likely to give the child the better education. It is for this reason that a court sometimes rejects an appeal on the mere ground that the defendant is in a position to provide the child with better material conditions.

Such decisions are quite rightly the subject of criticism by people who bring appeals. They justly point out that under the law of June 27, 1936, which forbids abortion, parents are bound to give the child all material aid and the litigant who has charge of the child is enabled to provide for it.

The litigants assert that when the question of the child's transfer comes up for decision the court should consider not only the material interests of the parties involved, but above all the child's chances of a proper education.

One cannot disagree with the justness of this criticism. And the Court Supervision Section of the Supreme Court of the R.S.F.S.R. emphasized on May 8, 1938, in connection with T. *v.* M. (where the children were transferred to the custody of the father, M.), that

> the court, in deciding the question of the transfer, based itself on the decision of the Commission of the People's Commissariat for Education. The main reason behind the decision of this Commission was the fact that the father has higher wages and more accommodation. These factors, however, are not sufficient to justify the transfer of the children to the father. Under Soviet law the spouse who rears the children is entitled to demand alimony for their upkeep after divorce. The mere fact of the father's larger earnings cannot serve as a reason for leaving the children with him.[10]
>
> A child is not a thing which can be temporarily removed from someone's possession. It is a living being which grows, establishes new relations, becomes accustomed to new surroundings and often becomes part and parcel of a new family group . . . [Prof. Lyublinsky used to say].[11]

The Supreme Court of the R.S.F.S.R. is of the opinion that

[10] *Sovietskaya Yustitsia*, No. 12 1938. [11] "V.S.U.", No. 15, 1927.

bringing up a child by letting it live alternately with the families of the mother and father, who have been divorced, should not be permitted. The Court insists that the child should live with one of the parents, leaving the other completely free to see the child and participate in bringing it up.[12]

This directive of the Supreme Court serves to emphasize that the parent who is not deprived of parental rights, but whose claim to custody of the child has been rejected, is entitled to a share in its education. This right can be realized, both by taking appropriate steps concerning the child in agreement with the parent with whom the child is living, and by allowing the organs of Guardianship and Tutelage to decide arguable points concerning the child's education.

Occasionally a court rejects the plaintiff's appeal for the transfer of a child in the interests of the latter and of the State, even though it may find defects in the education given the child by the defendant. This happens where the court arrives at the opinion that these defects can be remedied and removed under the supervision of the organs of Guardianship.[13]

But what is to be done when both parents are equally qualified to provide useful education, where both are active builders of socialist society? It seems to us that in such circumstances the child's own affections should sway the scales in favour of one or the other parent.

How is the court to react to the wishes of children to remain in the custody of one or the other parent? The law of the R.S.F.S.R. and of the Byelorussian S.S.R. has no answer to this question. Let us therefore turn to court practice.

Some courts do not consider it necessary to ask the children, even when these are 12 years of age or more. Others ask even the 7-year-olds to share in the proceedings.

The Civil Appeals Section of the Supreme Court of the Byelorussian S.S.R., when enumerating the reasons for its decision in case No. 84 of the People's Court of the First District of the town of Orsha, declared on August 18, 1937, that the court " had not questioned the daughter Antonina, who is 8 years of age, and her wishes were not established ".

The Civil Appeals Section of the Supreme Court of the R.S.F.S.R. likewise pointed out, in connection with the Kislitsin dispute, that " since the son Kislitsin had reached the age of 7,

[12] *Sudebnaya Praktika*, No. 16, 1927, D. 3,647.
[13] *Ibid.*, No. 18, 1929.

the court should have had him called and ascertained his wishes ".[14]

The All-Union Conference on Civil Acts declared that in suits concerning the transfer of a child from one person to another, the child's own wishes should be taken into account, especially where the child had reached the age of reason and in so far as these wishes coincided with the child's best interests. Our court practice thus takes the view that the opinion of the child itself should be taken into consideration when disputes over a child's education are being decided. It remains, however, an open question at what age and in what manner a child must necessarily be questioned in order to ascertain its own views.

The Civil Appeals Section of the Supreme Court of the R.S.F.S.R. declared, in connection with the plea by Mr. Bykanov for the return of his children to him, that " although the examination of a child of school age on the subject of its desire to stay with one of its parents is admissible, it would be expedient to proceed to this investigation of the child's wishes, not in court, in the presence of parents whose relations are strained, but through its teachers ".[15]

It seems to us that this question should be solved in accordance with article 73 of the Code of Laws on Marriage, Family and Guardianship of the Byelorussian S.S.R., and article 63 of the Code of Laws on Marriage, Family and Guardianship of the R.S.F.S.R., both of which lay down that the adoption of a child who has reached the age of 10 is inadmissible without the child's consent.

It follows from these articles that the legislator identifies the attainment of the " age of reason ", mentioned by the All-Union Conference on Civil Acts, with the attainment of the age of 10.

From this we conclude : when cases concerning the transfer of children come up for decision, the court must ascertain, by way of personal interrogation or through a teacher, the views of children who have reached the age of 10 on their choice of guardian ; these views are not binding on the court if it is established that the child's wish conflicts with its own best interests.

Article 26 of the Code of Laws on Marriage, Family and Guardianship of the Ukrainian S.S.R. takes a similar view.

It is to be expected that when the Family and Marriage Laws

[14] *Sudebnaya Praktika*, No. 8, 1928, D. 32,799.
[15] *Sovietskaya Yustitsia*, No. 9, 1937, p. 50.

are codified, the question we have raised will be settled in the way in which it is solved by the legislation of the Ukrainian S.S.R.

Occasionally, in dealing with parents' suits over the education of children, the courts encounter situations in which neither parent wishes to bring up the child or in which it is not expedient, in the interests of the child and the State, to leave the child with its parents. And yet the courts decide such suits by leaving the child with one of the parents and forcing him or her to bring up the child, even despite his refusal to do so.

It is, of course, the duty of parents to bring up their children. But this duty should not be enforced literally. A dispute concerning a child's education should always be decided in the interests of the child and of the socialist State. Formally compelling the parents to fulfil their duties in connection with the child's education, or leaving a child in the custody of parents who in reality cannot bring up the child in the interests of both itself and society, does not always lead to an improvement in the child's position as compared with that obtaining before the court's decision. Thus a 14-year-old plaintiff who, the court ruled, was to be brought up by his father found himself on the street two months later.

For this reason it is wise to send the child for maintenance and education to a suitable child welfare establishment and to order the parents to bear the expenses of the child's upkeep, once the court, after careful examination of the case, has convinced itself that legal pressure on the parents will not ensure the child an adequate education.

We base this view on the demands set forth in article 22 of the statement by the Central Committee of the All-Union Communist (Bolshevist) Party and by the Council of People's Commissars of the U.S.S.R., of May 31, 1935, concerning " the liquidation of dereliction and running wild of children ", and on the articles of the Marriage and Family Codes of the Union Republics, issued in connection with this statement.

An examination of suits between parents over the education of children also aims at combating survivals of capitalism in the minds of some parents.

One of the most disgusting and pernicious survivals of the society of the past in contemporary families is the criminal attitude towards wife, mother and child. This criminal attitude takes the form of not supporting the family, confining one's family responsibility to the payment of alimony, evading the payment of

alimony, sexual debauchery, etc. In dealing with suits over the education of children, the courts must wage a determined fight, with all available weapons, against the vile remnants of the old world in the minds of the people.

The court must remember and put into effect the instructions of the Party, that during the period of transition from socialism to communism " the work of Communist education of the toilers, the overcoming of the survivals of capitalism in the minds of the people, of the builders of Communism, is of decisive importance ".[16]

The court must deal ruthlessly with the hostile elements which undermine our socialist family, which in a number of cases exploit it for their own hostile aims and which are corrupt, in a family and moral sense.

[16] Resolutions of the Eighteenth Congress of the All-Union Communist (Bolshevist) Party, *GOSIZDAT*, 1939, p. 11.

PART III

NEW TRENDS AFTER THE STABILIZATION OF SOVIET SOCIETY

DOCUMENT No. 12

CONFERENCE OF THE WIVES OF ENGINEERS IN HEAVY INDUSTRY (MAY 1936) [1]

(*a*) Leading Article from *Pravda* (May 10, 1936) : "A Remarkable Conference"

To-day the magnificent hall of the great palace of the Kremlin is filled with more than three thousand activist-wives [2] of the leaders of Socialist industry. This hall has seen much during the past year. The Stakhanovites of industry and transport, the tractor drivers and combine-men, the leading collective farmers, the best cattle-breeders have here held conferences with Comrade Stalin, with the leaders of the party and the Soviet government. Everything that is progressive, full of initiative and creativity in the country has been brought here, into the Kremlin. The best sons and daughters of our fatherland have stepped on to its honoured platform and their powerful voices have been broadcast hence to the whole country.

Who are the people who have gathered there to-day for their first conference, a conference unimaginable in any other country ?

They are the activist-wives of the managers, engineers and technicians, women who are not themselves employed in the

[1] In spite of the official character of the Conference, and the fact that it culminated in conferring Orders upon some of its most prominent participants, the reader will do well to realize the special background of the section of Soviet women to which it was intended to appeal. In *Pravda's* comment, defence of the new movement against reproaches likely to emanate from traditional Soviet ideology is more prominent than the remark that its participants are *being* raised "to the level of active builders of socialist society"; but Vesnik, one of them, was outspoken enough when she promised that former opera-singers would become efficient poultry-farmers, that they would press their husbands to have, in the late evening, another look at the factory if something went wrong, and that, as a condition of such desirable activities, they would hurry to leave Moscow with its theatres and fashionable shops in order to make music in their homes and in the workers' clubs, and also to make their own dresses, much nicer and less expensive than those from Moscow. But apart from enjoying such subtleties the reader will also notice the deep sense of patriotism and insight into the realities of the situation that inspired those women—few of them of working-class origin—as early as 1936. [R. S.]

[2] "Activist"—an active member of some organization or movement, in general a citizen taking an active share in civic life. [Tr.]

enterprises and establishments. Formerly, many of them lived for the limited interests of the family, within the narrow confines of household care. In the majority they are people brought up by the Soviet government, educated, cultured people. They were no longer willing to be satisfied with the position of mere sympathizers with the great socialist constructive movement and decided to become active participants in it. A great cultural force lay latent and had not been utilized in an organized way. Now it has found a purpose worthy of it. The delegates to the conference are the best representatives of the large proportion of women in our country who do not want to be mere housewives if they can be wives of the country. They have found new interests in life, and our party and government are helping them, educating and organizing them, drawing them into the active construction of our land.

There have arrived in Moscow the wives of engineers and technicians from the Donbas and the Urals, from the Far East and Transcaucasia, from all parts and regions, from the towns of metal and coal, petroleum and gold. Before their eyes factories and towns have been created and have grown with fairy-tale speed, canals have been dug and mines sunk, hydro-electric dams have been erected and oil wells drilled. The drama of construction, the *Eroica* of socialist everyday life, the romanticism of the Bolshevist transformation of the country could not leave them unmoved. Among this section of Soviet womanhood there are also those who side by side with their husbands went through the fire of the Civil War. In those days, like the activists of Krivoi Rog, the founders of the movement of wives of commanders—they lived on news bulletins, with the moods of the Red Army, in the passion of the struggle. The more active ones joined the political and administration departments of the Army, the nursing services, sharing with their husbands the joys of victory and the sorrows of defeat. And these women say : " Now above all must we be in the ranks, now that we have grown up politically and the aims desired have become so near and clear, now that our wise Stalin has collected all that is best in the working people in order to lead the land of socialism speedily and joyfully towards final victory."

The movement of the wives of engineers and technicians sprang up spontaneously. During one of his visits to the Urals the People's Commissar of Heavy Industry, Comrade Sergo Ordzhonikidze, inspected the flowers planted with care in the

Red Urals thermo-electrical power station by the manager's wife. The wives of the leaders of the construction of Krivoi Rog heard about it and found an outlet for their energy. They have chosen as the field of their activities that aspect to which the Party is at present paying great attention, the side of civilization in everyday life : they decided to introduce into life Comrade Stalin's slogan about the care of men.

And now, look at the work done by the wives of the commanders in hundreds of enterprises. They have opened first-class restaurants, poultry farms, fashion shops, they have organized cultural centres, hostels, nurseries, pioneer camps, they are organizing medical services for workers' families, delivery of foodstuffs to the houses, canteens. They are liquidating illiteracy and running libraries. Their work represents that great movement of the toilers towards culture in everyday life about which Stakhanovite Fadeyeva has written in the pages of *Pravda.*

The desire for creative and joyful work on the part of the leading wives of the commanders of heavy industry was taken up by Comrade Ordzhonikidze. Supported by Party and government, this movement has found followers in light industry and in the food industry. It is fighting its way into the villages, into the Machine and Tractor Stations. In the northern Caucasus the wives of the managers of the Machine and Tractor Stations are undertaking the organization of the cultural life of the workers on the stations ; they are planting house-gardens and allotments, setting up mobile libraries. In Leningrad the first women's organization in light industry has been created by the wife of the manager of the Skorokhod shoe factory. In short, the enterprise of the activists of heavy industry has inspired hundreds of thousands of women.

It cannot be said that the movement of the wives of engineers and technicians did not meet with obstacles. Like everything new, it at first met, and even now sometimes still meets, the opposition of dull-witted officials and trade-union bureaucrats. But this movement, created by the initiative of the masses of women, is strong and breaks the obstacles that bar its path.

Even now some people view the work of the wives of the commanders with sarcasm, call them philanthropists and compare them to the pre-revolutionary " charity ladies ". This is the shallow nonsense of the stupid bourgeois. The " charity ladies " of the philanthropic societies threw the crumbs from their tables to the poor, and their benevolence took the form of alms.

Women's charitable organizations " for the care of beggars, orphans, the sick and the pregnant ", the " women's society of teetotallers ", or the society for the " care of young girls " were a pitiful fruit of bourgeois hypocrisy hiding behind a humanitarian façade. The revolution of the proletariat has liquidated poverty and our whole Soviet system has become the truly humane friend of humanity. The new movement of the wives of engineers and technicians helps the Party and the government in leading the country to a life of plenty and raises the members of this movement to the level of active builders of socialist society.

Ploughed up by the revolution, the soil of our land again and again bears new and remarkable fruit. The Soviet land has become a vast and magnificent garden where the talents of the people blossom and the great Bolshevist gardener nurses them as though they were his favourite tree. The wives of the engineers and technicians of the Baku petroleum plants wrote to him—to Comrade Stalin—in *Pravda* recently :

> We are happy at the mere thought that the drop of our work flows into the great, invincible toil of our mighty country. We are happy to live and toil in the great Stalin epoch, we who are enlightened by the wisdom of your genius, warmed by your love and care. Thank you for everything, for the joy of life, for the resounding laughter of our children, for the new aspirations you have given us.

Greetings to the activists, to the wives of the commanders, the delegates to this remarkable conference.

(*b*) The All-Union Conference of the Wives of Managers, Engineers and Technicians in Heavy Industry.

Address by Comrade E. M. Vesnik.

Comrades, before I tell you of the work of the wives of the engineers and technical workers of the Krivoi Rog metallurgical combine, I should like to pass on happy and sincere greetings to him who is the main organizer of the great victories of our country, of whom the whole country and all contemporary humanity are proud—to Comrade Stalin, our great leader. (*Uproarious applause, shouts of " Hurrah " ; everyone rises and cheers Comrade Stalin.*)

Comrades, I also want to convey sincere greetings to the inspirer of our women's movement, a great organizer like Stalin,

our dear and understanding People's Commissar—Comrade Sergo Ordzhonikidze. (*Uproar of applause, shouts of "Hurrah"; everyone rises and cheers.*)

Comrades, I have many times heard the question: Why was the initiative of your factory taken up so passionately in hundreds of factories throughout the country and why has the women's movement grown from tens to hundreds in a period of a few months? Because this movement found the ground prepared. It needed only an initial push. We needed only direction. The whole country was in the grip of such enthusiasm, such heroism, that we, the wives of the engineers, could not stand aside from the great uprising and remain mere spectators. Comrades, in the factories we feel perhaps even more acutely than elsewhere the wisdom of Comrade Stalin's call to the struggle for a better life, for culture and the care of men. (*Loud and prolonged applause; everyone rises.*) Against the background of our wonderful new achievements one feels a special need for increased social and cultural work.

Comrades, social work in our country has been greatly bureaucratized. We have everything in our country; we only need to know how to utilize our resources; we must put our heart into the work and everything will prosper, even that which was lagging behind.

We Soviet women are also united by the fact that we all stand by the Party, we are all longing to work, and we all have one name, the name pronounced by Comrade Stalin and which we bear proudly. We are Bolsheviks without the party-ticket. (*Applause.*)

Comrades, the appeal for our work had already been made in Comrade Stalin's six conditions.[3] But we still needed a push, and this push was given us by Comrade Ordzhonikidze. Remember how in 1934 Comrade Sergo issued an order at the Magnitka[4] plant that the managers were responsible for the child-welfare establishments. Did not this order concern us too? Was it not an appeal to us? How could we have failed to help our husbands in undertaking this task of organizing good child-welfare establishments? After that Comrade Sergo gave us concrete indications about those sides of social life which still awaited reorganization.

[3] In a speech before the engineers and managers of the State enterprises, in June 1931, Stalin explained the "six conditions" under which socialist industry would work—personal interest on the worker's part in the stability of his place of employment being amongst them. [R. S.]

[4] *Magnitka*—popular abbreviation for the Magnitogorsk combine.

To undertake this work where it was most difficult had become our guiding principle.

The child-welfare clinics in the Krivoi Rog settlement were, as in most other settlements, set up in barracks, and housed only some 200 children. Now our clinics house about 800 children, and not one of the nurseries, not one of the crèches is run in a barracks. We pressed our managers—our husbands—to find first-class accommodation. Now we have built wonderful crèches of forty-three rooms, two cottages for 100 children, a nursery for 100 children, and so on. Comrades, all these nurseries and crèches have linen made by the wives of engineers and technicians, some 3,000 sets of linen, suits, table-napkins, sheets, all made by our hands.

We have opened a children's restaurant and two children's sanatoria. In 1935 we set up a children's rest home in Odessa. This year we are going to take 1,500 people to holiday camps.

In organizing child establishments we had to deal with the builders. When he was here in 1934, Comrade Sergo drew Comrade Vesnik's attention to the fact that doors, handles and other fittings had an untidy appearance and that however well the houses were built, these bad details spoilt everything. We caught and remembered every remark made by Comrade Sergo. We made the builders equip the children's establishments with good furniture and good fittings for the same money. We mercilessly condemn the mediocre standard; we condemn rough chairs which collapse after a couple of days; we inspect the distemper and oil paint; we do not want our floors to show cracks after a few days. We do not stand for the usual half-finished work. It is true that the builders have come to dislike us. Whenever they saw that car with the wives draw up, they ran for it. But we matched their cunning: we would park the car a few houses away, walk up to the workshop quietly, and then achieve what we were after. (*Applause.*)

The task of providing provisions for the workers is no easy job. But our husbands entrusted us altogether with the most difficult tasks of household organization. It seemed as though we should not be able to manage the task of getting the provisions, but now I can say that we achieved the complete reorganization of the people's food supply. Comrade Pitersky is probably among us now, and he can testify to this, because he himself supported the proposal to place the social feeding in the hands of Comrade

Maryanovskaya, who is the wife of the deputy chief mechanic of the works.

Comrade Maryanovskaya in 1934 on her own initiative organized a small canteen in the engineers' and technicians' club and everything was good and cheap there. This canteen drew all the engineers from the restaurants which served bad and tasteless food. It was then that the committee of our women's organization suggested to Maryanovskaya that she should look after the big restaurant as well. When Maryanovskaya took over, she inherited torn table linen, broken crockery, frightful forks and a deficit of 18,000 rubles. The directors of the combine were subsidizing the restaurant to the extent of 10,000 to 12,000 rubles monthly. Dinners used to cost 3 rubles; and only bachelors who had no one to cook for them ate there—family men avoided it.

Within two months Maryanovskaya reported that she did not require the subsidy and volunteered to take over a further restaurant which had closed down after its manager had been found guilty of embezzlement. Maryanovskaya appointed the wife of an engineer as manager of this reopened restaurant. Later she opened yet another canteen, using the turnover money from the second district, a new restaurant in the guild-house, and took under her management the canteen in the business club, and finally took over the restaurant for engineers and technicians in the old town. (*Applause.*)

The wives of the engineers Laurin, Ulitsky and others are helping her. And not only did they never manage restaurants before, but they never did any work outside the home.

As a result, Maryanovskaya in October 1935 reported profits amounting to 20,000 rubles and by January 1, 1936, of 33,000 rubles. (*Applause.*)

Everyone will of course say: What a miracle! How was it done, what happened? Why did the wives manage the business so well and profitably? Enthusiasm, love for the work, a desire to help their husbands at all cost, to help the workers and Stakhanovites so that they should leave the restaurant having eaten well and amply—and not leave them disgruntled after a bad meal—those are the main reasons for our success. Furthermore, the Soviet housewives have, so to speak, come home. Previously things were like this: each restaurant had its manager, its chef, its cashier, its assistant and its deputy and so on *ad infinitum*. Now Maryanovskaya has united all the restaurants under her and has

one book-keeper, one chef, one assistant. She frequently goes herself to the *kolkhozes* and Soviet farms for the provisions. She does the pickling and preserving herself. As you know, large numbers of melons are grown in the Ukraine. Previously a load of these melons would come in by lorry, many of them squashed. These squashed melons would either be given to the relatives of the restaurant staff or thrown away. Now not one melon is wasted. They are cut up and made into sweets for cakes and puddings. (*Applause.*)

The same thing happened at the poultry farm. Nineteen hundred and thirty-three and four were bad years in the Southern Steppes so far as production was concerned. That is what gave us the idea of setting up a farm. Inspectors duly arrived and said that our farm must have a director, a chief zoological technician, a veterinary expert, a manager. But I began by doing the jobs of all four to keep down the overhead expenses per hen. All the Soviet farms of our department have deficits while our poultry farm brings in profits, all the same. I said " all the same "—because at first people kept saying " There you are, an opera actress, and goes and suddenly takes up farming. She'll spend the money, she'll achieve nothing, and since she is the chief's wife, all this will be hushed up—but the money and the farm will have been ruined." And in spite of everybody, the farm " suddenly " prospered and is flourishing. On our poultry farm old hens lay 135–140 eggs and young ones 150 and more.

By 1936 the farm had yielded fifteen tons of meat and about a million eggs. Comrade Maryanovskaya gets eggs from us for her restaurants all the year round. We also make very good confectioner's goods, using the eggs from our farm.

We have distributed 8,000 chickens and 2,000 hens to the workers. This year we shall have to distribute 3,000 hens—12,000 we shall keep for the farm—and half a million eggs. I have already sent 250,000 eggs to restaurants this year.

Now a few words about our work in the hostels. At first we were rather frightened. When we first came there, the workers asked us angrily : " What sort of a commission is this ? Are you, too, going to make some notes and go away again ? " (*Laughter.*)

Then we knew what we had to do. We decided that we would arrange a number of exhibition hostels to teach them to trust us. No offence to the trade-unionists and union organizers : probably they never went themselves, but sent representatives

who would turn up, jot down highly " business-like " notes and say " Comrades, we'll see to everything " . . . and then vanish. After which—search for them !

The wife of an engineer, Comrade Kazyrskaya, undertook to teach workers German. In order to brush up her own knowledge she attends German classes in the morning and teaches the workers in the evening. I saw a 60-year-old worker wearing old-fashioned spectacles labouring over the German language. When I asked him : " What do you want to learn German for ? " he said : " The Fascists can't keep still and are wanting to fight us—but I want to beat 'em and talk 'em down in their own language." (*Laughter and applause.*)

Comrade Sergo, you were right when you said that we are not only concerned about culture and comfort, but that we also keep production in mind. I am bound to state that we never go to bed until we know whether our factory has worked to schedule or not. And I may say frankly that if scheduled production has not been reached, we worry our husbands at night : " Why don't you go down to the works and check up once more and find out what has gone wrong—why work is behind schedule ? " (*Applause.*)

I cannot forbear to mention the names of our best comrades—Gorlova, Kazyrskaya, Kobtszar, Gerasimova, Kostuk, Sergienko and others. Gerasimova is my assistant and she is doing great work.

We have among us the wife of an experienced skilled technician who has worked in the factories of the South for thirty years. She is in a position to compare the life of skilled men in the old days and now. Half a year ago she was still paying calls on her neighbours, from old habit, to play cards and gossip about us. But to-day she is saying with tears in her eyes : " How I wish the restaurant of our guild were better than all the others' and our hostels the most beautiful and civilized ! " She wept with emotion when she said that, and I could not restrain my own tears. I was trembling with excitement. This woman had felt a new and unaccustomed confidence, comradeship. Now she is passionately attached to her social work, toils with great ardour and is therefore present at this conference. She is reborn. Only just now she said to me : " Evghenya Emmanuilovna, I am so happy to be here to-day, and I still cannot believe that I shall to-day see Stalin, our dear Stalin ! " (*Applause.*)

In looking after the people we could not help paying attention to health conditions. Unfortunately, Comrade Sergo, we have no

hospital. The only one in the neighbourhood is a regional one, and that is a long way off. We had to look after our confinement cases, but though we did organize our own maternity home, the problem was not solved. We discovered that the regional hospital is so overcrowded—they had not reckoned with such a giant springing up near by—that our workers were discharged there before they had fully recovered. And there was more than a kilometre's walk to the tram. But it turned out that matters could easily be put right once our organization set its mind to it. We have arranged with the director of the combine that each day one of us wives goes to the hospital in turn and as soon as we hear that one of our workers is about to leave the hospital we phone for a car and take the worker or the mother home by car.

We work in forty-three hostels. We have opened a model hostel for our Stakhanovites. So far there are only twenty-four rooms in this hostel, but in two months a new home will be ready for bachelors which will be large enough to house 800 persons. Each flat will have a shower-room, with bathrooms downstairs, an " American " laundry for cleaning and mending clothes, barber's shops, reading rooms and club rooms.

This year we are trying to have thirty kilometres of paving laid between the residential areas and along the inhabited houses so that people should not have to walk through the mud. Fifteen kilometres of paving have already been laid. We planted 400,000 trees this year. All our nurseries and crèches are surrounded with trees.

Our hostel was dirty and full of bugs. As early as 1934 I went there, together with another comrade, the wife of an engineer, Comrade Tretyakova, who had been an actress. Some women called us " fancy charwomen ".

When we arrived at this factory hostel, its doors and windows were badly in need of washing and cleaning. I told the cleaners that this could be done very simply : just use some soap and rub a bit harder, and all the dirt will come off. They looked at us doubtfully : so I said : Let me have a rag and I will prove it to you. And the dirt, of course, came off. And now you will no longer recognize either the cleaners or those ladies who called us " fancy charwomen ". They are working side by side with us, their sleeves rolled up, for everyone grasped that if she did not assist her husband, not only would she fall behind us, but also behind her husband, who would look round for a more active wife.

We were also drawing the wives of the workers into our activities. In our movement, of some 500 persons, approximately 150 are wives of engineers and the remainder the wives of foremen and workers, working with a will.

We have opened a " fashion studio "—its director is Comrade Danilovskaya, the wife of the chief works engineer—and we seriously intend to challenge the Moscow shops. In Moscow shops they charge 300 to 350 rubles for a good dress, while we charge from 40 to 100 rubles and are usually superior in work and quality.

Comrade Stalin, we ask you to accept a few gifts made by the hands of the activist-wives. (*All the delegates rise. Comrade Vesnik presents Comrade Stalin with an album, with a piece of tapestry embroidered by herself and a shirt embroidered by the activist-wives; Comrade Ordzhonikidze is presented with a shirt and an album; Comrade Krupskaya receives an embroidered cushion. There is wild and prolonged applause.*)

Comrade Voroshilov, here among our delegates are " Voroshilov shots " and drivers who will come to your aid together with their husbands in the hour of need! (*Furious applause.*)

The president of the movement is the youngest activist, Comrade Guralnik. She herself went to the department to obtain the rifles. This May 1 for the first time we were not mere onlookers on the pavement, but marched in the ranks with the working class, with our commanders—and, by the way, Comrade Voroshilov, we carried rifles! (*Furious applause.*)

Comrades, our movement must not be bureaucratized. I often hear people ask: to whom will they be attached? In my opinion, we should not be attached to anybody; we work with all organizations, we are attached to all; and those who want to help us do so, and those who need our help shall have it. In some instances the trade unions are being helpful. But unfortunately our Metallurgists' Union not only helps but also interferes.

Leave us to our managers. Although it is awkward for me to speak about my own husband, I am bound to say that if he had not assisted us we should not have done half of what we have done. (*Applause.*)

Comrades, we work with great enthusiasm because we feel that we are part of a great collective. The wives of the engineers are deeply impressed by our successes and the great work of construction. A great cultural movement is manifesting itself everywhere and we are only one of the units doing its work.

Coming to the conference I travelled by car up to Dniepropetrovsk and I was struck by what I saw. The roads, the pavements, the trimmed trees and orchards I saw had not been there recently. Thatched roofs were everywhere being replaced by tiles. There were no engineers' wives—but there are enthusiasts, there is Maria Demchenko, Pasha Angelina and others.

Comrades, now that we take our share in the common work and are no longer getting bored at home and getting on our husbands' nerves, now that we are doing cultural work, we are no longer shamed by Pasha Angelina and Maria Demchenko, by the host of shock-workers in the Soviet factories and fields. (*Applause.*)

As to bureaucracy, may I say this : before the conference took place, officials and departments were torturing me with questions about how many persons are employed in the administration of our movement, how many on the technical side, what minutes we have taken, what subjects we discuss.

When I read that I must submit minutes of our meetings, I got frightened. I have to admit that if our meetings were successful, it was only because we held them over a cup of tea at a club or at home and ended them not with minutes, but with an aria from *Evgheny Onegin* or *Dame de Pique.*[5] (*Furious applause.*)

Comrades, let us keep in step with our husbands. Let those who have not yet joined our movement do so. It is true that this conference is a menace to Moscow and Leningrad, Comrade Ordzhonikidze. I am afraid that all the wives of the foremost technicians will hasten to the provinces and you in Moscow will be left without technicians. (*Applause.*) And why ? Because the provinces offer more scope for one's latent energies ! (*Applause ; cries of* " That's right ! ")

Comrades, our work does not disrupt the family as some opportunists say. They used to complain : Here are our wives doing this work and there is no one to sew our buttons on. But we have forced them to change their views. And if in our present enthusiasm we sometimes fail to plan our time-table properly, we shall learn to do so. Thus our work will not destroy the family, but on the contrary will cement it.

Comrades, long live our country, its working people and our leader—dear Comrade Stalin ! (*Applause. Shouts of* " Hurrah ". *All rise.*)

Comrade Stalin, we are ready to struggle not only with

[5] Titles of famous Russian operas, based upon works by Pushkin.

bureaucracy and the remnants of barbarism, but if necessary with a foreign foe ! (*Applause.*)

Comrades, if there is war, we shall not only send our husbands and sons to the front with a smile, but we shall go with them ! (*Applause. Shouts of* " Hurrah ". *All rise.*)

Comrades, we shall go with them and we will be firmly convinced that we shall not be marching to a sacrifice, but to a joyous victory ! (*Applause.*)

(*c*) An Appeal by the All-Union Conference of Wives of Managers and Engineers in the Heavy Industries.[6]

To all Wives of Managers and Engineers of the Soviet Union.

Comrades,

We appeal to you from the rostrum of the Kremlin Palace, which has become the Palace of the whole Soviet People. Here, in the Soviet Palace, face to face with the leaders of the Party, with the great Stalin, and the whole of our great people, we have told the story of our young movement.

The housewives, who only yesterday spent their lives in a circle of narrow family cares, have to-day become partners in the great work of Stalin. And our work is led by Stalin's great assistant—his friend and comrade-in-arms—Ordzhonikidze. Only in our country, warmed by the sun of Stalin's care for the life of man, are such vast changes possible in the life of the ordinary working woman.

See what is happening in the countries where fascism holds sway. The brutalized enemies of mankind, the German fascists, have smothered and suppressed all manifestations of human dignity in woman, they want to reduce her to domestic slavery. Our heart aches for our sisters, for the toiling women who suffer most cruel oppression in capitalist and fascist countries.

In our country, women lead their lives in joy and freedom. The Communist Party and the Soviet government have fostered in us a high regard for human dignity and a love of free and happy labour. Millions of women are building up a new and bright world side by side with the men, as their equals. Hundreds upon hundreds of women pilots, engineers, doctors, Stakhanovites in industry, on socialist farms and in transport wear on their breast a Soviet order—the highest emblem of honour their country can give. The Soviet government of our country encompasses

[6] *Isvestiya*, May 14, 1936.

woman, the mother of our children, with a touching care—impossible in these times in the capitalist world. Unemployment in our country has been stamped out for ever. The road to a joyful, prosperous and civilized life is open for everyone.

Our leaders, and Comrade Stalin in person, are awakening in us all that is best in man, and they are anxious to encourage every sincere impulse. As soon as the first frail beginnings of our movement became visible, Comrade Sergo noticed them. The stationmaster's wife in the small power station of Surovtsev hardly thought when she planted her flowers at the entrance of the station, that so small a matter would be noticed by Comrade Sergo, and would serve as the beginning of a great common movement, in which already tens of thousands of women are now taking part. Comrades Vesnik, Manayenkova and the scores of pioneer activists, who followed the start made at Surovtsev, never dreamt that they would soon enter the Kremlin in company with thousands of other women.

So far, we have not had a great deal of experience, but every one of us has already found her place, however small, in the common effort. Some of us have taken up work for crèches and schools and help the children to learn and to rest better. Others have gone into the factory canteens, the clubs, the refreshment rooms, the workers' hostels, and they have brought cleanliness into the workers' settlements ; they have started courses on the factory playgrounds in shooting, in sport, foreign languages and so on. All of us burn with the desire to make the life of the working women in our country still more joyous and beautiful.

The large world of interests in which our husbands live has become ours, too. The joys of the factory are our joys, its failures our personal failures. Life has become fuller and richer. All that was petty, futile and humdrum in our domestic life has disappeared. We passionately want to go forward, not to be left behind when our whole country is making progress, to keep in step with the best of those who are building it up. Our talents have blossomed forth quickly, and so have the gifts and capacities for organization of thousands of women who up to now were unable to apply their energies.

Now for the family ! We never forget it, never forget our husbands, our children. We fully realize our great responsibility for educating the children. Proud they shall be, tough in body and mind, knowing no fear and loving their Soviet country ; they shall grow up as true children of the spirit of Stalin. We

remember the words of the great Stalin that we are the mothers, the teachers of youth which is the future of our country. And these words have acquired a new meaning for us in the light of our young and quickly growing movement.

Beloved comrades, wives of the key men of industry, of transport, of socialist agriculture, of all branches of national economy! How we regret that you are not here with us, that you cannot listen to the words of our leaders and that you cannot share our profound happiness.

Comrades! We call upon you to join our movement, to spread it over the whole country. Wherever the leading men in production and agriculture do their work, their wives must fight for culture and for a happy life, they must take an active part in the common struggle for increasing production. Our place is wherever there is need of care for human beings in the spirit of Stalin.

We are needed in the schools where the children study. There is much work for us in the hospitals, the canteens, the clubs, the hostels, the study groups and so forth. Our first actions have already led to splendid results. We call upon you to follow our example.

You must be steadfast and persistent in this work. You must prove yourselves genuine Bolsheviks, whether you are party-members or not, in the fight we are undertaking. Apply yourselves to public affairs as you would to the private concerns which are near and dear to you; do everything just as you would do it for yourself, your family and your children. Then your life and the lives of those around you will become richer and more colourful.

Now we have but one aim, one wish: to work hard, to work productively, to work wherever our efforts can help.. This is of prime importance. We need not at once become members of special organizations; the great work has only just begun. To develop it, we need the widest scope for initiative and spontaneous activity.

Comrades, amongst us, the wives of managers and engineers, there are women who have gone with their husbands through the hard school of the civil war; there are women who have temporarily given up practical work because of family duties; there are women who are finishing their education in Soviet schools and institutions of higher learning, and there are also women who come from bourgeois families. But there is one

thing which unites all of us : the Communist Party has educated and transformed us in the blaze of the socialist revolution. The great Stalin is our teacher. The Party and Stalin have taught us to love our country. Our lives have been given a new content, a new meaning.

Now that we have tasted the joys of creative work, nobody will ever make us go back to the old life. If the enemy tries to make us do so, all the forces of our country will rise to crush him. We have trained our sons to fearlessness and virility. When our husbands and sons go to the last, decisive battle, we shall see them off with an ardent faith in their victory. We shall take their place in the factories, and if need be, the Soviet woman, a fervent patriot of her country, will herself take up arms.

Together with our husbands, together with the whole people, we shall build a brighter future. Cheerful green settlements for workers, well-provided canteens, the joyous laughter of children, healthy mothers who give heroes to their country—is it not worth while to work night and day for the sake of all these ?

Comrades, we have seen Stalin. Our heart is full of inexpressible joy, of great happiness. We vow the most devoted service to party and government in their care for the life of man. Dear sisters, you too must take this vow.

Comrades, our work is appreciated. We have been vastly encouraged in our faith in our own strength, our faith in the future of our country which we love with ardent passion.

Let us prove that the Soviet woman is capable, that the wife of a leader of industry can fight for socialism side by side with her husband. Let us get the women in their thousands to come and join our movement. Let us justify the hopes of those who rely on us.

DOCUMENT No. 13

PUBLIC DISCUSSION ON THE LAW ON THE ABOLITION OF LEGAL ABORTION, ETC.[1]

(*a*) Leading Article from *Pravda*, May 28, 1936

The published draft of the law prohibiting abortion and providing material assistance to mothers has provoked a lively reaction throughout the country. It is being heatedly discussed by tens of millions of people and there is no doubt that it will serve as a further strengthening of the Soviet family. Parents' responsibility for the education of their children will be increased and a blow will be dealt at the lighthearted, negligent attitude towards marriage.

When we speak of strengthening the Soviet family, we are

[1] On May 26, 1936, the draft of a law amending important aspects of Soviet matrimonial law was published, with an appeal for public discussion of its contents. At first sight the public considered the prohibition of abortion as the central issue, while the measures to discourage a light-hearted approach to marriage and divorce, and to increase the prestige of mothers of many children, merely expressed trends already clearly discernible in public utterances. In order to render the prohibition of abortion more acceptable to women, large investments for the care of mother and child were provided for, and the existing procedure for collecting alimony (see above, doc. 7, arts. 42, 50 and 56) was improved, as regards the amount that might be claimed, as well as the procedure for securing the mother's rights, which, indeed, had been one of the weakest spots in the working, though not in the wording, of the law (see above, p. 186). Apart from the issue of abortion, the amount of alimony to be claimed formed a main issue in the public discussion. In our selection this is illustrated only by the letter from Judge Yelkin. The law, as enacted June 27 (below, sec. (*d*)) differs from the original draft only by a reduction of the maximum amount of alimony that could be claimed and, on the other hand, an increase of the investments provided for mother- and child-care. There was no change as regards the most contested issue, that of abortion.

As distinct from 1925–6, there was this time no parliamentary discussion, nor any attempt to regard the discussion that took place as more than a test of public opinion by the usual means of factory meetings, letters to the press, etc. It is necessary to state this explicitly, in consequence of some distortions of the facts which have recently become current with authors who had no opportunity to follow matters on the spot, or to refer to any original source. The institution of the referendum, which has been mentioned in that connection, is completely alien to Soviet constitutional thought. It had been rejected on former similar occasions—see above, pp. 119–20—even by those who most thoroughly emphasized the need for public discussion. We have no documentary source other than the press (to quote my, or any other observer's, notes from some factory meeting which he had the opportunity of attending would, of course, give an even more casual impression). We are dependent on a process of selection, which may have been biased by the government's attitude ; but I have tried to correct this as well as I could by eliminating all voices which simply applauded the official policy, without putting forward any argument of their own. *Isvestiya*, which at the time was edited by Bukharin, a man inclined rather outspokenly to oppose official policy in matters of everyday life, proved not a poor source for clearly critical letters. In any case at all the meetings I attended I heard no argument pro or con which I could not present in this collection. [R. S.]

speaking precisely of the struggle against the survivals of a bourgeois attitude towards marriage, women and children. So-called " free love " and all disorderly sex life are bourgeois through and through, and have nothing to do with either socialist principles or the ethics and standards of conduct of the Soviet citizen. Socialist doctrine shows this, and it is proved by life itself.

The *élite* of our country, the best of the Soviet youth, are as a rule also excellent family men who dearly love their children. And *vice versa* : the man who does not take marriage seriously, and abandons his children to the whims of fate, is usually also a bad worker and a poor member of society.

Fatherhood and motherhood have long been virtues in this country. This can be seen at the first glance, without searching enquiry. Go through the parks and streets of Moscow or of any other town in the Soviet Union on a holiday, and you will see not a few young men walking with pink-cheeked, well-fed babies in their arms.

The rise in the standard of living has brought the joy of parenthood within the reach of all adults. The Soviet land cannot complain of too low a birth-rate. The birth-rate is rising steadily, and the mortality rate is as steadily going down.

The great Utopians, More, Saint-Simon, Fourier, Cabet, who dreamed of a happy new society invariably devoted much space in their utopias to the children. Observing the crimes and sordidness of capitalism which was strangling the working women and depriving the children of their childhood and the adults of the joy of parenthood, the Utopians opposed this poor and gloomy reality with a beautiful dream of a life in which the children were treated with the utmost love and the grown-ups regained the delight of being parents. This love of children and this joy of parenthood have been given to men by the Soviet reality. Not on an imaginary isle of Utopia, but in this real and great country of ours the working people have found the bliss of being free and living a full life.

More than once the enemies of the people suggested to us the foul and poisonous idea of liquidating the family and disrupting marriage. The bourgeoisie has tried to use it as a weapon in the struggle against socialist progress. It is enough to recall with what persistence they spread the slander about the " nationalization of women ". And during the great move to collectivize the villages, the *kulaks* again broadcast this favourite

bourgeois allegation. The *kulaks* used it to scare the peasants : " In the collective farms you will all sleep under the same 30-yard-wide blanket."

The bourgeois who establishes his family order with the aid of a knout, the bourgeois for whom his own family is but a thin veneer covering prostitution and sexual debauchery, naturally thought that everyone would fall for his lie about " free love " in the country where the exploitation of man by man has been abolished and women have been liberated. But he failed. This weapon, too, was shattered by the stubborn facts of Soviet reality.

It is impossible even to compare the present state of the family with that which obtained before the Soviet régime—so great has been the improvement towards greater stability and, above all, greater humanity and goodness. The single fact that millions of women have become economically independent and are no longer at the mercy of men's whims, speaks volumes. Compare, for instance, the modern woman collective farmer who sometimes earns more than her husband, with the pre-revolutionary peasant woman who completely depended on her husband and was a slave in the household. Has not this fundamentally altered family relations, has it not rationalized and strengthened the family? The very motives for setting up a family, for getting married, have changed for the better, have been cleansed of atavistic and barbaric elements. Marriage has ceased to be a matter of sell-and-buy. Nowadays a girl from a collective farm is not given away (or should we say " sold away " ?) by her father, for she is now her own mistress, and no one can give her away. She will marry the man she loves.

About the position of peasant women in the past Comrade Stalin spoke wonderfully at the conference of the " Pyatisotnitsi " [2] : " Indeed, just consider what women were in the past. As long as a woman was unmarried, she was looked upon, so to speak, as the lowest of the toilers. She worked for her father, slaved ceaselessly, and still her father would tell her reprovingly that he was feeding her. After she was married, she would work for her husband, she would do all the work he forced her to,

[2] In November 1935 when Stalin addressed (see below, pp. 290–2) a number of women shock workers from sugar-beet-producing *kolkhozes* who achieved harvests of at least 500 quintals (hence the description, *pyatsot* = 500) from the fields for the cultivation of which they were responsible as forewomen. Very high distinctions (the Order of Lenin) were conferred upon all of them, as also upon other groups of women who proved highly successful in skilled work in agriculture (women tractor drivers, dairymaids, etc.). [R. S.]

and still her husband would reproach her with : ' I am feeding you.' In the village the woman was the lowest of the toilers."

Such was the past. There is no doubt that the free woman of our time values and loves her family differently. The collective farm system, by making peasant women independent, has strengthened the family in the rural areas in every way. The same can be seen in the towns, where the raising of the cultural level and of the workers' standard of living inevitably leads to a stabilization and regularization of family relations.

There is no point in denying that in towns and villages there are still men and women whose attitude towards family and children is superficial and devil-may-care. Marriage and divorce are, of course, private affairs—but the State cannot allow anyone to mock at women or to abandon his children to the mercy of fate. The irresponsible profligate who gets married five times a year cannot enjoy the respect of Soviet youth. Nor can a girl who flutters from one marriage into the next with the swiftness of a butterfly enjoy respect. Men and women of this sort merely deserve social contempt. Marriage is a serious, responsible business and one that must not be approached lightheartedly.

The toilers of our land have paid with their blood for the right to a life of joy, and a life of joy implies the right to have one's own family and healthy, happy children. Millions of workers beyond the frontiers of our land are still deprived of this joy, for there unemployment, hunger and helpless poverty are rampant. Old maids and elderly bachelors, a rare thing in our country, are frequent in the West, and that is no accident.

We alone have all the conditions under which a working woman can fulfil her duties as a citizen and as a mother responsible for the birth and early upbringing of her children.

A woman without children merits our pity, for she does not know the full joy of life. Our Soviet women, full-blooded citizens of the freest country in the world, have been given the bliss of motherhood. We must safeguard our family and raise and rear healthy Soviet heroes !

(*b*) From the discussion in *Izvestiya*.

Letter from "A Housewife" (published May 29, 1936).

People say there is no need to teach childbearing ; everyone knows how to do that. But we must learn to give birth not to just any sort of child, but to a healthy baby full of life, while at

the same time preserving our own health and ability to give birth to further children. This is connected with woman's whole nervous system and has great influence on her entire life. It is a complicated and responsible task !

I welcome the government's draft law which has been published for discussion by the workers. Such a draft could have been produced only in our truly progressive and great country. But I think it should take into account the problem of extending the services and improving the methods of the gynæcological advice stations. At present they give exhaustive answers to all the questions put to them by the women who come to them. But the consultants should themselves visit the women, should develop a great social service, arrange lectures, publish popular pamphlets, organize exhibitions, etc. I believe that the need for such intensive work would soon lessen. The simple but comprehensive knowledge will be passed on from mother to daughter.

U. Kapalkova, Moscow.

Letter signed "A Mother".

For eighteen years I went out to work and was a member of a Trade Union for fourteen years (1918–32). Then I had a daughter. After the girl had spent a month in a crèche and had frequently fallen ill, the doctors advised me to take her home and look after her personally. I was working at the Soyuz factory where I was released after procuring a certificate stating the reason for my absence. But after a while the Group organizer refused to mark my Trade Union card and thus annulled my standing as a worker and Trade Union member. I think this was wrong.

In the government's draft there should be included an article to run as follows : "Women who are forced to leave work to care for an ailing child do not forfeit their acquired standing as workers. The time spent in looking after the child is to be counted as outside work, for the purpose of the pension payable upon incapacitation."

Letter from a Student ("I Object").

I have read in the press the draft law on the prohibition of abortion, aid to expectant mothers, etc., and cannot remain silent on this matter.

There are thousands of women in the same position as myself.

I am a student reading the first course of the second Moscow Medical Institute. My husband is also a student reading the same course at our Institute. Our scholarships amount jointly to 205 rubles. Neither he nor I have a room of our own. Next year we intend to apply for admission to a hostel, but I do not know whether our application will be granted. I love children and shall probably have some in four or five years' time. But can I have a child now? Having a child now would mean leaving the Institute, lagging behind my husband, forgetting everything I have learnt and probably leaving Moscow because there is nowhere to live.

There is another married couple in our Institute, Mitya and Galya, who live in a hostel. Yesterday Galya said to me: "If I become pregnant I shall have to leave the Institute; one cannot live in a hostel with children."

I consider that the projected law is premature because the housing problem in our towns is a painful one. Very often it is the lack of living quarters that is the reason behind an abortion. If the draft included an article assuring married couples, who are expecting a baby, of a room—that would be a different matter.

In five years' time when I am a doctor and have a job and a room I shall have children. But at present I do not want and cannot undertake such a responsibility.

K. B.

"*Amendments from Women Collective Farmers*", *published May 30, 1936. Kiev, May 29—by telephone from Our Own Correspondent.*

A woman collective-farmer, E. M. Dubkovetskaya, member of the Central Executive Committee of the Ukrainian Soviet Socialist Republic, has come forward with a proposal to introduce the following amendments into the draft of the law:

A woman who is nursing a baby and has again become pregnant should be allowed to have an abortion performed. Other conditions under which abortion is permissible should also be clearly stated so that the doctors could not reject a patient.

Secondly, as for crèches in the villages, it is known that these are subsidized out of the cultural needs tax. This, at present, amounts to little. In our village, Zaliskoye in the Talnovsky region near Kiev, the crèches house more than 100 children and are constantly full up.

Lastly, a few words about milk kitchens. Collective farms which run a dairy farm should be able to organize their own milk kitchens directly in the village, by mobilizing their own resources.

Woman collective-farmer P. Y. Buga, mother of five children, said as follows when the draft law was discussed :

" The project promises State allowances to large families after the seventh and eleventh child. I think State allowances should be given as early as for the fifth child, for it is no easy job to rear a family of five. The premium could be fixed at 1,000 rubles, with appropriate cuts in the subsidy payable at the birth of the eighth and twelfth child."

The distinguished woman collective-farmer H. Tribus (of the Luxemburg region) proposed the addition to the law of an article establishing special collective farm funds for aid to mothers and children.

Letter from " An Engineer " :

" *Abortions cannot be categorically forbidden.*"

I am non-party, married, with a 5-year-old son. I work as an engineer and have been and still am in a responsible position. I regard myself as a good citizen of the U.S.S.R.

I cannot agree with the prohibition of abortions. And I am very glad that this law has not entered into force but has been submitted to the workers for discussion.

The prohibition of abortion means the compulsory birth of a child to a woman who does not want children. The birth of a child ties married people to each other. Not everyone will readily abandon a child, for alimony is not all that children need. Where the parents produce a child of their own free will, all is well. But where a child comes into the family against the will of the parents, a grim personal drama will be enacted which will undoubtedly lower the social value of the parents and leave its mark on the child.

A categorical prohibition of abortion will confront young people with a dilemma : either complete sexual abstinence or the risk of jeopardizing their studies and disrupting their life. To my mind any prohibition of abortion is bound to mutilate many a young life. Apart from this, the result of such a prohibition might be an increase in the death-rate from abortions because they will then be performed illegally.

As for the increase in alimony, the enforcing of payment, the development of a network of maternity homes, crèches and kindergartens—all these must be welcomed. Aid to large families should, I think, begin with the fourth or fifth child, while the amount of the subsidy could be decreased.

E. T.

Answer to the Student (published in "Izvestiya", June 2nd, 1936).

Your paper recently published a letter from a student, K. B., in which she raised objections to the prohibition of abortions. I think the author of the letter "I object" has not grasped the full significance of the projected law. The difficulties about which K. B. writes and which, according to her, justify abortion are, she thinks, the difficulties of to-day which will have disappeared to-morrow. The writer of that letter completely ignored the fact that the government, by widening the network of child-welfare institutions, is easing the mother's task in looking after the child. The main mistake K. B. makes is, in my view, that she approaches the problem of childbearing as though it were a private matter. This would explain why she writes: "I shall have them (children) in four or five years' time." She hopes by that time to have completed her studies, obtained a medical diploma and found both a job and a room. But one must be logical! If during these years K. B. intends to have recourse to abortions, who can vouch that by the time when she desires to have children she will still be able to do so? And for a normal woman to be deprived of the possibility of having children is as great a misfortune as the loss of a dear one.

I used to study in a factory and received a very small allowance while bringing up my small son whom I had to bring up on my own. (His father was dead.) It was a hard time. I had to go and unload trains or look for similar work that would bring in some money . . . that was in 1923. Now my son is a good, tough Komsomol and a Red Army soldier in the Far East. How great are my joy and pride that I did not shun the difficulties and that I managed to bring up such a son.

At present my son and I are competing in our studies. He has promised me to qualify as a machine-construction engineer while I have promised him to complete successfully the course at the Institute for Red Professors where I study.

G. F.

"*About Divorces and Abortions.*"

My age should place me above any suspicion of too subjective an attitude towards the questions dealt with in the government's project of law. I therefore venture to state my view.

For many years I have been engaged in educational activities and have always striven to be as near to young people as possible, taking an interest in their social and family life.

The lack of discipline manifested in the divorces must be remedied—but can people who feel it impossible to live together be bound to each other by the imposition of a fine?

Abortions are harmful. One cannot disagree with that. But situations in life do exist when this harmful remedy will allow a woman to preserve normal conditions of life.

If a single child already ties a woman down, two, three or four children leave her no possibility at all of participating in social life and having a job. A man suffers less. He gives the family his salary irrespective of the number of children—and the whole burden falls upon the mother.

Sometimes abortion is an extreme but decisive means of averting the disruption of a young woman's life. It may become imperative through the accident of an unlucky liaison for a young girl-student without means for whom a child would be a heavy penalty, or through bad heredity of the parents or a number of other contingencies which play an important part in life and can often lead to its mutilation. All this must be taken into account.

It must not be thought that the majority of abortions are the result of irresponsible behaviour. Experience shows that a woman resorts to abortion as a last resource when other methods of safeguard against pregnancy have failed and the birth of a child threatens to make her life more difficult.

Simple statistics show that in spite of this the birth-rate of our country is increasing rapidly. And what is needed is not pressure, but a stimulation of the birth-rate by means of financial assistance, improved housing conditions, legal action against those who fail to pay alimony, etc.

I would most urgently plead for the greatest care in deciding whether to prohibit abortions. Abortions will become obsolete by themselves when knowledge of human anatomy spreads, methods of birth-control are more widely used and—last but not least—when housing conditions are improved.

Prof. K. Bogolepov, Leningrad.

Leading article in "Izvestiya", June 4, 1936 : "Popular Discussion."

The growth of Soviet democracy has found its expression in the workers' discussion of the draft law on the prohibition of abortions, assistance to expectant mothers, etc. The Soviet government worked out this project in order to meet the needs of the working woman. But because this new law concerns the vital interests of millions of people, because it affects every Soviet citizen, because it touches on the most intimate aspects of life, the government did not think it possible to promulgate such a law without a preliminary widespread and thorough popular discussion. Our country is on the eve of passing a new constitution which will give citizens rights unheard of in the history of humanity, which will give them the scope for the full flowering of their personality. And the very fact that the draft of the new law has been passed on for discussion by the workers has been welcomed by the Soviet people as a result of the growth of the country's might, of the unity of the people cemented by the Party and the government in the struggle for a socialist society and of the increasing civic consciousness among Soviet citizens.

For ten days already millions of Soviet citizens have been debating the government's project of law. At meetings, in the shops and clubs, in the collectives and Soviet farms, in the institutions and the homes, conversations about the project are taking place. From such serious and matter-of-fact discussion tens and hundreds of concrete remarks, amendments and additions are born. One of our newspapers received no less than 3,713 letters from readers during these days. The toilers of our land are clearly stating their suggestions, demands and explanations.

The overwhelming majority of the proposals and remarks of the workers, the very nature of these proposals testify to the growth of consciousness in the Soviet people, to their excellent understanding of the national importance of the draft of the new law. The Soviet people see in this project new evidence of the great care the Party and the government lavish on the working men and women, on mothers and children. And the toilers of this land understand perfectly that the new law has for its aim the strengthening of the Soviet family, the safeguarding of the health of millions of women, the rearing of a numerically strong and healthy generation who will continue and complete their fathers' and mothers' struggle for a happy life.

The project is being debated with unusual and searching attention. Its every point is being subjected to careful examination. And the thousands of suggestions made deal not only with the questions put forward by the project but with scores of new questions connected with it. All the aspects of life in its complexity—the questions of housing and the material background of the family in general, the questions of the relations of the sexes, the questions of love, of education, of morality, the problems of medical science, etc., have come into the limelight of topical interest. Girls and boys, men and women, write in their letters about their thoughts and experiences, about their hopes and aspirations. Side by side with a feeling of sincere gratitude towards the Party and the government for the care they take, the letters of the workers contain complaints about the poor work of local organizations, about bad crèches to which one fears to entrust one's child, about shortcomings in the activities of the maternity homes, nurseries, milk-kitchens, and sometimes about a heartless attitude towards expectant mothers and mothers in general.

But apart from this there is evidence that the very discussion of the government's project, which has as yet no legal validity, has borne fruit. We must here note, above all, the numerous cases where women have refused to have abortions performed although they had already received an authorization, or cases where fathers who were hiding themselves to evade the payment of alimony have come forward of their own accord. In the Donbas, in one of the shops of the Makayev metallurgical works, the worker Kasareva, mother of seven children, was dismissed as she was expecting another baby. Now this mistake of the management and the Trade Union group has been rectified. F. E. Kasareva has been reinstated in her work ; she is paid her wages during her absence on leave, two of her children are being cared for in a nursery at the factory's expense, and two more of her children have been sent to a children's convalescent home.

Hundreds of suggestions put forward during the discussion of the project express the opinions and wishes of individual groups of workers. Hundreds of amendments and supplements foresee situations which it will be necessary to consider under the project. All this will no doubt assist the government when the law is promulgated. The proposals, amendments and wishes of the workers, their objections, suggestions and alterations will be considered by the government. It must, however, be said that

the local organizations did not everywhere arrange to collect the workers' suggestions, and not everywhere was the business-like character of the discussion of the law preserved. The following kind of thing has happened : the project is " gone over " and a resolution passed to accept it " unanimously and fully "—although the government is not interested in such resolutions, but in concrete wishes and amendments. Not everywhere has the explanation of individual articles, of obscure points which puzzle the workers, especially in the villages, been organized. All these shortcomings must be removed during the next few days.

The discussion of the project for the new law demonstrates before the whole world the people's great love for and confidence in the government and shows how sure the Soviet citizen is of the morrow—his own and his country's.

Komsomol Boychenko, who wrote to Comrade Stalin recently, expressed the thoughts of the women of our country when she said :

" I shall bring up my children to be worthy citizens of our beloved and happy fatherland. This shall be my gratitude for all the fatherly care which you, Yosef Vissarionovich, have shown towards me."

" *Remarks by a People's Judge* " (*published in* " *Izvestiya*," *June 5th, 1936*).

Under the draft law on prohibition of abortion, assistance to expectant mothers, etc., it is proposed to exact alimony to the amount of one-third of the earned income for one child, one-half of the earned income for two children and 60 per cent. for three or more children. In my view this article of the law should be couched in different terms. It is necessary that the People's Court should have the right to decide the question of alimony, not exceeding 70 per cent. of the earned income, on the merits of each individual case.

Court practice shows that it is impossible to decide this question by a hard-and-fast rule. Let us imagine that a judge has to decide on two alimony suits concerning two families whose circumstances are completely similar so far as wages and the number of dependants are concerned. Let us further imagine that the law provides definite norms covering both cases. But in one of the cases one of the parties produces a certificate from a medical commission to the effect that one of the children is

ill or that the father or the mother requires special treatment involving extra expense—can the court pass these factors by without taking them into account? The same amount of alimony can therefore not be awarded in both cases even though they are similar in material circumstances.

Our courts are above all concerned with safeguarding the interests of the child. But the interests of the litigants must not be forgotten. There are cases where the mother earns twice as much as the father who pays alimony. Here is an example: a mother who brings in a suit for alimony earns 800 rubles while the father earns 400. They have two children, and according to the law-project the father should contribute half his earnings. Thus the mother with two children will have 1,000 rubles while the father, irrespective of the number of his dependants, will have 200 rubles.

Here is another instance. We judges often have to examine cases in which the defendant is very well off; he earns, let us say, 3,000 rubles. According to the project an order should be made for the payment of 1,000 rubles for one child. Is it fair to exact such sums?

Why should it not be more expedient to allow the court to decide these matters? There are fathers who, in order to evade alimony, or at least to reduce the amount to a minimum, take a badly paid job while their special qualifications (say electrical engineering) enable them to earn a great deal more on the side than their nominal work brings in. When the child's welfare is at stake, this has to be taken into account.

G. Yelkin,
Chief People's Judge of the Moscow Region.

"*Do Not Underrate the Evil!*" (*published June 8, 1936*).

The problem of abortion is a difficult and extremely complicated one. It has become the centre of a great tangle in which the interests of the individual and those of the collective are intertwined; family, society, State and humanity have tried to disentangle this knot in various ways, but so far without success.

Sixteen years ago, i.e., almost from the first moment of its existence, our Socialist State took up the problem of abortion and tried to solve it. Those were difficult times. The country was shaken by war and by the civil war that followed in its wake, was worn out by the intervention and faced extremely

difficult economic conditions. It was under these conditions that the government legalized abortion by the law of November 18, 1920.[3] This law was of temporary importance and pursued a strictly limited aim. It took the pregnant women under its wing and saved them from the hands of money-grabbing quacks by making it possible for the operation to be performed by experienced specialists in hospital surroundings.

This law legalizing abortions has often been the target of all sorts of attacks on the Soviet " abortion legislation ". But even our enemies had to recognize some of its positive aspects.

Designed to combat illegal abortion, the law of 1920 has not, however, torn up the root of the evil, has not liquidated abortion as such. It is wrong for some comrades to underrate the evil. For it is not only a question of the numerous living beings who disappear yearly as a result of abortion, but also of the hundreds of women who die from the complications arising after abortion. People do not see or do not want to see the dangers inherent in abortion. The fact that the operation goes unpunished and is relatively safe has created an illusion of the complete harmlessness of abortion. It is our duty to dispel this misconception.

Performing an abortion is an operation undoubtedly involving great risks. There are few operations so dangerous as the cleaning out of the womb during pregnancy. Under the best of conditions and in the hands of the most experienced specialist this operation still has a " normal " percentage of fatal cases. It is true that the percentage is not very high. Our surgeons have brought the technique of performing abortions to perfection. The foreign doctors who have watched operations in our gynæcological hospitals have unanimously testified that their technique is irreproachable. And yet . . . there are still cases in which it is fatal. This is understandable. The operation is performed in the dark and with instruments which, so far as their effect on so tender an organ as the womb is concerned, remind one of a crowbar. And even the most gifted surgeons, virtuosi at their job, occasionally cause great and serious injuries for which the woman often pays with her life.

Apart from the direct dangers which the operation has for women (penetration of the womb, heavy hæmorrhage), i.e., dangers threatening life, there are more remote dangers threatening a woman's health (catarrhs of the womb, sterility, pregnancy outside the womb, etc.). Such are the implications

[3] See above, doc. 3 (*d*).

of abortion, an operation which is dangerous to the female organism and a heavy responsibility on the doctor. That is why we oppose it.

The slave-like conditions of hired labour, together with unemployment and poverty, deprive women in capitalist countries of the impulse for childbearing. Their " will to motherhood " is paralysed. In our country all the conditions for giving birth to and bringing up a healthy generation exist. The " fear of motherhood ", the fear of the morrow, the anxiety over the child's future are gone.

The lighthearted attitude towards the family, the feeling of irresponsibility which is still quite strong in men and women, the disgusting disrespect for women and children—all these must come before our guns. Every baseness towards women and every form of profligacy must be considered as serious anti-social acts.

Prof. M. Malinovsky.

Letter from " A Research Worker ".

" Doubts about Article I."

The government's project of law reflects that constant care for the people's welfare which characterizes all its measures. It does so by the promise of developing still further the crèches, nurseries, maternity homes—all those institutions which are there to help us in our difficult task of bearing children and of bringing them up.

And yet the project's first article which speaks of the prohibition of abortion raises doubts. I want to express these doubts. Abortions are harmful to health. But there are a number of circumstances in everyday life which make it a heavy burden for a woman to have a large family. There are still many shortcomings in the work of the crèches, nurseries and communal restaurants. Our flats are often overcrowded and insufficiently equipped. Looking after the husband and even the grown-up children is hard toil for a woman. But we all want to be " working women ". The tribe of " housewives " is dying out and should, I think, become extinct.

Our life in general is improving and becoming more organized. This has already led to an increase in the birth-rate despite the fact that abortions were legal. In the capitalist countries on the other hand abortions are prohibited and the birth-rate is declining. This speaks for itself.

I think that a happy Soviet woman, assisted by the solicitude of Party and government, will herself not want to evade the joys connected with motherhood.

I fear my letter may become too long ; so I will not stop to examine the other questions which relate to the strengthening of the family. I shall say only this : I should not want to live with a husband who stays with me only because he lacks the 100 rubles necessary for the divorce. I should give him the money myself.

N. B.

(*c*) Leading Article from *Pravda*, June 9, 1936.

The Father.

The Socialist October Revolution in the U.S.S.R. laid the foundations of the complete and final liberation of woman. It gave women complete equality of rights in all sections of political, social and family life. " Husband and wife are as one flesh. The husband is the wife's master. The wife is not to leave the husband." Such were the fundamental tenets of Russian pre-revolutionary legislation. Article 179 of the Civil Code of the Russian Empire simply describes the powers of the husband and father as " unlimited ".

The bourgeois revolutions overthrew despotic monarchs. But not one of them dared to touch the despotism of paternal power in the family. Bourgeois democracy respectfully stopped short before this power, sanctified by the most ancient Civil Codes.

In the eyes of bourgeois law the father is first of all the custodian and embodiment of private property. He is the owner of the family property, the sole master of the estate, the house and the whole of the movable and immobile inventory. The wife and the children are included in this inventory.

It is true that the father, too, has his duties—in capitalist society he must " keep " his wife and feed his children. But bourgeois law thoughtfully watches over the rights of the rich father and takes a very mild view of his duties.

By depriving the workers of any property and making them into its hired slaves, capitalism in fact destroys both the rights and the duties of the husband for the vast majority of the population. Capitalism altogether destroys the family of the workers. The *patria potestas* of an unemployed person is so much hollow sound. A father who cannot feed his children,

give them an elementary education, provide for their future and bring them up, loses not only his " rights " but also all the pride and happiness of fatherhood. Many millions in the capitalist countries are in this state. What can be worse than the situation of a worker who after a vain search for work comes home to meet his hungry children and exhausted wife! He himself is hungry, tired, worn out. But hardest of all is the oppressive awareness of the impossibility of fulfilling the duties of a father.

The Soviet country holds no such grim scenes. While abolishing the slavery laws on the unlimited power of the father in the family, the Socialist Revolution has at the same time given all workers a chance of fatherhood. The Soviet marriage in which husband and wife have equal rights is not built on private property. Nor is it simply a legal formality for satisfying sexual desires, as wrote Hugo, the bourgeois philosopher whom Marx ridiculed. The Soviet marriage opens up the truly spiritual side of marriage, its moral beauty which is beyond the reach of capitalist society. It reveals man striving for the development of the better sides of his personality. And without deep and serious love, without the bliss of motherhood and fatherhood, the personality of both individual and society is incomplete. Communism makes for whole and happy men.

To strengthen and develop the Soviet family is one of the main tasks of Soviet democracy. People who think that by relieving the father of his former slave-driving rights the Socialist Revolution has at the same time relieved him of his duties towards the family, of his responsibility for the family, are completely in the grip of bourgeois notions. The projected law on the prohibition of abortions, assistance to expectant mothers, development of the network of maternity homes, etc., issued by the government, declares an irresponsible attitude towards the family and family duties to be incompatible with Soviet democracy and Soviet morals. This point has not been questioned in the widespread discussions of the project which are at present going on all over the country.

The project, which is imbued with deep respect and consideration for family, motherhood and children, also raises fatherhood to a high, historic standing. In the Soviet land, " father " is a respected calling. It does not mean " master " in the old sense of the word. It designates a Soviet citizen, the builder of a new life, the raiser of a new generation.

The bourgeois who has survived in Soviet society and who regards marriage as a legal form of the prostitution which the Soviet land has liquidated, is unworthy of the name of a Soviet father, of a Soviet citizen. He wants neither children nor a wife-companion. In the casual manner of a "fellow-traveller" [4] he looks for a prostitute, and if things do not go smoothly, he easily abandons her, drives her to abortion, to a crime. Don Juanism is an evil by-product of serfdom, and it has survived into the present day, even in Soviet life.

Comrade Gurov, a worker in the ball-bearing factory, rightly declared: "A father who evades his paternal duties is a destroyer of the family."

Social education is being widely developed in this country. The State is coming to the aid of the family. But the State in no wise relieves the mother or the father of their care of the children. Under Soviet conditions the father is the social educator. He has to prepare good Soviet citizens: that is his duty, that is also his pride—and the Soviet land has heard many proud declarations by fathers and mothers about the sons and daughters they gave to the Soviet fatherland, about gallant pilots and parachutists, engineers, doctors, teachers.

With what pride did Anton Strikh, collective farmer in an Ukrainian village, say: "My wife Fyodora and I have eight children. One is a motor mechanic, another a teacher, the third is about to finish his course at a technical college, the fourth is a Red Army commander, the rest are at school. How can we help being happy, being able to rejoice in such falcons!" [5]

The family of the Kostelnikovs, too, are justified in their pride, a family which has raised sons firmly bound to each other by love and friendship, who from their own midst could produce the man to take the place of their hero-son who died.

A man who cowardly and basely abandons his children, shuns his responsibility, hides in corners and puts all the paternal duties on the mother's shoulders, shames the name of a Soviet citizen. Evading the payment of alimony is not a weakness, though it is treated with such leniency by some of our institutions. It is a crime, and not only the man who befouls the name of Soviet citizen, but all those who protect him are guilty of this crime.

[4] *co-putnik*—a Soviet term for members of the population who were not considered active and conscious citizens. [Tr.]

[5] "falcon"—a poetic but frequently used image to describe young, stalwart and dashing fellows. [Tr.]

But he who sees the fulfilment of his paternal duties in the punctual payment of alimony cannot walk with proudly lifted head and call himself a worthy Soviet citizen. The Soviet family is not a ledger in which money-payment testifies virtue. A Soviet child has a right to a real father, an educator and friend. A father who abandons his children is guilty both before them and before the socialist State which has entrusted the children to his care. An irresponsible attitude towards marriage and the family is a bad recommendation as a citizen.

Socialism provides every toiler with a happy, beautiful life. For the first time in history it creates for the workers a possibility of fatherhood and motherhood in the fullest sense of the word. It therefore makes serious demands on mother and father. A bourgeois attitude towards the family cannot be tolerated.

The published law-project and its widespread discussion are signs of a new socialist morality, imbued with force, confidence and vitality. It lies in the flowering and enrichment of human personality, in love for Man. In the light of this morality, the mother wears a new face, and so does the father. " Paternal pride "—these words sound real only in the Soviet land, because a father who has raised new builders of socialism can feel a worthy citizen of his country.

(*d*) Decree on the Prohibition of Abortions, the Improvement of Material Aid to Women in Childbirth, the Establishment of State Assistance to Parents of Large Families, and the Extension of the Network of Lying-in Homes, Crèches and Kindergartens, the Tightening-up of Criminal Punishment for the Non-payment of Alimony, and on Certain Modifications in Divorce Legislation. (Decision of the C.E.C. and the Council of People's Commissars of the U.S.S.R.)[6]

The October Socialist revolution, which laid the foundation for the abolition of all class exploitation and of the classes themselves, at the same time laid the foundation for the complete and final emancipation of women.

In no country in the world does woman enjoy such complete equality in all branches of political, social and family life as in the U.S.S.R.

[6] *Collected Laws of the U.S.S.R.*, 1936, No. 34, art. 309. English translation from G. N. Serebrennikov, *The Position of Women in the U.S.S.R.*, London (Gollancz), 1937, pp. 261–77. A few changes have been made in the wording of the translation in the interests of clarity. [R. S.]

In no country in the world does woman, as a mother and a citizen who bears the great and responsible duty of giving birth to and bringing up citizens, enjoy the same respect and protection from the law as in the U.S.S.R.

However, the economic breakdown of the country which took place during the first years after the civil war and the armed intervention, and the inadequate cultural level of the women inherited from the pre-revolutionary epoch did not enable them at once to make full use of the rights accorded them by the law and to perform, without fear of the future, their duties as citizens and mothers responsible for the birth and early education of their children. In this connection the Soviet Government permitted on November 18, 1920, the practice of abortion (artificial interruption of pregnancy) for women so long, as the People's Commissariat of Health and the People's Commissariat of Justice wrote, as " the moral heritage of the past and the difficult economic conditions of the present still force a section of the women to submit to this operation " (*Collected Laws*, 1920, No. 90, art. 471).

Back in 1913 Lenin wrote that class-conscious workers are " unquestionable enemies of neo-malthusianism, that tendency of the philistine couple, pigeon-brained and selfish, who murmur fearfully : ' May God help us to keep our own bodies and souls together : as for children, it is best to be without them.' "

But, while rebelling against abortions as a social evil, Lenin considered the mere legislative banning of abortions clearly inadequate to combat them. Moreover, he pointed out that under the conditions of capitalism these laws only reflect the " hypocrisy of the ruling classes ", as they " do not heal the sores of capitalism but make them particularly malignant, particularly painful to the oppressed masses " (*Collected Works*, Vol. 16, pp. 498–9).

Only under conditions of socialism, where exploitation of man by man does not exist and where woman is an equal member of society, while the continual improvement of the material well-being of the toilers constitutes a law of social development, is it possible seriously to organize the struggle against abortions by prohibitive laws as well as by other means.

The abolition of capitalist exploitation in the U.S.S.R., the growth of material well-being and the gigantic growth of the political and cultural level of the toilers make it possible to raise

the question of a revision of the decision of the People's Commissariats of Health and Justice of November 18, 1920.

Necessary material provision for women and their children, State aid to large families, the utmost development of the network of maternity homes, nurseries, kindergartens, legislative establishment of minimum sums which the father of a child must pay for its upkeep when husband and wife live apart, on the one hand, and prohibition of abortions on the other, coupled with an increase in the penalty for wilful non-payment of the means for the maintenance of the children awarded by a court, and the introduction of certain changes in the legislation on divorce for the purpose of combating a light-minded attitude towards the family and family obligations—such are the roads which must be followed in order to solve this important problem affecting the entire population. In this respect, the Soviet Government responds to numerous statements made by toiling women.

In connection with the above, and taking into consideration certain comments made by citizens during the discussion of the draft, the C.E.C. and the Council of People's Commissars of the U.S.S.R. DECIDE :

i.

On Prohibition of Abortions.

1. In view of the proven harm of abortions, to forbid the performance of abortions whether in hospitals and special health institutions, or in the homes of doctors and the private homes of pregnant women. The performance of abortions shall be allowed exclusively in those cases when the continuation of pregnancy endangers life or threatens serious injury to the health of the pregnant woman and likewise when a serious disease of the parents may be inherited, and only under hospital or maternity-home conditions.

2. For the performance of abortions outside a hospital or in a hospital under conditions violating the above provisions, the doctor performing the abortion shall be criminally punishable to the extent of one to two years' imprisonment, while for the performance of abortions under insanitary conditions or by persons who have no special medical training a criminal penalty of not less than three years' imprisonment shall be fixed.

3. For compelling a woman to undergo an abortion, a criminal penalty of two years' imprisonment shall be fixed.

4. In relation to pregnant women undergoing an abortion in violation of the said prohibition, to establish as a criminal penalty a social reprimand, and in the event of a repetition of the violation of the law on the prohibition of abortions, a fine up to 300 rubles.

ii.

On Increasing Material Aid by the State to Women in Childbirth and on Establishing State Aid to Large Families.

5. In order to improve the material position of mothers, both working women and employees insured in the organs of social insurance, to increase the allowance issued from the State social insurance funds for the purpose of procuring the necessary articles for infant care, from 32 rubles to 45 rubles.

6. To increase the allowance issued to the mother for nursing the infant, from 5 to 10 rubles a month.

7. In relation to uninsured women toilers, members of co-operative *artels* and enterprises—to establish that the said allowances be issued by the co-operative mutual aid funds on the same basis.

8. To abolish the limitation fixed by the Code of Labour Laws for women employees (article 132), making them equal to working women in regard to the length of the leave accorded before and after childbirth (56 days before and 56 days after childbirth).

9. To establish a criminal penalty for refusal to employ women for reasons of pregnancy, for reducing their wages on the same grounds, providing in the law the obligation of preserving for the pregnant woman, while transferring her to lighter work, her former wages based on her earnings for the last six months' work.

10. To establish a State allowance for mothers of large families: for those having six children, an annual allowance of 2,000 rubles for five years for each subsequent child from the day of its birth, and for mothers having ten children one State allowance of 5,000 rubles on the birth of each subsequent child and an annual allowance of 3,000 rubles for a period of four years following the child's first birthday. To extend this article

of the law also to those families who at the time of the publication of the law have the requisite number of children.

iii.

On Extension of the Network of Maternity Homes.

To instruct the People's Commissariats of Health of the constituent Republics :

11. In order to provide medical assistance in special maternity homes for all women in childbirth in cities, industrial and district centres, to establish and open by January 1, 1939, 11,000 new maternity beds of which, in addition to the 4,200 beds provided by the 1936 plan, there are to be established :

in 1936	2,000 beds
in 1937	4,000 beds
in 1938	5,000 beds

12. In order to extend medical service to women in childbirth in rural localities, to provide and put into use 32,000 maternity beds, of which 16,000 beds in the maternity wards of village hospitals shall be at the expense of the State budget and 16,000 beds by organizing collective farm maternity homes, 75 per cent. of the cost of their organization to be charged to the collective farms and 25 per cent. to the State budget.

These are to include :

In 1936 : in addition to the 4,300 maternity beds in village hospitals and the 5,000 beds in collective farm maternity homes scheduled by the 1936 plan : 4,000 beds in hospitals and 4,000 beds in collective farm maternity homes.

In 1937 : 6,000 beds in hospitals and 6,000 beds in collective farm maternity homes.

In 1938 : 6,000 beds in hospitals and 6,000 beds in collective farm maternity homes.

13. In order to provide women in childbirth who are not served by lying-in hospitals with obstetrical assistance in their homes, to open by January 1, 1939, 14,400 new obstetrical stations of which 2,700 stations are to be opened in the villages and 1,370 obstetricians appointed to the new collective farm maternity homes in 1936, 5,000 stations in the villages and 2,000 obstetricians at the new collective farm maternity homes in 1937, 6,700 stations in the villages and 2,000 obstetricians at the new collective farm maternity homes in 1938.

iv.

On the Extension of the Network of Nurseries.

14. To double by January 1, 1939, the existing network of nursery beds for children in the cities, State farms, workers' settlements and on the railways, increasing their total number to 800,000 beds by putting into service :

In 1936, in addition to the 34,000 beds provided by the 1936 plan	100,000	new beds
In 1937	150,000	,, ,,
In 1938	150,000	,, ,,
Total	400,000	,, ,,

15. To double by January 1, 1939, the existing network of nursery beds both in permanent and seasonal collective farm nurseries in rural localities, increasing the number of beds in permanent nurseries by 500,000 and in seasonal nurseries by 4,000,000 beds, including :

In 1936, in addition to the 70,000 beds in permanent collective farm nurseries scheduled by the 1936 plan	100,000	beds
In seasonal nurseries in addition to the one million beds, according to the 1936 plan	500,000	,,
In 1937 in permanent collective farm nurseries	200,000	,,
in seasonal nurseries	1,500,000	,,
In 1938 in permanent collective farm nurseries	200,000	,,
in seasonal nurseries	2,000,000	,,

The People's Commissariats of Health of the Union Republics and the Territory, Province and District Executive Committees are to supervise the development of the above network of nurseries.

16. In cities and in industrial centres, beginning on January 1, 1937, work in nursery schools is to be in two shifts, to last sixteen hours a day, including the rest days.

17. To instruct the People's Commissariats of Health of the Union Republics to secure the appropriate personnel for the newly opened institutions by allotting 15,000,000 rubles in addition to the appropriations made for the training of the intermediate medical personnel.

18. To instruct the People's Commissariats of Health of the Union Republics to build during three years so as to complete by January 1, 1939, an additional 800 new dairy kitchens in the cities, industrial and district centres for the feeding of 1,500,000 children under three years of age and to open :

In 1936— 30 kitchens of the first category (at an estimated cost of 83,000 rubles each).
100 kitchens of the second category (at an estimated cost of 65,000 rubles each).
In 1937— 70 kitchens of the first category.
200 kitchens of the second category.
In 1938—100 kitchens of the first category.
300 kitchens of the second category.

V.

On Enlarging the Network of Kindergartens.

19. To triple the functioning network of permanent kindergartens in cities, factory settlements, and on railways within three years, bringing it up to 2,100,000 places by January 1, 1939 (as against 700,000 places in the present network of kindergartens); and at State farms, plants and institutions in village localities, up to 300,000 places, as against 130,000 places of the present network, for which purpose the following must be built and put into operation:

In 1936: In cities, factory settlements, and on railways, in addition to 250,000 places planned according to the 1936 programme	150,000 places
at State farms and at enterprises and institutions in village localities, the plan for the increase of kindergartens in 1936 is to be left at the former . .	60,000 ,,
In 1937: In cities, factory settlements, and on railways .	300,000 ,,
at State farms and at enterprises and institutions in village localities	60,000 ,,
In 1938: In cities, factory settlements, and on railways .	700,000 ,,
at State farms and at enterprises and institutions in village localities	50,000 ,,

20. To open permanent kindergartens, with 700,000 places at collective farms, in addition to the existing network of 490,000 places by January 1, 1939, as follows:

In 1936, supplementary to the planned 150,000 for 1936, 50,000 places. Total:	200,000 places
In 1937	240,000 ,,
In 1938	260,000 ,,

By the same date to provide all children on collective farms with seasonal playgrounds for children of pre-school age, for which purpose the following must be provided:

In 1936 (according to the 1936 plan) . . .	4,500,000 places
In 1937	7,800,000 ,,
In 1938	10,700,000 ,,

Supervision of the development of the network of kindergartens and seasonal playgrounds for children of pre-school age in village localities is to be turned over to the People's Commissariats of Education of the Union Republics and to the Territory, Province and District Executive Committees.

21. To oblige the People's Commissariats of Education of the Union republics to train, by the second half of 1936, 50,000 teachers for the kindergartens which are to be opened, setting apart 35,000,000 rubles for this purpose in addition to the 1936 grants for the training of cadres for new kindergartens, according to the budgets of the People's Commissariats of Education of the Union Republics.

vi.

On Changing the System of Supervision of Kindergartens.

22. To amend the decision of the Council of People's Commissars of the U.S.S.R. of July 6, 1935 (*Code of Laws*, No. 35, Statute 309), on concentrating the leadership and management of all kindergartens under the systems of the People's Commissariats of Education of the Union Republics, turning over to the jurisdiction of the economic People's Commissariats, institutions, and enterprises those kindergartens which have children of workers and employees in these institutions and enterprises, and leaving under the jurisdiction of the People's Commissariats of Education only those kindergartens which serve small institutions and enterprises that have not their own kindergartens. To place direct leadership of the kindergartens under the administration of the enterprise or institution where the kindergarten is organized, with the participation of the factory and plant Trade Union committees and Young Communist League organizations of such plants and institutions. To reserve for the People's Commissariats of Education of the Union Republics general pedagogical leadership and control of the correct structure of the network of the kindergartens and the training of pedagogical cadres.

The Council of People's Commissars of the U.S.S.R. is to determine the method of transferring and financing the kindergartens, and also the method of construction and financing new kindergartens in connection with the newly established system of supervision and management of kindergartens.

vii.

On Financing the Above Measures.

23. In accordance with this decision, to assign, over and above the sum allocated for 1936 in the State and local budgets and the social insurance budget, 1,481,300,000 rubles for maternity homes, midwifery stations, nurseries, dairies and kindergartens, additional for 1936, 692,800,000 rubles for the construction and development of the network of these institutions, increasing the general amount assigned in 1936 to 2,174,100,000 rubles as against 875,000,000 rubles in 1935.

From the above-mentioned 692,800,000 rubles, to use for the construction of:

	Rubles.
(*a*) Maternity beds in cities	22,200,000
(*b*) Maternity beds in villages	23,800,000
(*c*) Children's nurseries in cities	*320,000,000
(*d*) Kindergartens in cities	*221,000,000
(*e*) Dairy kitchens	9,000,000
Total for construction	596,000,000

* After allowing for an 11 per cent. decrease in construction costs.

On operating expenses:

	Rubles.
(*a*) For maintenance of the newly opened maternity beds and midwifery stations	5,000,000
(*b*) For maintenance until the end of 1936 of newly built children's nurseries	11,800,000
(*c*) For the extension and improvement of the network of functioning kindergartens by utilizing and transforming into kindergartens new sites, porches and other light types of buildings in existing kindergartens, and small repairs to buildings taken over	30,000,000
Total	46,800,000

On training cadres:

	Rubles.
(*a*) For training midwives and nurses of the People's Commissariat of Health	15,000,000
(*b*) For teachers for town kindergartens of the People's Commissariat of Education	17,000,000
(*c*) For preparation of teachers for village kindergartens of the People's Commissariat of Education	18,000,000
Total	50,000,000

24. To assign 70,500,000 rubles for increased maternity aid in accordance with Pars. 5, 6, and 8 of this decision.

25. The Council of People's Commissars of the U.S.S.R. to guarantee the necessary materials for the projected construction in order that the People's Commissariats can begin construction by July 1 of this year.

26. To amend, for the purpose of establishing a uniform fixed system of financing kindergartens and children's nurseries, the decision of the Council of People's Commissars of the U.S.S.R. of July 6, 1935 (*Code of Laws*, 1935, No. 35, art. 310) "On obligatory dues of undertakings and institutions for the maintenance of children's nurseries and kindergartens", to one-quarter of 1 per cent. of the wage fund, to fix direct allocations of 300,000,000 rubles for 1936 for this purpose from the State budget, and to make the corresponding changes in the finance plans of the economic organs and institutions, and also in the income and expenditure sides of the State social insurance budget.

viii.

On Severer Penalties for the Non-Payment of Alimony and Alterations in the Legislation on Divorce.

27. To amend the existing laws on marriage, family, and guardianship, with the aim of combating light-minded attitudes towards the family and family obligations, and to introduce in divorce proceedings the personal attendance at the Z.A.G.S. (Civil Registrar's Bureau) of both divorcees and the entry of the fact of divorce on the passports of the divorcees.

28. To increase the fees for registration of divorce as follows: 50 rubles for the first divorce, 150 rubles for the second, and 300 rubles each for the third and subsequent divorces.

29. To allot in court judgments on alimony one-fourth of the wages of the defendant for the maintenance of one child; one-third for the maintenance of two children; and 50 per cent. of the wages of the defendant for the maintenance of three or more children.

30. Payments to collective farm women to be made in labour-days [7] on the same basis.

If the mother receiving alimony is a collective farm woman and works with the defendant on the same collective farm, the

[7] See the explanation in note 9, p. 291, below.

management of the collective farm in calculating the labour-days shall directly enter the corresponding share of the labour-days earned by the father (if there are children) to the account of the mother. If the mother works on another collective farm, this entry in favour of the mother of the corresponding share of the labour-days earned by the father shall be deducted on behalf of the mother in the final accounting of the labour-days, by the management of the collective farm where the father works.

31. To raise to two years' imprisonment the penalty for non-payment of sums awarded by a court for the maintenance of children, the search for persons refusing to pay alimony to be made at their expense.

(*Sd.*) M. Kalinin,
Chairman of the Central Executive Committee of the U.S.S.R.
V. Molotov,
Chairman of the Council of People's Commissars of the U.S.S.R.
I. Unschlicht,
Acting Secretary of the Central Executive Committee of the U.S.S.R.

June 27, 1936.
Kremlin, Moscow.

DOCUMENT No. 14

EXPLANATIONS OF THE NEW FAMILY POLICY BY SOVIET THEORISTS [1]

(*a*) From S. Wolffson : *Socialism and the Family*

. . . The Soviet State came into being in a country which until the October socialist revolution had been under the yoke of capitalists and landowners. The legal position of the family under Tsarism was defined by the principles formulated in the first part of Vol. 10 of the *Code of Laws of the Russian Empire.* Tsarist family law enslaved the family by a series of semi-feudal legislative measures, beginning with forbidding " persons in military or civil service to marry without the permission of their

[1] These articles, published in 1936 in *Pod Znamenem Marxisma,* the philosophical organ of the C.P.S.U., the most essential parts of which are here reproduced, may formally be regarded as part of the discussion on the anti-abortion law which we have illustrated in the preceding document. But the place of publication, and also the fact that the authors had to expect that their papers would be published after the law had been definitely enacted, give them a character very different from the public exchange of arguments pro and con. Both articles explain and defend the law, and both are important documentations of the new attitude to the fundamental problem of the family, of the replacement of the former concept of the " withering away of the family " by that of a new and freer family strengthened by, and based upon, the socialist transformation of economics. Of course, the argument had to be set out in terms of Marxist orthodoxy. The concept of an expected " withering away of the family ", as an institution in which domestic life and the education of the children are based upon the union of their parents, can hardly be regarded as that of mere outsiders of Marxism (see above, pp. 10, 79, 91 and 134). So the polemic against that concept had to be expressed mainly in terms of polemic against another tendency, which, though strongly represented in earlier Soviet literature (see above, doc. 4) had never corresponded to official Soviet ideology ; namely, the assertion that the stability and monogamous character of sexual relations, as demanded by the ideological standards, though not the practice, of the bourgeois family, was in itself a mere bourgeois prejudice, likely to "wither away" under socialism. It may be no mere chance that the most impressive of the quotations from Marx which Wolffson can afford refer either to the former's bourgeois-democratic period (below, p. 307) or to his struggle against the " Free ", a semi-anarchist group of Bohemians (pp. 305–6).

Apart from these common traits, the two articles display differences in emphasis, which has made it of interest to reproduce them both. Apart from the different approach of the sociologist and the propagandist, there are natural differences between the man who has to express self-criticism for having been himself an advocate of the " withering away of the family " and the one who takes him to task for that attitude, though Svetlov's own attitude becomes somewhat less concise if its hint at the withering away of the State in a communist, as distinct from a socialist, society (see below, p. 346) is taken into account. Both defend freedom of divorce (Svetlov even the recognition of *de facto* marriage) as fundamental achievements of the Soviet revolution ; but the terms in which Svetlov does this (see below, p. 324) should make it easier for him to accept the most recent Soviet legislation (see below, doc. 17) than for Wolffson (see below, p. 308). The fundamental new and indeed revolutionary approach of that legislation to the question of alimony for children of unmarried mothers neither of them has foreseen. [R. S.]

superiors " (art. 9) and ending with the wife's obligation " to follow her husband when he accepts employment or for other reasons changes his permanent abode " and her duty " to obey her husband as the head of the family, to be loving and respectful, to be submissive in every respect and show him every compliance and affection, he being the master of the house " (art. 107). These regulations which enslaved woman and which to-day sound almost funny, were nevertheless at the time of the Revolution the legal norms which regulated the lives of millions.

The dictatorship of the proletariat had therefore to take immediate steps to effect the juridical liberation of the family and of its most oppressed member—woman. The Soviet government solved this problem exceptionally quickly by ordering full equality of the sexes in politics and in the family to be effected. The October Revolution did away with all elements of coercion in the conclusion of marriages, established freedom of divorce, abolished the contrast between children " born in wedlock " and " illegitimate " children, and put at woman's disposal a number of legal guarantees laid down in the law which made her politically and domestically the equal of man.

Thus the dictatorship of the proletariat introduced a number of measures which had until then not figured in any family legislation.

> There is not a trace in our Soviet Russia [wrote V. I. Lenin in March 1921] of inequality between woman and man. The worst, the most disgraceful and hypocritical discrepancy in the marriage and family law, the inequality with regard to children, has been completely abolished by the Soviet government. This is only the first step to the liberation of woman. But none of the bourgeois republics, however democratic, have dared to take this first step.[2]

Legal and political equality for women did not, however, mean complete and effective equality in the family in everyday life. There were quite a number of grave and complicated impediments in the way of implementing the effective equality of the sexes : a considerable number of women were not adequately engaged in communal production ; female labour was less qualified than male labour ; an overwhelming majority of the female population of the country was politically and culturally backward ; there was women's preoccupation with the household ; there were remnants

[2] Lenin, *Works*, Russian ed., Vol. XXVI, pp. 193–4. This and all the following notes, with the exception of notes 9, 14, 25, 54, 60, 74 and 79, originate from the authors of the articles. Quotations refer, of course, to the Russian editions. [R. S.]

of bourgeois morals, of a bourgeois attitude towards women and their duties towards the children.

The workers' dictatorship faced the difficult task of following up the legislative liberation of women by bringing about their effective emancipation. Generalizing the experiences of the Soviet State in this respect, the Communist International laid down as one of the main tasks of the proletarian dictatorship :

> The social equalization of woman and man before the law and in life, the fundamental revision of marriage and family law, the recognition of motherhood as a social function, the protection of mothers and children. The community to begin by undertaking the care of children and youths and their education (children's crèches, kindergartens, homes, etc.), by setting up institutions which will gradually shift the burden from the household (communal kitchens and laundries) and by waging a systematic cultural struggle against the ideology and traditions which held women enslaved.[3]

In complete agreement with these programmatic demands of the Comintern, the programme of the All-Union Communist (Bolshevist) Party declared that " not being satisfied with formal equality for women, the party aims at freeing them from the material burdens of the obsolete household ". Having eliminated the last vestiges of women's inequality in law, the Soviet government set on foot a vast effort to emancipate women from those everyday difficulties which prevent their active participation in the productive and social-political life of the country, the precondition for a reconstruction of the family on a new socialist basis.

Let us summarize briefly the main results achieved by the Soviet State in this realm.

One of the most degrading and soul-destroying forms of household slavery in which women find themselves under capitalism is —as is well known—the kitchen. V. I. Lenin condemned this aspect of " household slavery " with particular vigour, emphasizing that no real emancipation of women was possible while they were oppressed by the " pettiest, dirtiest, heaviest and dullest toil, that of the kitchen and of the individual family household in general ".[4]

A vast amount of work has been done in the Soviet Union in organizing communal feeding and thus freeing women from the cares and burdens of the kitchen. At the same time considerable

[3] *Programme and Statute of the Communist International*, IV, 3.
[4] *Op. cit.*, XXVI, 193.

success has been achieved in rationalizing and easing kitchen work. (Mass distribution of electric kitchen equipment, production of tinned foods, etc.)

The kitchen is not the only or even the most important aspect of the everyday household burden which weighs on women and prevents them from taking part in the productive process and in social life. Under capitalism the work of looking after children, particularly infants, by completely absorbing the working woman, paralyses all her tendencies to become economically independent, to join in productive and political life.

Socialist society has created conditions in which the work of rearing and educating children leaves woman a chance of combining her maternal functions and duties with active, productive and social work.

> Communal kitchens, crèches, kindergartens [wrote V. I. Lenin in his famous article *The Great Beginning*], these are instances of those shoots [shoots of Communism—S.W.], these are the simple, everyday means which, without proposing anything magnificent, grand or dazzling, can in fact liberate women, can in fact whittle down and abolish their inequality with men in their rôle as workers in communal production and social life.[5]

As opposed to the capitalist countries, where pregnancy and the birth of a child are connected for the working woman with great financial burdens and often with the loss of her source of livelihood, woman in the U.S.S.R. is throughout this period the object of the special solicitude of the State. Soviet law entitles the woman who works in State socialist enterprises to four months' leave before and after childbirth, and the woman collective farmer is, under the new model statute of the *Kolkhoz*, entitled to two months free of work. Great attention is paid to making childbed painless and we have already achieved great success. The number of hospital confinement beds is rapidly growing. Before the revolution, in 1914, there were 6,824 beds in our country ; in 1918 this number had dropped to 5,854 ; but in 1931 it had risen to 32,773 and in 1935 reached 42,871. The draft law of May 25, 1936, authorizes the provision by 1939 of 11,000 additional confinement beds in urban and regional centres and 32,000 beds in village localities. Financial assistance for pregnancy and childbirth in 1927–8 amounted to 29,639,000 rubles, in 1932 reached 58,617,000 rubles and in 1935 exceeded

[5] *Op. cit.*, XXIV, 344.

200,000,000 rubles. Nursing mothers are entitled to regular absences from work in order to look after their children.

Crèches and kindergartens are particularly important in that they allow the working mother a chance of participating in productive work and social life. The great amount of attention a child demands in its infancy and during pre-school years ties a mother to the house to such an extent that she is deprived of all hope of taking part in production. A vast network of crèches and kindergartens frees her from these absorbing cares and provides the most essential condition for effective equality between women and men.

The annually growing network of crèches in the Soviet Union has reached huge proportions. While, on the territory now occupied by the U.S.S.R., the number of crèches in 1913 was a mere 11,500, the Soviet Union even on the eve of the first five-year plan could point to 257,000 crèche establishments. The years of the victorious realization of the first and second five-year plans, the epoch of the final and irreversible victory of socialism, were marked in this respect by gigantic achievements. In 1932 the crèches available in our country gave accommodation to 4,544,300, in 1935 to 5,143,400 children. The draft law of May 25, 1936, plans to double by 1939 the existing number of crèche beds. The number of kindergartens which at the inception of the first five-year plan was 2,132, catering for 104,386 children, rose in 1934–5 to 25,700, with accommodation for 1,181,255 children. To these figures we can add the 3,827,038 children who in 1935 availed themselves of the children's summer playgrounds. The draft law of May 25 plans to treble in the next three years the number of kindergartens in both towns and villages. Taken as a whole, these data give an idea of the scope, unparalleled in history, on which the socialist State aids parents in bringing up their children and thus facilitates the mother's participation in productive and social life. Such a situation would not be possible in a capitalist country.

The liberation of woman from "household slavery", from the rule of the kitchen, from the burden of bringing up children, is an essential, but by no means the only, condition for her productive and social activities. Women's backwardness in qualifications, carefully fostered in all the capitalist countries, offers a great obstacle to establishing their effective equality. The dictatorship of the proletariat inherited from the bourgeois and landowner system an extremely low grade of female labour.

In Tsarist Russia female labour was as a rule used for unskilled or semi-skilled work. The Soviet government has with untiring energy been promulgating a series of measures designed to combat the backwardness in skill of the country's female population. These measures began with the struggle for universal preparatory education, for girls as well as boys, and ended with the organization of special schools and courses for the training, re-education and re-qualification of female workers.

The results of these measures are available. In 1927–8 4,463,200 people passed through the primary and secondary schools of the U.S.S.R.; in 1935–6 this number had risen to 11,915,100, and the percentage of girls in the total of students had risen during this period from 39·6 per cent. to 46·9 per cent. The percentage of women at workers' high schools in 1928 was 15·6 per cent.; in 1935 it had risen to 36·6 per cent.; in the technical colleges 37·6 per cent. were women in 1928, in 1935 the percentage stood at 44·1 per cent.; in the universities there were 28·1 per cent. women in 1928, in 1935 there were 38 per cent.

The persistent efforts of Party and government to raise the standard of female labour have produced tangible results. As we shall see below, the composition of skilled labour in the U.S.S.R. has been sharply modified towards an equalization of female with male labour.

The dictatorship of the proletariat has made the legal equality of men and women a fact, has liquidated the numerous household obstacles which in the exploiting societies stand in the way of women's productive and social activity, has waged a decisive struggle against women's backwardness in skill and has removed the shackles that hampered their cultural development. As a result of all this Soviet women were given possibilities unheard of anywhere else, possibilities of participating in the work of the collective, the final condition for their complete emancipation.

Life has shown that one of the conditions of socialism is the participation of millions of women in productive labour, in the class struggle, with the protection of their legal and actual equality; and life has also shown that this condition can be fulfilled only by the dictatorship of the proletariat in the process of socialist construction.

The profound dialectics of Lenin's directives in regard to the emancipation of the female half of working humanity in the land

of the proletarian dictatorship have come to life in the whole practice of socialist construction under the wise guidance of Comrade Stalin.

The following data speak eloquently for the way female labour has been drawn into production. In the industries of Tsarist Russia (on the territories now occupied by the U.S.S.R.) the number of female workers in 1913 was 636,000 or 24·5 per cent. of the total number of workers.[6]

At the inception of the first five-year plan in 1929 the total number of women—manual and office workers—employed in all branches of the national economy of the U.S.S.R. already amounted to 3,304,000. Rising steadily with every year, this figure in 1935 reached 7,881,000.[7] Thus during the six years of the first five-year plan the number of women actively participating in socialist economy multiplied almost two and a half times. During this period 4·5 million women gained economic independence. This factor greatly influenced the interrelations of the sexes and the family structure of the Soviet Union. The historical process of drawing women into production which has unfolded itself in the U.S.S.R. on an incredible scale is borne out to an even greater degree by qualitative rather than quantitative indications. These indications testify to a fundamental change in the professional distribution of female labour.

While in the whole of the national economy the specific weight of female labour rose during the period 1929–35 from 27·2 per cent. to 33·4 per cent., the same figures for heavy industry are 27·9 per cent. and 38·3 per cent., respectively ; in the building trade 7 per cent. and 19·7 per cent. ; in transport 8 per cent. and 16·6 per cent.

Increasing in all branches of industry, the proportion of female labour rose particularly sharply in those branches where before the revolution women played the smallest part.

In the whole of heavy industry the percentage of women in 1913 was 24·5 per cent., rising by 1935 to 39·5 per cent. Particularly significant are the data from industries such as coal mining : in 1913, 3·6 per cent. ; in 1935, 24 per cent. Metal and machine plants : in 1913, 4·2 per cent. ; in 1935, 25·8 per

[6] According to data furnished in reports by factory inspectors. G. Serebrennikov, *Female Labour in the U.S.S.R.*, Socsekgiz (Social Economic State Publishers), 1934.

[7] According to date supplied by C.U.N.Kh. (Central Department of Statistics) published in the statistical compilation *Woman in the U.S.S.R.*, edited by I. A. Kraval, 1936. All further figures on female labour in the U.S.S.R. are quoted from this compilation unless the source is specially stated.

cent. Timber industry: in 1913, 9·9 per cent.; in 1935, 39·7 per cent.

In certain branches of industry women represent more than half the total number employed. This number includes factories producing rubber, asbestos, textiles, leather and fur, footwear, cakes, preserves and tobacco. In two branches—knitting and sewing—women form more than three-quarters of the employees.

The most interesting point is that Soviet women have gained and continue to gain in those branches of industry which are closed to women in capitalist society and which in capitalist countries are regarded as a man's job from which women are " by nature " excluded. Women thus play a very negligible rôle in capitalist mining industry. The proportion of women to the total numbers employed in the mining industries is, for France (1931), 2·7 per cent.; for Italy (1931), 1·8 per cent.; for Germany (1932), 1·0 per cent.; U.S.A. (1930), 0·6 per cent.; and in Great Britain, 0·6 per cent. In the U.S.S.R. women represent 27·9 per cent. of the total number of people working in the mining industry. The building trade offers a similar picture. In the countries mentioned above the percentages for this trade range from 0·5 per cent. (Italy) to 2·9 per cent. (Germany). In the U.S.S.R. women constitute 19·7 per cent. In the metal industries the percentages range from 3·0 per cent. (U.S.A.) to 5·4 per cent. (Great Britain). In the metal industries of the U.S.S.R. 24·6 per cent. of all workers are women.

In the U.S.S.R. we have completely dispelled the ideology cultivated by the bourgeois, the legend about female labour being inferior, the bourgeois attitude to female labour as being " second-class " and unfit for vital tasks.

Socialist construction has supplied the proof that it is the bourgeoisie which made female labour " second-rate ", that the conditions of capitalist exploitation made it so. The experience of socialist construction has also dispelled another myth canvassed by the bourgeoisie, about the heightened traumatism among women.

While under capitalism female labour is the cheapest and most exploited form of labour, artificially prevented from raising its standard, in the U.S.S.R. women and men receive equal pay. Women enjoy the full scope of the special qualifications sponsored by the proletarian State in all industries and invade all departments of socialist construction. During the first and second five-year plan female labour abruptly developed higher productive skill.

The dynamic growth of female labour in the various industries shows the irrepressible inroads women have made into the highly skilled professions. In the production of agricultural machinery women in 1927 represented 0·8 per cent. of skilled mechanics of all types ; in 1934 the proportion already stood at 13·9 per cent. Among engine-fitters the increase in the number of women was even greater : from 1·6 per cent. in 1927 to 25·5 per cent. in 1934. At drilling machines 10·2 per cent. of the workers were women in 1927 ; in 1934 the women were 73·6 per cent. Among milling machine operators the figures were 3·8 per cent. and 37·8 per cent. respectively ; among polishers 8·1 per cent. and 39·8 per cent. In the leather and fur industry women in 1927 represented 0·7 per cent. of the sorters of raw material, and 39·8 per cent. in 1934 ; the figures for the dipping departments were 1·2 per cent. and 32·2 per cent. ; for the hide-scraping sections 6·3 per cent. and 30·2 per cent. ; for the wool-gatherers 1·2 per cent. and 39·1 per cent. An analogical process took place in other branches of industry, in machine construction, electrotechnics, motor transport, paper mills, printing and allied trades and other industries. The mechanization of the processes of production, the technological reforms and the rationalization of labour offer women a chance of entering the leading professions and of acquiring the necessary skill with success. As a result we have considerable numbers and in some cases even majorities of women in leading professions demanding a high degree of skill in a number of industries.

Thus, by October 1934, women provided 44·9 per cent. of potters for the china and porcelain industry, 73·4 per cent. of finishers and 74·5 per cent. of hand-painters. In printing and allied trades they formed 43·7 per cent. of compositors, 52·4 per cent. of " American "-type personnel, 75·9 per cent. of typesetters and 63·6 per cent. of readers. In the footwear and sewing industries by the same date 56·3 per cent. of the cutters, 70·5 per cent. of pattern-workers and 91·6 per cent. of seaming machine operators were women. In the paper industry they represented 43·3 per cent. of the personnel working rollers, 51·4 per cent. in the bleaching departments and 80·7 per cent. in the grinding mills.

There are of course a number of trades where the strain of the work militates against female labour. Among these are the principal jobs in the furnace rooms of the metal industries, and the main jobs in the building trade. But these are isolated exceptions. Generally speaking, female labour is invading all

branches of Soviet industry and transport. From year to year it is increasing its hold on the skilled professions.

The proportion of women has also increased surprisingly among engineers and technicians and among the workers in this profession. In 1925 there were no women among the engineers and factory managers of the ferrous metals industry ; in 1934 women formed 4·3 per cent. Among technicians the percentages rose from 0·5 per cent. in 1925 to 12·4 per cent. in 1934 ; in the laboratories the corresponding increase was from 14 per cent. in 1925 to 53·3 per cent. in 1934.

In the chemical industry the picture is largely similar : in 1925 6·8 per cent. of chemical engineers were women ; in 1934 this figure had risen to 14·2 per cent. Of production managers, heads of workshops and departmental managers only 0·5 per cent. were women in 1925 ; in 1934 the figure was 3·9 per cent. In the chemical laboratories the proportion of women rose from 22·5 per cent. in 1925 to 74·9 per cent. in 1934. Similar processes took place in a number of other industries, in mining, machine-construction, cotton, sewing, footwear. In the ten years from 1925 to 1934 the numbers of women among engineers, technicians and other employees increased both absolutely and relatively, and there were corresponding increases in the responsible departments demanding particularly high qualifications.

As we have already pointed out, men and women receive equal pay in the U.S.S.R. : a result of the penetration of female labour into almost all branches of industry and their mastery of highly skilled professions. Comparisons made between the average daily earnings of women and men in different categories of bench workers of the machine-building industry showed (according to the Central Institute of Statistics data for October 1934) that the women's wages are never less than 80 per cent. of the wages earned by men and in a number of professions exceed those of the men. Women's earnings vary between 101 per cent. and 110 per cent. of men's earnings for metal turners making electrically powered machinery, at the benches of the motor-tractor works, at the milling machines making grinding tools, at the revolving lathes of the motor tractor industry and for drilling tool operators of engine and railway industries. In the cotton industry women's wages represented, according to the same data, 102·7 per cent. of the men's earnings for weavers at mechanical looms and 116·5 per cent. for weavers at the automatic looms. In the wool industry the figure was 106·5 per cent. for all weavers.

As a rule, the average earnings of women are in no way below those of men in those industries into which female labour has long since penetrated. It is only in those industries and professions which women began to master comparatively recently and in which their productive experience is consequently small that their wages are somewhat lower. But this is being very quickly rectified.

Women's participation in the socialist industries of the country must not obscure the part they play in socialist agriculture. Here, too, the participation of the women in the collective socialist enterprise of the millions is one of the conditions of victory : the replacement of the primitive small-holding by the large, collective and technically progressive socialist farm. At the same time only the system of collective farming could offer women freedom from the burdens of the individual peasant holding which kept women weighed down under a burden of toil that drained and exhausted their strength and held them in the hopeless bondage of the day-to-day household.

Comrade Stalin's historic speech at the first All-Union Congress of shock workers from the collective farms in 1933 showed exhaustively both the tremendous importance of women's participation in the active life of the collective farms and the part played by the *Kolkhoz* system in bringing about the effective and full equality of the woman-peasant.

> The problem of woman in the *kolkhozes* [Comrade Stalin pointed out] is a great problem, comrades. . . . Women on the *kolkhozes* are a great power. To keep the light of this power under a bushel is to permit a crime. It is our duty to bring forward the women on the collective farms and to put this power into action.
>
> As for the women collective farmers themselves, they must remember the force and importance of the collective farms for women ; they must remember that they have a chance of gaining an equal footing with men in the collective farms alone. Without the *kolkhozes*, inequality ; with the *kolkhozes*, equality of rights ! [8]

In November 1935, at a reception given by the leaders of the Party and of the government to women shock-collective-farmers on the sugar-beet fields, Comrade Stalin once more stressed the tremendous importance of the collective farms in effecting complete equality with men. He said : " Indeed, just consider what women were in the past. As long as a woman was unmarried she was looked upon, so to speak, as the last of the toilers. She

[8] Stalin, *Problems of Leninism*, 10th edition (Partizdat, 1934), pp. 534–5.

worked for her father, slaved ceaselessly, and still her father would tell her reprovingly that he was feeding her. After she was married, she would work for her husband, she would do all the work he forced her to, and still her husband would reproach her with : ' I am feeding you.' In the village the woman was the last of the toilers. It is thus evident that under such conditions the women peasants could not produce heroines of labour. Labour was then considered a curse for the woman and she strove to avoid it in every way.

" Only the life of the collective farms could make toil a matter of honour ; this life alone could produce real heroines on the land. Only life on the collective farms could abolish inequality and put woman on her feet. You yourselves know this well. The collective farm introduced the labour-day.[9] But what is the labour-day ? In face of the labour-day all are equal. Whoever has most labour-days to his credit has earned most. Now neither the father nor the husband can complain that he is feeding

[9] The term used by Stalin, as in Soviet agricultural legislation, is *trudodyen*, working day, which is clearer for the Russian peasant, but might mislead the foreign reader. The part of the collective product and of the proceeds of selling *kolkhoz* products which is destined for the immediate remuneration of the *kolkhoz* members for work done, is distributed among them according to the number of labour-units, *trudodnyey*, that are credited to each member's account. The labour-day is conceived according to the amount of work of average skill done by a *kolkhoz* member of average efficiency ; but as labour on the collective farms, like all Soviet labour, is remunerated in accordance with the quality and quantity of the work done, only occasionally is an actual working day paid for by the claim to that part of the collective product which corresponds to a " labour-day ". Work calling for higher skill—for example that of a tractor-driver, and so on—even if done with mere average efficiency, is remunerated by crediting a higher number of labour-days to the *kolkhoz* member who performs it than is an actual day spent in the fields, whilst the most unskilled types of labour command less than one labour-day for a day's work. At the time when Stalin spoke, the remuneration for one day's work of average efficiency was graded, according to the skill it called for, at from 0·5 to 2·0 labour-days. But apart from this there is also, as in the whole of Soviet economics, differentiation in remuneration according to the *quantity* of work done. A tractor-driver who manages to fulfil twice his norm may be credited with not two but four labour-days, whilst a fellow driver who is very inefficient and can fulfil only half the norm may come out with merely a single labour-day, that is to say, with no more than another member of the *kolkhoz* with merely average qualification, but also with average efficiency. Once this meaning of the labour unit is realized, the reader will understand why the woman mentioned by Stalin can be proud of having earned 500 labour-days during a year—evidently in consequence of her high professional qualifications,—and what is the meaning of the average number of labour-days earned by women collective farmers in different regions (see below, p. 293) : the statistics given are intended to measure, not absenteeism, but the average degree of skill and efficiency achieved by the female members of the *kolkhoz*. On the assumption that in 1935 the labour-day in the average *kolkhoz* of the region under discussion actually corresponded to the work done by a *kolkhoz*-member of average skill and efficiency, a coefficient of 0·99 labour-days for a single day's work would mean that there was hardly any difference between the average skill and efficiency of male and female *kolkhoz*-members respectively (the higher degree of female absenteeism from physiological causes would find no expression in the figures, as it simply reduces the number of days actually spent in the fields). [R. S.]

her. Now, the woman who works and has her labour-days is her own mistress. I remember talking to some women-comrades at the Second Collective Farms Congress. One of them, who came from the North, said : ' Two years ago there was no bridegroom for me—no dowry ! Now I have 500 labour-days, and the result is : I cannot rid myself of would-be suitors who say they want to marry me. But now I shall look round and make my own choice.'

" By introducing the labour-days the collective farm has freed woman and made her independent. Now she no longer works for her father while she is single, and no longer for her husband when she is married. She works first of all for herself. This is what the liberation of the peasant-women means, this is what the *kolkhoz* system means, a system which makes the working woman equal to any working man. Only on such a basis and under such conditions could such wonderful women come to the fore. For this reason I regard this meeting not as an ordinary meeting of the vanguard with members of the government, but as a day of triumph on which the achievements and the scope of the toil of the liberated women are made manifest." [10]

The Party and Comrade Stalin personally are paying unslackening attention to drawing women into collective-farm life. At the present day women have already become a great and active force in the *kolkhozes*.

Comrade Stalin, speaking at the November 1935 reception for women shock-collective-farmers from the sugar-beet fields, said :

" Comrades, what we have witnessed here to-day is a piece of a new life, of the life we call collective farm life, socialist life. We have listened to the simple words of simple working people telling how they struggled against and overcame difficulties in order to achieve success in competition. We have heard speeches by women who were not ordinary women but, as I would say, heroines of labour, because only heroines of labour could have achieved the success they have achieved. We did not have such women before. I am already 56 years old, I have seen much, I have seen enough working men and women. But such women I had not met. These are quite new people. Only the freedom of labour, only labour on the collective farms could produce such heroines of labour on the land. There were no such women and there could not have been in the olden days." [11]

[10] From Comrade Stalin's speech at the reception of the shock-workers of the collective sugar-beet fields by party and government leaders in November 1935 (*Pravda*, Nov. 11, 1935).

[11] *Ibid.*

A survey by the Department of Statistics of the People's Economy of the work of adult female collective farmers in six districts (Leningrad, Moscow, Odessa, Kiev, Kuïbishev and the Byelorussian S.S.R.) established that in 1933 women collective farmers did 0·87 labour-days in a single day's work; in 1934 this figure stood at 0·95 and in 1935 reached 0·99.[9] A survey in fourteen republics, regions and districts showed that adult women collective farmers were responsible for a very considerable proportion of the average number of labour-days to the credit of each family. This proportion ranged from 23·3 per cent. (in the Uzbek S.S.R.) to 46·3 per cent. in the western provinces. There is not a single important aspect of collective farm work in which female labour has not firmly established itself. It must be noted, however, on the strength of the data furnished by a survey of 6,861 *kolkhozes* made by the Department of Statistics in January 1936, that not in all branches of this work is this establishment sufficient. Thus, among chairmen and deputy-chairmen of the collective farms only 2·7 per cent. are women, among chairmen of inspection committees only 1·8 per cent., among accountants and book-keepers 4·5 per cent., among the brigadiers of the agricultural brigades 2·8 per cent. But at the same time there are a number of occupations on the *kolkhoz* in which women play a very considerable and sometimes preponderant part. Among members of the *kolkhoz* administrations 18·2 per cent. are women, among the brigadiers of the cattle-breeder brigades 22·1 per cent., among cowherds 51·3 per cent.

The part played by Soviet women in the present-day *kolkhozes* and Soviet economic production is brought out clearly by the fact that while at the first All-Union Congress of Shock-Collective-Farmers in 1933 14·8 per cent. of the delegates were women, at the second congress in 1935 the women delegates made up 39·8 per cent. of the total attendance. At the conference of the vanguard of livestock-breeders in February 1936 women represented 34·6 per cent.

This means that woman is beginning to occupy as considerable a place in socialist agriculture as in socialist industry.

The working women of our socialist country have also achieved tremendous success in the field of cultural construction. The female working intelligentsia is year by year gaining both in quantity and quality. Its representation in the wide ranks of the Soviet intelligentsia which actively participates in socialist construction is growing rapidly.

Among teachers at urban primary and secondary schools women in 1927 represented 81·3 per cent. of first to fourth form staff; by 1935 this percentage had risen to 90·2 per cent. For the fifth to ninth forms of the urban schools women teachers in 1927 provided 43·6 per cent. of the staff—in 1935 59·8 per cent. In the village schools an analogous process took place. There women in 1927 provided 61·6 per cent. of lower form staff and 67·9 per cent. in 1935; for the higher forms the figures are: 1927, 28·3 per cent.; 1935, 41 per cent.

Women thus occupy a major place among the teaching staffs of the primary and secondary schools of the Soviet Union. Women also form a considerable, but very inadequate part of the teaching staff of the establishments of higher education. Out of the total number of teachers at these establishments 15 per cent. are women. And this percentage grows smaller as the scale of qualifications rises. Among assistants women represent 22 per cent., among lecturers 11·3 per cent., among professors 2·9 per cent. Women did better in the scientific research institutes. In 1929 of the scientific workers and students at research centres 22·8 per cent. were women; in 1933 the figure had risen to 25·8 per cent., and in 1935 reached 29·1 per cent. (or 11,116 women).

An extremely rapid expansion is observable in the case of women doctors. In 1914 there were in Russia 1,919 women doctors or 9·7 per cent. of the total number of practitioners. In 1935 the number of women doctors working in the U.S.S.R. was 42,023, or 48·9 per cent. of the total number of doctors.

Side by side with the powerful influx of female labour into production and with the gigantic expansion of women's participation in cultural construction, women's social and political activities began to expand extremely swiftly. The Youth Congresses of the twenty-three Republics and Districts of the Union which were held in 1933 demonstrated to the country the vast social activity of the young Soviet women. They have given evidence of the historical achievements of the Soviet government in the liberation of the women of the previously backward nationalities from the power of tribal, feudal and religious survivals.

Soviet woman is participating more and more actively in State administration. The data concerning her participation in the elections for the Soviets are characteristic of her activity. In 1926 the percentage of women who made use of their franchise in the voting for the Village Soviets was still only 28 per cent.,

but in 1934 this proportion had reached 80·3 per cent., and it is of importance in this connection that this figure is not much below the corresponding figure for the male electors (86·4 per cent.). Data regarding the elections for Town Soviets tell the same tale. In 1926 42·9 per cent. of the female urban electorate voted ; in 1934 the figure reached 90·4 per cent. (while for men it was 92 per cent.).

For the rôle which Soviet women are beginning to play in the administration of the State, data about their immediate participation in the organs of the Soviet government are even more revealing. In 1927 women formed 9·9 per cent. of the members of the Village Soviets ; in 1934, 26·2 per cent. In the composition of the Urban Soviets there were 18·2 per cent. women in 1926 and 30·4 per cent. in 1934. In the departments of the Central Executive Committee of the U.S.S.R., the highest governing organ of the Soviet Union, there are 101 women.

One can boldly assert that in our socialist fatherland there is not one branch of industry, agriculture, culture, art, science or administration of the State in which Soviet women do not actively participate. The heroic toil of the free Soviet women has left its mark all over the new achievements of the socialist land : on the giants of industry, on the marvellous work of the White Sea Canal and of the Moscow Underground, on the sugar-beet fields and at the weavers' looms, in the scientific research laboratories and in sports records, on the theatrical stage and in the parachute associations. Soviet woman has shown, throughout the years of socialist construction just as she did during the years of the Civil War, that she can be a genuine fighter for socialism. Once liberated from those many different burdens that weigh on her in the exploiting class societies, the working woman in the U.S.S.R. is showing a wonderful enthusiasm for work, showing great creative ability and personal courage. Socialism has set free the powerful forces of the working women which were suppressed by the capitalist system ; it has given them freedom and knowledge ; it has inspired them to the heroism of toil. Socialism has produced thousands of heroines of socialist labour : Demchenko, the Vinogradovs, Anguelina, Nendakhina, Amanova, Odintsova and others. Even early in 1936 the country could point to more than a thousand women who had been awarded the highest orders of the Soviet State. There were no such women, and there could not have been, in the olden times.

The Soviet State has, as we have seen, brought about complete

legal equality between men and women, and has at the same time set about the great enterprise of creating conditions which assure women of effective equality in life and society—of a place equal to man's in national economy, in culture and family. The State of the proletariat which has built socialism, has created all the conditions necessary for transforming women from " household slaves " into free citizens of socialist society enjoying full rights. And Soviet woman is making good use of these conditions—that is shown amply by the part she is already playing in the life of the U.S.S.R.

This part fundamentally affects woman's place in the family. It exercises a profoundly revolutionary influence on the whole system of family relations, on the entire family structure. We must here emphasize the difference in principle between the effect of women's participation in capitalist production and the influence of their work on the family in socialist society. Even under capitalist conditions the participation of female labour in production is a progressive factor : it creates the basis for a new and higher form of the family. But since it takes place in an environment of capitalist exploitation and merciless depredation, the influx of female labour into communal production leaves the working woman faced with a painful and unavoidable cleavage.

> Moreover, things turn out so that if she fulfils her private duties in the family, she remains outside the productive work of the community and unable to earn ; but if she wishes to take part in the work of the community and have an independent income, she finds herself unable to perform her family duties. And this holds good for woman's position both in the factory and in all branches of work including medicine and law.[12]

This tragic cleavage where woman has to choose between productive work and the family does not exist in the U.S.S.R. In socialist society, as we have seen, conditions are created which allow woman to combine harmoniously an active participation in productive and social life with the performance of her family functions, her duties as a mother. As life in our socialist country grows richer and more cultured, the network of communal feeding establishments expands and improves, the number of communal laundries increases, child welfare centres, crèches, gardens and playgrounds become more numerous and effective conditions are constantly being created for the genuine and complete liberation

[12] F. Engels, *The Origins of Family, Private Property and the State* (Partizdat, 1934), p. 71.

of woman from the exhausting and soul-killing burdens of household slavery. One of the many manifestations of capitalist barbarism is that capitalism does not give the woman who is a mother a chance to be a worker, just as it deprives the worker of the possibility of being a mother. Socialism does away with this barbarous state of affairs. Under socialism participation in communal work does not mean for the woman an enforced renunciation of family life, but on the contrary a chance to take part in it freely and equally. This fact is a wonderful illustration of the words of Karl Marx, that a phenomenon which under capitalist conditions is the poisoned source of ruin and slavery, under the conditions of socialism " must on the contrary become a source of human development ".[13] These conditions are created for female labour in our socialist society. That is why, from being a burden on woman and a factor in the disintegration of the family, it has become in the U.S.S.R. a powerful lever of woman's liberation and of the reconstruction of the family on a new socialistic basis.

The function of socialist society in changing and freeing women has been clearly demonstrated by the remarkable spontaneous movement of the wives of the engineers and technicians.[14] This movement has led a whole army of Soviet women out of the narrow confines of the household and has contributed their useful and valuable energy to the powerful process of socialist construction.

Since the days when the matriarchate disintegrated and the leading rôle in the family and in society passed into the hands of man, woman has constantly and throughout the history of class society been the oppressed and exploited sex. Throughout the whole of human history the working woman has been bent under the weight of a double burden, has been the object of a twofold exploitation : both as member of an enslaved and exploited class and as an enslaved and exploited member of society—the instrument of child-bearing and the " chief servant ".

The bourgeoisie which has always tended to establish as " eternal " and " natural " the social relations from which it profits, makes great efforts to produce ideological excuses and justifications for the place occupied by woman in the capitalist system : the whole of bourgeois philosophy is permeated with an exploiting, slave-driving attitude towards women. I need

[13] K. Marx, *Capital*, Vol. I (Partizdat, 1932), p. 381.
[14] See above, doc. 12.

only recall so typical an exponent of this philosophy as Arthur Schopenhauer, who declared that woman is " a sort of intermediary stage " between the child and the male on account of her evident " natural insufficiency ". We need not mention the reactionary views of Friedrich Nietzsche who made woman out to be a " sacrificial animal of marriage ", who taught men to " regard woman as an object of possession, as a piece of property easily kept under lock and key, as something for men's use ", who urged that in treating women " a whip should not be forgotten ". In the pronouncements of Nietzsche, Weininger and other bourgeois " unmaskers " of woman, the theory of exploitation and bourgeois practice towards women are expressed with utter clarity and cynicism.

The proletariat—a class which rises against any and all forms of oppression and exploitation of man by man—is the unswerving and ruthless enemy of the exploitation of women in family and society. The shapers of proletarian ideas, the creators of Marxism and Leninism were always fiery opponents of all forms of oppression of woman. Lenin wrote : " The Bolshevik Soviet revolution is cutting at the roots of the oppression and inequality of women as deeply as no party, no revolution in the world has ever dared to cut." [15]

The Soviet Union has done away with all those conditions which made men the socially " stronger sex ", which placed women in a position of complete economic dependance on men and which forced them to suffer exploitation. In the Soviet State which has uprooted all forms of oppression and exploitation there is no room—and there cannot be—for woman's enslavement by man, described in a famous sentence by Engels as the first case of class oppression in history.

. . . The fact that in the Soviet Union the family is established on a different basis than in capitalist society is of the greatest historical significance. The bourgeois family, as we have already stated, arises out of a process of commercial agreement : the economic interests of the parties form its foundations, it has its definition in the sale-and-purchase transaction which bourgeois marriage in fact represents. When a bourgeois marries, he produces a symbiosis of capitals, an amalgamation of estates, banks and factories. The husband needs a family primarily in order to safeguard the preservation of capital and property through inheritance, to make sure of passing them on to the

[15] Lenin, *Works*, Vol. XXV, p. 193.

" legal heir " ; the wife regards the husband as the " provider ", the guarantor of her economic well-being and as one who gives access to higher rungs in the social ladder.

In the Soviet Union social conditions are such as to make it impossible for the family to arise on this " cash down " basis on which the bourgeois family arises, rots and disintegrates.

We have no slavish economic dependence of woman on man. The Soviet woman who wants to create comfortable and civilized living conditions for herself knows that the only way of doing it is through active and persistent personal work for the construction of socialism, that in our country equal possibilities are open to all citizens for self-sacrificial heroic labour which earns men and women renown and the respect and care of government and society. The social position of every citizen of the U.S.S.R. depends exclusively on his or her personal work, ability and knowledge. To the Soviet woman the behaviour of the " honest woman " of bourgeois society whose outlook V. I. Lenin has aptly characterized in the words " No one shall swear that I do not marry for love him who will pay most for me ",[16] is an alien and hostile thing.

In the Soviet family husband and wife are not the business agents who seek in marriage mutual economic advantages : they are united by personal affection, friendship, the bringing up of children and their common work in socialist construction.

Such is the decisive difference, of historic significance, between the disintegrating family of capitalist society and the new-born family of socialist society.

The fact that the bourgeois marriage is conditioned by economic considerations, that capitalist society sets up its family on a basis of economic agreement, leads to the banishment from this family of the personal feelings of love and affection as predominant factors in family and marital relations. The shrewd calculation of the business man has driven the emotions of love from the bourgeois family, whose bonds, as Marx puts it in the *German Ideology*, are boredom and money. The bourgeois family is the setting for commercial deals, middle-class respectability and hypocrisy which serve to hide its real character from the eyes of others. Fourier knew its real character well when he said that, just as in grammar two negatives make one positive, so in family morality two prostitutions make one virtue.

[16] *Ibid.*, Vol. XI, p. 192.

Therefore, in capitalist society, love dwells either in the backyard of the family or beyond its confines. It walks on " roundabout paths " and is doomed to an " illegal standing " because " the system of prohibitions and smuggling are as inseparable in love as in trade ".[17]

In capitalist society a thousand obstacles lie in the way of people seeking to enter into a marriage in accordance with their feelings of mutual love and to set up a family based on these feelings. Difference of social background, difference in social standing, contrasts in economic standing, race and religious prejudices, national frontiers, the will of the parents—these are insurmountable obstacles. All the furies of the exploiting society, its economics and its morality, its laws and religion pursue the lovers who dare to go against the customs and traditions of this society. Their protection is given only to the " legal marriage "—to the contract concluded within the bounds of these customs and traditions. That is why the theme of Romeo and Juliet is the " eternal theme " of belles-lettres in a class society.

In the conditions of socialism this theme has outlived itself. Socialist society offers no scope for the tragic collisions which are produced by capitalism where social conditions prevent the union of lovers, their association in marriage and the family. In the Soviet socialist state the hierarchy of social castes and discriminations does not exist, that hierarchy which in the class society makes marriage between people belonging to different strata impossible. " Our society consists exclusively of the free toilers of town and village—of workers, peasants and intelligentsia." [18]

The frontiers between the classes have been torn down, " there remains only a certain non-fundamental difference between some strata of socialist society ".[19]

The collateral economic considerations which decisively influence the choice of a spouse in the class society have thus been liquidated in the U.S.S.R.

In the friendly family of the Soviet peoples, firmly united by the fraternal bond of proletarian internationalism, differences of race or nationality are no obstacles to marriage. The number of mixed marriages is steadily growing ; marriage unions between

[17] K. Marx and F. Engels, *Works*, Vol. III, p. 88.

[18] From a conversation of Comrade Stalin with the president of the American Scripps-Howard newspaper combine, Mr. Roy Howard, March 14, 1936.

[19] *Ibid.*

people of different nationalities have become a familiar aspect of Soviet life. And there is no need even to mention the vanishing religious prejudices which might obstruct a union of lovers.

All the turnpikes that in exploiting class society bar the way of lovers have been removed in the Soviet Union.

In socialist society the great emotion of love, which ennobles and enriches man, is freed from the fetters of private property and naked financial calculations : it is not mutilated, pursued and made contraband ; it has a chance to develop and blossom. The interests of private property, the supreme dictator of capitalist society, hold love imprisoned and thus cut it short, mutilate and stunt it. Socialism sets the powerful emotion of love free from the captivity of the interests of private property.

Herein lies the great and fundamental difference between the influence exercised by love in the marriage and family relations in a class society of exploitation and the same influence under socialism. In a society which bases its family on economic calculations individual love, with few exceptions, develops outside the family and in spite of it. Under socialism the family is based on personal affection, on love, and thus plays an affirmative, encouraging part towards love. Speaking about courtly love in the Middle Ages, Friedrich Engels made a very apt remark : " It is a long way from this love which tends to destroy marriage to the love which leads to marriage." [20] It is the way from class society based on private property and exploitation to the classless socialist society in which all causes of the exploitation of man by man are destroyed.

The revolution of the proletariat, the victory of socialism destroy the economic bases of the hypocritical monogamy of the bourgeois : the passing on by inheritance of private property and of its core—of the means of production. With the means of production becoming national instead of private property, the hypocritical monogamy of the bourgeois comes to an end ; the end of that thoroughly prostituted " legal " form of family and marriage relations, saturated with bigotry and profligacy, which alone is recognized by the capitalist State.

The revolution of the proletariat and socialism put an end to that degrading position in which the wife " differs from the ordinary prostitute only in that she hires out her body not by the hour, like a daily woman, but sells it once and for all into constant slavery ".[21]

[20] F. Engels, *Origins of the Family, etc.* (Partizdat, 1934), p. 74. [21] *Ibid.*, p. 69.

Socialism pulls up by the roots that bourgeois monogamy in which the husband is a slave-owner " supported by a form of society where love is not connected with the free emotions of lovers and which allows a jealous husband to keep his wife behind lock and key as a miser keeps his chests of money—for she is only part of his inventory ".[22]

. . . Under socialism the chief anomaly of bourgeois monogamy disappears : " a rich crop of hetærism on the part of the husbands and a rich crop of marital unfaithfulness on the part of the wives ".[23]

Such is the main difference between the hypocritical monogamy of the capitalist society and the real monogamy of socialism.

It is quite obvious how far the latter stands above the former and how much purer and firmer it is, not formally but in its essence. Socialism therefore does not lead to the breaking up of monogamy, but to its stabilization, changing it for the first time in history from a bigoted, hypocritical term into a real fact. The contrast is between the monogamy of the capitalist society, with its private property, its slave-driving traditions, its unbreakable chains, the obscenity of its divorces, with its eternal lies and tragic conflicts, and the monogamy of socialist society : a free union of loving people having equal rights who together participate in the construction of socialism, who together bring up the new generation, who share work and leisure, cares and joys—the highest form of collaboration and comradeship, based on profound and mutual sex love.

It is precisely such a socialist family, the general outlines of which the creators of scientific communism brilliantly foresaw, that is now developing in the Soviet Union. Before our eyes it is becoming a genuine reality, to form one of the elements of our socialist reality.

And yet we must not overlook the fact that this new socialist family is encountering serious obstacles on the path of its development, that in the family life of the U.S.S.R. the traditions of capitalist swinishness are not yet fully extinct, that a considerable number of remnants of the old bourgeois society survive in our marriage and family relations. The reasons for this are not difficult to understand.

In our country, which entered upon the period of socialism

[22] K. Marx and F. Engels, *Works*, Vol. III, p. 681.
[23] F. Engels, *Origins of the Family, etc.*, p. 69.

some five years ago, remnants of capitalism survive in our economy and particularly in the minds of the people. "But can we say that we have already overcome all the survivals of capitalism in economy?" Comrade Stalin asked at the Seventeenth Party Congress. "No, we cannot say that. Even less can we say that we have overcome the survivals of capitalism in people's minds. This we cannot say—not only because people's awareness in its development has not caught up with their economic position, but also because we are still surrounded by capitalists who are trying to revive and support the survivals of capitalism in the economy and in the minds of the people of the U.S.S.R. and against whom we, the Bolsheviks, must keep our powder dry." [24]

Among some strata of the Soviet people—among the backward section—we still find, to a greater or less degree, survivals of the private-property psychology, of the exploiting tendencies, of coarsely egoistic behaviour, of a caddish attitude towards women, a criminal attitude towards children, etc. These survivals in the realm of marriage and family relations are highly viable. As Engels said in a famous statement, new relations between the sexes will be established only when a new generation of men and women has reached maturity, a generation which has never based its relationships on anything but love. This generation has already been born; it already exists in our socialist society—in its midst the new family about which we spoke above is already taking shape.

The task of the socialist education of the workers has not, of course, been completed. A considerable number of survivals from the old society still remain.

Let us examine in detail how these traditions manifest themselves in our Soviet life.

We have shown above how powerful a force Soviet women represent in the construction of socialism, what great creative abilities they manifest in all branches of this construction. And yet not all survivals of a disparaging attitude towards female labour have been fully removed from our life. It happens quite frequently that a woman appointed to a highly skilled and responsible job meets with the opposition of some of the workers who have not yet overcome the suspicion of female labour which they inherit from capitalist society.

There is need for an active struggle against the criminal

[24] Stalin, *The Problems of Leninism* (10th edition), pp. 579–80.

practice of elbowing women out of responsible work, need for a mobilization of Soviet public opinion against the remnants of capitalist prejudice, against disparagement of skilled female labour. The pretensions of some sections of men to a privileged, ruling position within the family, leaving the wife to shoulder the burden of housekeeping—these, too, are a capitalist survival. V. I. Lenin sternly criticized this obsolete tradition.[25]

Cases of husbands beating their wives—social workers—for "running away from home" are merely the wilder excesses of these obsolete morals which certain elements, alien and hostile to socialist society, are trying to maintain under Soviet conditions.[26]

All survivals of this kind are a result of the extreme viability of the exploiting attitude towards women which has been fostered by the bourgeoisie for centuries and permeates practice and ideology in capitalist States. The capitalist plunderer regards woman above all as the female, as a means and instrument for producing children, as a being of a lower order, as property. The soil on which this sort of attitude grows has been removed in the U.S.S.R.—these attitudes are alien and hostile to our socialist society. In the Soviet socialist State woman is a free and active participant in productive and social life on an equal footing, and even occasional manifestations of such attitudes are particularly shameful and inadmissible in Soviet life. Yet we keep coming across them. Our press, with Bolshevik straightforwardness and directness, brings to light, for public opinion to judge, the facts which testify to the tenacity of the bourgeois exploiting attitude towards women even under Soviet conditions. There are numerous cases of marriages broken up, families abandoned and all the consequences of the broken union laid upon the woman. The freedom given to the family by the revolution of the proletariat, the liberation of men and women from the fetters of compulsory life-long association, was taken by some morally unstable elements to confer a right to unbridled sexual debauchery, to caddishness and irresponsibility in family relations. The so-called "alimony" suits, cases of fathers evading the material burdens of raising children, the wish to place all these burdens on the woman's shoulders, are striking instances of criminal irresponsibility in family life, of a bourgeois attitude of exploitation of women. To dodge one's financial

[25] See above, doc. 5, p. 78.

[26] As an example of these excesses the case of the beating of Stakhanovite Lukeria Zaveryukha might be quoted (*Pravda*, March 11, 1936).

responsibilities for children and evade one's duty to bring them up, like the evasion by the children of their duty to help their old parents, is a grave offence in the socialist State which must be combated by means of compulsion and State reprisals. Furthermore, Soviet public opinion must be mobilized against those who stain the beautiful and joyous life of the socialist society by caddishness and vulgarity inherited from the system of exploitation.

. . . The disgusting attempts to disguise a bourgeois attitude of exploitation in the relations of the sexes, by causing it to masquerade in quasi-revolutionary phraseology, should be firmly dealt with.

These attempts are reflected in the literature of the period. "We have no love—we only have sex relations," declares one of the Romanov heroines. "And those who seek in love something more than physiology are looked upon with contempt, as though they were mentally deficient and ill." [27]

"We do not recognize love!" exclaims a Komsomol in Gumilevsky. "That is just a bourgeois trick which stands in the way of work." While the Zhenya drawn by A. M. Kollontay in one of her sketches announces: "Sex life for me means purely physical pleasure—I change my lovers according to my moods. Now I am pregnant, but I don't know who the father of my child is, and I don't care . . ."

A certain section of Soviet youth fell under the influence of such crudely animal, anti-Marxist ideas during the years of the N.E.P. (New Economic Policy). This has been shown by a number of observations of the sex life of the young made at the time (Helman, Lass, and others).

Some of the advocates of petty-bourgeois debauchery tried to pass off all these ideas about marriage and love as the last word in Marxism. In reality they represented the eructation of those primitive, pseudo-communist, private-property attitudes with which the founders of scientific communism already had to contend. "The collective here still retains a private-property outlook on the world," Marx and Engels declared. "This movement which tries to oppose private property by communal private property is reduced to a completely animalistic level where to marriage it opposes common ownership of women, where woman for them thus becomes everybody's property. It can be said that this idea about the common ownership of women lays

[27] P. Romanov, "Without a bird-cherry tree" (*Nyedra*, Moscow, 1930), p. 8.

bare the secret of this utterly crude and senseless form of communism." [28] A whole gallery of exponents of this crude and senseless form of communism was presented by Lev Gumilevsky in his book, *The Dog's Lane.* In this *Dog's Lane* the " advanced " students try to persuade other students that it is their duty as comrades to do a " small service " to those who need it, that it is just as simple and natural as going to a cinema and that those who fail to grasp this are still in the grip of bourgeois ideology and unworthy of joining a socialist society. All this anti-communist, anti-Soviet vulgarity " based " itself freely on references to Marxism and Leninism. " Struggle for a new life—enough ! " a young Communist student in Gumilevsky remarks. " If you need it, my boy, take it, satisfy yourself, but don't fiddle. Look soberly at things. It is not for nothing that we study historical materialism." There is no need to stress the sheer mockery in this reference to " historical materialism ". The " Dog's Lanes " are a sacred and inviolable property of the bourgeoisie. The proletariat is destroying them and preparing new battle-grounds for the common struggle and toil for socialist humanitarianism and a new, joyous life.

. . . With our country entering the period of socialism and socialist principles penetrating further and further into our life, the anti-Marxist theory " can't get a drink " and loses what small credit certain petty-bourgeois elements tried to gain for it. But from time to time its echoes still reach and poison our Soviet youth. " There is no need to conceal that the youth of our country, despite all their extremely admirable and beautiful qualities, have unnoticeably absorbed many negative qualities from the old generation, from the fathers, from the period of transition. These obsolete traits, these remnants of capitalism, must be eliminated from one's character and one's life," Comrade S. V. Kosior said at the Ninth Congress of the L.K.S.M.U.[29] These obsolete traits make themselves especially felt in such fields as the relations of the sexes, and it was not by accident that Comrade Kosarev at the Tenth All-Union Congress of Communist Youth launched so sharp an attack on the " hooligan romanticism " which attracts some of the young people, on cynicism in life, on caddish treatment of women.

Now that socialism has achieved complete victory, now that

[28] K. Marx and F. Engels, *Works,* Vol. III, p. 620.

[29] Leninist Communist Union of the Youth of the U.S.S.R.—the official description of the Communist Youth organization. [Tr.]

life has become rich and civilized, all the conditions for the existence of strong and healthy families based on profound emotion are present in the U.S.S.R.

The great number of grave family conflicts which occur under these circumstances are to be explained by a criminally irresponsible attitude regarding both the entering upon marriage and divorce.

Cases are not rare in which marriage is the result of the so-called " casual encounter ", without sufficient acquaintance. The element of " calculation ", of a sort of careerism in the concluding of marriages has not been completely eliminated from our life.[30]

Frequent divorces are the result of such marriages. Facts like these go to show that there is no proper understanding for the great and serious rôle the family plays in our socialist State. A person who breaks up a marriage with the same ease with which he jumps off a tram (boarded it by mistake, finds it is the wrong number and changes) acts as a disrupter of socialist community life. The breaking up of a family means in the overwhelming majority of cases that children are left without adequate care and the necessary educational influence or that this care is borne by the mother alone. The young Marx, in his article " The Project of the Law on Divorce ", said of those who ignore this fact that " they think only in terms of two individuals and forget the family. They forget that almost every broken marriage is a family broken up." [31] The socialist society cannot remain indifferent to such phenomena ; for it is not the " private affairs " of two individuals that are concerned but the fundamental interests of society.

The dictatorship of the proletariat has put an end once and for all to that vile institution of capitalist society—compulsory monogamy for life. The great proletarian revolution has torn the rusty chains of the indissolubility of marriage : it has freed people from the necessity of floundering in the mire of divorce as they do in the capitalist States. In the U.S.S.R. no one can force people who no longer love each other, who no longer have anything in common, to continue to live together. Tragic conflicts of the type immortalized by Leo Tolstoy in *The Living Corpse* are unthinkable in the Soviet State.

[30] *Pravda*, in its No. 324, 1935, told of a number of disgraceful cases of this kind. The *Komsomolskaya Pravda* has also recently reported the match-makers at work, e.g., among the youth of the Ivanovo-Voznesensk region.

[31] K. Marx and F. Engels, *Works* (Russian edition), Vol. I, p. 266.

Marxism and Leninism have always opposed the bourgeois principle of the indissolubility of marriage, and have advocated the unconditional right of divorce, seeing in it not a factor in the destruction of the family but the main condition for its reconstruction on new bases.

> Reactionaries [Lenin wrote in 1914] are against freedom of divorce : they clamour for its " careful treatment " and cry out that it implies the " disintegration of the family ". Democracy, on the other hand, regards these reactionaries as hypocrites who in fact uphold the omnipotence of police and bureaucracy, the privileges of the one sex and further oppression of woman ; it holds that in reality freedom of divorce means, not the " disintegration " of family links, but on the contrary their strengthening on the only stable and democratic bases tolerable in civilized society.[32]

One of the greatest achievements of the great revolution of the proletariat is the freedom of divorce it has established. In safeguarding this freedom the socialist State cannot, however, permit that it should be abused, that it should be turned to an anarchist-individualistic use to the detriment of society. It is appropriate to recall in this connection the following remark by Lenin : " The example of divorce clearly shows that one cannot be a Democrat and a Socialist without immediately demanding complete freedom of divorce, for the absence of this freedom is the super-persecution of the oppressed sex—woman—although it is understood that the recognition of this freedom to leave one's husband is not an invitation to all wives to do so ! " [33] In preserving the right of divorce the Soviet People's State cannot reconcile itself to a criminally irresponsible use of this right which disorganizes socialist community life. As we have already pointed out, we find this kind of disorganization in all those cases in which a woman, as the result of a divorce, is left in a difficult and helpless position, in which children are left without supervision, education and material provision. The socialist State has a right to protect itself against such disruptive actions, not only by invoking public opinion severely against them, but also by making the act of divorce subject to conditions which would obviate its possible negative results. The government's law-project of May 25, 1936, therefore not only lays down concrete duties for the father in connection with the children he leaves on the mother's hands, but provides stern penal measures against fathers who evade these duties. It should be noted that

[32] Lenin, *Works*, Vol. XVII, p. 448. [33] *Ibid.*, Vol. XIX, p. 232.

during the discussion of the project there were many demands by working women for extending the legal responsibility for the child to the mother also. These demands show to what an extent Soviet woman feels herself the equal of man in her rights and how her civic consciousness has grown.

Nor can the Soviet State ignore an irresponsible attitude towards abortion. In capitalist countries the overwhelming majority of abortions, apart from the cases in which it is prompted by medical reasons, are conditioned by the social and economic circumstances in which the broad masses of the people live. They are conditioned by a woman's dread of bearing an "illegitimate" child and of experiencing, for herself and for the child, all the weight of bourgeois public opinion and capitalist law. It is conditioned by fear of "extra mouths" in the family and of a deterioration in an already difficult financial position. It is conditioned by the threat to the working woman of being forced to leave off productive work as a result of having a child, the burden of whose upbringing and education falls upon her alone. It is conditioned by the general uncertainty about to-morrow which marks the lives of the broad masses of the workers in capitalist States, with their crises, their unemployment, their pauperization and prospects of war. It is not surprising that for a mother to kill her "illegitimate" infant is a common occurrence. Striking illustrations of the inhuman conditions created by the capitalist State for "illegitimate" children and for their "criminal" mothers can be found in the pages of such works as that story by the young Polish writer, Wanda Wassilevskaya, *The Shape of Day*, and the French writer Henriette Vallé's sketch *Madame 60-a*. They give a truthful account of one of the most disgusting aspects of the vile family law of the bourgeoisie and of its base and hypocritical morals.

All this drives a woman to abortions which cripple her organism and lead to its mutilation. Its compulsion is so great that all the prohibitive and repressive measures of the fight against abortion, all the penal laws—like the notorious § 218 of Weimar Germany—all the barbarous terrorist methods used by the Fascists lead nowhere. All they do is to drive abortion underground, into conditions where it is at its maximum of harmfulness and sometimes entails fatal results.

That is why the Bolsheviks have always been convinced opponents of the brutal police method in combating abortion. They have pointed out that the proletariat is bound to demand

the complete abolition of all laws against abortion or against the distribution of medical literature on methods of birth-control, etc. Such laws "are but the hypocrisy of the ruling classes. These laws do not cure the ailments of capitalism, but only serve to render them more harmful, more difficult for the oppressed masses." [34]

In the Soviet Union this question is dealt with quite differently. The principal motives for abortion have been liquidated in our socialist State. We have no such barbarous concept as "illegitimacy". Our working women have no reason to fear that a child will deprive them of a chance of doing productive work. In the U.S.S.R. woman's productive and social work does not in the least interfere with motherhood but is beautifully co-ordinated with it and with the stabilization of the family. That this is so is shown by that most interesting fact that during those years when millions of women were drawn into industry and agriculture there was no fall in the birth-rate, but on the contrary a considerable rise. There is no other country in the world which takes such care of mother and child as the U.S.S.R., which so extensively participates in the upbringing and education of the children as does our country. The Soviet mother knows that her child will not be fresh factory- and cannon-fodder for the capitalists but that she is giving humanity a new builder of the rational and beautiful life, a future fighter for Communism. This knowledge is to her a source of great joy and pride. In the Soviet Union it earns the mother respect and honour.

That is why the problem of abortion is seen quite differently under Soviet conditions than in the capitalist countries. The factors which in the capitalist countries drive woman to abortion have here been abolished. Therefore, mass abortions resorted to for egoistic reasons are not to be tolerated. The Soviet State cannot countenance the fact that tens of thousands of women ruin their health and delay the growth of a new generation for socialist society.

During a certain stage of its development the Soviet State was forced to accept freedom of abortion for reasons of historical circumstance. It did so, taking into account the difficult economic conditions of the broad masses of workers in our country, bled white by the Imperialist war, by the intervention of international capital and by the counter-revolution inside the country.

[34] Lenin, *Works*, Vol. XVI, p. 498.

But once the victory of socialism had created the necessary conditions, once the State was able to surround mother and offspring with a care and attention unparalleled by any other country in the world, a possibility had been created of putting an end to the abortions which were crippling hundreds of thousands of Soviet woman citizens and depriving the country of its posterity. Seen in this light, the prohibition of abortion becomes an effective and real element in the abolition of abortion. The government's law-project of May 25, 1936, saw the problem in this light. As is known, the law-project introduces legal punishment not only for those who perform abortion and those who submit to it, but also—and this is particularly important and does not exist in any other legislation—for those who induce a woman to abortion.

The stern legislative struggle against abortion must be combined with a widespread organization of public opinion on the matter.

If we have dealt in detail with the negative aspects of family and marriage relations, this is by no means because these are prevalent in the Soviet family. On the contrary, they play a very minor part in it. But however insignificant these manifestations of capitalist survivals in sex relations, they are not to be tolerated in our Soviet life. Even though the exponents of these survivals form an insignificant minority, their numbers are yet large enough not to be passed by but to be ruthlessly combated. The increased attention which is lately being paid in the U.S.S.R. to the struggle against all sorts of traditions of exploitation in family life is to be explained, not by any strengthening of these traditions, but by the fact that they are now in striking opposition to the whole socialist system of our State in which socialism has become the social form of existence of the multitudes. A society with a socialist culture, a society of proletarian humanism, cannot reconcile itself to survivals of capitalist hoggishness in so important a realm as family relations. It thus endeavours to eradicate them by every means.

An undoubted purification and fortification of the Soviet family during the first and second Five-Year Plans has been the result.

Numerous facts go to prove this purification and strengthening of the Soviet family. The most important of these is the rise in the birth-rate and the decrease in infant mortality. The U.S.S.R. has a very high natural increase in population, both

relatively and absolutely speaking. This increase is many times greater in the U.S.S.R. than in the capitalist countries. In Soviet Karelia, for example, the annual natural increase is at present four and a half times greater than in neighbouring Finland (19·9 as against 4·5 per 1,000 inhabitants).

"The natural rate of increase per thousand inhabitants was during the first quarter of 1935 four times higher for the Germans of the Soviet Volga region than for the Germans of Fascist Germany (25·6 as against 6·2).

"The natural rate of increase of the population in the industrial centres of the U.S.S.R. is three to five times higher than in the most prosperous cities of the capitalist countries. In 1935 the figures per 1,000 inhabitants were: Magnitogorsk, 31·2; Makeyevka, 23·5; Krivoi Rog, 23·4; Gorlovka, 22·9; Zaporozhie, 20; Kerch, 19·8; Nizhny Tagil, 19·5; Lysiev, 18·5; Stalino, 17·2, and Baku, 17·1." [35]

An investigation made in 1935 by the Institute for the Protection of Motherhood and Childhood, of the Donbas, of seven works staffs in Gorlovka showed clearly that with a rise in the standard of living and in general prosperity, women's will to motherhood grew and the birth-rate rose. The investigation showed that the birth-rate among the workers is rising steadily. Altogether, among 1,249 women questioned, there were 5,808 pregnancies or an individual average of 4·6 pregnancies. As compared with pre-revolutionary data (1911) the birth-rate in the families under observation had doubled.

An investigation of infant mortality in the same town of Gorlovka has provided no less instructive a survey. By 1933 the rate of infant mortality had been more than halved, as compared with pre-revolutionary figures. "Thus, in the Kochegarka mining district the rate of infant mortality at birth was 23·3 per cent. in 1913 but had fallen to 14 per cent. by 1933 and to 12·9 per cent. in 1934. In the Dzerzhinka mining district the drop in infant mortality was even steeper—to 9·6 per cent. in 1934 from a 1913 figure of 26·4 per cent. or 26 deaths to every hundred new-born infants." [36]

Comrade Stalin said in his speech at the Seventeenth Congress of the All-Union Communist (Bolshevist) Party (January 1934) that the population of the Soviet Union has grown "from 160·5

[35] According to data supplied by Comrade I. A. Kraval in *Pravda* (January 1, 1936).

[36] From an article by Dr. E. Konyus, "The Family of the Soviet Miner" (*Pravda*, September 19, 1935).

millions at the end of 1930 to 168 millions at the end of 1933 ".[37] The comparison of the rate of natural increase of the population in the U.S.S.R. (23·7 per 1,000) with the corresponding figure for Tsarist Russia (16·8 per 1,000) is instructive. It is no less interesting to note that while for the period 1928–32 the average rate of annual increase in the U.S.S.R. was 1·5 per cent., the corresponding figure for Italy was 0·7 per cent., for France 0·5 per cent., for Germany 0·4 per cent. and for Great Britain 0·3 per cent.

These data show convincingly how socialism makes for healthy and strong families and that as a result of this the population of the Soviet Union is growing at a speed and on a scale unheard-of and impossible in any capitalist country. The experience of the Soviet Union has provided tangible evidence for a well-known statement by Engels to the effect that humanity is capable of a higher rate of reproduction than bourgeois society permits. As is known, Engels considered this fact to be " yet another reason " for the assertion that bourgeois society is an impediment on the road of human progress which must be removed from this road.

The entry of the U.S.S.R. into the period of socialism has led to a definite strengthening of the Soviet family.

The creation of conditions for effective equality between men and women—not only in the legal, but also in the economic sense ; the increase in the number of establishments for the protection of children and for child education ; the collectivization of agriculture which has brought about the liberation of woman from that dependence to which she was condemned by the individual farm ; the great cultural progress of the Soviet people ; the appearance of a whole host of heroes of socialist labour—from the first columns of shock-workers to the powerful movement of the Stakhanovites ; the birth of the new socialist Man :—this is the setting in which Soviet public opinion was mobilized against ugly abuses of the possibilities for the dissolution of marriage allowed by our law, against primitive and anarchist treatment of the new sex morality, and also against all manner of survivals of exploitation and oppression in the family.

The vanguard of Soviet youth have grasped how great and responsible a factor in socialist society the family is ; how serious a social crime it is in our conditions to behave irresponsibly towards marriage and divorce.

[37] Stalin, *Problems of Leninism* (10th edition), p. 572.

The increased demands Soviet youth is beginning to make on the family, the opposition it is putting up to anything which dislocates and disrupts the family are shown by the discussion conducted in the *Komsomolskaya Pravda* in 1934–5.

The discussion was set going by a letter written by the wife of one of the Young Communist group organizers of the "Electrostal" factory at Moscow. In it the young woman described her family life developing into utter loneliness since her husband, an active Komsomol, was overwhelmed with work. The letter put an outspoken question: ". . . Does a Komsomol need a family? Perhaps he does not need it at all . . . perhaps it is an extra weight which drags the Komsomol back or away from his primary aims and tasks?" [38] The letter evoked an extraordinary response. The *Komsomolskaya Pravda* received about a thousand letters in connection with it, and discussions devoted to it were organized in many establishments and in a number of educational centres.

What did these discussions show? That in the U.S.S.R. a new generation is already taking shape which is setting up a new form of socialist family, based on equality, mutual affection, common work. It showed that our Youth demands a harmonious co-ordination of productive and social life with the life of the family, that it is determined in its opposition to an attitude of criminal irresponsibility towards the family and to all actions which disrupt the family.

The Komsomol voiced the views of the best and most advanced section of Soviet Youth when in their new programme they said that "the All-Union Lenin Komsomol helps the Soviet State in strengthening the family and in taking care of children and mothers. It fights against the survivals of capitalism in regard to women, by fostering in the young a feeling of respect towards woman as a participant with equal rights in the construction of socialism." Friedrich Engels said that when the new generation appears which will base its family and sex relations exclusively on love, they will "themselves create their own practice". This practice is already being created in the world's first socialist State, and it points, not towards the disintegration of the family, but towards its fundamental reconstruction on a socialist basis, making the family a strong one in all aspects. It would be a camouflage unworthy of reality to conceal the fact that the

[38] From the anthology, *For Love and Happiness in our Family* (Molodaya Gvardia, 1936), p. 7.

Soviet family still has many negative sides. We have discussed these in detail above. It would likewise be inadmissible to close one's eyes to the fact that the Soviet family is the scene of certain conflicts, that our difficulties in family relations are not few. But the decisive factor remains that, as the material well-being of the workers of the U.S.S.R. increases, as socialist principles penetrate ever deeper into our life, the Soviet family is growing stronger and more developed. It is increasingly surrounded with the care of the Party, of the government and of all the workers.

Assertions that socialism leads to the extinction of the family are profoundly mistaken and harmful.[39] They only help those exponents of the survivals of capitalism in the minds of the people who attempt to hide their acts of exploitation behind an empty " leftist phrase ".

The family does not become extinct under socialism : it grows stronger.

(*b*) From V. Svetlov : *Socialist Society and the Family.*

. . . The great socialist October Revolution began the complete and final liberation of women.

In our country alone, in the country of victorious socialism, women enjoy complete equality of rights in all branches of social and everyday life. In no capitalist country do women enjoy even formal, not to speak of effective, equality with men.

In our socialist country alone woman enjoys the profound respect and the full protection of the law.

In view of the importance of this question, a special point dealing with the equality of women has been introduced into the project for the new constitution of the U.S.S.R. on the initiative of Comrade Stalin. Article 122 of the draft Constitution says :

Woman in the U.S.S.R. has equal rights with man in all branches of economic, cultural, social and political life.

The implementation of these rights of women is assured by granting women the same rights as men to work, to pay, to holidays, to social insurance and education, by government protection of mothers and children, by allowing women holidays with pay during pregnancy, by a wide network of maternity homes, children's crèches and kindergartens.

[39] In my book, *The Sociology of Marriage and the Family*, published in 1929, the entirely erroneous thesis is developed that socialism entails the extinction of the family. Considering these ideas harmful I have completely disowned them. The Author [S. W.].

The Constitution sets down what has already been won, what the workers of our country have already achieved. The women of the U.S.S.R. are therefore enthusiastically welcoming the project of the new Constitution.

The struggle consistently waged by Party and government for effective and complete equality between man and woman, not only in the country's social and economic life but also in family and daily life, becomes manifest in the recently discussed project for a law on the prohibition of abortion, on aid to expectant mothers and mothers of large families, on the development of the network of maternity homes, etc., which has since become law.

Only in a country of socialism, a country of real democracy, a situation is possible in which such a project, before it becomes law, is submitted to general discussion by the workers. It was only after discussions lasting for thirty-two days that the project was confirmed by the Central Executive Committee and the Council of People's Commissars of the U.S.S.R., taking into account all the amendments suggested during the general discussions.

This new law, confirmed by the government on June 27, 1936, has for its aim a further strengthening of the Soviet family, the protection of the rights of the mother, increased parental responsibility for the education of the children and the protection of women's health.

This law is also of great international significance. It strongly bears out the strengthening of the socialist family as against the disintegrating family in capitalist countries. It gives the lie to all the counter-revolutionary bourgeois gossip about the alleged collapse of the family in the U.S.S.R., about wives in the U.S.S.R. being common property and so on.

The law of June 27, 1936, is a step towards putting into effect the statements about the new socialist family which we find in Marx, Engels, Lenin and Stalin.

We must admit that the ideas of the classics of Marxist-Leninism on the family have so far been most inadequately put forward in our press; no one has troubled to propagate these ideas, and this has naturally led to some confusion in their attitude to the family on the part of our Youth and adults.

For the same reason, all sorts of "leftist" theories have remained uncriticized in our country until very recently, theories to the effect that under socialism the family "becomes extinct",

that the parents are " freed " from their responsibility for bringing up the children, etc. These anti-Marxist ideas were in reality merely an advocacy and justification of sexual debauchery and of a caddish attitude towards woman, mother and child.

. . . The great socialist October Revolution left not a single stone undemolished of those former laws which established the inequality of women in the family and in society.

From the very first months of the Soviet administration, working woman was endowed with equal rights in all spheres of social life. The laws which made the wife subordinate to the husband were abolished : Soviet legislation established complete equality of rights in the family between husband and wife. Soviet legislation provided freedom of divorce, made *de facto* marriage equal to registered marriage, abolished the idea of " illegitimate " children and liquidated inequality with regard to children.

Such are the main measures promulgated during the first period of the dictatorship of the proletariat for the liberation of women and for the creation of a new life and a new socialist family. Lenin considered all these measures to be only a first step.

" The second and main step ", he wrote, " is the abolition of private ownership of land, factories and works. In this way, and in this way only, the road to the complete and effective liberation of women can be opened, their liberation from ' household slavery ' by means of converting the small, individual economy into a large, communal one." [40]

The complete destruction of *de facto* inequality between women and men and the creation of new relations in the family is not a self-contained task : it can be solved only when the fundamental political and economic problems of the dictatorship of the proletariat have been solved. Private ownership of the means of production, private economy and household prevent woman from making full use of all the rights to which she is entitled under Soviet law. The liquidation of the exploiting classes, the establishment and complete sovereignty of socialist ownership and the participation of women in socialist communal production provide the political and economic foundations for the achievement of effective equality between the sexes. Drawing women into socialist communal production is one of the chief means of bringing about their complete and real liberation.

[40] Lenin, *Works*, Vol. XXVI, p. 194.

By drawing women into socialist communal production, socialism places them, economically speaking, on an equal footing with men ; at the same time socialism relieves women of the burdens of the small household by opening communal restaurants, laundries, children's crèches and gardens, playgrounds, etc. ; by this means socialism liberates women from " household slavery " and from all oppression by men in the family.

At present, women in the U.S.S.R., thanks to the victory and complete sway of socialism, have been drawn widely into socialist production as well as into the country's social and political life. One instance of this can be seen in the following data published in 1936 by the Central Department of Statistics :

As compared with pre-war days, the number of women workers in heavy industry had by 1935 multiplied almost four times, had increased twice as quickly as the number of workers in general, and amounted to 2,321,000 or 39·5 per cent. of the total number of workers.

The number of women employed in the various spheres of national economy in 1935 amounted to 7,881,000, or 33·4 per cent. of the total number of workers of both sexes.

The growth in the political activity of women is borne out by the fact that in 1934 90·4 per cent. of the urban female electorate voted in the elections for the Soviets and 80·3 per cent. on the land.[41]

Female labour in the U.S.S.R. receives the same pay as male labour.

The victory of the collective farm system of socialism in the villages is likewise of great importance in the final liquidation of *de facto* inequality between women and men on the land. Comrade Stalin, in pointing out the great significance of the collective farms for the liberation of women, said :

> As for the women collective-farmers themselves, they must remember the force and importance of the collective farm for women ; they must remember that they have a chance of an equal footing with men in the collective farms alone. Without the collective farms, inequality ; with the collective farms, equality of rights ! Let the women collective-farmers remember that and watch over the collective farm system as the apple of their eye.[42]

[41] Figures taken from the compilation *Woman in the U.S.S.R.* issued by the Central Department of Statistics of the People's Economy, 1936, pp. 41, 141.

[42] Stalin, *Problems of Leninism* (10th edition), p. 535.

The women peasants of the U.S.S.R., like the women workers and employees, were men's equals in politics and law from the very first days of the socialist October Revolution. But as long as individual and private peasant smallholdings existed on the land, the women peasants were still in a certain economic dependence on the men, " the masters of the house ", and there was consequently no real equality between woman and man in the family. The victory of the collective system on the land and the drawing of the women peasants into socialist construction made them economically independent, made them free socialist toilers, active and conscious builders of socialist society. . . .

Thus the creation of the new family relations based on complete and effective equality of the sexes and their economic independence became possible only in connection with the general successes of socialist construction, in connection with the victory of socialism in the towns, in connection with the victory of the collective farm system of socialism on the land.

The decisive material conditions for the new socialist family —the nationalization of the means of production—has already been brought about both in the towns and in the villages.

Thanks to the victory of socialism, women in the U.S.S.R. are already to a large degree free and are being progressively liberated from household work by the far-flung network of restaurants, crèches, children's homes, etc. The " housewives " are being increasingly drawn into the social, political, productive and cultural activities of our country.

. . . The victory of socialism, the complete sway of socialist ownership in the U.S.S.R. and the participation of women in socialist communal production make for *de facto* equality of the sexes in the family. The economic dependence of the wife, the " housewife ", on the husband, the " provider ", is eliminated : woman becomes independent of man.

Furthermore, under the conditions of socialist ownership and socialist production, marriage ceases to be an economic contract. The only sufficient motive for entering into marriage is no longer financial calculation, as it was in the past, but personal affection, disinterested love. Marriages can no longer be forced from outside (by parents, etc.), can no longer be the result of matchmaking. Man and woman enter marriage freely and voluntarily, in accordance with their own personal desires, thanks to the above-mentioned mutual equality.

Moreover, the sexual love between men and women is under socialism, as Engels put it, essentially different from the ordinary sex attraction.[43]

The new love of the sexes under socialism consists in man and woman being attracted to each other both physically and spiritually. This love gains strength from the common ideological and political interests, the common *Weltanschauung* and the common struggle for the common Communist ideal.

Where previously love in marriage either did not exist at all or was not mutual, " for they far from frequently enquired about a woman's affections ",[44] under socialism love is mutual. This new love is based on common ideas and convictions, on the principles of mutual equality, respect, friendship, mutual aid, cultural leisure together, etc.

The principal difference between the old bourgeois and the new socialist family lies in the fact that under capitalism the family, based not on love but on economic calculation, enslaves woman and is a burden for the man. In the U.S.S.R., on the other hand, the family is a free union between man and woman who are united by love, friendship and common work for the good of the fatherland.

Under socialism personal and family interests are not in conflict with social interests, as is the case under capitalism. In socialist society, the personal interests and those of the family are combined harmoniously with the interests of the whole society. The new Soviet Constitution speaks about this with Stalin-like precision. In article 11 of the draft Constitution we read :

" The economic life of the U.S.S.R. is determined and directed by the State Plan of the People's Economy in the interests of promoting social prosperity, of progressively raising the material and cultural level of the toilers, of strengthening the independence of the U.S.S.R. and of increasing her capacity for defence." [45]

Further, in article 131 of the new draft Soviet Constitution, special emphasis is placed on the fact that communal, socialist ownership is " the source of the prosperous and civilized life of all the toilers ".

This is why in socialist society the interests of the family do not conflict with those of the community : the welfare of the

[43] Engels, *Origins of the Family, etc.* (Partizdat, 1934), p. 74. [44] *Ibid.*
[45] Constitution of the U.S.S.R. (Partizdat, 1936), pp. 8–9.

Soviet family depends on the welfare of the whole of society and on the honest, conscientious work of the members of the family in the socialist enterprises and the Soviet establishments. Social ownership is therefore the economic basis for the existence and prosperity of the Soviet family.

In this connection we must not omit a short mention of the mistakes made on this question. Some comrades wrongly think that the individual ownership of articles for personal use (furniture, clothing, motor-car, etc.) is the economic basis of the socialist family.

Certainly, the individual ownership by citizens of their earnings and of articles for personal use is not only not denied under socialism, but is even protected by the State under the Stalin Constitution. But the economic basis of the new socialist family and its welfare is still social ownership of the means of production and the participation of men and women in socialist production which safeguard both the effective equality of men and women and the voluntary marriage based on mutual affection.

As to private property itself, this arises in socialism out of the prevalence of social ownership—it does not contradict it, it is conditioned by it, because socialist ownership is the source of the prosperous and civilized life of the socialist workers.

In this context we must dwell on the problem of monogamy (marital cohabitation of one man with one woman).

Occasionally we encounter the totally erroneous view that monogamy disappears under socialism and that its place is taken by some kind of chaotic, disorganized relations between the sexes. The argument of these comrades runs as follows : Under capitalism the monogamous family is held together by private ownership of the means of production, by the individual household and by the inheritance laws. In our country private ownership of the means of production has been abolished ; consequently, they say, monogamous families, too, must disappear.

These highly mistaken arguments ignore the fact that in reality socialism alone creates all the necessary conditions for real—not hypocritical—monogamy. Engels gave a clear and precise answer to this question. In his work on *The Origins of the Family, Private Property and the State* he wrote :

> In so far, however, as monogamy is conditioned by economic causes, the question arises whether it would not disappear when these

causes disappear . . . would not that be a sufficient reason for a gradual development of disorganized sex relations? [46]

And he gives this answer:

> There are reasons for believing that not only will it (monogamy) not disappear, but that, on the contrary, it will be completely realized. For as the means of production become communal property, hired labour, the proletariat, will also disappear and consequently the necessity for a certain number of women (statistically computable) to surrender themselves for money. And once prostitution disappears, monogamy, instead of ceasing to exist, will at last become a reality—for the men, too.
>
> Man's position will thus in any case become very different. But for women, too, it will change considerably.[47]

Engels stated that in spite of the hypocritical bourgeois talk about the sanctity of monogamous marriage, polygamy for men and men's sex relations with many women in fact flourished under capitalism. Under socialism, where marriage is concluded not for calculating reasons but for love, this could not happen; under socialism woman is drawn into communal production, into the political and cultural life of the country; she has complete equality with man; under such conditions she ceases to sell herself, legally or illegally (in the form of marriage or that of prostitution); and in a marriage which is based on personal love and affection, the man has no more motive for "collateral" loves and liaisons.

According to Engels, a "new generation" will arise: "a generation of men who will never buy a woman for money or other social advantages, and a generation of women who will never give themselves to men for any reasons other than genuine love or refuse to give themselves to a man for fear of economic consequences." [48]

In Engels' opinion, man must be monogamous in a socialist family also because his polygamy may lead the free woman, who has equal rights, to break up the marriage.

The high cultural standard of those marrying and their great class-consciousness, which exclude any irresponsible attitude towards marriage, any unworthy treatment of women and children, will play an important part in cementing the monogamous family.

Mutual love between man and woman is the powerful

[46] Engels, *Origins of the Family, etc.* (Partizdat, 1934), p. 73.
[47] *Ibid.*
[48] *Ibid.*, pp. 78–9.

stimulus to the existence of a really monogamous family under socialism. In the bourgeois family, on the other hand, based as it is on economic calculations in the majority of cases, love and marriage do not coincide, and as a result monogamy is violated and love expresses itself in the unfaithfulness of the spouses.

The new Soviet marriage does away with this infidelity by virtue of the fact that this marriage is entered into for love, that love continues in marriage.

Engels, who studied the problem of the monogamous family under socialism, emphasized that a " marriage based on sexual love must by its very nature be monogamous ".[49]

But if this love gives place to mutual alienation, if " a complete cessation of feeling " appears, there is no need for husband and wife to deceive each other, to be unfaithful to each other, because freedom of divorce under socialism gives these people a chance to separate.

Advocating freedom of divorce, Engels wrote :

" All that is needed is to free people from the necessity of wallowing in the avoidable mire of the divorce courts."

But by this defence of the freedom of divorce Engels does not preach the theory of chaotic sex relations under socialism. On the contrary, he opposes it. Nowhere in Engels do we find a defence of the quick, casual and unstable marriage. Nowhere does he say that under socialism marriage between man and woman must be transitory and short-lived. Marx and Engels definitely condemn the irresponsible attitude towards marriage, they condemn chaotic sex relations ; basing themselves on scientific data, the founders of Marxism established that socialism brings with it a strengthening of monogamy and the formation of a strong and healthy socialist family founded on mutual attraction, on a feeling of reciprocal respect, on a feeling of comradeship.

In the *Communist Manifesto* Marx and Engels strongly attack those bourgeois theorists who degrade the future of communist society, who slander it by asserting that it is characterized by a common ownership of women. Marx and Engels, in unmasking this slander, pointed out that common ownership of women in reality exists under capitalism, where it takes the form of official and unofficial prostitution, but that it will never exist in a communist society.

" With the abolition of the existing conditions of production," they said, " the common ownership of women which arises therefrom will, of course, disappear, i.e., unofficial and official prostitution will end."

Marx and Engels only speak about the fact that a socialist marriage will not be an unbreakable one. In those extreme cases where for a variety of reasons the cohabitation of husband and wife becomes unbearable and burdensome, where for the couple concerned a continuation of their marriage becomes impossible, the freedom of divorce comes to their aid—a freedom which has none of the obscenity of divorce under bourgeois legislation. And yet freedom of divorce is far from being a justification for an irresponsible attitude towards marriage or for criminal treatment of women and children.

The Soviet government is waging a battle against this irresponsible attitude towards marriage and against abuses of divorce. In the decree of the Central Executive Committee and of the Council of People's Commissars of the U.S.S.R., dated June 27, 1936, a whole range of measures is put forward which have been worked out and accepted with the aim of combating the irresponsible attitude towards the family and family duties.

This decree is a most important factor in stabilizing the Soviet family.

We have already stressed above that, thanks to the victory of socialism, our country has all the conditions necessary for the existence of a new socialist family.

But there are still many survivals of the past in our family life, a number of factors to show that the breaking up of the old forms of family and the formation of the family are not complete. We can point, however, to a great number of exemplary Soviet families.

We have before us a number of letters written by Young Communists and published some time ago in the *Komsomolskaya Pravda*. Let us quote one of them. The Komsomol Olga Lagashevich writes :

> My husband and I are both Komsomols. I am about to complete my course at the Institute of Non-ferrous Metals ; he is a mechanic.
>
> As you can see there is a big difference in our education, but that does not influence our relations. These are perfect. My husband is a shock-worker, a Komsomol organizer . . . and does additional work on top of this.

Comrade Lagashevich further writes that they soon had a daughter, and that she found things difficult with a small baby.

Sometimes, worn out by the sleepless nights, tired with washing, cleaning and worrying, I felt desperate. But my husband helped. He helped whenever and in whatever way he could. Having come home from work he would look after the child so that I could have an hour's sleep and gather strength. We have always found great support in each other. Time passed, the girl grew up and we sent her to the crèche . . . the most difficult period was over !

Now, on looking back, we both laugh merrily when we remember all this. We laugh in the knowledge that we did not " give in " to our difficulties, that we are now living well and happily, that we have a strong, healthy child growing up ! If you knew what joy it is to take a rest, all of us together, on a free day, somewhere in the open, in a culture park or visiting friends. . . . We go together with our daughter on mass excursions organized by the factory where my husband works. Often we go to the cinema or theatre.

Then Comrade Lagashevich adds that her husband continues to be a leading Komsomol :

I am very happy when I see him among the leading Komsomols and I try to help him as much as I can.

I know that I am responsible for his education. As soon as I have finished my own studies, I shall take up work, and he will go and study at the Institute. And I am longing to give him this opportunity. I love him dearly and have faith in him. . . . [50]

From this example we can already see that our Youth are creating a new, joyous and happy family life.

The letter we have quoted shows that there were difficulties in this Komsomol family, but they were overcome, thanks to the fact that husband and wife found timely support in each other. Now these difficulties are of the past. The family of the young Komsomols is leading a joyous and happy life.

And here is another example, no less interesting, to show how the new Soviet family is taking shape. (It is taken from the periodical *Rabotnitsa*—" Working Woman "—No. 12, 1935.)

Tidiness always reigns in the two small rooms inhabited by Praskovia Ivanovna Lapokhina, a worker in the Vadzhanov works [in Kalinin]. In the corner by the wash-stand six towels hang on a rack, six toothbrushes and six boxes of tooth powder are lined up. Lapokhina has six children. In 1928 Praskovia Ivanovna buried her husband who left her with three children, and a year later she married

[50] *For Love and Happiness in our Family* (A collection of letters published by the *Komsomolskaya Pravda*), pp. 84–5, Molodaya Gvardia, 1936.

a widower who also had three children. Since then parents and children live as one happy family. Since the day when the family signed the Kaganovich pledge, all the children sleep separately on little collapsible beds. The parents and the children have an agreement under which the children undertake to bring home good marks and the mother to take down the ikon, never to slap the children and to let them go to the cinema when good films are being shown. All points of the agreement are being met. Lapokhina has bought the children similar plates and cups and has taken down the ikons. In the dining-room a notice board is hung up on which the family life is noted down. They have a time-table to which the whole family strictly adheres. Every day, at 7.30 a.m. precisely, all the children, having made their beds and opened the windows, do physical exercises to the music of the radio ; then they wash and have breakfast. Each does his bit in the household. Valya, the eldest, helps her mother in the house. Manya sees that the washing is done properly. When Shura brings home an " unsatis " in Russian, all, even the youngest, help him to liquidate the bad mark. The Lapokhina children behave perfectly, both at school and at home. They are good in school, they read, they belong to the pioneer club, they go to the pictures, eat and sleep regularly. Consequently they are all pink-cheeked and healthy. The parents, the school and the factory can be proud of such children. Praskovia Ivanovna has now given her permission for the kitchen to be made into a workshop and the kids have a lot of worries trying to procure the fittings.[51]

Naturally, our family life is still affected by many survivals of the traditions of the old society. Lenin used to say that the revolution in the family is a long and painful business.

It would be a mistake to think that the new socialist family will come into being by itself, automatically, once socialism is victorious. To take this view would be to choose the line of least resistance. In reality we need a great educational campaign in order to fortify the socialist family.

In discussing the practical reconstruction of family relations in the U.S.S.R. we must not omit the family's part in the development of the Stakhanovite movement. In those families where both husband and wife work on production a proper organization of the family life must help them to become Stakhanovites. Mutual assistance in mastering the technique and science, sound family relations, mutual care of each other and of the children—all this should aid the members of the family in their Stakhanovite work.

Similar conditions should be created in those families in which the wife is the housewife.

[51] *For Love and Happiness in our Family*, pp. 84–5.

The wife of the worker N. A. Kuznetsov wrote in *Rabotnitsa* :

We must help our husbands, fathers, sons and daughters to become Stakhanovites. We must live for their interests and help them to put into effect the suggestions of the great Stalin, help them master the technique and heighten the productivity of their work. This we can do by taking constant care of our relations. Friendship and peace at home, comfort, sensible entertainment, cleanliness and tidiness everywhere, well-brought-up children—these will help to keep up the spirits of our relatives, will help them to work and study in peace and with redoubled energy. The Stakhanovites' wives cannot remain uneducated, undeveloped : we, too, must learn . . . Some may ask : When ? Here we must approach the matter in Stakhanovite fashion. We must arrange our work in such a way that we have time for everything—for housework, for study and for rest.[52]

We must not think that the task of the housewife consists only in creating a happy family background for her Stakhanovite husband. The facts disclosed at the recent conference of the wives of the leaders of heavy industry have shown how much a housewife can do once she takes part in social affairs. The housewives of yesterday, in the old sense of the word, who were often politically backward and whose life used to pass within the narrow confines of family cares, have become to-day, as was said at this conference, " not only housewives, but the housewives of our country ". They have stepped out of the limits of the narrow family hearth and become participants in the cultural construction of our country.[53]

As a result of this, the wives of the leaders of heavy industry say : " The large world of interests in which our husbands live has become ours, too." [54]

It is true that so far we are witnessing only the beginning of this movement of the housewives. It should embrace thousands and millions of the wives of Stakhanovites, shock-workers and of the rank and file of workers.

But even at this stage it would be wrong to think that only a few wives of the leaders of heavy industry are being drawn into the social life of our country. We have cases where workers' wives who are occupied with housework play an active part in the country's social and productive labour and cultural life. There is Valentina Petrovna Lyakhova, a housewife who attended the first Stakhanovite conference. The wife of a timberer in the Budyonny mine No. 21, she organized the housewives to aid

[52] *Rabotnitsa*, No. 3, 1936, p. 13.
[53] Leading article from *Pravda*, May 13, 1936. [54] See above, p. 248.

the miners during breakdowns. The housewives loaded coal under supervision, cleaned the drifts, whitewashed the workers' barracks, struggled for cleanliness in the dining-halls and for an improvement in the food and busied themselves with embellishing the workers' settlement, planting trees, etc.

But does this mean that the housewives, while taking an increasing part in the life of our country, should forget their children, neglect them and pass them completely into the hands of the State? Far from it! In their conference the wives of the leaders of heavy industry said: "The Family! We never forget it or our children and husbands. We realize how greatly we are responsible for the education of the children. They must grow up into proud Soviet patriots, physically and spiritually hardened, knowing no fear—true Stalin children. We remember the words of the great Stalin that we are the mothers and educators of our Youth—of the future of our country."

Let us now pass to the question of the new relations between parents and children which are being created by the new socialist family.

The Fascists have invented the legend that taking part in social production and work is incompatible with motherhood.[55]

This Fascist thesis aims at a further enslavement of woman. In the capitalist countries the woman and the mother finds herself in very difficult circumstances; the bourgeoisie deprives the working woman of the joys of motherhood; women in those countries avoid having children, for they risk unemployment and poverty. And when a woman does consent to have a child, she is forced to give birth to it virtually at the work-bench, since she is not allowed pregnancy leave. In those countries the mother must hide her pregnancy to the last in order not to be dismissed, not to lose her work and earnings.

The old Petersburg workers, in their letter to Comrade Stalin, wrote:

> When we look back—it is as though we look down from a high mountain, and we cannot believe that it is but yesterday that we used to live in poverty, filth and humiliation. . . . How they used to maltreat the mothers! As soon as one was pregnant—sacked from the factory! The women-workers used to hide it until their mouths

[55] A similarly reactionary point of view is preached by the counter-revolutionary Trotsky, who asserts that where both husband and wife take part in social work divorce is inevitable. In these assertions by the enemy of socialism Trotsky the suggestion is clearly being made to remove women from social work, from participation in communal production. Like the ideologists of German Fascism, Trotsky, the ideologist of the counter-revolution, tends towards the enslavement of women.

foamed and the child was born at the bench. And after the confinement—back to the bench. What could be more terrible than for a mother not to be glad to have her child?—and there used to be many women-workers who cursed their children.[56]

As a result of poor housing conditions, poor food and the heavy and exhausting work done by the pregnant woman, the majority of the babies of working women are born rickety and afflicted with various diseases. Many of these children simply do not survive. In pre-revolutionary Russia, for instance, 50 per cent. of the children died before attaining the age of 5.

The mother in our socialist country is quite differently placed.

To have many children is in the U.S.S.R. not a misfortune, as it is thought to be in the capitalist countries, but a respected achievement which deserves every encouragement and support on the part of the socialist State and society.

Proof of this can be found in the decree of the Central Executive Committee and the Council of People's Commissars of June 27, 1936, which has been discussed, elaborated and approved by the workers of our country.

Under this decree there is a considerable improvement over previous Soviet legislation in State aid to child-bearing mothers. The single aid-grant for one child is increased from 32 rubles to 45 rubles, and the monthly grants from 5 rubles to 10 rubles. Generous financial assistance is granted to large families. For each new child, beginning with the seventh, the family receives 2,000 rubles annually for five years. And beginning with the eleventh child, the family receives a single payment of 5,000 rubles and 3,000 rubles annually for the next four years.

Apart from these measures, the decree strictly prohibits any refusal to employ a pregnant woman or the dismissal of a woman-worker by reason of pregnancy. Managers and administrators must keep the pregnant woman employed and transfer her to lighter work with the same wages.

The huge development of the network of maternity homes and confinement centres which is outlined in the above-mentioned decree is further evidence of the great help the State gives to the mother. The doubling of the number of crèche beds both in urban and rural centres, the introduction of double-shift work in urban crèches and the trebling of the existing network of stationary kindergartens in towns, factory settlements and railway transport centres, together with a further development of kinder-

[56] *Pravda*, May 19, 1936.

gartens in collective farms, all planned for the beginning of 1939, speak for the same thing. 2,174·1 million rubles were set aside in 1936 for maternity beds, confinement centres, crèches, milk kitchens and kindergartens alone, as against 875 million rubles in 1935.

These data of themselves clearly show the extreme care Party and State take of mothers and children ; they show that motherhood has become a joy in our country, that our women and children are the happiest in the whole world.

Those who took part in the grand All-Union Conference of women Stakhanovites and shock-workers sent a letter to Comrade Stalin on March 8, 1936, in which they gave voice to the determination of all the working women of our socialist country by writing : " We shall multiply happy posterity for the good of our socialist fatherland, we shall raise heroes, fighters for Communism."

In the capitalist countries the birth-rate is declining every year. During the five years from 1928 to 1933 the increase in population per thousand inhabitants dropped in Germany from 7·7 to 3·5, in England from 4·4 to 2·4, in France from 1·7 to 0·5. In Germany matters have deteriorated still further since the Fascists came into power. In 1934, when the Fascists were already in power, there were 1,181,179 births, whereas 1,400,000 births would be required to keep the population at the same level.[57]

The Fascist régime in Germany has thus led to conditions in which the rate of the population increase does not guarantee even the ordinary renewal of population. In 1935 matters, instead of improving, got still worse. Unable to disguise this state of affairs which was there for all to see, the official German Fascist Party newspaper *Völkischer Beobachter* said of it in a leading article : " The situation is extremely grave. Even in 1935 the number of births has been almost less than one-third of the number required to keep the population at its present level." [58]

Such is the true aspect of the " miracle of the resurrection of the German people " about which the Fascist demagogues are shouting at every corner.

In the U.S.S.R. the picture is quite a different one. All

[57] Figures from the article, " Fascist Population Policy ", by B. Sumlevich, *Pravda*, May 28, 1936.

[58] From a T.A.S.S. despatch published in *Pravda*, June 8, 1936.

obstacles to an increase in the population have been removed. Our annual increase in population during recent years has amounted to 23 for every 1,000 inhabitants. This is twice the pre-revolutionary figure, and the rate of infant mortality has dropped at the same time. That is the answer given by the workers of our country to the legend about the incompatibility of motherhood with woman's participation in social work.

An ever-greater participation of women in social productive labour under the conditions of socialism not only does not lead to a decline in the birth-rate, but on the contrary increases it and lowers infant mortality, as is shown by the experience of the U.S.S.R.

To what do we owe the rise in the birth-rate and the fall in infant mortality in our country? To the victory of socialism, which guarantees the increased welfare of the workers of our country. The woman who becomes a mother is not threatened with unemployment. Our Soviet legislation protects the interests of mother and children in every way.

Even during the first years of the proletarian revolution, during the years of the Civil War, Lenin asked our distributing organs to protect the interests of mothers and children in every way by allowing them larger rations and by giving children priority in milk, which was in short supply, and so on.

Comrade Stalin, a genius in continuing the work of the great Lenin, is likewise devoting much attention to the question of protecting motherhood and childhood, to the question of raising and educating the children. Under his guidance and thanks to his initiative all the measures for the protection of the interests of mothers and children and concerning the education of children before and after school age are being put into effect.

Women workers and employees in our country are given a compulsory two months' leave before their confinement and two months' leave after their confinement.

Women collective farmers likewise benefit greatly. Whereas previously, under the individual farm system, peasant women often gave birth in the open field, nowadays, under Stalin's model statute for the *kolkhozes*, the female collective farmer is freed from work one month before her confinement and one month after it, and during these two months is paid half her average earnings.

Female workers, collective farmers and employees are entitled in our country to leave their work in order to feed their babies.

Special rest-centres and sanatoria have been set up for pregnant women, for mothers and children, and there are children's crèches, child homes, etc. Over two-thirds of the expenditure for the upkeep of children in children's establishments is borne by the State.

Comrade Stalin has personally examined children's text-books and has made most important suggestions for their revision. Thanks to his initiative the salaries of teachers at primary and secondary schools have been increased. At his suggestion a Children's Central Theatre has been organized, children's cinemas have been opened, children's clubs organized, as well as pioneer homes, children's gardens, etc. On his initiative large sums have been set aside for the work of the Institute for Lessening Pain in Childbirth, and this research is being encouraged in every way.

Once we know this, the warm love which mothers and children feel for the leader of our party becomes understandable.

This feeling of deep gratitude to Comrade Stalin for the care he takes of mother and child has been expressed in a very striking manner by Comrade Anna Koshevaya (leader of a working group in the " Golden Giant " collective farm in the Kiev region) in her simple but moving speech at the reception given by party and government leaders to shock-collective-farmers from the sugar-beet fields. She said :

" I am already sixty-three. Before the revolution I used to work as a daily woman and used to earn twelve, ten or seven kopeks a day. Sometimes I earned three kopeks.

" I had twelve children. How was I to feed and clothe them ? Ten of the little ones died of hunger and cold, and only two of my sons have survived to the days of the collective farms. They are now receiving education at the highest educational establishments.

" Why is there such a difference ? Because our country is now ruled by the Communist Party, led by Comrade Stalin.

" And now I come to Comrade Stalin. I come to him like a mother to her son. I do not know what he will say to me ; as for me, I do not want to conceal that I should like to say to him simply, as an old woman : ' Let me look at you, dear, and say thank you with all my heart.'—When I go travelling from one collective farm to the other, gathering the women, old and young alike, about me, I shall tell them that he knows about the lot of

us women in the past, that he respects the collective farmers, that he takes care of mother and children . . ." [59]

Our Communist party and government are far from being satisfied with their achievements. They well know that not everything has yet been done in the work of helping the family in raising and caring for the children.

Up to now the number of children cared for in crèches and kindergartens is not sufficient, though it is increasing apace.

The State's care of the children will grow year by year, just as the productive strength, just as socialism grows in our country.

But does this mean that as socialism gains strength and develops in our land, the parents' obligations towards their children, their parental care for their children will dwindle away to nothing, will be done away with?

This erroneous view was some time ago developed by Comrade Kollontay in her pamphlet, *The Family and the Communist State* (G.I.Z., 1920).[60]

She thought that once the family ceases to be the economic centre, once it is no longer tied to a household, " the working state of the comrades will conquer the family " ; in other words, according to Comrade Kollontay, the family will under socialism become extinct and care of the children will pass completely into the hands of the State. The State, in Comrade Kollontay's opinion, " takes over all the functions formerly exercised by the parents ".[61]

Further on in the same book by Comrade Kollontay we read, " Cares for the children [in a socialist society] are beyond the limits of the family : they are taken from the parents and passed on to the collective." [62]

This theory of Comrade Kollontay's is undoubtedly harmful, unwittingly vindicating those parents who do not wish to trouble about their children.

Comrade Kollontay thought that it was possible to relieve the parents of all care of the children, apparently because the family stunted the child and could not produce the new Man. She declared that parents could be freed from having to look after the child even when it was a baby : " Society will feed it, will educate it " [63] without the participation of the parents.

Comrade Kollontay contended that parental love, the mother's

[59] Anthology, *Heroines of Socialist Labour* (Partizdat, 1936), p. 39.
[60] See above, doc. 4 (*c*).
[61] Kollontay, *The Family and the Communist State*, 1920, p. 15 (above, p. 63 [R. S.]).
[62] *Ibid.*, p. 17.
[63] *Ibid.*, p. 20.

love for the child was of a negative character. " Instead of the narrow maternal love for their own child alone, the love of mothers must develop towards all the children of the great working family." [64]

The adult citizens of our country must of course love the children of our fatherland. But this in no wise means that parental love of children is harmful. Our socialist society participates very fully in looking after the children and in their education, but this never means that the parents are kept away from their children.

Furthermore, the mother must not be deprived of the joys of motherhood and of all the pleasures which parents derive from looking after their children.

It would also be impossible to deny all the good influence which the tenderness and love of the parents have upon the child.

It is further necessary to bear in mind that the new Soviet parents stand on a high political and cultural level and that there is thus no need to fear that they will " stunt " a child by their education.

Motherhood, the educational rôle of the parents towards the child, is not a private affair, as some comrades imagine, but a most important social task.

Hand in hand with the State's child establishments, the parents must rear the children into conscious and active workers for socialist society, fighters for the revolutionary work of the proletariat, for the work of Lenin and Stalin, fighters for world communism. Parents must instil in their children a feeling of respect towards socialist ownership. They must bring them up in a spirit of Soviet patriotism, a spirit of infinite love for their socialist country and of hatred for the enemies of the people, a spirit of fearlessness and valour, of readiness to lay down their life at any moment for their socialist country. Parents must teach their children, must arm them with the knowledge which will be necessary for victory over the enemy, for the construction of socialist society.

Parental care of children should by no means be confined to keeping the child clean, feeding him well and making him physically fit. In conjunction with the child establishments, the parents must bring up worthy citizens of socialist society—a highly responsible task.

[64] Kollontay, *The Family and the Communist State*, 1920, p. 22 (above, p. 69) [R. S.]).

The children of our socialist country are not the property of the parents, as is the case in capitalist countries. In those countries the father wields exclusive power over the children and can do with them as he pleases. In our country, on the other hand, the State controls the actions of the parents, has a right to intervene in the educational functions of the family, to prosecute and even to take children away from parents who prove unable to bring up children and who mutilate them, torture them, encourage them to theft and leave them to become waifs and strays.

In examining the rôle of the new socialist family in the education of children, mention must be made of the inadmissible attitude of those fathers who leave the task of looking after and bringing up the children entirely to the mother while they themselves evade this social obligation under all sorts of pretexts. Such wretched parents in fact defend the old bourgeois attitude towards woman, the old attitude towards the family. To-day, in the new Soviet family, mother and father participate equally in communal productive labour, they both live a cultural and community life and they must both care for the child and educate it in the same measure. Both parents must bear the responsibility for the upkeep and education of the children, both parents must look after them.

Recently the question of the so-called " 24-hour activists " who, while taking part in productive and social work, pay no attention to the family and the upbringing of the children was discussed in the pages of *Komsomolskaya Pravda*. Letters attacking such comrades were published in the paper.

Comrade Gorshkova in her letter to the paper wrote quite rightly :

> It seems to me that many " busy husbands " waste time outside their family. If you cannot find time for leisure, it means that you do not know how to work.
>
> What does this mean : you are always busy ? Am I not busy ? If all the " busy husbands " take no care of the family, the wives, too, may refuse to do so, for they are members of society with equal rights. Do you think the wife does not want to devote all her strength to production and society ? The wife, too, will declare that she is busy and will refuse to have children, arguing that this would keep her away from social tasks. Whereupon the family would collapse, and that we do not want.[65]

Comrade Stasova in her article in *Komsomolskaya Pravda*

[65] *For Love and Happiness in our Family* (Collection of letters published by *Komsomolskaya Pravda*), pp. 23–4, Molodaya Gvardia, 1936.

likewise demanded that husbands, however busy, should take an equal part in family affairs and in looking after the children. She said :

> What sort of a Komsomol and Party-man are you if you think that your child's life does not concern you, the father, but only the mother ! . . . One must and one can find time for work and for personal life, and one can arrange life in such a way that the work of the " 24-hour activist " need not suffer and that the child or children are brought up by both parents, that the Komsomol is the husband not only in bed, but also in life, i.e., the friend and comrade of his wife, and that they build communism together. . . . One can be both a good activist and a good husband and father. One must be a real Communist, and that includes everything that concerns Man.[66]

Those " activists " who pay no attention to their family obviously either cannot or do not wish to plan their work in such a way that they have time for the family.

On the other hand, some comrades have not fully abandoned the idea that the man who loves his family, cares for it, devotes his time and attention to it should be regarded as a philistine, a bourgeois. This idea is fundamentally wrong and deserves all disapproval.

We must, however, describe as a negative phenomenon the other extreme where a girl on marrying leaves the Komsomol, gives up social work and study ; this cannot be called normal.

It is necessary that marriage and the family should not only not tear people away from social life and work, but should on the contrary assist their active participation in socialist construction.

" Life has become better, comrades. Life has become happier," Comrade Stalin once said. He said that when one is happy one works better. All this applies to the family. Joy, happiness and cultural enjoyment must prevail in our family. The family, through comfort and joy, should provide new energy for the social activities of the workers of our country, for more successful work for the good of our socialist fatherland.

A good production worker, a good Stakhanovite, a good social worker must organize his work in such a fashion that he has time both for the family and for cultural leisure and for the education of his child and so on.

A leading article in *Pravda* remarked very justly that

> a bad family man cannot be a good Soviet citizen and social worker. An activist and social worker who at meetings bangs down his fist in defence of women's rights and at home treats his wife and children

[66] *For Love and Happiness in our Family*, pp. 65–6.

swinishly, is not an activist but a hypocrite and a bigot. . . . Only the hopeless muddlers, the petty-bourgeois leftists can assert that the family and care of the family is petty bourgeois. On the contrary, irresponsible and caddish treatment of the family is refined petty bourgeoisie (*Pravda*, June 26, 1935).

In examining the question of the children in the new socialist family it is necessary to touch on the problem of abortion.

In capitalist countries abortion is a widespread phenomenon in spite of all prohibitions, because the working women, lacking the means for a child's upkeep and enjoying none of the privileges granted to mothers in the U.S.S.R., must decline the joys of motherhood. And if they do have a child, they thereby deprive themselves of the chance to work, since no one will keep them on with the child.

In the capitalist countries the prohibition of abortion is therefore a piece of hypocrisy and a mockery of working women.

In our country, during the first period of the October Revolution, the Soviet government, by its decree of November 18, 1920, gave women the right to have abortion performed, on the ground that the survival of past morals and the difficult economic conditions of the time were still driving some women to this operation.[67]

But this by no means implies that our Party and government are in principle in favour of freedom of abortion. Lenin, in his article *The Working Class and Neo-Malthusianism*, in which he demanded the rescission " of all laws prohibiting abortion " in capitalist countries for being " hypocritical " and because they did " not cure the ailments of capitalism ", at the same time opposed abortion in principle, opposed the artificial restriction of the birth-rate among the working class. " A class-conscious worker ", Lenin said, " is infinitely far from this viewpoint." [68]

According to Lenin, class-conscious workers are " the unconditional enemies of neo-malthusianism ", a movement made to measure for a hardened and selfish bourgeois couple fearfully stuttering : " If only we two could manage, with God's help, but no children." [69]

Abortions are highly detrimental to a woman's health : blood poisoning after abortion, inflammation of the female genital organs, hæmorrhage, painful menstruations, and, most terrible for

[67] Cf. the decree of the Central Executive Committee and the Council of People's Commissars of the U.S.S.R., on the prohibition of abortions, etc., published in *Pravda*, June 28, 1936 (above, p. 270 [R. S.]).

[68] Lenin, *Works*, Vol. XVI, p. 498. [69] *Ibid.*

women, sterility—this is a far from complete list of the perilous consequences of abortion. And how many women die as a result of abortion !

And if previously we were forced to reconcile ourselves to abortion, now that the victory of socialism in our country, absence of unemployment, growing prosperity among the workers (and State aid to mothers and children) have created most favourable conditions for the rearing of children, the time has come for everyone to do away with abortion.

Abortions mutilate woman, mutilate the mother—and this is reflected in her future children. And our socialist country needs healthy, hale mothers, healthy children, a sound generation of builders of socialism.

Under capitalism a woman will often resort to abortion because she is uncertain of her husband and fears he might abandon her and the child. This motive is eliminated under our conditions, if only because the Soviet State and society are waging a determined struggle against the criminal attitude of fathers towards children. This is borne out by the same decree of June 27, 1936, which provides penal sanctions against fathers who leave the mother and her child to their fate.

In forbidding abortion, Party and government at the same time pay great attention to the anæsthetization of women in labour ; in 1936, 300,000 women will undergo anæsthetized confinement.

The Soviet government is further devoting huge sums to the building of maternity homes, children's crèches and gardens and is giving great financial assistance to large families. All this provides a sound economic basis for the law on the prohibition of abortions.

A socialist society is one which has emerged from class society and which therefore preserves traces and " birth marks " from that old society.

In his book *The State and Revolution*, Lenin wrote : " In its first phase, communism cannot be economically fully mature and entirely free from the traditions or traces of capitalism." [70]

In socialist society there are still a number of survivals of capitalism both in the sphere of economy and in people's minds. A persistent struggle must be waged against them.

The reconstruction of the family means, in the first place, the overcoming of the traditions and survivals of the past in the

[70] Lenin, *Works*, Vol. XXI, p. 438.

relations between man and woman. What are these survivals, and how do Soviet society and legislation combat them?

One of the most disgusting and detrimental survivals of the old society in the family is the criminal attitude towards wife, mother and child.

There have been many instances quoted in our periodicals of an unworthy, caddish attitude towards woman and child. We have not yet quite got rid of the "classical" type of cad who preaches the following morale: "Marital union is a muzzle" or "I am not going to get married—there are enough foolish girls to last me a lifetime". One exponent of such ethics was Dr. Korolev who worked at No. 2 Construction Plant. This doctor lived with several women simultaneously, derided them and forced them to undergo abortions. As a result of Korolev's roughness and derision one of the women committed suicide.[71]

We still encounter in our country the contemporary type of Don Juan whose proposals to women run on these lines: "Let us first live together for a few days, come to know each other, and then we will make up our minds about marrying." And if a girl is credulous enough to accept the offer of this cad after many doubts and hesitations, then, after a few days, the scoundrel throws her out and makes a similar offer to another girl. A similar type is represented by Ivanov, engineer at the Electro-Combine, who managed to have five wives in a short space of time. *Rabotnitsa* (No. 22, 1935) quotes the case of a scoundrel who had sixteen wives!

Cases of men living with several wives are to be classed as survivals of the traditions of bourgeois society. There was the drunkard Artemov (of the Dyedovskaya Works) who circulated among three families (*Pravda*, August 11, 1935).

And how many alimony suits are heard in our courts of law! There are still many "fathers"—if, indeed, they can be so called—who do not think it necessary to pay alimony after divorce for the upkeep of children remaining with the mother. These criminal fathers travel from town to town and cover up their traces in every way in order to evade the payment of alimony for their own children.

One cannot read the following letter by the girl Zina Trofimova without a profound feeling of indignation:

"My father left me in great need. And yet I study and am already in the 6th form, am at the top . . . I live with my

[71] *Pravda*, April 26, 1936.

mother. My father was hiding himself, but having by chance discovered his address only in November 1935 I wrote him a letter. He is promising to help in time, but I do not believe these promises. During all my life he has not given a kopek towards my upbringing." [72]

What a contrast between these criminal " fathers " and those citizens who take children from children's homes to bring them up and make them good citizens of our great fatherland ! There are also cases, but these are rarer, of a well-off mother abandoning her children and not paying alimony to the father.

But one must not think that the responsibility of a father who has left his family ends with the payment of alimony. He has to take a direct part in the education of his children.

Our socialist morals do not oppose divorce in principle, they do not favour compulsory cohabitation. Woman here does not need to go on living with the man she does not love and a man may divorce a woman he does not love. But the right to divorce granted under Soviet law is not a right to debauchery. Under socialism there are and will be divorces, but they will be of an individual, not a mass character. We side with freedom of divorce, but we oppose those who exploit it as a right to profligacy.

Lenin took a stand against those bourgeois theorists who would not tolerate freedom of divorce and argued that freedom of divorce leads to the disintegration of the family.

Lenin answered them :

" In reality, freedom of divorce means, not the collapse of family ties, but on the contrary their strengthening on the only stable democratic basis possible in a civilized society." [73]

That small category of irresponsibles who exploit divorce for their debauchery get their knuckles severely rapped in our socialist State. Under the new decree of the Central Executive Committee and the Council of People's Commissars of the U.S.S.R., of June 27, 1936, a marriage can be dissolved only in the presence of both husband and wife. This innovation will prevent the father from suddenly walking out on his family and will force both parties to take divorce more seriously. The same decree increases the charges made for a divorce (first divorce, 50 rubles ; second, 150 rubles ; third, and subsequent divorces, 300 rubles).

[72] *Rabotnitsa*, No. 9, 1936, p. 8.
[73] Lenin, *On the Right of National Self-determination.*'

In addition, a proportion is fixed of the defendant's earnings to be paid towards the upkeep of the children (one-quarter of the earnings for the upkeep of one child, one-third for two children and half the earnings for the upkeep of three or more children). For collective farmers the calculation is made in terms of labour-days [9] based on a common standard. Under the new decree the person evading the payment of alimony is responsible for the cost of proceedings against him.

Of particular importance is the fact that the new decree greatly increases the penalties for failure to pay alimony. The previous maximum of six months' compulsory labour,[74] has been raised to two years' imprisonment.

All this goes to show that our socialist country, our socialist State will not tolerate the old contemptuous attitude towards mother and child. It has been combated and will be combated in future both by means of stern repressive measures and socially. One of the weapons in the fight against profligates and alimony defaulters is the daily press, which pillories the caddish faces of these people for all the citizens of the Soviet land to see. The fathers who are not prepared to care for their child and the profligates must be deprived of society's esteem. They must be surrounded with an atmosphere of social intolerance. In this way alone can we rid ourselves of what is rotten and of the past in our family relations.

We should add here that there are other reasons for divorce, apart from loose living. Data from a survey of some hundreds of alimony suits and from observations of 2,000 married metal workers, made by the Central Institute for the Protection of Motherhood and Childhood of the R.S.F.S.R. (*Izvestia*, August 9, 1935), showed that more than 20 per cent. of marriages are concluded as a result of one month's acquaintance. This proves that one of the reasons for divorces is the frivolous attitude to marriage among some of the workers of our country. It is true that an examination of marriages entered into during the years before the Revolution will show us that 53·9 per cent. of all marriages entered into were the result of an acquaintance of less than a month.

But whereas this high percentage was in those days explicable by the fact that marriage was then an economic contract of sale and purchase, in our own days, on the other hand, a figure as high as 20 per cent. is evidence of an unhealthy phenomenon in our life.

[74] See note above, p. 197.

Take as an example the following case of a girl from one of the collective farms of the Okulaev region, district of Gorki, who one morning met a student of the Gorki Institute of Pedagogy, V. M. Nikitin, who had just arrived there on holiday, and married him the same evening. And when this girl became a mother, it was disclosed that Nikitin was already a married man who could not, therefore, continue to live with her.

There was a case in the Dyedovskaya Works where a young woman who quarrelled with her husband on the way from the Registrar's Office where they had just been married, immediately turned back to the Registrar's to obtain a divorce (*Pravda*, August 11, 1935).

Our central press has already reported the case of a woman who came to the Police Station to announce that her husband whom she had recently met had robbed her and who was unable to give her husband's surname. Comrade M. Koltsov reports a case in which a young mother, arriving at the Registrar's Office to register her new-born baby, not only did not know the surname of her child's father but not even his given name (*Pravda*, April 10, 1936).

It is obvious that so frivolous an attitude towards marriage, with people marrying without knowing each other sufficiently, is not to be tolerated. The woman who consents to such a quick-boiled marriage is the first to suffer. Our young people must remember that marriage with us is not an economic contract but is based on mutual love, the stability of which must have undergone the test of long mutual acquaintance and study of characters, interests, tastes, etc.

Some people whose morals are evidently none too pure are trying to justify frequent divorces by arguing that love is a bourgeois prejudice, that in reality love does not exist, that it merely represents physiological need. There have been cases of girl-Komsomols who refused to yield to a man without love or marriage and were labelled bourgeoises.

Among the writers there have been some who preached " love without bird-cherry trees ". Literature presents portraits of the more typical representatives of this sort of attitude to marriage. . . .

Lenin criticized bitterly this perverted outlook on life.

" All this ", Lenin said in his conversations with Klara Zetkin, " has nothing in common with the freedom of love as we Communists understand it."

Sharply attacking the so-called theory of " a glass of water ", Lenin went on :

" I consider the famous theory of a ' glass of water ' completely non-Marxist and, what is more, anti-social. Sex life consists not only of what nature has provided, but also of that which has been contributed by culture, be it lofty or base. . . . Would a normal man under normal conditions lie down in the filth of a street and drink out of a puddle ? Or even out of a glass soiled by scores of mouths ? But the most important factor is the social one. Drinking water is indeed an individual affair. But in love two people take part and from it a third, a new life, arises. It is here that the social interest comes in and a duty towards the collective emerges." [75]

Recent surveys of family life have shown that the overwhelming majority of the toilers in our country take marriage seriously. The great body of class-conscious toilers who realize their full responsibility before society for the marriage entered into and the children to come is growing daily. And there are ever fewer people who prefer a frivolous, short-lived liaison to marriage. It is the duty of society in every way to aid the new family to become strong, ruthlessly thrusting aside everything that stands in the way, that pulls us back.

The fact that a large proportion of the morally unstable are to be found among the more adult sections of the population of our country is to some extent due to the fact that some grown-up persons, having come out of a bourgeois society, have not rid themselves of the old bourgeois attitude to women, that they regard woman as a toy with which they can play and which they can discard. The roots of any looseness of sex relations must consequently be sought in the existence of survivals of capitalism in family life, in the tenacity of the old bourgeois attitude to women, in the irresponsible treatment of children.

Among the more disgusting survivals of bourgeois society are cases of husbands beating their wives. Previously, under Tsarist rule, there were even proverbs justifying the beating of wives : " Beat your wife before children come, beat your children before people come ", or " Beat your wife before dinner, and do not sit down to supper without a beating." To-day all this has an anachronistic ring ; and all those who still try to insult woman by action are all the more ripe for social contempt and most severe punishment.

[75] Klara Zetkin, *Reminiscences of Lenin*, p. 77, 1933 (above, doc. 5 [R. S.]).

As survivals of the old society must also be classed cases of sons or daughters forgetting their duties towards aged parents, refusing to support them when they are unable to work—which, in any case, is anti-social conduct.

Survivals of capitalism can sometimes also be traced in other aspects of family life.

In discussing the survivals of the past in the family, we must emphasize that these survivals appear most frequently in our national republics. Although contemporary woman in the national republics has advanced far from her rightless status of the past, although the Soviet law is on her side and she herself has developed considerably, the national republics are still the scene of incidents disgraceful for Soviet citizens, such as polygamy, the buying of brides, parents marrying off their daughters while they are below the marital age, abduction of women, parents marrying their daughters off by force, rules against leaving one's husband, etc. For instance, a certain Bagirov, in the village of Mikrakha (Daghestan) accepted *kalym* for his sister from the bridegroom : 9 puds of wheat, 2 puds of rice and some money. In Uzbekistan, on one of the collective farms in the village of Beglyar in the Kagan region, Dzhura Tashev, son of a *kulak* and husband of the best shock-collective-farmer, forbade his wife Khamra-oi-Nazarova to go to the first Conference of the Female Youth of Uzbekistan, and when this did not work, tried to kill her. The badly injured woman had to be taken to hospital.[76]

In six months of 1935 cases heard in the court of the Kasum-Kent region (Daghestan) included five charges of bigamy, ten charges of beating girls of the mountain tribes, four charges of having married off minors and four charges of accepting *kalym*.[77]

One of the survivals of the past which is frequent in our families is jealousy, sometimes leading to crime and even murder. The bourgeois sociologists try to represent the matter as though jealousy were eternal, had always existed and would always exist in human society. In reality there was a time when jealousy did not exist. Engels, in *The Origins of the Family, Private Property and the State*, pointed out that "jealousy is a feeling which developed comparatively late ".[78] Jealousy appeared together with private ownership of the means of production and is an expression of the proprietary attitude of man towards woman as it is the result of the inequality of women in an exploiting class society. Husband

[76] *Rabotnitsa*, Nos. 29–30, 1935. [77] *Ibid.*, No. 21, 1935, pp. 4–5.
[78] Engels, *Origins of the Family, etc.*, p. 42.

or wife regard each other as a thing, as private property acquired in that economic agreement, the bourgeois marriage.

One of the evils of a capitalist society is prostitution. The October Revolution dealt a severe blow to prostitution, but to put an immediate end to it was impossible. During the first years of the N.E.P. it was widespread in many places in our country.

By the victory of socialism the economic roots of prostitution in our country have been completely eliminated : the absence of unemployment, the progress in woman's material independence, the collectivization of the village, the large-scale participation of women in social and productive work, equal pay for male and female labour, the rise in women's cultural and political standard —all this destroys every excuse for prostitution.

We have enumerated a number of capitalist survivals in family relations.

We must not think that these survivals will disappear by themselves, of their own accord. A constant struggle is required against these remnants of the past ; efforts of education and enlightenment are called for in this connection.

. . . In speaking about the struggle against the survivals of the old society in the sphere of marriage and the family, we cannot pass by all the perversions to be found in our literature on the subject.

We have before us a book by Comrade Wolffson, *Sociology of Marriage and the Family*, written in 1929.

This book contains a number of indisputable and valuable theses. Comrade Wolffson is, for instance, quite right when he makes a change in the economic structure of society a condition for a change in the family.

But in this book of Comrade Wolffson's there are some crude mistakes and misinterpretations of the classics of Marxism, and Leninism on a number of matters of principle. It is true that Comrade Wolffson has disowned the ideas he put forward in his former book.[79]

Attaching great importance to the question of the family under socialism, we consider it necessary to dwell on some of the crude mistakes contained in Comrade Wolffson's book.

Ignoring the direct indications of Engels, Comrade Wolffson declares on page 75 : " Socialism brings the end of the family." Moreover, this statement is printed in capitals, apparently in order to attract the reader's special attention.

[79] See above, p. 315.

In a number of other places Comrade Wolffson reiterates this statement. He writes on page 446 : " Thus family functions (under socialism) will become atrophied." On page 450 we read : " In a socialist society this ' natural category ' (i.e., the family) will meet with the same end that Engels predicted for the State : it will be sent to the Museum of Antiquities."

A propos, for Comrade Wolffson's information, the State will be sent to a Museum for Antiquities, not in a socialist, but in a communist society.

Comrade Wolffson's book says that during the transition period the withering away of the family begins already, with the introduction of communal education of the children, the participation of women in production, the organization of communal feeding, etc. But since the State is temporarily unable to take upon itself these family functions, it is forced artificially to delay this disintegration of the family, to keep this institution in being for a time. During the period of transition, according to Wolffson, the family is rotting, but the State is artificially preserving this ruin, " the State is forced to conserve the family " (p. 442).

Comrade Wolffson fails to understand that during the transition period what takes place is not the complete abolition of the family, to be replaced by extra-family sex relations, as he imagines in his book, but the disappearance of the old form of the family in which woman was enslaved and subjugated. This by no means implies that a new family is not taking the place of the old one. We have quite clearly shown above that a new socialist family is taking the place of the old.

Comrade Wolffson considers that the family will be superfluous under socialism because society will completely take over the education of the children, as a result of which process " family functions will become atrophied " (p. 446).

But where did Comrade Wolffson find it that husband and wife will be completely eliminated from child education under socialism? We have already shown above how great a part the new socialist family plays in the education of the children.

Comrade Wolffson may declare that in rejecting the family under socialism he is not at the same time in favour of abolishing marriage. But what kind of a marriage would that be, without family? And can we separate the one from the other?

But that is in fact what Comrade Wolffson appears to be doing

with his " Marriage will no longer have the creation of a family for its necessary consequence " (p. 445).

Comrade Wolffson is far from being unique with his theory of the disappearance of the family under socialism. The same completely false point of view is put forward in a number of works by Comrade Kollontay.

So early as 1920, in her pamphlet *The Family and the Communist State*, Comrade Kollontay wrote that the family is doomed to ruin—" the family ceases to be necessary " (p. 20). Like Comrade Wolffson, she sees the reason for this in the fact that the family ceases to be an economic unit, that parental care for the children appears to end, that society undertakes the full responsibility for the children's education, etc. We do not wish to repeat ourselves, and will therefore abstain from refuting all these arguments of Comrade Kollontay's, in so far as they coincide with Comrade Wolffson's arguments which we have already criticized.

DOCUMENT No. 15

CRITICISM OF THE INSTITUTION OF *DE FACTO* MARRIAGE [1]

(*a*) From V. Boshko, *The Registration of Marriage and its Importance under Soviet Law* [2]

"From now on, the Russian Republic recognizes only registered marriages," the decree of October 19, 1917, declares. "Persons intending marriage must announce their intention to the Department of Registration of Marriages and Births, either verbally or in writing, according to their place of dwelling. Whether a Church wedding is to be held in addition to the compulsory civil wedding is a private matter for the marrying couple . . . Children born outside wedlock are to be treated equally with those born in marriage, as regards the rights and duties both of parents towards children and children towards parents . . ."

[1] The articles reproduced here—which are selected from a large number of discussions on the subject published in Soviet legal periodicals at the time—may be regarded as a link between the discussions on the introduction of legally recognized *de facto* marriage (doc. 6) and its abolition (see below, doc. 17 (*a*)) in 1944. But the authors of these articles did not foresee the possibility of a radical solution of the problem of the maintenance of the children of an informal union except by the traditional device of alimony (but see above, pp. 134 and 140 and art. 37 of doc. 17 (*a*) below). Thus the position of the critics of the recognition of *de facto* marriage assumes an unnecessarily ideological aspect: as against the assertion of the defenders of the institution that woman as the still weaker party needed some protection, they had to assert that in actual Soviet reality woman had ceased to be the weaker party in a *de facto* matrimonial relation.

The student of Soviet constitutional life will be interested in the reference to the very different attitudes taken up by the Family Codes of the different Soviet republics to a problem of law which is certainly fundamental. As against the somewhat formalist attitude assumed by the lawyers taking part in our argument, I must warn the reader that the differences appear larger in the wording of the laws than they were in the actual attitudes. The attitude differed in the codes of two (but not all) of the Asiatic republics from that taken in the R.S.F.S.R., not by a fundamentally different approach to the rights of spouses in *de facto* marriages, but only by a different conception of the legal procedure established in order to safeguard those rights. There is no fundamental difference between the right of the partner in a *de facto* union to have its existence proved in court, and his right to enforce its registration by a lawsuit, even against the will of the other partner (who would of course react by immediate divorce), provided that similar rights are granted in the former case to the partner in a *de facto* union since dissolved, and in the latter to the divorced spouse in a marriage registered at her request against the other partner's protest. I would even say that the second approach, though making unregistered marriage a rare exception, is less compatible with public propaganda in favour of stable unions and of a serious approach to marriage than the former, which allows for strengthening the institution without undue hardship in the many relations which are bound to be established outside the framework encouraged by the State. [R. S.]

[2] Published in *Sovietskaya Yustitsia*, Vol. for 1939, Nos. 17–18.

Later, the 1918 Code of Laws on Marriage, Family and Guardianship laid down that : " Only civil marriage, registered with the civil registration authorities, gives rise to the rights and duties of spouses as set down in this section. A marriage concluded according to religious rites and with the ministrations of the clergy does not entail any rights or duties for the persons concerned unless it is registered after the established form." A subsequent circular issued by the People's Commissariat of Justice (No. 74, June 21, 1924) laid it down that Church marriages entered into after December 20, 1917, in localities in which the Soviet power was established later than this date as well as in localities where the civil registration authorities temporarily suspended their activities as a result of the occupation of these localities by the Whites, acquired equal validity with registered marriages.

In thus establishing civil marriage as the only legal form of creating a family, the Soviet legislature as early as 1917–18 opposed it to Church weddings which before the socialist October Revolution were alone considered legal in Russia.

While opposing civil to Church marriage, the legislator made the conclusion of the former subject to definite formal conditions in the form of compulsory registration. Registration of a marriage is indisputable evidence of its existence, and is the best means of protecting the personal and property rights and interests of spouses and children. And in the intention of the 1918 legislation registered marriage alone was legally binding.

In 1925–6, after the revision of the family legislation, the problem of marriage registration was put somewhat differently. Since at that time the rights of children born outside wedlock were not always acknowledged, particularly by the prosperous peasants, the Soviet legislator concentrated on safeguarding the interests of mothers and children in the struggle against the *kulaks*. In this connection a change took place in the attitude towards the problem of registration. The Family Codes of the Union Republics which became law in 1926–7 made not only registered marriage but also the so-called *de facto* marriages legally binding. The corresponding articles in the Family Codes of the Ukrainian S.S.R., the Turkmen S.S.R. and the Uzbek S.S.R. were, to a certain extent, exceptions. The fundamental thesis of the previous Code—that only civil marriage registered with the civil registration authorities gives rise to rights and duties—which had been prompted by the need to combat the

old Church marriage, had now become superfluous (these motives are discussed in an explanatory note issued by the People's Commissariat of Justice of the R.S.F.S.R.).

It is true that there is some difference in the wording of the definition of registration of marriage given in the various Family Codes of the Republics. Thus, according to the R.S.F.S.R. Code, " Registration of marriage is established both in the interests of the State and of society and with the aim of facilitating the protection of personal and property rights and of the interests of spouses and children ; a marriage is formalized by means of registration with the public civil registration authorities " (art. 1). " Registration of marriage with the public registration authorities is indisputable evidence of the existence of marriage " (art. 2). Similar enactments occur in the Family Codes of the Byelorussian S.S.R. (arts. 22 and 26) and the Armenian S.S.R. (arts. 11 and 16).

A different definition of the meaning of registration is given in the other group of Family Codes, those of the Ukrainian S.S.R., the Azerbaijan S.S.R., the Uzbek S.S.R. and the Turkmen S.S.R.

Thus, according to article 105 of the Family Code of the Ukrainian S.S.R., " marriage is subject to registration with the public registration authorities ; registration with the public registration authorities is indisputable evidence of the existence of marriage unless it is rejected in court ". And, according to article 1 of the Code of the Turkmen S.S.R., only civil marriage registered with the public Registrar entails the rights and duties of spouses.

Nevertheless, with all differences in wording, the function of registration is the same under almost all the Family Codes :

Registration is only the proof of the formalization of marriage and by no means a necessary condition for the existence of marriage. In other words, almost none of the Family Codes attach to registration the " constitutive " significance it has under the tradition of bourgeois family law, for which a marriage comes into existence only at the moment of its formalization, only as the result of the judicial act (which creates or " constitutes " marriage).

The Soviet Family legislation in force during the widespread discussion of 1925 on the meaning of registration of marriage took precisely this stand. The project for the Family Code of the R.S.F.S.R. was being discussed and, as is well known, opinions were divided.[3] Some insisted on the constitutive effect of

[3] See above, doc. 6.

registration and therefore demanded that it should be made compulsory. This demand came chiefly from those who opposed the recognition of alimony rights for children born outside wedlock. Others, on the contrary, advocated the complete rescission of marriage registration, holding it to be " incompatible with the liberty of the citizen " under Soviet law which, they argued, was not affected by the form of marital relations between the parties. Such were the importunities of those who, under the disguise of the leftist slogan of " non-intervention " on the part of the government, strove to drive the latter to abjure all regulating influence on the everyday relations between citizens. Brushing aside both these extreme points of view, these two importunities, the Soviet legislator treated the registration of marriage in the Family Codes of 1926 and of subsequent years as evidence of the formalization of marriage, while at the same time not refusing his protection to those relations which result from non-registered, *de facto* marriage.

At present, the discussion of the meaning of marriage registration is again topical in connection with the elaboration of the Project for the Civil Code of the U.S.S.R. and a component part thereof—the section of Family Law. Once again, voices are being raised in favour of the constitutive effect of registration (cf. a lecture by Y. F. Mikolenko on *The Systems and Basic Principles of the Project for the Civil Code of the U.S.S.R.*, delivered at the Congress of the All-Union Institute of Juridical Sciences in Moscow, January 1939, § 20). On the other hand, arguments are being raised in favour of recognizing *de facto* marriage (cf. the minutes of the discussion following Comrade Mikolenko's lecture).

An appeal by the legislator to the conscience of the Soviet citizens, pointing out the importance of marriage registration for Soviet society and the State and allowing registered marriage a fair number of advantages over non-registered marriage, would undoubtedly produce a better result, in the sense of a considerable decrease in the number (but not the disappearance) of *de facto* marriages, than the wholesale and categorical prohibition of these marriages by law.

It seems expedient that the future Civil Code of the U.S.S.R. should in the main preserve the principles underlying the Codes of 1926 and of subsequent years. However, for the sake of the struggle against the frivolous approach to marriage, the legislative ruling on the question of registration should, in the corresponding

article of the Civil Code of the U.S.S.R., be given a new wording which would make it clear that for the Soviet State the registration of marriage is far from being an indifferent act and that it therefore does not discard its regulating influence on the lives and morals of the citizens, but urgently and in every way appeals to the citizens to register their marriages, granting persons who enter a registered marriage a number of advantages over those who maintain non-registered *de facto* marriages and stressing the importance of registration as indisputable evidence of the fact of marriage.

The projected Civil Code of the U.S.S.R. should not leave completely without safeguard and protection those *de facto* relationships which correspond to the concept of marriage (by fulfilling the criteria laid down in articles 11 and 12 of the Family Code of the R.S.F.S.R. : acknowledgement of each other by the spouses, mutual cohabitation and a common household, evidence of marital relations before third persons, etc.).

For even if the legislator were to attach constitutive significance to the registration of marriage and were to make it fully compulsory in the Civil Code of the U.S.S.R., it would not thereby affect the existence of non-registered marital relations. In refusing to recognize *de facto* cohabitation as marriage and in believing that the law, by declaring registration compulsory, will completely do away with *de facto* marriages, the legislator would only be taking refuge in the illusion in which the bourgeois legislator seeks comfort when he prohibits divorce and creates a deceptive appearance of security in the contemporary bourgeois family. For, " take stock of all the marriages in fact dissolved, of all illegal cohabitations," remarks even one of the bourgeois-trained lawyers, I. A. Pokrovsky (in his *Basic Problems of Civil Law*), " and only then will you have a complete picture of family life in the given society."

It is doubtful whether a mere formal prohibition of *de facto* marriages would be successful in fundamentally changing the moral structure of society.

In the meantime the rights of mother and child, which are so great an achievement of the socialist October Revolution, would in one way or another be considerably limited if the law afforded its protection only to those relations which arise from registered marriage. The formalization of marital relations by their registration is, of course, of no mean importance to the State in as far as it helps to stabilize the Soviet marriage and family. But

the form as such and of itself has no decisive significance when the existence of marriage is concerned. The essence, the tenor of marital relations, is much more important.

Relations are marital not merely because they are formally recognized by the law, but owing to their very essence which corresponds to the conception of marriage and does not conflict with the regulations of socialist community life.

It is impossible, therefore, to disagree with the statement of the Council of People's Commissars of the R.S.F.S.R., of October 26, 1934, according to which the main thesis that "*de facto* marriage is a decisive factor" must be borne in mind when the question of the existence of a marriage is being decided.

Any other approach, opposing the recognition of *de facto* marriages at all costs, by whatever considerations it is motivated, would revert to the standpoint of bourgeois law which is, of course, inadmissible from the point of view of Soviet law, of its meaning and spirit.

For this it is sufficient to quote the following main line of argumentation of those most eminent French scholars in Civil Law, Planiol and Riper, who, not unlike other bourgeois scholars in Civil Law, sharply attack any admission of *de facto* marriage and who declare war on the principle *pour fait*: "A free union (*de facto* marriage) is an important factor through the unrestricted freedom the parties gain in their position outside the law. This extreme freedom is incompatible with the existence of the family which it creates. It goes against the interests of each of the parties who may to-day or to-morrow be abandoned in need and illness by the one from whom they have received support for many years. It goes against the interests of the children who risk being neglected materially and morally while they should grow up in conditions of continuity and stability. It also goes against the interests of the State itself, since it is to be feared that the instability of their union might force the parties to rid themselves of their most difficult obligations, namely the children. Experience has shown that illegal marriage produces a smaller increase in population than legal marriage." [4]

Essentially similar arguments can be heard from some contemporary Soviet lawyers who oppose the legal recognition of *de facto* marriages on the pretext of a struggle against the same "unrestricted freedom" of these marital cohabitations which apparently is under all circumstances a terrible menace to

[4] *Traité pratique de droit civil français*, 68 and 71.

the interests of the parties themselves, their children and the State.

But such arguments in any case contravene the meaning and spirit of Soviet law and legislation for which, in establishing marriage, the fact and not the form is decisive, notwithstanding the State's partiality for the formalization of this fact by its registration with the public Registrar. The problem is not only how to publish the law, but how to make it take root in real life, to give it effect.

"Our law," Lenin said at the first All-Union Congress of Women Workers, "for the first time in history did away with everything that made woman rightless. But the trouble is not the law. In our towns and factory settlements this law about the complete freedom of marriage was well received, but on the land it is often so much paper . . ." (*Works*, Vol. XXIII, p. 285).

In any case, according to the general spirit of the whole present Soviet Family legislation, the registration of marriage is considered and encouraged by the Family Law (and must likewise be encouraged by the Civil Code of the U.S.S.R.) as a disciplinary and structural factor, regulating the personal and property relations of persons entering into marriage. This encouragement lies in the fact that registration of marriage is held to furnish indisputable evidence of the existence of marriage and that in this connection registered marriage is granted certain privileges. Thus the surviving spouse is recognized as legal heir when, after the death of the other spouse, the question of inheritance comes up for decision, and is freed from the obligation of having to establish his title by legal process, while the spouse of a *de facto* marriage is not free from this obligation. Registration of marriage is further of importance for social insurance, in litigation about paternity and in a number of other cases. It considerably facilitates the protection of the right of woman and child to maintenance from husband and father, as against the state of affairs in a non-registered marriage. This aspect has been clearly formulated in the first article of the present Family Code of the R.S.F.S.R. : "Registration of marriage is established both in the interests of State and society and with the aim of facilitating the protection of personal and property rights and of the interests of spouses and children."

The problem of registration is naturally well outside the limits of those intimate relations between people marrying into which the State does not intrude and which it does not intend to regulate.

It is a problem which closely affects society at large and the interests of the State where it concerns the third party, namely the children whose interests have to be safeguarded and protected against the irresponsibility of the parents of casual marriages.

It is precisely for this reason that this question cannot be decided without the active participation of the State, which, by registering people's marital relations, directs them towards a further stabilization of the Soviet family as one of the important bases of the socialist system.

A few words about non-registered (*de facto*) marriage and its legal consequences. Non-registered marriage is legally acknowledged in the Family Codes (R.S.F.S.R., arts. 11 and 16; Byelorussian S.S.R., arts. 22 and 26) as entailing community of property acquired by the spouses during marriage and a right to alimony both during the marriage and after its cessation. Court practice has extended the rights of persons who are in a state of non-registered marriage, beyond the limits set down in the Family Codes, by treating them like parties in a registered marriage in regard to the rights of inheritance of the surviving spouse.

The Georgian Family Code (art. 18) makes non-registered marriage equal to registered marriage in connection with the rights of the spouses to property acquired during marriage and also in connection with the right to alimony (art. 24). And the Family Code of the Ukrainian S.S.R. leaves it to the court to decide, on the merits of each individual case, the rights of parties in a non-registered marriage to alimony and property acquired during marriage.

Article 105 of that Code, to the effect that "marriage is subject to registration with the public Registrar" and that only "registration with the public Registrar is indisputable evidence of the existence of marriage unless it is rejected in court" has left it an open question for legal literature and court practice whether the legislation of the Ukrainian S.S.R. recognizes non-registered marriage. The majority of lawyers gave a negative answer to this question. Court practice during the first years after the promulgation of the Family Code of the Ukrainian S.S.R. took the same point of view; and the Kiev court, for instance, for a long time refused to hear alimony suits brought by so-called *de facto* spouses; while the Kiev Court of Appeal, in its ruling of June 18, 1928, in case No. 857, held that the Law of the Ukrainian S.S.R. recognized only registered marriages. Although this ruling was

later squashed by the plenum of the Kiev district court on October 19, 1928, the problem was still not completely solved.

First of all, we cannot overlook the fact that the third session of the Central Executive Committee of the Ukrainian S.S.R. which in 1926 gave the Family Code of the Ukrainian S.S.R. its final shape, removed from the draft of the Code, which had been accepted in the second session, the article concerning the protection of the so-called *de facto* marriages and substituted a ruling that such marriages can be registered on the unilateral declaration of one of the parties to such a " close relationship " and that, in case of litigation, an order for the registration of the marriage be issued.

Secondly, our attention is attracted by the fact that the Family Code of the Ukrainian S.S.R., as against the Codes of the R.S.F.S.R. and others, considers so-called *de facto* marriage invalid (arts. 111 and 114).

Thirdly, the Code of the Ukrainian S.S.R. does not consider *de facto* cohabitation as an obstacle to entering into marriage with another woman (as it is held to be, for instance, by the Family Code of the R.S.F.S.R., art. 6) and thereby appears once more to emphasize that it does not consider this form of cohabitation to be marriage.

Fourthly, the claim of the destitute spouse to alimony from the other spouse is conditional, under the Code of the Ukrainian S.S.R., on the cessation of marriage by divorce, i.e., on registered marriage, because a divorce can be registered only if the marriage itself has been registered.

Thus non-registered marriages in the Ukraine have, in the eyes of the law, in fact no legal consequences, although court practice, as has already been pointed out, allows these marriages equality with registered marriages before the law.

The problem is brought into even sharper relief in the Family Codes of the Turkmen and Uzbek S.S.R.'s.

Thus, under article 1 of the Code of the Turkmen S.S.R., " only civil marriage, registered with the public registration authorities, entails the rights and duties of the spouses set down in this Code ". A note to this article says : " In order further to protect the personal and property interests of women belonging to the indigenous population, the court is entitled to admit and decide, on the lines laid down for registered marriage, all cases which arise from *de facto* marital relations between members of the

indigenous population where these relations existed before this Code became law" (i.e., before January 1, 1936).

Like the Code of the Ukrainian S.S.R. the Codes of the Turkmen and Uzbek S.S.R. thus do not recognize any legal consequences as arising from non-registered marriage, differing in this from the Family Codes of the rest of the Union Republics.

The common Civil Code of the U.S.S.R. must, of course, find a solution to this problem of the legal consequences of non-registered marriage, in conformity with the interests of family, society and State as properly understood.

These interests by no means require that so-called *de facto* marriage should in future be categorically prohibited at all costs by the law, since such a measure, while not producing the desired result, would reimpose limitations on the rights of women and children in non-registered marriages.

The interests of the Soviet State require a legislative regularization of the problem of marriage registration which will impress in every way upon the citizens the importance of the act of registration from the point of view of the State and of the advantages of registered over non-registered marriage, but will on the other hand not leave the relations which arise from *de facto* marriage completely without legal protection.

(*b*) From A. Godes, *The Conception of Legal and of* De Facto *Marriage according to Soviet Law.*[5]

. . . Soviet Family and Marriage Law consistently and strictly adheres to the principle of monogamy and combats polygamy as a survival of the past in socialist life. Thus, under the law (art. 6 of the Code of Laws on Marriage, Family and Guardianship of the R.S.F.S.R.), a marriage must not be registered if at least one of the persons intending to marry is already in a state of registered or non-registered marriage. In this connection it is of interest to quote the legislation of the Ukrainian S.S.R. on the subject. Article 105 of the Code of Laws on Marriage, Family and Guardianship of the Ukrainian S.S.R. lays down that "marriage is subject to registration with the public registration authorities". This thesis, expressed in so categorical a manner, is apt to produce the mistaken impression that in the view of the legislator of the Ukrainian S.S.R. *de facto* or non-registered marriage is not recognized. Yet it is sufficient to turn to later articles of the same Code to become

[5] Published in *Sovietskaya Yustitsia*, Vol. for 1939, Nos. 19–20.

convinced that in the Ukrainian S.S.R., too, *de facto* marriage has the same legal force as registered marriage. It is true that this conclusion is to some extent belied by articles 111, 139 and 140 of the Code of Laws on Marriage, Family and Guardianship of the Ukrainian S.S.R.

It has already been stated above that under article 6 of the Code of Laws on Marriage, Family and Guardianship of the R.S.F.S.R. a marriage must not be registered if at least one of the persons intending to marry is already in a state of registered or non-registered marriage. According to article 3 of the Code of the Ukrainian S.S.R., the celebration of a marriage is only prohibited where one of the persons intending to marry is in a state of registered marriage : it follows that being in a state of non-registered marriage is no obstacle to the celebration of a registered marriage. We find the same thing in article 39 which says that the only condition to prevent the subsequent registration of a *de facto* marriage is the participation of one of the parties in a registered marriage. But if a *de facto* marriage cannot be registered for this reason, it would seem that it should, as a result, be classed as invalid, with all the consequences arising therefrom. And yet, article 140, goodness knows why, gives the court the right to admit the claim of one of the parties to the family property and to alimony (arts. 128–32), even where registration of the *de facto* marriage has been refused.

Thus on the one hand the law seems not to recognize *de facto* marriage, as in the case mentioned, which gives the reasons for refusing to register it, while on the other hand it acknowledges the legal consequences arising from such marriage. It is evident that there is some inconsistency to be noted here in introducing standard legislative principles.

But almost all the Family and Marriage Codes of the Union Republics in one way or another admit non-registered, *de facto* marriage side by side with registered marriage. In the majority of cases legal and *de facto* marriage thus bring about the same legal consequences ; the fact of registration in itself serves only as indisputable evidence of the existence of marriage unless it is rejected in court. But where this indisputable evidence is lacking, the litigants are entitled to establish the existence of marriage in court with the aid of other evidence (cf. arts. 11 and 12 of the Code of Laws on Marriage, Family and Guardianship of the R.S.F.S.R.). Which are the criteria by which the existence of marriage could be established and the

court enabled to decide, with varying certainty, whether in a given case the cohabitation of man and woman represents marital relations which one of the parties are unwilling to acknowledge or whether this cohabitation is in the nature of a casual encounter entailing no responsibilities other than those towards a child? According to article 12 of the Family Code of the R.S.F.S.R. these criteria by which the existence of *de facto* marital relations may be established are : " the fact of cohabitation, the existence of a common household, and evidence of marital relations before a third person, in private correspondence and other documents, and also in connection with other circumstances, with mutual financial support, common upbringing of children, etc."

This article does not give a definition of marriage, and this is quite understandable. The idea of marriage is a much wider one than that of any ordinary understanding and cannot be compressed into any legal scheme, suitable for all times and peoples. Marriage and family are definite social relations closely connected with definite means of production. This is to be explained by the fact that " people who daily reproduce their own life, produce other men, propagate their kind—those are the relations between husband and wife, parents and children, this is the family ".[6] A definition of marriage from the legal point of view cannot, therefore, embrace all aspects of family and marriage relations and can at best enumerate only the most important marks by which marital differ from non-marital relations. That was the way chosen by the legislator when it named the principal criteria in the above-mentioned article 12 of the Family Code of the R.S.F.S.R. But if we take these criteria collectively and risk the inadequacy of the definition, we could say that from the legal point of view marriage is the voluntary union of a man and a woman, complying with the demands of the law and directed towards living together, mutual aid in everyday life and common upbringing of children. From this definition we can draw the following conclusions : Firstly, not every association of a man with a woman can be considered the sort of marital cohabitation which implies the legal consequences arising from marriage ; secondly, from the legal point of view marital relations must comply with the demands of the law but need not necessarily be formalized by registration with the public Registrar. Such is the conception of marriage from the point of view of the present legislation.

[6] Marx and Engels, " German Ideology ", *Works*, Vol. IV, p. 19.

But we may ask : to what extent does the conception of legal and *de facto* marriage as established by the prevailing law conform to the requirements of reality, and might it not be necessary to revise this conception with a view to future legislation ? In order to give an answer to this question, a short excursion into the past is necessary. The conception of legal and *de facto* marriage did not exist under the 1918 Family Code, in which it was firmly laid down that an unregistered marriage has no legal consequences (art. 52). Article 62 of that Code therefore stated that a " marriage is held to have been concluded from the moment when its registration is entered in the marriage register ". The registration was thus considered compulsory, and there was no marriage without registration. Some lawyers maintained that this was a form of legal fetishism of the worst kind. They therefore urged that compulsory registration should be revoked and that *de facto* marriage should be allowed side by side with registered marriage. The authors of the 1926 draft of the Code of Laws on Marriage, Family and Guardianship of the R.S.F.S.R. thus declared in an explanatory note : " At present the struggle against Church weddings is, if not superfluous, at least not a matter of urgency ; the authors of the draft have therefore concentrated, not on the exposition of the formal moments of marriage and family, but on the protection of the family and marriage rights of the weaker party." [7]

The authors of the draft regarded the legal formula under which only " the marriage registered with the public registration authorities entails rights and duties " as obsolete, and proposed that the formalization of marriage through registration be looked upon merely as a technical means of establishing a certain fact. The advocates of this proposal argued the necessity of the abolition of compulsory registration in the interests of the weaker party in marriage—woman, as *de facto* marriages were, in their view, becoming the rule in Soviet life. It is not difficult to see that this line of argument has nothing in common with Soviet reality and that, moreover, it derives from a neglect of the legal forms.

We have already dealt above with the legal regularization of family and marriage relations. But family and marriage relations, being closely connected with the existing means of production, cannot be left to themselves, and a definite regularizing influence over them on the part of the State is naturally

[7] See also above, doc. 6, pp. 84, 91 and 123–4.

to be expected. In a socialist society the State plays an active rôle in the struggle to build communism and for the Communist education of the toilers. The Soviet State is by no means indifferent to the form of development taken by marital relations, relations which tend to the formation of the family which, in turn, is a definite form of socialist life.

Despite all anti-Marxist assertions about the extinction of the family under socialism, the Soviet family continues to develop on the basis of the tempestuous growth of Communist construction. The Soviet State is strengthening the family in every way and creating all the necessary conditions for entering into marriage. This is shown by the annual rise in the number of marriages celebrated in our country. The Soviet State is interested in rearing healthy, active builders of a Communist society. It takes comprehensive care of the growing generation, of the health of the Soviet citizens. The State therefore lays down definite conditions for the celebration of marriage, as, for example, the attainment of marital age. In article 1 of the Code of Laws on Marriage, Family and Guardianship of the R.S.F.S.R., the legislator declared in the first place that the registration of marriages is established not only in the interests of safeguarding the personal and property rights of spouses and children, but also in the interests of State and society. It was precisely in the interests, not only of the individual, but also of the State and society, that the law of June 27, 1936, was enacted, on the prohibition of abortion, on aid to expectant mothers, on State help to large families, on the extension of the network of crèches and kindergartens, on increasing the penalties for non-payment of alimony and on certain changes in the divorce laws.[8]

The immediate aim of this law was to combat the survivals of a bourgeois attitude towards women and children. It put an end to the irresponsible approach to marriage, and once again emphasized that marriage is a serious and responsible business and must not be undertaken frivolously. But we must not forget that marriage and the family cannot be strengthened by repressive means alone. Therefore, side by side with the great influence of Communist morality and culture on everyday relations, the legal form in which marriage is established plays an important part in fostering a serious Communist attitude towards marriage and the family. For the registration of a marriage with the public Registrar gives this marriage a certain publicity, and in

[8] Doc. 13 (*d*) above.

this way people who have entered into marriage come to feel responsible not only before each other, but before the community as a whole. A compulsory registration of marriages also introduces some clarity into extra-marital relations. It cuts off any attempt to circumvent the principle of the Soviet monogamous family. This subject can no longer be approached solely with a view to protecting the interests of the weaker party—of woman. In our land, woman occupies the same economic and political position as man. It must be fully emphasized that men and women bear equal responsibility for the consequences of their relations in everyday life. Each of them must fully grasp the seriousness of marriage, leading as it may to the formation of a family, and they must therefore insist on an appropriate formalization of their relations. We must therefore conclude that in the interests of strengthening marriage and family and of protecting the personal and property rights of spouses and children, the new Civil Code should lay down that only a marriage registered with the public Registrar is legally binding.

DOCUMENT No. 16

ABOLITION OF CO-EDUCATION IN SOVIET SCHOOLS

A. Orlov : [1] *On the Education of Boys and Girls Apart in Separate Schools* (*Isvestiya*, August 10, 1943)

In the ensuing school year, our organs of national education and our schools are confronted with a task of great national importance : as from September 1, 1943, separate education for boys and girls in all forms from the first to the tenth will be introduced in the incomplete and complete secondary schools of the provinces, of district towns, of capitals of the Union and Autonomous Republics and of large industrial towns, as soon as separate schools for boys and girls have been organized in these towns.

Co-education in the schools was proclaimed and put into practice by the Soviet government in 1918, and has played a positive historical rôle in the development of Soviet schools. More than half of all scholars in the higher educational institutions are women. This is a great achievement of the Soviet government, of Soviet culture.

But now we find that co-education in the schools has given rise to a number of inconveniences. In co-education, neither the peculiarities of the physical development of boys and girls, nor the different requirements of their vocational training, practical activities, preparation for leadership and military service can receive proper attention.

In the schools of Moscow, where during the past school year separate education has already been partially introduced as from the fifth form, experience has proved that the collectives of pupils have become more organized and their interests more homogeneous. Discipline in the schools has improved con-

[1] The author is the Director of the Moscow Municipal Department of National Education. The reader will notice that most of the argument made in favour of the reform is based upon the need of preparing the young for their share in defence, and also the polemics against " absurd interpretations of the meaning of separate education " uttered by some Soviet pedagogues who evidently inclined to a return to pre-revolutionary views in this matter. But part of the argument of the article, and such —doubtless official—arguments as those quoted below, in our Conclusion (pp. 393–4) leave no doubt that the need to get the most efficient soldiers and nurses provided only the immediate incentive for a measure with much more far-reaching implications. [R. S.]

siderably and the activities of the pupils have increased as well. The syllabuses for boys and girls have been differentiated, and thus the necessary conditions have been created for the physical and military training—primary and pre-conscription—of both.

In consequence, remarkable progress has been achieved by pupils in the schools.

The significance of the primary and pre-conscription training of the pupils consists not only in imparting to them elementary facts and notions concerning the established order, the military organization, materials, weapons and so on, but also in providing a genuine military education for our youth. It will be possible to achieve this aim only when these elements of military education are inculcated in our youth from early childhood. Therefore separate education in all incomplete and complete secondary schools will be introduced, beginning in the first form, because the syllabus of physical training and military training, primary and pre-conscription, is different for boys and girls, and this programme can be carried out properly only under conditions of separate education.

For the current year, the instruction in the schools for boys and girls must follow the existing programme. But for the future, the programme of education and the curriculum for boys' schools and girls' schools can be and must be differentiated. It is essential to introduce in girls' schools such additional subjects as pedagogics, needlework, courses in domestic science, personal hygiene and the care of children. In boys' schools, training in handicrafts must become a part of the curriculum. At the end of their school career, those who attend boys' schools must have acquired practical habits, they must be able to cope with simple repairs to electrical installations and heating systems, and with the repair of household objects. The syllabus of boys' schools must also be different for such subjects as geography. It is necessary that the future warrior and commander should be able to use a map and be absolutely reliable, to understand topography, to find his way by means of a map and to apply a map to the locality.

If separate education is to be established in practice, we must in the first place appreciate that this is an extremely complicated and difficult task calling for a thoughtful approach, much painstaking work, and not merely a mechanical separation of boys and girls. Experience in the Moscow schools proves that a great deal of preparatory work must precede the carrying

out of separate education. The significance of this national reform and of the underlying pedagogical principles must be properly expounded to the teachers, explanations must be given to the pupils and their parents, and the work must be carried out jointly with the Party organs, the Soviets and other social organizations.

A properly planned network of schools will be of the utmost importance. It must be built up with full regard to local conditions. We must be on our guard against letting the implementation of this school reform hinder in any way the fulfilment of the main and fundamental task of the school—the universal compulsory education of our children. It would be an unforgivable mistake if the planning of the school system should give rise to conditions where children had to walk three or four kilometres to go to school. This would be an obstacle to daily school attendance. It is quite possible in individual cases of necessity to arrange with the permission of the authorities two independent schools for boys and girls in one building, with different principals and separate teaching staffs.

It is not our objective to erect some " Chinese wall " between boys and girls—boys and girls walking on different pavements —what we aim at is only the separate *education* of boys and girls. This is the main thing. We must not imagine that once separate education has been introduced, there will be no association between boys and girls. They will come together in the " pioneer houses ", in institutions outside the school, in the theatres, at " school evenings ", and so on. A danger exists, nevertheless, in an absurd misinterpretation of the essential meaning of separate education, such as found expression in various memoranda presented to the All-Russian Conference on National Education during the discussion of the problem of separate education.

There is a great deal of work to be done by the organs of national education in selecting the managing body—the principals and directors of studies and the teaching staff. It is clear that both kinds of school have their peculiarities and that the selection of the teachers for boys and girls must take these peculiarities into account. In boys' schools, the principal should as a rule be a man, and in girls' schools a woman. Where in any instance this rule is not observed, it should be regarded as a temporary expedient.

The choice of buildings for boys' and girls' schools should

also take these peculiarities into account. Boys' schools should have proper grounds for military training and for carrying out technical manœuvres. They must have a gymnasium and a specially organized military department in accordance with the programme of military education. In girls' schools, the military department should serve the purposes of training for sanitary work, intelligence, and so on.

There should also be a differentiation by the national educational bodies in their management of the schools for boys and girls. It will also be necessary, as a practical measure, to conduct separate headmasters' and headmistresses' conferences. There is a great deal of work to be done in forming pupils' collectives.

The schools of Moscow are at an advantage in this task, as they have already had some small experience of separate education, and at present a great deal of preparatory work is being carried on with a view to school reform. A network of schools for boys and girls has been established, principals and directors of studies have been selected. The body of teachers has been built up, a register of pupils has been compiled and new forms arranged, the personal files of the pupils have been sorted out and the syllabus has been formulated in detail. Military departments have been created in the schools and great care has been taken in the choice of their equipment and of the school grounds for military pursuits.

Not much time remains before the beginning of the next school year, but there is a very great deal for us to do. Our work of implementing these highly important national measures must be widely and most energetically pursued, to ensure for every boys' and for every girls' school a properly organized start for its school activities.

The introduction of separate education for boys and girls in the incomplete and complete secondary schools marks the achievement of a definite stage in the development of our Soviet schools and will raise the school system to an even higher stage of development.

DOCUMENT No. 17

THE FAMILY LAW OF JULY 8, 1944

(*a*) Decree of the Presidium of the Supreme Soviet of the U.S.S.R. on increase of State aid to pregnant women, mothers with many children and unmarried mothers ; on strengthening measures for the protection of motherhood and childhood ; on the establishment of the title " Heroine Mother " ; and on the institution of the order " Motherhood Glory " and the " Motherhood Medal "

Care for children and mothers and the strengthening of the family have always been among the most important tasks of the Soviet State. In safeguarding the interests of mother and child, the State is rendering great material aid to pregnant women and mothers for the support and upbringing of their children. During and after the War, when many families face more considerable material difficulties, a further extension of State aid measures is necessary.

With a view to increasing the material assistance to pregnant women, mothers with many children, and unmarried mothers, and to encouraging large families and providing increased protection for motherhood and childhood the Presidium of the Supreme Soviet of the U.S.S.R. Decrees :

SECTION I

On the Increase of State Aid to Mothers with many Children and Unmarried Mothers

It is Decreed:

Article 1

That in place of the existing regulation which gives State aid to mothers with six children at the birth of the seventh and of each subsequent child, State assistance shall be given to mothers (either with husbands or widowed) who have two children, on the birth of the third and of each subsequent child.

Article 2

Payment of State assistance to mothers with several children shall take place in the following manner and amounts :

Mothers.	Non-Recurring Payment. (Rubles.)	Monthly Payment. (Rubles.)
With 2 children on birth of 3rd . . .	400	—
With 3 children on birth of 4th . . .	1,300	80
With 4 children on birth of 5th . . .	1,700	120
With 5 children on birth of 6th . . .	2,000	140
With 6 children on birth of 7th . . .	2,500	200
With 7 children on birth of 8th . . .	2,500	200
With 8 children on birth of 9th . . .	3,500	250
With 9 children on birth of 10th . . .	3,500	250
With 10 children on birth of each subsequent child	5,000	300

Monthly assistance to mothers with several children to be paid from 2nd year of birth of child until his 5th birthday.

To mothers having 3, 4, 5 or 6 children at the time of publication of this Decree, the assistance laid down in the present article to be paid for each child born after the publication of the present Decree. Mothers having 7 or more children at the time of publication of this Decree retain the right to receive assistance for having many children in the manner and amount laid down in the Decree of the Central Executive Committee and the Council of People's Commissars of the U.S.S.R. dated June 27, 1936, viz., for the 7th, 8th, 9th and 10th child—2,000 rubles each annually for a period of five years from the birth of the child; for the 11th child and each subsequent child 5,000 rubles in lump sum and 3,000 rubles each annually for a period of four years from the 2nd year after the birth of the child. On the birth of each subsequent child after publication of the present Decree, assistance is paid out in the manner and to the amount laid down in the present article of this Decree.

In assessing the amount of State assistance to mothers with many children, those children who perished or disappeared without trace on the fronts of the Patriotic War are included.

ARTICLE 3

To establish State assistance to single (unmarried) mothers for support and upbringing of children born after the publication of the present Decree, in the following amounts:

100 rubles monthly for 1 child
150 „ „ for 2 children
200 „ „ for 3 or more children

State assistance to unmarried mothers is paid until the children reach 12 years of age.

Unmarried mothers with 3 or more children receive the State assistance laid down in the present article, in addition to the regular assistance to mothers with many children which is received in accordance with article 2 of the present Decree.

When an unmarried mother marries, the right to assistance laid down in the present article is retained by her.

Mothers who receive alimony for children born before the publication of the present Decree retain their right to receive alimony until the child grows up, and do not receive the assistance laid down in the present article.

Mothers of children born in 1944, before the publication of the present Decree, and not receiving alimony for them, have the right to receive the assistance provided by the present article.

ARTICLE 4

If an unmarried mother wishes to place a child to which she has given birth in a children's institution for its upbringing, the children's institution is obliged to accept the child, to support and bring it up entirely at the expense of the State.

The mother of the child has the right to remove her child from the children's institution and to bring it up herself.

While the child is in the children's institution, State assistance for the child is not paid.

ARTICLE 5

To increase the size of the lump sum assistance paid out for each new-born child from the Social Insurance Fund and Mutual Assistance Funds of the co-operative *artels* from 45 to 120 rubles. To establish that the sale of a layette for the new-born child to the amount of the sum provided shall be assured.

SECTION II

ON THE INCREASE OF PRIVILEGES FOR PREGNANT WOMEN AND MOTHERS AND ON MEASURES TO EXTEND THE NETWORK OF INSTITUTIONS FOR THE PROTECTION OF MOTHERHOOD AND CHILDHOOD

ARTICLE 6

To increase the leave of absence for pregnancy and child-birth for women workers and women office employees from

63 calendar days to 77 calendar days, establishing the length of the leave of absence at 35 calendar days before the birth and 42 calendar days after the birth, assistance to be given during this period at the expense of the State to the amount previously laid down. In cases of difficult births or the birth of twins, leave of absence after birth is increased to 56 calendar days.

To instruct the directors of factories and offices to provide pregnant women with their regular leave of absence, at a suitable time in relation to the leave of absence for pregnancy and birth.

ARTICLE 7

Pregnant women from the 4th month of pregnancy not to be put on overtime work in factories and offices, and women with children at the breast not to be put on nightwork during the period the child is breast-fed.

ARTICLE 8

To double the normal ration of supplementary food for pregnant women, beginning with the 6th month of pregnancy, and for nursing mothers for four months of the nursing period.

ARTICLE 9

To instruct the directors of factories and offices to give aid to pregnant women and nursing mothers in the form of supplementary foodstuffs from their auxiliary farms.

ARTICLE 10

To reduce by 50 per cent. the fees for places in crèches and kindergartens for :

Parents with 3 children and earning up to 400 rubles a month.
Parents with 4 children and earning up to 600 rubles a month.
Parents with 5 or more children irrespective of earnings.

ARTICLE 11

To instruct the Council of People's Commissars of the U.S.S.R. :

(*a*) To confirm the plan for the organization in Republics and Regions of additional Homes for Mother and Child and also of special rest homes for unmarried women needing them

and for weakened nursing mothers, the women resting there to be given work in them according to their strength.

(*b*) To confirm the plan for extending the network of children's institutions under the People's Commissariats and departments, with a view to covering fully all children needing such institutions; to provide for extension of the network of children's consulting centres and milk kitchens, organization of crèches for breast-fed children, of evening groups in the kindergartens and maternity institutions in the districts liberated from the German invaders.

(*c*) To provide for the compulsory organization in factories and offices employing women on a mass scale of crèches, kindergartens, rooms for the feeding of breast-fed children, and personal hygiene rooms for women.

(*d*) To instruct the People's Commissariats to include in their plans of industrial construction the building of children's institutions (crèches, kindergartens, Mother and Child Rooms), calculated to cover fully all the children of the women workers and office employees of the given enterprise who require such services.

(*e*) To confirm measures for the considerable expansion of the production of children's clothing, footwear, sanitary and hygienic articles for children, and other articles required by children both for children's institutions and for sale to the population, and measures also for the extension of the network of children's clothing factories and of the network of Mother and Child shops.

SECTION III

On the Institution of the "Motherhood Medal" and the Order "Motherhood Glory", and Establishment of the Title of Honour "Heroine Mother"

Article 12

To institute a "Motherhood Medal"—1st and 2nd class—for award to mothers who have given birth to and brought up:

5 children . . .	2nd class medal
6 children . . .	1st class medal

Article 13

To establish the Order "Motherhood Glory"—1st, 2nd and

3rd class—for award to mothers who have given birth to and brought up :

7 children	3rd class
8 children	2nd class
9 children	1st class

ARTICLE 14

To establish that mothers who have given birth to and brought up 10 children shall receive the title of honour " Heroine Mother " with award of the Order Heroine Mother and certificate of the Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 15

The award of the " Motherhood Glory " Order and the " Motherhood Medal " and award of the title of honour " Heroine Mother " are presented when the latest child is one year old and provided the other children of this mother are living. When a mother is decorated account is taken of the children who perished or disappeared at the fronts of the Patriotic War.

SECTION IV

ON TAXES ON BACHELORS, SINGLE CITIZENS AND CITIZENS OF THE U.S.S.R. WITH SMALL FAMILIES

ARTICLE 16

As a modification of the Decree of the Presidium of the Supreme Soviet of the U.S.S.R. dated November 21, 1941, " On taxes on bachelors, single and childless citizens of the U.S.S.R.", to establish that a tax is paid by citizens—men between the ages of 20 and 50 years, and women between the ages of 20 and 45 years—having no children and citizens having 1 or 2 children.

ARTICLE 17

The tax to be paid in the following amounts :

(*a*) Citizens subject to income tax, where there are no children : 6 per cent. of income ; where there is one child, 1 per cent. of income ; where there are 2 children, ½ per cent. of income.

(*b*) Collective farmers, individual farmers and other citizens included in the farm personnel who pay agricultural taxes,

where there are no children—150 rubles annually ; where there is one child—50 rubles annually ; where there are 2 children —25 rubles annually.

(*c*) From other citizens, where there are no children—90 rubles annually ; where there is one child—30 rubles ; where there are 2 children—15 rubles annually.

ARTICLE 18

The following to be exempt from payment of the tax :

(*a*) Service men—privates, sergeants and sergeant-majors.

(*b*) Service officers of army units and military institutions included in the personnel of army and navy units on active service.

(*c*) Wives of the service men indicated in points (*a*) and (*b*) of the present article.

(*d*) Women receiving assistance or pensions from the State for the support of children.

(*e*) Citizens whose children have perished or disappeared on the fronts of the Patriotic War.

(*f*) Students of secondary or higher educational institutions —men and women under 25 years of age.

(*g*) Invalids of 1st and 2nd grades of ill health.

SECTION V

ON MODIFICATIONS IN THE MARRIAGE, FAMILY AND GUARDIANSHIP LAWS

ARTICLE 19

To establish that only registered marriage produces the rights and obligations of husband and wife laid down in the Code of Laws on Marriage, Family and Guardianship of the Union Republics. Persons having *de facto* matrimonial relations before the publication of the present Decree may formally establish their relationship by registering their marriage, indicating the period they have in fact been living together.

ARTICLE 20

To abolish the existing right of a mother to appeal to the court with a demand for the establishment of paternity and obtaining alimony for the support of a child, born of a person with whom she is not living in registered marriage.

ARTICLE 21

To establish that, when registering with the offices which register births, deaths and marriages the birth of a child by a mother whose marriage is not registered, the child is registered in the mother's surname, the patronymic to be given according to the wishes of the mother.

ARTICLE 22

A compulsory entry to be made in passports of the registered marriage, the surname, name and patronymic and date of birth of husband or wife, and the place and date of the registration of the marriage.

ARTICLE 23

To establish that divorce takes place in the public courts. On the request of the husband and wife, the divorce case may, in essential cases only, and by decision of the court, be heard in closed court sessions.

ARTICLE 24

In bringing a court action for dissolution of a marriage, the following conditions to be compulsorily observed :

(*a*) Presentation to the People's Court of a notice of the desire to dissolve the marriage, indicating the motives for the dissolution, and also the surname, name, patronymic, year of birth, and place of residence of the husband or wife. Upon presentation of the notice for the dissolution of the marriage, 100 rubles is payable.

(*b*) The husband or wife to be summoned into court to become acquainted with the divorce statement of the wife or husband, and for the preliminary establishment of the motives of the divorce, and also for the establishment of witnesses to be summoned to court for examination.

(*c*) Publication in the local newspaper of the notice on the bringing of a court action for dissolution of marriage, the cost of publishing the notice to be borne by the husband or wife who gives notice of dissolution of marriage.

ARTICLE 25

The People's Court is obliged to establish the motives for notice of dissolution of marriage and take measures to reconcile the husband and wife, to which end both the divorcing parties must absolutely be summoned, and, where necessary, witnesses.

In the event of a reconciliation between husband and wife not taking place in the People's Court, the claimant has the right to apply for dissolution of the marriage in a higher court.

To establish that the decision on the dissolution of a marriage can be made by the Regional, Territorial, District or Town Court, or by the Supreme Court of a Union or Autonomous Republic.

ARTICLE 26

The Regional, Territorial, District or Town Court or Supreme Court of a Union or Autonomous Republic, in the event of recognizing the necessity for dissolving a marriage, must :

(*a*) Determine with which of the divorced parties and which of the children will remain, and also which of the parents will bear the expense of the maintenance of the children, and to what amount.

(*b*) Establish the manner in which property shall be divided between the parties seeking divorce, either in kind or on a business basis.

(*c*) Return to each of the divorced parties, according to their wish, the surnames used before marriage.

ARTICLE 27

On the basis of the decision of the Court, the office for registering births, deaths and marriages writes out a certificate of dissolution of marriage, on the basis of which an entry concerning the divorce is made in the passport of husband and wife and, by decision of the Court, from 500 to 2,000 rubles is charged to one or to each party.

ARTICLE 28

To instruct the Supreme Soviets of the Union Republics, in accordance with this present Decree, to introduce the necessary modifications in the legislation of the Union Republics.

ARTICLE 29

To instruct the Council of People's Commissars of the U.S.S.R. to confirm the rules governing the procedure of allocation and payment of allowances to pregnant women, to mothers of large

families and unmarried mothers, in accordance with the present Decree.

ARTICLE 30

To instruct the Council of People's Commissars of the U.S.S.R. to confirm the measures for regulating the registration of births, marriages and deaths, making provision for the introduction of a ceremonial procedure at the registration, the allocation for this purpose of suitable premises and equipment for them, and the presentation in the proper manner to the citizens concerned of a document fittingly designed.

ARTICLE 31

The organs of the Prosecuting Magistracy, in accordance with the existing Code of Criminal Law, to prosecute persons guilty of illegal abortions, of compelling women to undergo abortions, of insulting and debasing the dignity of a woman and mother, of deliberate non-payment of alimony for the maintenance of children.

ARTICLE 32

To consider null and void :

(*a*) Articles 5, 8, 10, 27 and 28 of the Decree of the Central Executive Committee and Council of People's Commissars of the U.S.S.R. dated June 27, 1936, " On the Prohibition of Abortions, on the Improvement of Material Aid to Women in Childbirth, on the Establishment of State Assistance to Parents of Large Families, on the Extension of the Network of Lying-in Homes, Crèches and Kindergartens, Tightening up of Criminal Punishment for the Non-Payment of Alimony, and on Certain Modifications in the Divorce Legislation ". (Collected Laws of the U.S.S.R., 1936, No. 34, art. 309.)

(*b*) The Decree of the Central Executive Committee and the Council of People's Commissars of the U.S.S.R. of November 14, 1936, " On the Procedure of Distributing Allowances to Mothers with large Families ". (Collected Laws of the U.S.S.R., 1936, No. 59, art. 448.)

(*c*) Article 14 of the Decision of the Council of People's Commissars of the U.S.S.R., the Central Committee of the C.P.S.U.(B) and All-Union Central Council of Trade Unions dated December 28, 1938, " On Measures for Regulating Labour Discipline, Improving the Functioning of State Social Insurance,

and Combating Abuses therein". (Collected Decisions of the Government of the U.S.S.R., 1939, No. 1, art. 1.)

(*Signed*) M. KALININ, Chairman of the Presidium of the Supreme Soviet of the U.S.S.R.
A. GORKIN, Secretary of the Presidium of the Supreme Soviet of the U.S.S.R.

Moscow, Kremlin,
July 8, 1944.

(*b*) From G. M. Sverdlov, *Some Problems of Judicial Divorce.*[1]

1. ON THE REASONS FOR DIVORCE.

By the Decree of the Presidium of the Supreme Soviet of the U.S.S.R., of July 8, 1944, essential changes in divorce procedure have been introduced. Instead of the former system by which divorces were recorded by the Registrar's Offices at the demand even of a single partner, a judicial divorce procedure has been inaugurated under which the motives for the request for divorce must be established, and the court is entitled to reject the suit. This authority of the court to refuse divorce is the fundamental innovation in the material law on divorce introduced by the new Decree; taken together with the changed approach to the registration of marriage it expresses a strengthening of the cultural-educational impact of the socialist State in favour of the strengthening of the family, "fighting light-minded attitudes towards the family and family obligations", and extending the protection of the rights of the individual as well as those of the community.

[1] *Sovietskoe Gosudarstvo i Pravo*, 1946, No. 7. This article became available immediately before this book was going to press; and in assessing its importance the reader should keep in mind that the most interesting arguments may be yet to come forward. He may distinguish between the statement of highly interesting facts, amongst them the fact that, two years after the issue of the Decree of July 8, 1944, a Soviet author in a paper published in the leading legal periodical found it possible and necessary to interpret that decree in a way which would remove most of the hardships supposedly involved in it, and on the other hand, personal opinions of the author, the most important of which I discuss below, in note 10, but which may also include his moderate approach to the issue of the divorce fee. The parts omitted from the paper as here reproduced would strengthen the impression it gives that the Decree in question was at first interpreted in an exaggerated sense. The courts, for example, dealt with cases of annulment of marriage (in one instance, because a first husband, who disappeared during the war and was presumed dead, reappeared, so that the wife's second marriage had naturally to be dissolved) as if they were divorce cases, levied the appropriate fee, and made formal attempts at reconciliation in what would have been a bigamous marriage, had not the other partner behaved correctly. In other cases the courts simply disregarded the law as explained in section 4 of the paper and compelled divorced wives to resume their maiden names, etc. Such excesses in interpreting the demand for stability of marriage have hardly been committed by foreign interpreters of the Decree of July, 1944; this document, however, corrects some interpretations to which even the most sober of them and, it would seem, the Soviet courts also, were inclined. [R. S.]

From this fundamental change in material law derive all the innovations in divorce procedure introduced by the Decree of July 8, 1944 : the two stages of judicial investigation in a lower and a higher court, the admission of witnesses in divorce suits, the publicity granted to divorce proceedings, and the increased fees payable in the case of divorce, which are calculated in a new way.

As a result of the Decree a number of new and essential questions presented themselves which previously either had not arisen, or had had to be decided in another way. With some of these we deal here, and first of all with the reasons for which divorces are granted by the courts.

Unlike the legislation of other countries, the Decree of July 8, 1944, does not enumerate a list of legal grounds for divorce ; it entitles the court to assess the reasons for dissolution of marriage according to the actual circumstances of each individual case. By such an attitude on the part of the Law to the reasons for divorce the law-making function of the courts in such matters is greatly enhanced, thus giving exceptional importance to the theoretical generalization of that function. . . .

Recently I had the opportunity of studying a considerable number of divorce cases decided after the Decree of July 8, 1944—most of them during the first half of 1945. These covered in all more than 400 cases, decided by the courts in eighteen towns. At this stage it is evidently impossible to arrive at anything like an exhaustive picture of the norms established by court practice in these cases ; such practical experience as is available is still insufficient, and no definite line has been laid down, even on some fundamental points. Yet in some fields certain permanent principles can already be considered as established.

The material we have collected allows of a clear distinction in the approach of the courts to divorce cases according as the partners have or have not agreed to divorce. The overwhelming majority of the investigated divorce suits decided by the courts after the Decree of July 8, 1944, were initiated either by mutual agreement between the parties, or, though started by one party only, did not meet with any objection from the other side. In about two-thirds of the cases investigated there was agreement between the parties, and it is important to notice that in all these cases the court granted their request.

This fact seems symptomatic, and would appear to prove

that from the very start the courts regarded mutual agreement between the parties as to the necessity of divorce as a sufficient reason for granting it. This is shown not only by the absence of cases where divorce was denied when both parties agreed as to its necessity, but also by the very frequent motivations of court decisions in such cases expressed by statements such as "In view of the insistence of both parties on divorce", "In view of the fact that the defendant raises no objection to divorce", and so on.

In my opinion, such an approach on the part of the courts to the highly important issue of divorce by mutual agreement fully corresponds to the general intentions and theoretical principles upon which the Decree of July 8, 1944, and the whole of Soviet Family Law as it has operated since the issue of that decree are based. Divorce legislation cannot be correctly interpreted unless we understand its organic connection with the legislation on marriage, that is, the connection between the material content of the norms on marriage and the norms on divorce.

. . . The Decree of July 8, 1944, introduced no change in the material content of the norms on marriage; by stating that registered marriage alone establishes matrimonial rights and duties it merely changed, though essentially, the regulation of the form of marriage. But it did not change the fundamental principles which had characterized Soviet legislation on marriage since the first days of the October Revolution. One of those principles is freedom of marriage, its foundation in the free and voluntary agreement of the parties to the marriage, as explicitly required by the law (art. 4 of the Code of Family Law of the R.S.F.S.R.).[2] . . . This principle also finds expression in the rejection, by our law, of the principle familiar to bourgeois and pre-revolutionary Russian legislation, that the decision to enter upon marriage may depend on the will of persons other than those to be married (parents, guardians, superiors). Our law distinctly rejects the possibility of marriage on the basis of the subjection of the will of one of the parties to the marriage to that of another person, and in those parts of the Union where such phenomena may occur as vestiges of tribal life, it prosecutes them as criminal offences.[3]

From this principle of the inadmissibility of enforced marriage follows that of freedom of divorce. Just as marriage is contracted

[2] See above, p. 155.

[3] See above, doc. 10 (*a*).

by free agreement, so also it can be dissolved by mutual agreement. The State only needs guarantees for the presence of really voluntary agreement and of a serious, not light-minded, approach to that agreement on the part of the parties. The new judicial procedure for divorce aids the very establishment of such guarantees.

In his book on the *Fundamental Principles of Civil Law* Professor I. A. Pokrovsky criticizes the idea that legislation regarding divorce could and should pursue the task of opposing light-mindedness, and states that " light-mindedness takes no account of any considerations ". We are unable to agree with a point of view which thus denies the influence of the Law and the State on the conscious actions of individuals. Certainly it is impossible to establish absolute guarantees against a light-minded approach in coming to an agreement on divorce. But some guarantees do exist, and are enacted in this very decree of July 8, 1944 : judicial divorce procedure, obligation on the part of the court to establish the motives of the divorce in every case and to attempt the reconciliation of the parties, obligatory publication of the request for divorce, the demand for the personal appearance of both parties in court, the payment of a considerable fee on registration of the divorce ; all these measures provide serious guarantees against a flippant approach to divorce.[4] The materials proving the restrictive influence of the new rulings upon divorce have not yet been sufficiently analysed ; but the statistics already available, both those of the courts and of the Registration Department of the Ministry for Internal Affairs of the U.S.S.R., show a rapid fall in the number of divorces.

[4] The guarantees established by the Decree may eventually be supplemented by some others. Those foreign States which admit divorce on the basis of mutual agreement (for example, Belgium, Mexico according to the law of 1917, Norway according to the law of 1917, Sweden according to the law of 1915, Denmark according to the law of 1920, and Czechoslovakia according to the law of 1919) combine that permission with certain conditions. According to the Belgian law, a minimum age in the partners (for the husband 25, for the wife 21 years) is regarded as a condition for a serious approach to the question of such a divorce, and divorce by mutual agreement is not permitted before two years have passed since the conclusion of the marriage ; furthermore, agreement between the parties on the upbringing of the children is required. So long as the French Civil Code admitted divorces on the basis of mutual agreement (up to 1816) they were granted only on similar conditions. According to the Swedish, Norwegian and Danish laws divorce on the basis of agreement between the parties is definitely granted only when one year has passed since their separation, during which attempts have been made at their reconciliation.

In our opinion it might be helpful if our courts were given directives which, without ascribing normative force to any of the above-mentioned circumstances, might draw their attention to the importance of such circumstances in the decision of divorce cases. Especially, it may be suggested that the courts should be given the right to defer the decision for a certain period in divorce suits based on mutual agreement.

As already mentioned, in cases of mutual agreement between the parties the courts take the attitude that divorce must always be granted. It may be asked what differences exist in such cases between the present legal position and the former, when divorce was simply recorded at the Registrar's Office. But under the former rulings the registration of divorce did not constitute a juridical act which formed a necessary condition for the ending of matrimonial rights and duties. Just as, before the Decree of July 8, 1944, the registration of marriage at the Registrar's Office merely "formally established marriage" (see art. 1 of the Family Code), so the registration of divorce at the Registrar's Office was a mere formal establishment of divorce; independently of the registration of divorce, legal matrimonial relations might in certain cases be regarded as dissolved if the absence of *de facto* matrimonial relations was established in court.[5] This legal position has been changed by the July Decree; as marriage can no longer be dissolved except by a court decision, that decision has become the constituent fact of divorce. Unless there is a court decision on divorce, recorded in the Registrar's Office, the legal matrimonial relations, that is, the rights and obligations of the partners, continue to exist in all respects.[6] This very importance of the court decision on divorce constitutes the disciplinary importance of the new law against light-minded, flippant divorces. But the fact that the court decision on divorce now has consequences so important for the citizens concerned places an obligation on the court to grant divorce whenever the demand is based upon serious considerations put forward by the parties.

A different attitude is adopted by the courts towards divorce suits when the consent of one party to the marriage is lacking and the demand is opposed. Freedom of divorce ought not to involve arbitrariness and misuse of that freedom: therefore the courts, when dealing with such cases, occasionally refuse divorce. The number of rejected divorce suits is small (5 to 6 per cent. of all the cases); but it is important to notice that all of these are defended suits, and of these about 23 per cent. were rejected. . . . Thus we find that in the large majority even of contested

[5] See art. 20 of the Family Code of the R.S.F.S.R., the formulation of which (see above, p. 157) has been abolished since April 16, 1945 (*Vedomosty Verch. Sovieta S.S.S.R.*, No. 26, 1945).

[6] The reader may remember (from doc. 7 above) that legal prescriptions as to the personal relations of the husbands are alien to Soviet matrimonial law, which even (*Ibid.*, arts. 7 and 9) refrains from prescribing a common family name and place of residence. Thus, "legal matrimonial relations" means essentially obligations of mutual support and obligations towards the children of the marriage. [R. S.]

divorce suits, divorce was finally granted. But the fact that refusals of requests for divorce are found only in cases where one of the spouses objected may be regarded as characteristic and important : the courts have rightly interpreted the tendency of our legislation as being directed against unfounded and arbitrary demands for divorce raised by only one of the parties to the marriage.

A summary attempt at generalization from those cases where court procedure resulted in the refusal of divorce may be made as follows :

(1) All such refusals occurred in cases where there were objections to divorce : the very presence of objections to divorce caused the case to be contested and induced the court to consider other reasons for divorce than the mere desire of the parties to part from each other ;

(2) Courts deny divorce because they do not find that the behaviour of the defendant was responsible for the failure of the marriage ;

(3) Reference by the claimant to his own guilty behaviour (for example, admission of his own adultery) is not considered a sufficient reason for the dissolution of marriage ;

(4) In all cases where divorce was refused there were minor children. As the courts regard absence of guilt on the part of the objecting spouse as a reason for refusing divorce, such a refusal may, in theory, also be envisaged in the absence of children, but their presence, in view of the unfavourable implications which divorce may have for their interests, is regarded as a factor supporting the objections to divorce.

. . . It is impossible to give a general picture of the reasons for which divorce is granted even if the spouse objects ; but some of these reasons are evident in the cases which we had the opportunity to study. Amongst them we notice :

(1) Established guilt on the part of the respondent (especially violations of matrimonial fidelity committed by him) and behaviour which renders continued community of life impossible for the other partner ;

(2) Common guilt on the part of both spouses, which results in making the continuance of a joint life impossible ;

(3) Objective impossibility of continued common life for reasons that cannot be regarded as due to the guilt of either party : for example, prolonged absence if the other partner cannot be traced or chronic insanity. . . .

3. Alimony for the Divorced Partner.

Amongst the issues arising from the dissolution of marriage the support due by one of the divorced partners to the other should be regarded as specially important. The Decree of July 8, 1944, does not mention any obligation on the part of the judge to raise and to decide this issue in cases where he regards the dissolution of marriage as necessary (art. 26). But obviously the lack of mention of this issue in the Decree should not be interpreted as restricting the right of either divorced partner, if in need and incapable of working, to be supported by the other, and the obligation of that other to afford such support if his material conditions allow for it. Articles 14–15 of the Family Code of the R.S.F.S.R.[7] and the corresponding articles of the Codes of the other Union Republics by which these rights and duties are established have not been altered in their essential points since the publication of the Decree of July 8, 1944;[8] and therefore those rights and obligations still remain in full legal force.

Moreover, I am disposed to regard that issue as even more important now than it was before the issue of the July Decree. The fundamental idea of that Decree is to increase the responsibilities implied in marriage and to heighten responsibility to the family for the fulfilment of familial obligations. In the light of that conception the obligation of the one partner to grant the necessary support to the other if incapable of working is evidently important, and the fact that the issue is hardly touched in divorce cases should be regarded as abnormal. Among some hundreds of divorce cases which I have had the opportunity to study there was not a single one where the court, when granting divorce, would have imposed on one partner the obligation to support the other.

Apart from the need to normalize judicial practice in this regard, it seems to me that a more precise regulation of the right of the divorced husband to alimony has become necessary in connection with the July Decree. In our present legislation, there are wide differences in the norms established by the codes

[7] See above, pp. 156–7.

[8] See, for example, arts. 14 and 15 of the Family Code of the R.S.F.S.R. in the edition of April 16, 1945 (*Vedomosty Verch. Soviete S.S.S.R.*, 1945, No. 6); art. 12 of the Family Code of the Uzbek S.S.R. in the edition after the changes of the Code enacted by the Decree of the Supreme Soviet of the Uzbek S.S.R. of August 28, 1944, and others.

of the various Republics on this very issue, and it is possible to enumerate at least six different ways in which it has been dealt with.

According to the legislation of one group of Republics (including the R.S.F.S.R. and the Kirghiz, Kazakh, Karelo-Finnish, Lithuanian, Latvian and Estonian S.S.R.s), a right to alimony is given for a period of one year from the termination of the marriage to a partner in need and incapable of work without any stipulations regarding the time and cause of the origin of the incapacity to work.[9]

A different answer is found in the Code of the Turkmen S.S.R. : here the right to alimony is granted for the duration of one year, but this right is not given if the incapacity to work began after the divorce (arts. 15 and 16 of the Family Code of the Turkmen S.S.R.).

The Codes of the Uzbek and Tadzhik S.S.R.s represent the third approach : the right to alimony continues for three years after the end of the marriage, but not if incapacity to work has originated only after the end of the marriage (arts. 11 and 12 of the Family Codes of the Tadzhik and of the Uzbek S.S.R.s).

A slight difference is to be found in the regulation of the Family Code of the Georgian S.S.R. (arts. 22 and 23) : here, too, the right continues for three years, but only on condition that the incapacity to work arose before, or during, or—if after —in connection with the marriage.

According to the fifth way of handling the issue, in the Ukrainian (arts. 128 and 129), Moldavian, and Azerbaidzhan (arts. 29 and 30) Codes there is no time-limit for the right to alimony, but it is not granted if the incapacity to work arose . . . later than one year after the end of the marriage, and it ends if the needy partner contracts a new marriage.

The sixth, and last, variant is represented by the Code of the Byelorussian S.S.R. (arts. 25 and 26) : here there is no time-limit and there are no conditions similar to those laid down in the other republics for the right to alimony of the partner in need and incapable of working.

. . . I do not intend to discuss here the details of all the Codes mentioned ; but I consider that the future Family Law which will establish homogeneity in the regulation of this issue in all the republics should establish a higher degree of responsibility, in the case of divorce, of the one spouse for his former

[9] See above, p. 157.

partner who is incapable of work than is envisaged in, for example, the present rulings of article 15 of the Family Code of the R.S.F.S.R. This would correspond better to the moral aspect of marriage as well as to the tendency of our legislation to oppose a flippant approach to marriage and divorce. But even before the enactment of such necessary amendments to our legislation the tendency of our law to increase matrimonial responsibility should find expression in court practice by a more frequent application of the rulings of the existing law on the alimony claims of the divorced partner incapable of work.[10]

[10] I hope that Mr. Sverdlov will not mind my joining argument with him before knowing the reactions of his fellow-lawyers in the U.S.S.R. In view of the extremely small number of divorce cases decided since the enactment of the new law, of the overwhelming majority of cases initiated by mutual agreement, of the tendency of the courts to apply (wrongly, as Mr. Sverdlov deems) the law in a way which almost excludes resort to it by the worst-paid strata of the population (see below, pp. 389–90), and of the likelihood that the large majority of cases investigated belong to the R.S.F.S.R. where alimony could in no case be claimed for more than one year after divorce, his conclusions regarding the alleged reluctance of the courts to apply existing legislation (perhaps encouraged by the hasty compilation of the decree) seem premature. At any rate, before having seen his material, I should deem it quite possible that, especially during the first year after the publication of the decree when counter-pressure by public opinion was still strong, divorce suits were actually begun only in the most urgent cases, most of them concerning comparatively young people and many of them necessitated by the desire to make the way free for a new marriage by one or both parties. So it would be quite conceivable that, in a country with full employment even in peace-time, there should be in fact no case among all the 400 where one party could claim to be incapable of working according to war-time standards, or found it worth while to make such a claim against the better-off partner, knowing that there was no legal right for more than one year's duration. From a broader perspective, that is, envisaging the eventual working of the law when its actual meaning, as established in his paper, is generally realized, Mr. Sverdlov may be right ; it is quite possible that his remarks may be needed as a warning against individual cases of hardship which may occasionally arise when divorce has again become an established, though (in comparison with pre-1944 conditions) somewhat restricted institution, concerning a larger number of women, invalids among them.

But there is another possible interpretation of the argument, to which I should like to draw the reader's attention. When the Family Code of 1926 was enacted, there was as yet no full employment. I have attempted always to translate the phrase " incapable of work ", when it occurs, in such a way that its wider meaning, perhaps as including the housewife who by long domestic efforts has lost the opportunity to acquire some professional skill, may be covered ; but such an approach evidently does not correspond to present conditions in the U.S.S.R., where " incapacity to work " is likely to be interpreted in a more literal sense (as is evidently done by the authors of the Codes belonging to groups 2–5 in Sverdlov's enumeration, all of them overwhelmingly peasant republics). But some Soviet women of lower-middle-class origin, especially after prolonged marriage and in cases when the husband is the " guilty " party in the divorce case, may tend towards a conception of alimony nearer to the Western one, " incapacity to work " being interpreted to mean having lost, in consequence of marriage, the opportunity to train for a well-paid job ; and they may operate upon the need " to increase matrimonial responsibilities ". Apart from the fifth solution mentioned by Sverdlov, there is an inherent contradiction in the regulations of the existing Family Codes when applied to present conditions : granting a former housewife one year to adapt herself, at the former husband's expense, to new conditions of life, and to acquire some skill, is all very well even under conditions of full employment ; but if " incapacitated " is to be interpreted literally, it is difficult to see why a husband who has shouldered the responsibility for a disabled wife

4. Family Names of Divorced Husbands.

According to the Decree of July 8, 1944 (art. 26, § (*c*)), the court, when finding dissolution of the marriage necessary, "restores to each of the divorced spouses, if so desired, the original family name".

The matter of the family names of divorced persons is important from the practical as well as from the theoretical point of view. . . . Of course, it does not arise when the partners on entering into marriage preserve their former family names; but if one of the partners changes his name (in actual practice,[11] it is usually the wife who accepts the husband's name), in the case of divorce the issue arises which family name should henceforth be used by that spouse. In deciding this question, which in many cases it may be difficult to do, various considerations—moral, psychological and economic—play their part. The desire to have the former relation definitely ended by divorce; reluctance to use the name of the former partner in cases when he has somehow incurred infamy; these and various other considerations may induce the desire to return, after divorce, to the original family name. Other considerations may work in the opposite way: a wife who during some years of married life has used the husband's family name may desire to retain that name after divorce because under it she has acquired . . . a professional reputation; and the longer her married life has lasted, the heavier the weight to be given to such considerations. If she keeps children with her, she may desire to retain the family name used during her marriage in order to avoid discrepancies between the names used by herself and by her children. Other considerations may play their part: in one case a husband who, on marrying, had assumed the wife's name, asked to retain it after divorce because he found that his

(and, *a fortiori*, the husband of a wife who has become incapacitated in consequence of the marriage) should shoulder the material responsibilities for her for merely one or three years after divorce. Such evidently nonsensical implications seem to me to result from an ideological approach in which only physical incapacity was admitted as a legitimate ground for a divorced wife's failure to support herself, whilst in the actual conditions of 1926 much more had to be covered by such an ideology. Under present conditions of full employment, the issue is opened whether a woman's legitimate expectation to live a housewife's life even after failure of her marriage should be regarded by the State as a legitimate incentive for her to marry (and, after marriage, as a deterrent against divorce), or should be discouraged as opposed to socialist conceptions of the family and the position of woman in society. [R. S.]

[11] Soviet law (see above, p. 155, art. 7) in this as in all similar matters makes no difference between the sexes. [R. S.]

original name did not sound well. But again, a spouse whose family name was assumed by the other partner at the time of marriage may have various objections against that partner's continuing to use the name after divorce. In any case the issue is an important one ; and from the theoretical point of view its decision is interesting as an illustration of the general approach of the legislator to the personal rights of the parties to the marriage.

By the July Decree the former decision of that issue has notably changed. Theretofore, the Family Codes of the Union Republics allowed a partner who at the time of marriage had assumed the other partner's name to continue to use it only if that partner had no objection ; if such objections were raised, he was restored to his former name.[12] According to the July Decree, no assent by the other partner is needed for continued use of the common family name : the former name is restored to a spouse only on his own demand. Such a decision on this question clearly expresses the care of the Soviet State for the rights and personal dignity of women (who in the large majority of cases are the partners immediately concerned in the issue of the family name). The party who has changed his name at the time of marriage (usually the wife) is allowed to decide this important issue for himself, independently of the considerations which may motivate the objections raised by the other partner. . . . This answer to the problem is in full agreement with the principles governing our norms on the names of married parties ; the close organic connection between the legislative norms on divorce and on marriage respectively can be observed here as well as in other fields. Our law does not order the wife to assume the husband's name ; on this matter also it avoids any impairment of woman's personal status by marriage and any subjection of her personality to that of the husband. According to Soviet law, the partners to a marriage are free to choose their family name at the time of marriage, and neither of them depends in this matter on the other's will.[13] In complete accordance with this principle, by the Decree of July 8, 1944, every partner is entitled to decide this issue for himself in the case of divorce also. . . .

[12] See, for example, art. 21 of the Family Code of the R.S.F.S.R. (above, pp. 157–8 [R. S.]), the wording of which has now been amended.

[13] See, for example, art. 7 of the Family Code of the R.S.F.S.R. (above, p. 155 [R. S.]).

5. Divorce Fees.

By the Decree of July 8, 1944 (art. 27), the court, when granting divorce, prescribes a fee of from 500 to 2,000 rubles, to be levied by the Registrar's Office on one or both partners, according to the court's decision, when the certificate of divorce is issued. The question of this sum of money has so far remained a contested issue. What is its function in the divorce case; should it be regarded as a form of public fee? What principles should guide the court's decision as to the amount and its distribution between the parties? Should the lower amount mentioned in the law (500 rubles) be regarded as an obligatory minimum, or is the court entitled to reduce, and if necessary completely to excuse, the fee for either party, and if so, by what principles should it be guided? In my opinion, none of these questions has as yet been settled.

The main and general reason for the largish fee established by the Decree is the need to put considerable difficulties in the way of divorce as an additional means of combating a light-minded approach to that issue. This purpose is common to the other norms of the Decree, which make divorce more difficult than previously. This increase in the divorce fee continues the course already entered on by the law of June 27, 1936, when the government, intending " to combat a light-minded approach to the family ", previously increased the fee demanded for the registration of divorce.[14] From that general purpose follows the need to establish a connection between the adjudication of the fee and the reasons for which the court grants divorce; and I would suggest that this connection be formulated thus:

(1) In cases where a divorce is granted because of the guilt of one or both of the partners, the fee should be imposed upon one or both of them;

(2) In cases where divorce is granted because of mutual agreement between the parties, the fee should be levied on both of them;

(3) In cases where divorce results from the objective impossibility of continued married life (for example, the disappearance of one spouse without trace, or chronic insanity), the fee should be levied on the other partner who demands the divorce.

In my view such an approach to the question, i.e., the levying of the fee in close dependence on the grounds of divorce alone,

[14] See above, pp. 266 and 278.

gives to that part of the court's decision the necessary character of principle and affords the court a sufficiently clear and concrete basis for its decision whether as to the amount of the fee or as to the party on whom it should be levied. As can be shown from court practice, failure to decide these issues in connection with the reasons for divorce results in judgements which are bound to provoke criticism.

For example, the marriage of the Stepanov family was dissolved at the request of the wife, who complained that her husband left her, moved to another town, and there formed a common household with another woman. Although the court regarded this as proved, and granted a divorce on that ground, the claimant, that is, the wife, was mulcted in the fee of 500 rubles.

In the case Isayeva *v.* Isayev, a divorce was granted at the wife's petition because the court accepted her allegations that the husband was a drunkard, committed excesses, beat the child of the marriage, etc. In spite of this the prescribed fee was levied from the claimant in this case also, evidently because she had filed the suit.

In the suit for divorce against Ratkov, filed by his wife, the court established that the petitioner herself was responsible for the failure of the marriage and that there was no guilt on the defendant's side. In spite of this, the fee was levied not only from the petitioner, but from the defendant also.

The case of Ivanova *v.* Ivanov was filed by the wife, who pleaded that during the war her husband had a record of repeated desertion from the front, and was for that reason convicted. In the court's decision it was stated that the claimant demanded divorce because she could no longer bear the infamy of her husband and live jointly with a traitor, and a divorce was granted ; but again the fee was levied from the petitioner, evidently because the defendant was (naturally) absent and the court deemed that the party filing the suit was obliged to pay.

. . . The main criterion, according to which the levying of the fee should be made to depend on the reasons for the divorce, should, in my view, be subject to modifications in accordance with the material conditions of the parties. But in court practice it is evidently assumed that the general norm of the Code of Civil Procedure, according to which the court when levying fees must take into consideration the material position of the parties concerned, should not be applied to the fees prescribed

by article 27 of the Decree of July 8, 1944. Amongst some hundred divorce cases which I have had the opportunity to study there was not a single one where the fee levied by the court was lower than 500 rubles, or where the court waived the fee altogether. Such an attitude seems to me mistaken and not based upon the law. In the decision of the Soviet of People's Commissars of the U.S.S.R. of August 24, 1944, published on the basis of the Decree of July 8, 1944, the sum to be paid for a divorce certificate is explicitly described as a sub-species of the general fees levied for court procedure.[15] . . . In all cases where fees are levied "for the decision of issues investigated in court" the court is entitled to dispense from such fees workers who cannot afford them. There is no legal ground for the opinion that the court could not apply the same discretion in levying the fees prescribed by the July Decree. In deciding such issues the court, guided by the main criterion of the reasons for which divorce is being granted, should also take account of the material conditions of the parties; and on the basis of article 43 of the Code of Civil Procedure it should, when necessary, use its discretion to reduce the prescribed sum, or even wholly to dispense both parties from its payment. . . .

[15] See art. 2 of that decision (*Collected Laws and Decrees of the Government of the U.S.S.R.*, 1944, No. 13, art. 178).

CONCLUSION

In the introduction to this book we have tried to trace some of the fundamental problems with which Marxist theory is confronted in any attempt to answer the question : What are the functions of the family in a socialist society ? From the materials collected we have been able to observe how Soviet practice has developed. We will now attempt to draw such general conclusions as the Soviet record appears to justify.

In studying these conclusions the reader must never lose sight of the fact that we are dealing not with Marxist practice in general—though the record of the Soviet is so far the only available experience of the practical implementation of Marxist theories in this field—but with its application in what was formerly a very backward country, where the most elementary tasks of emancipation had still to be performed, a country in need of industrialization and of agricultural modernization to a degree never previously experienced anywhere, a country confronted with the need for the vastest imaginable efforts and sacrifices in its defence ; emerging from the ordeal triumphant indeed, but with half its former industrial centres destroyed, and fifteen millions of the flower of its younger generation killed or maimed. These special conditions have coloured the whole record whose lessons we are about to draw. In part they furthered the great experiment : in a country where it was necessary to win for women the most elementary of freedoms, and where right up to our own day a struggle had had to be waged against violations of these freedoms,[1] a revolutionary régime would have a good chance of making a favourable showing even if every attempt to realize its specific ideology should have failed ; and shortage of labour will be regarded as a favourable condition for the realization of actual (as distinct from merely formal and legal) equality of the sexes even by those who accept socialism as the solution of the unemployment problem in any country. In part the particular conditions in Russia have impaired the likelihood that the Soviet experiment should serve as a favourable example of the practical application of Marxist theories : it is obvious that legal recognition of *de facto* marriage established as a direct jump from semi-patriarchal

[1] See above, doc. 10 (*c*).

conditions had less chance of proving a success than if it had been applied in a Western country with a long-standing record of progressive legislation after many years of discussion of the family problem. And it is obviously difficult to preserve actual equality of opportunity for women in employment once demands are made on motherhood far in excess of anything to be expected anywhere but in that under-populated continent after the ravages of a war incomparably greater than anything that any modern industrialized country has experienced. Even those who thoroughly agree with the Russians in rejecting neo-malthusianism as an un-Marxist ideology will hardly regard conditions in which the special encouragement of families of ten or more children is thought necessary [2] as providing a fair trial for the Marxist ideas on the future of the family. Again, whatever may be thought about abortion for other than medical reasons, it is hardly possible to base definitive and general conclusions on the record of a country with so great a lack of skilled medical personnel that during the 1936 discussions the operation was described as a " mutilation ", and so great a shortage of housing that even after the complete abolition of unemployment an additional child might prove a most serious problem.

However interesting Soviet experience may be from the standpoint of practical verification of left-wing theories, it is hardly conclusive when applied to completely different conditions. But it is certainly interesting enough in itself. It may therefore be worth while to ask : How much of the original principles of Soviet policy in the field of family relations has been preserved, and how much has changed ?

Throughout the whole period the principle of equality of rights for both sexes, and of the free access of women to all professions, has been strictly maintained, and women have been strongly encouraged to take up any occupation for which they are physiologically fit.[3] The degree to which this has been achieved provides a main explanation both of the success of the Five-Year Plans and of the mobilization of the huge majority of adult men during the war. Since 1936 [4] there has been some

[2] See above, doc. 13 (*d*), art. 10, and doc. 17 (*a*), arts. 2 and 14.

[3] Sometimes even this limitation has not been applied very strictly, and A. M. Kollontay's criticism of bourgeois feminists who are proud that their sister So-and-so is doing work of such and such a nature for which women are evidently unfitted (see above, p. 47) may be applied to some Soviet publications during the Five-Year Plans and perhaps also to Wolffson's article (above, p. 287)—war emergencies quite apart.

[4] See docs. 12 and 17 (*a*).

modification inasmuch as even in official Soviet ideology (as had always been the case in practice) women can obtain full recognition for fulfilling their civic duties even if they are not in normal employment, but are active in some kind of welfare work, or even simply in bringing up the new generation. But even from the point of view of the extremists of the first years there is nothing fundamentally novel in this, unless we look upon the exaggerations of the first Five-Year Plan period as representing the normal state of Soviet opinion.

A change which may possibly have far-reaching consequences for this issue has taken place in the field of education. Co-education of the two sexes from elementary school to university was introduced as early as May 31, 1918,[5] and has always been regarded as a preliminary condition for that actual equality of access to the professions without which equality of rights between the sexes was bound to remain merely formal. In 1943 [6] co-education was abolished, just at that most difficult, but in this respect most decisive, step in the educational ladder when the young man or woman's professional future is usually being decided. I must stress once more the fact that, as opposed to the position of the bourgeois feminist movement, the need of taking woman's specific functions and needs into account was emphasized during the first revolutionary period, even by that radical representative of Soviet feminism, A. M. Kollontay.[7] But even so severe a critic of radical ideologies as Lenin would certainly [8] have objected to such arguments being used in defence of the abolition of co-education as the need of acquainting girls with the principles of domestic science, and of avoiding "some covering up of masculine and feminine traits which are of social value".[9] We are to deal later with the problem of the "withering away of the family" in a socialist society. But it requires no special degree of radicalism in that field to take objection, from the classical Marxist point of view, to the following argument :

In the phase that is past, the Soviet State has fully and speedily eliminated from people's minds all idea of the social inequality of the sexes, and all expression of this idea from daily life. We now face a new and no less important task. It is, above all, to strengthen our primary social unit, the socialist family, on the basis of full development

[5] *Collected Laws and Decrees of the R.S.F.S.R.*, 1918, No. 38, art. 499.
[6] See above, doc. 16.
[7] See above, p. 48.
[8] See above, doc. 5, p. 78.
[9] M. Tsuzmer in *Soviet War News* of Nov. 6, 1943.

of the characteristics of masculinity and femininity in the father and mother, as heads of the family with equal rights.

Education in our schools was formerly co-educational in order to overcome as quickly as possible the social inequality of the sexes, rooted in the centuries. But what we must have now is a system by which the school develops boys who will be good fathers and manly fighters for the socialist homeland, and girls who will be intelligent mothers competent to rear the new generation.[9]

There is no sense in arguing with the Russians so long as they simply state that they need at any price—even at the price of social achievement—to replace the fifteen million young men and women they have lost, and to take precautions against the possibility of a new invasion being let loose against them, say in another thirty years' time, in the name of " the rights of the Master-Race ", " the defence of Christian civilization ", " the legitimate rights of the Chinese nation " (from the point of view of population the most serious issue), or some other such cry. The defence of Soviet Russia against the Germans has cost its citizens the seven-hour day, the right of workers to move freely from one job to another, free higher education, and many other achievements unquestionably more important from the socialist standpoint than the respective positions of husband and wife. No one doubts that victory was well worth the price. Security against further aggression, while it may make possible the recovery of much that has been lost, may be well worth the sacrifice of some other achievements (as seen from the point of view of socialist ideology), achievements more important, maybe, than the actual social equality of the sexes. But, however legitimate such a viewpoint may be, it does not cancel the Marxist argument [10] that the real issue of social equality between the sexes begins just as soon as formal equality of rights is granted by a progressive legislation, which in backward Russia it was left to the Soviet to introduce, but which other countries already possessed. The social condition of actual equality is that, even if in some cases the wife, in view of her duties towards the children, should cease to continue in employment, the husband should not be the only potential " bread-winner ". This means that the break-up of a marriage, apart from the psychological suffering involved, would not carry with it a deterioration of the wife's economic position or that of her children, if she desires to keep them with her, as compared with that of the husband, and that therefore the decision to enter upon or continue a marriage is

[10] See above, Introduction, p. 8.

normally [11] not influenced by the man's holding a higher material position than the woman. We must not go to the extreme of thinking the social equality of the sexes impaired by the fact that miners or steel-workers (just because their work is unhealthy, and therefore unsuitable for women) normally earn higher wages than people in more healthy professions requiring equal intelligence and skill. But—quite apart from excesses, hardly avoidable with any "new course" in the U.S.S.R.,[12] but certainly open to correction—the social equality of women is impaired if, in a country where, for very good reasons, the engineer is paid much more highly than the teacher or physician, the standard of mathematical teaching drops in the girls' as compared with the boys' schools, in view of the well-known difference in the gifts of the *average* woman teacher or pupil. For this in itself involves a handicap for those girls—and they are not rare—whose natural gifts would enable them to enter a technical high school on condition that their gifts were developed in free competition with the boys. A counter-case can, of course, be made from the standpoint of those girls who, though sufficiently gifted to become average teachers, might have been prevented from entering a university by "too high" standards in mathematics in mixed schools, but this simply amounts to levelling up within either sex, i.e., accepting different standards of earnings as normal. This may not be very important; few of us will feel any strong sympathies with the woman who hesitates to part from a husband she does not love for the mere reason that he earns, say, 2,000 rubles a month while she could earn only 1,200. But the issue becomes a much more serious one when not only the fitness of the average boy or girl for one profession or the other is taken into consideration, but it is assumed that the girl's normal function is to become a mother of children to a number hardly compatible with other productive activities, while that of the boy is to become a "good father", which certainly means the breadwinner for a numerous family. Can the State be expected to establish industrial boarding-schools (the method at present in vogue for recruiting skilled workers) for girls who it expects will forsake industrial employment a few years after they have completed their education at the public expense? Even as regards the other method of recruiting

[11] *Occasional* wide differences in income—but without necessary polarization in favour of either sex—are implied in the very definition of a socialist, as distinct from a communist, society.

[12] See above, doc. 16, p. 365.

the better-paid groups of workers, namely promotion, after additional schooling, from the ranks of the unskilled or semi-skilled, opinion amongst the workers themselves (in opposition, it is true, to the interest of the foremen, who will seek to increase production by promoting the most efficient) is not unlikely to favour the man with "large family responsibilities". Once woman is regarded as above all else the mother of, and man in consequence as the breadwinner for, a numerous family, it is unavoidable that the trend of education (and of public wage-policies also) should be to increase the man's chance of becoming a good breadwinner, as compared with that of a girl of equal gifts, and that his economic position within the "primary social unit" should tend to be the stronger one, whatever the law may say about it, and though the woman, by fulfilling her physiological function, may earn a degree of social recognition equal to that which a man would gain by extraordinary achievements in production or defence.[13] When in 1936 the Soviet abandoned the conception that woman's primary function, like that of man, is social production, and that motherhood should be accessory to that function, just as the defence of the State is a function accessory to economic production in the man, it really forsook the basis on which both bourgeois and socialist feminists have built their demand for the equality of the rights of the sexes. This may be an argument against feminism (though to me it seems merely an argument against the compatibility of feminism with the demand for a birth-rate higher than crèches, boarding-schools and other social services can deal with), but that does not alter the position; so long as the State is unable to remunerate motherhood even for the married woman to an extent comparable with the average earnings of men, the recognition of motherhood as the normal function of the majority of women involves recognizing some degree of actual inequality in the social positions of the partners in wedlock.

The legislation of 1944 goes a very long way towards solving this problem, by initiating a new basis for material equality on lines previously advocated only by the most radical o Soviet feminists.[14] Thus it is indeed a revolutionary step—no for Russia alone. But the payments provided for[15] reach ar

[13] See above, doc. 17 (*a*), art. 14.

[14] See the discussions in the 1926 session of the V.C.I.K. (above, pp. 140 and 151) In the course of the preceding discussion in the press A. M. Kollontay had mad similar proposals.

[15] See doc. 17 (*a*). For the sake of argument we make the not improbable assump tion that in fixing the payments to be made by a divorced father, the judges will b influenced by the State scale of subsidies for unmarried mothers.

amount sufficient to enable the mother to devote her life solely to the upbringing of her children only when the sixth or seventh child has been born, and those made for the fourth and later children cease at the fifth birthday. For a married mother, who has to keep her children with her for a much longer time, or for an unmarried one who does not wish to part with her children by transferring them at the age of 5 to a public educational institution, there is a great incentive to cover the expense of bringing up her older children by having new ones. A woman who has followed the profession of motherhood to its natural limits will have gained a medal, and maybe [16] some thousands of rubles in her savings-bank account, but will have rather restricted prospects of attaining a satisfactory standard of living during the second half of her life unless she is employed in crèches, kindergartens, and so on.[17] This state of affairs would be radically altered if the State were able and ready to modify the system of assistance for numerous families (art. 2 of the 1944 decree) according to the principles followed in granting help to the first three children of unmarried mothers (art. 3) ; not a progressive premium system (in contradiction to the actual structure of the family budget) as an incentive to the production of enormous numbers of children, but the continuance of sufficient help for any number of children up to the age when they cease to be a material burden. If the payments were somewhat increased, and if even moderate old-age pensions were granted to those mothers, say, who have won the decoration awarded for a large number of children, motherhood could be regarded as a profession like any other, bestowing not only social prestige but also a standard of life comparable with that obtainable by any other kind of not specially skilled labour. Financial considerations apart,[18] there would always remain the political difficulty of establishing differing scales of State aid for town and country, and thus avoiding a situation in which an

[16] Provided she has transferred children to an educational institution, or has sufficiently well husbanded the huge sums received on the birth and during the early years of her younger children, in order to be able to meet the costs of their further upbringing.

[17] It should be kept in mind that, in order to be satisfactorily provided for in his or her old age, the Soviet worker expects the moderate benefits of the general social insurance scheme to be supplemented by an " individual pension " from his factory ; its amount of course depends on the length and quality of his service.

[18] These considerations should not play a very important part, once it is supposed that the new policy is successful in keeping the average family at six or seven children. Eighty rubles per month up to a child's twelfth year involve no more expense than 200 up to the fifth, though they may look less attractive as an incentive on paper.

amount suitable for rural conditions would be quite insufficient for town-dwellers, or a remuneration suitable for urban mothers would operate in the country as an incentive to mothers of four or five children to give up any work in the *kolkhoz*. From the point of view of the decree as it stands, the continuance of aid to the children of unmarried mothers up to the twelfth year may even now fit the conditions in the more backward rural areas with only elementary schools, where little opportunity is open to the children save to begin their working career as auxiliary workers in the *kolkhoz*. In the towns a child in his thirteenth year can hardly be self-supporting unless he is accepted as a pupil in one of the public industrial or military boarding-schools, and this in any case involves some restriction on his choice of profession. Under present Soviet—and not only Soviet—conditions it is difficult to see how, in granting State aid, the alternative could be avoided of either disturbing the social balance of the village by raising the State-subventioned sections of the rural population, as against those who are self-supporting, to an urban level, or bringing the corresponding part of the urban population down to a rural level, however generously that were conceived. These transitional problems apart, it seems evident, on the basis of Soviet experiences, that a State can combine the demand for large families with that for social equality between men and women only by removing from the husband's shoulders, at least in large part, the responsibility for the support not only of his children, but of his wife also, if her fulfilment of the duties of motherhood prevents her from earning her living in some other way. Under Soviet conditions, where all wages are drawn either directly or indirectly from the public purse, this means simply an alteration in wage policy : by making the family income depend in great part not on the quantity and quality of the husband's work, but on the size of his family, child-bearing would be encouraged at the expense of some important [19] stimulus to productive activities. Certainly no State would risk such material sacrifices merely in order to put one element of its State-ideology on more solid foundations ; but if the strengthening of the mother's social position should have as its by-product the pursuit of the social interest by fostering a high birth-rate, this interest would cease to weaken the social position of the woman, as it is bound to do so long as that position is dominated merely by her

[19] See below, p. 405.

and her husband's productive activities, as feminist theory supposes.

The next fundamental problem which we have to consider is the attitude of a socialist society to the stability or otherwise of sexual relations. In order to ascertain correctly the changes in Soviet opinion on this matter, we must avoid the very common mistake of comparing the most radical attitudes of the first years after the revolution with the most conservative attitudes (to use Western terms) of the most recent times. Not only the theories of some Soviet feminists regarding "Free Love",[20] but also, for example, N. Krylenko's argument in the discussion on *de facto* relationships [21] obviously did not represent the prevailing attitude: Krylenko, who had denied that a man was obliged to demand the permission of public opinion in order to betray a young woman's trust, could never dare to deny Gipnova's right, had she, let us say, functioned as a member of a Party purge commission, to dismiss such a man from the Party, that is in fact to deprive him of many of his opportunities in public life, "for immoral behaviour". Even Preobrazhensky [22]—quite apart from the fact that his sharp contrast of town *versus* village reflected his Trotskyist attitude—in his praise of *de facto* marriage as an ideal for the future did not represent the official point of view, which defended the recognition of such relationships only from the standpoint of protecting the rights of women who were living in them, and inserted into the preamble of the Matrimonial Code a clause emphasizing the public interest in the registration of marriages. On the other hand, we should come very close to a denial that there were any important changes at all in Soviet attitudes (prior to 1944) if we based our judgement simply on the views which prevailed during the discussions of 1926 and 1936: in the former case the overwhelming majority, at least in the rural areas, seems to have opposed *de facto* marriage, and to have admitted facilities for divorce only if it were demanded by both parties (apart from some extremists who even demanded that violation of matrimonial duties should be subject to criminal prosecution). This would correspond fairly closely to the position taken by the legislation of 1918 and 1936, though the deliberate complication of divorce introduced by the 1944 legislation went far beyond such an attitude. In the 1936 discussions no one defended abortion as an expression of "a woman's right to her

[20] See above, docs. 1, 4 (*e*), and 5. [21] See above, pp. 106 and 109.
[22] See above, p. 145.

own body", to speak in the terms of Western left-wingers, whose opinions, in the U.S.S.R., have always been shared only by outsiders, and there seems to have been agreement as to the need for placing further restrictions on the performance of the operation, which Soviet opinion had never looked on with favour.[23] But it is evident that the legislation enacted went beyond what most of those who took part in the discussion would have desired. What concerns us in this book is neither the opinion of the extremists on either side nor the "average" trend of public opinion—apparently, for revolutionary times, not too unstable—but the way in which the ruling party reacted to it. This reaction changed very markedly between 1926 (and earlier occasions) when the defenders of marriage stability were obviously defenders of the property interests of the peasant majority, and 1936 (and later), when the village had been collectivized and the issue of stabilization of family relations was simply one of stabilizing the new society, and increasing the birth-rate in a State faced with the supreme test.

So late as 1939 freedom of divorce was recognized as a fundamental principle of Soviet law, while at no time has the Party (as distinct from the State) regarded levity in such matters as a "private affair". There is no fundamental change from moral disapproval of such behaviour by the ruling party to legislation, such as that of 1936,[24] which, whilst retaining divorce as an institution accessible to anyone who seriously demands it, tries to express such disapproval even in relation to the ordinary citizen who is not a member of the Party. But there evidently is a fundamental change from an attitude of the Supreme Court which looks upon any concern on the part of the courts with the origins of a matrimonial dispute as alien to the spirit of Soviet law,[25] to that of articles 23 ff. of the law of 1944, which regard such concern not only as a primary duty of the courts, but even as a suitable expedient for rendering divorce difficult, and leave the door open for the courts to refuse divorce even after all attempts at reconciliation have failed, or, when making the necessary material decisions in the case of divorce, to take into account the differing degrees of "guilt" of the two parties. In the 1918 Code also (though not in that of 1926) divorce had been a matter for judicial decision. But the basic assumption at that time was that the housewife, as a rule, would be unable

[23] See above, docs. 9 (*a*) and 9 (*b*). [24] See doc. 13 (*d*), arts. 27–8.
[25] See above, p. 167, note 9.

to earn her living independently of the husband, and support was granted her even after divorce until she could become self-supporting (art. 130). Article 15 of the 1926 Code presupposes that she would be able to become self-supporting not later than one year after the divorce. Since the liquidation of unemployment during the Five-Year Plans such an assumption seems somewhat stronger. The claim of the former wife to remuneration for her participation in the household has been met, since the 1926 Code, by her joint ownership of all property acquired during the marriage, and article 26 (*b*) of the 1944 law establishes the method by which this right shall be realized. So what is evidently meant to be safeguarded by the new obstacles in the way of divorce is not the personal interests of either party, but those of the community, especially that in the welfare of minor children.[26] By the abolition not only of the legal recognition of *de facto* marriage, but also of the legal procedure for the establishment of paternity, the foundations of Soviet matrimonial law have been changed. Hitherto[27] the relations between parents and children as well as between brothers and sisters have been based on actual blood-relationship, registration establishing a merely legal assumption refutable by proof of fact. By the law of 1944 (though art. 25 of the 1926 Code has not been repealed) legal family relationships cannot exist except on the basis of a registered marriage, or of common descent from an unmarried mother. Fatherhood outside wedlock creates neither rights nor obligations, whether for the father himself or for his children.

The central problem arising in this connection, that of the support of children of unmarried mothers, has been solved by the 1944 legislation in a way which is indeed revolutionary—namely, by the State shouldering the whole responsibility. The amount paid to the mother should she prefer to bring up the child at home corresponds with the alimony payable under the previous legislation by a father with an income of about 400 to 450 rubles per month, i.e., that of the average skilled worker in the village or the semi-skilled town worker—of course with the big difference that the State will pay this allowance punctually, without being sued in the courts, as many fathers had to be. Though the duration of State aid is restricted to the first twelve years of the child's life, somewhat in accord with village conditions, the amount is assessed in a way which is certainly not ungenerous.

[26] See above, p. 382. [27] See doc. 3 (*a*), art. 133 and doc. 7, art. 25.

In view of the security of payment, the position of an unmarried mother may be preferable to that of a divorced one, unless the court, in view of a father's very high income, orders him to pay high alimony. True, unless the unmarried mother (or a father making voluntary payments) is able to make great material sacrifices in the interest of the education of her children, their choice of profession is dominated by the actual needs of the State, whether the State has itself been responsible for their education, or its payments to the mother cease at a moment when no alternative is open but unskilled work in the countryside or a public industrial or military boarding-school. Though this may render the married state preferable for mothers with ambitions for their children, it is in accord with the general principle of State responsibility for the children of unmarried mothers, and it is difficult to see how the State could grant an education above the average level to the child of average gifts. In the case of a child whose gifts are above the average it depends on the mother whether she is ready to part with him for the sake of the higher education the State would certainly provide in such a case—unless she should be able to support him during secondary schooling.[28]

Two alternative prospects have thus been opened up to Soviet women : marriage or unmarried motherhood. In view, indeed, of the evident disproportion between the sexes that will exist during the next decade or so, the choice will not always be free ; but there are weighty arguments on either side. Marriage will still afford material security to the woman who prefers the duties of a housewife, and the reward granted by Soviet law for the housewife's services, namely, joint ownership in all property acquired during wedlock and participation in the husband's inheritance (though from this even the married wife can be excluded by a will in favour of the children), is now granted only to the wife in a registered marriage. This argument may weigh heavily with such peasant women as still regard the " auxiliary private economy " of the household as more important than their participation in the work of the *kolkhoz*—all those, that is, who have not acquired a higher agricultural qualification. It will also count, in the towns, with prospective wives of husbands with very high incomes, who have not a comparable qualification of their own. It will not be taken very seriously

[28] In such a case there would be no school fees, and university education would be entirely free.

by the professional *élite* of urban and rural womanhood, nor by the average working-class woman who, if she remains unmarried and limits the number of her children, or places them in public educational institutions, can achieve the standard of life normal in her class at least as well by her own work in industry as by doing the cooking and washing for someone with a very similar income. In the countryside especially, where, as we have mentioned, there are powerful economic incentives also, social prejudice will still operate in favour of marriage, though the distinctions granted by the State to unmarried as well as to married mothers of many children are likely to have their repercussions at least upon the official attitude to unmarried motherhood in general.

Unmarried motherhood will seem preferable to those who fear the difficulties of divorce in registered marriage, to those who do not wish their professional careers to be handicapped by the obligations of bringing up children beyond the extent they voluntarily choose, and to those who may wish to follow the "profession of motherhood" to an extent greater than any prospective husband would be likely to stand. The ranks of unmarried mothers, therefore, will comprise very different groups of women, from the intellectual *élite* of Soviet womanhood (unless a prejudice in favour of registered marriage is systematically fostered in the ranks of the Soviet intelligentsia to such a degree as to impair the professional prospects of an unmarried mother) through a very large section of working-class women to some parts of the rural population, amongst them even very backward ones who simply make a job of having children. But it may be that, by the side of all these, a social group will arise representing a really new conception of the "profession of motherhood".

Men will have their choice, with the lack of the amenities of a household (and an unregistered companion will certainly avoid ruining her professional career by taking up domestic obligations in favour of someone who is under no legal obligations to her) and the 6 per cent. tax on the income of childless persons [29] (and every unmarried man is legally childless) tipping the balance against the higher material responsibilities and the risk of making a mistake which it has become more difficult to correct by divorce. The strong numerical disproportion between the

[29] On the difficulties with which much more moderate proposals in Sweden were confronted, cf. Alva Myrdal, *Nation and Family*, p. 267.

sexes caused by the ravages of the war has obviously been a main reason for the new law : but this, as well as the law itself, will also encourage a polygamous attitude on the part of men while making women's reaction against such an attitude more difficult. In the " married sector ", it will be almost impossible to avoid the rise of conceptions of different degrees of obligation between the partners in the matter of marital fidelity once the elementary alarm-signal against male unfaithfulness—the bill for alimony for extra-matrimonial children—has been abolished, whilst the husband has still to shoulder the material responsibility for his wife's mistakes. But the " weaker sex ", which in any case has experienced a great revolution, will take its revenge by cultivating, in the " unmarried sector ", conceptions of " free motherhood ", even though the obvious social interest in reasonably stable relations may prevent a revival of Kollontay's more extreme theories. Should the " unmarried sector " produce the maximum female achievement in the professional field as well as in that of motherhood, and should many men prefer to pay 6 per cent. additional income tax and let the State pay the bulk of the cost of bringing up the children of a free union dissoluble at any time, *de facto* marriage, just because it has been deprived of legal consequences, may experience an increase in frequency as well as in social prestige. Whatever the State may say about the socialist family as the elementary unit of the Soviet State, it cannot permit discrimination against " heroines of socialist motherhood ", or allow the courts to differentiate between the sexes in divorce-suits based on infidelity. As time passes, at any rate if the U.S.S.R. succeeds in avoiding World War No. 3, the numerical discrepancy between the sexes, which has been one of the causes of the present legislation, will disappear. But the public interest in a high birth-rate will remain. The time may then be ripe for finding a synthesis between the feminist demand for sex equality based on the equal participation of the sexes in social production, and the new conception that motherhood is a profession like any other, a social function whose fulfilment should be remunerated not by the partner in the reproductive act but by the society in whose interest that function is performed. Only then will the feminist alternative of woman abandoning either her most natural instincts or her claims to actual equality of rights be overcome.

In the materials quoted we have found numerous references to the theory of an alleged " withering away of the family in a

socialist society " generally assumed in the first post-revolutionary period, but given up when a socialist society had been actually established and was in need of stabilization. The argument of the peasants' deputies in the 1925–6 discussions seemed to support Engels' thesis that the monogamous family was an outcome of private property in the means of production. But the peasants' private property in the means of production has gone, and divorce has been rendered more difficult. Evidently, in a socialist society, which differentiates income according to the quantity and quality of the work performed, care for children, and the expenses connected therewith, are among the major incentives to work ; for me it is much easier to imagine Soviet Russia instituting the free distribution of bread—which has been occasionally [30] described as a characteristic step in the transition to a future communist society—than parting completely with that incentive. But it has been done in part, under the pressure of the need for a higher birth-rate. Once the principle has been accepted, I do not see how it can stop for long with the unmarried mothers and the fourth and following children of married couples. The State may, of course, still regard the parents' home as the most suitable place in which to bring up the average child, and may for that reason encourage stable family relationships. But it cannot label its own educational institutions as second-rate, or, whilst appealing to the unmarried mother's patriotism and offering her these institutions as a suitable medium for educating the children she has produced, suggest that a child, only because it has been educated in a public boarding-school, is likely to get an inferior start in life. The desire to give one's children a start in life better than the average, which has been made possible by the reintroduction of fees for higher education, except for the most highly gifted children, may prove a powerful incentive to marriage for the Soviet intelligentsia (apart from the *élite* of professional women), and the fact that a majority of the future members of the leading strata are likely to come from married homes may influence the trend of legislation once the present generation, with its numerical discrepancy between the sexes, has passed. But the next two decades can no more be undone than can the two which preceded the war.

[30] In the first publications after Stalin's letter to the propagandist Ivanov, in early 1938. Later Soviet publications (e.g., M. Rubinstein, " On the problem of the technical basis for transition from socialism to communism ", in *Bolshevik*, 1938, No. 20, p. 42, and G. Gak, " From socialism to communism ", in *Pod Znamenem Marxisma*, 1939, No. 9, pp. 41–2) are more reserved on this point.

It is most probable that the present generation of rulers of the U.S.S.R., in the whole of the legislation of the 1936–44 period, with its new and difficult procedure of divorce and the abolition of the legal consequences of *de facto* marriage as inherent conclusions, was simply following the road towards " strengthening our primary social unit, the family "—a nice modern family, all ideologies apart, in the sense of any moderate reformer in the U.S.A. or Weimar Germany, the abolition of legal discrimination against women and material facilities for motherhood far beyond what any capitalist State could grant being preserved as a result of the great revolution. But the ravages of the war make it impossible to stop at that point. The numerical discrepancy between the sexes prevents the reassertion of marriage as the only socially recognized path to motherhood, unless the inferior position of the wife in marriage and social discrimination against " bastards " are to be reasserted too. Some members of the pre-revolutionary stratum of the Soviet intelligentsia might favour such a development ; but against them is ranged not only the memory of the last two decades, but also, and much more powerful, the need for an increased birth-rate. So the State-supported unmarried mother will get her trial as a member of society with equal rights, and the very success of all the attempts to make registered marriage more " stable ", will only swell the ranks of her fellows. Two—or if World War No. 3 should prove unavoidable, four—decades from now the emergency will have passed, and Soviet society will be able to take a free decision about the future of its matrimonial relations. By then the pre-revolutionary generation will have passed, as the peasants' " auxiliary " economy (at least in such a degree as could influence any intelligent woman's decision) will have passed also. With them will have passed away the generation which was taught to regard the Bible, and that other which has been taught to regard the works of Engels, as holy writ. But a new generation of sociologists will have to find out which was right.

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