A REVOLUTIONARY RESPONSE:

THE 1926 MARRIAGE LAW OF THE R.S.F.S.R.

by

Tim Ménétrey

A combined sub-thesis submitted in partial fulfilment of the requirement for the degree
of

Bachelor of Arts (Honours) to the
Department of Political Science, and the
Department of Slavonic Languages,
School of General Studies,
Australian National University,
Canberra.

"Men make their own history, but they do not make it as they please, they do not make it under circumstances chosen by themselves, but under circumstances directly encountered, given and transmitted from the past. The Tradition of all the dead generations weighs like a nightmare upon the brain of the living. And just when they seem engaged in revolutionising themselves and things, in creating something that has never yet existed, precisely in such periods of revolutionary crisis they anxiously conjure up the spirits of the past to their service and borrow from them names, battle cries and costumes..."

Karl Marx, "The Eighteenth Brumaire of Louis Bonaparte" (1852).
A REVOLUTIONARY RESPONSE:
THE 1926 MARRIAGE LAW OF THE R.S.F.S.R.

CONTENTS

Preface i
Glossary iii
Introduction 1
Notes 7

1. Preludes to the 1926 Legislation:
   Historico-Legal and Theoretical
   Women under Czarism 9
   The Marxist Programme 13
   Kollontai and Russian Feminism 16
   From Factory to Revolution 20
   Legal Radicalism 25
   The Socio-Economic Position of Women 29
   Prior to the KZoBSO
   Notes 37

2. The 1926 Marriage Law - An Appraisal
   Contents of the KZoBSO of 1925 46
   Notes 48

3. An Ambiguity of Form and Content
   Legal Radicalism? Развложение? 60
   Radical Fetishism Положение 62
   Notes 68

4. The KZoBSO Issue - Behind the Scenes
   and Between the Lines
   Kollontai's Collectivist Proposals 83
   Elements of Continuity in Kollontai's
   Thought 91
   Rebuttal 97
   Notes 106

Conclusion 116
Notes 122

Appendix I 125
Appendix II 133
Bibliography 134
PREFACE

Where transliteration of Russian names has been necessary I have followed a slight adaptation of the Library of Congress System with no diacritical marks. Variations with regard to the transliteration of the vowel "е" in initial position and the vowel "э" are consistent with System III, the recommended method of transliteration for linguistic and literary works. Both are presented in Shaw, J.T. The Transliteration of Modern Russian for English Language Publications (Madison, 1967), p. 8. This combination has been chosen as the most appropriate way to satisfy the conflicting demands of readers familiar with Russian pronunciation and of those with no knowledge of Russian, yet who may be familiar with the standard Anglicized appearance of Soviet terms. Accepted Anglicisms such as rouble, copeck, Czar or kulak have been retained in the text as the most unpretentious form and are given English plurals. Less familiar terms, such as bedniak or seredniak have retained their Russian plural. No concession has been made in the transliteration of Russian surnames; hence is given as Kurskii, the standard "sky" ending conspicuous only by its absence. Russian feminine surnames have preserved their conventional ending.

The decision as to when to include the original Russian in quotations has been a difficult one. My practice has generally been to include in the text common Soviet acronyms, plus those phrases and colloquialisms for which my translation did not seem adequate. Exceptions to this rule are infrequent snatches of poetry, where the Russian is retained in full, and references to legal documents and definitions. Here, owing to the consummate importance attached to subsequent interpretations of those legal texts, retention of the original Russian has often seemed necessary.

Current interest in the 1926 Marriage Law is shared by Beatrice Farnsworth, whose work Aleksandra Kollontai : Socialism, Feminism and the Bolshevik Revolution (Stanford, 1980) devotes one chapter, "The Last Battle", to Kollontai's participation in the debate. Unfortunately, the book arrived too late for inclusion into the text.
My thanks go to Dr Marian Sawer for her suggestions and careful supervision of this work and to Dr Harry Rigby for his help in searching the catalogues. Et le dernier mais non le moindre merci à tante Claudine.
GLOSSARY

Dvor  the household of the extended peasant family

Guberniia  province, administratively above the volost' or rural
district and subordinate to the republic

Khozraschët  (Khoziaistvennyi raschët - lit. financial accounting)
profitability, self-sufficiency (of firms)

Komandirovka  assignment of workers or specialists (usually Party
members) to other parts of the country

Komsomol  (Kommunisticheskii soiuz molodezhii)
Communist Youth League, founded in late 1918

KoT  (Kodeks o trude)
Labour Code of 1922

KZoBSO  (Kodeks zakonov o brake, sem'e i opeke)
Code of Laws on Marriage, the Family and Guardianship,
the 1926 RSFSR Marriage Law.

Narkomiust  (Narodnyi komissariat iustitsii)
People's Commissariat of Justice, set up in November
1917. From 1922 to 1936 it existed only at republican
levels.

Narkomvnutredel (NKVD)  (Narodnyi komissariat vnutrennikh del)
People's Commissariat of Internal Affairs, set up in
November 1917. From 1922 until 1934 it existed only
at republican levels.

NEP  (Novaia ekonomicheskaiia politika)
New Economic Policy, announced by Lenin in 1921, formally
replaced by the piatiletka (five year plan) of 1928.

Prodnalog  (Prodol'nov'stvenniy nalog)
a tax in kind on agricultural produce, announced in
early 1921 and constituting a major part of the NEP

Prodrazvërstka (Zagotovka)  (Prodol'nov'stvennaia razvërstka - lit. food allotment)
government appropriations of surplus produce, unpopular
measure characteristic of War Communism (1918-1921)

Smychka  the alliance between town and country striven for with
particular emphasis during the mid-twenties

Sovnarkom  (Sovet narodnykh komissarov)
Council of People's Commissars, an all-Bolshevik body
set up at the Second All-Russian Congress of Soviets in
1917. Renamed Council of Ministers in 1946.

TsKK  (Tsentral'naia kontrol'naia komissiia)
Central Control Commission of the Party, its membership
first confirmed at the Ninth Party Conference in October
1920.

VTsIK  (Vserossiiskii tsentral'nyi ispolnitel'nyi komitet)
All-Russian Central Executive Committee of the RSFSR,
formed at the Second All-Russian Congress of Soviets in
1917
ZAGS
(Otdel zapisi aktov grazhdanskogo sostoianiiia)
Section for the Registration of Acts of Civil Status, the Soviet Registry Office. Appropriately it was institutionalized in the 1918 KZoAGS (kodeks zakonov ob aktakh grazhdanskogo sostoianiiia), the 1918 Code of Laws on Acts of Civil Status.

Zhenotdel
(Zhenskii otdel)
The Women's Sections of the Bolshevik Party, officially recognised in 1919 with Inessa Armand at its head. Abolished in 1930.

ZK
(Zemel'nyi kodeks)
The 1922 Land Code, prohibiting dissolution of the peasant household beyond certain limits.
INTRODUCTION

To the present day, the monogamous, nuclear family continues to exist in the Soviet Union as the fundamental, 'normal' unit of social organization. Friedrich Engels, consolidating the Marxist analysis of marriage and the family as superstructural institutions arising and developing in accordance with the economic relations of the base, had forecast that under developed socialism the socialization of child-rearing would result in the purging of financial considerations from the marital relationship. Marxist predictions about the future of marriage and the family were mainly

... of a negative character, an enumeration of the historic functions it [the family] would lose, mainly economic co-operation and the rearing of children. Yet, the monogamous family remains an institution entailing definite economic rights and duties, the complex Soviet laws relating to alimony and the enforcement of parental and spousal obligations being the most obvious examples. The transferral of the marriage ceremony from the altar to the registry office and its effective secularization has not meant any diminution of the concept of marriage qua legally enforceable economic contract. Furthermore, a degree of continuity can be observed in both the Czarist and Soviet juridical definitions of marriage. A nineteenth-century view by the jurist and lecturer Gabriël' Shershenevich saw marriage as:

a union of man and woman with the aim of cohabitation, founded on the basis of mutual agreement and contracted in a legally prescribed manner. The modern definition is, if anything, more explicit in its denotation of an economic contract, for marriage has become:

... a voluntary, equal and life-long union between man and woman, based on mutual love, friendship and respect. It is contracted at a registrar's office with a view to forming a family, and engenders the spouses' mutual personal and property rights and obligations."

Soviet legislation perceives marriage registration as the official and constitutive announcement of a contract made "'til death do us part" (жизненный союз) and entailing the formation of a family. Meanwhile, the importance of registration is enhanced by the fact that a de facto relationship, existing
without a formal announcement of marriage at the Registry Office (ZAGS), is only recognized in exceptional circumstances. Article 9 of the 1968 Family Code of the USSR underlined the necessity for registration, stating that:

only a marriage contracted at a state registry shall carry rights and obligations for the spouses.\(^7\)

Registration of marriage is encouraged in order to "combat light-hearted attitudes towards the family".\(^8\)

The monogamous family has assumed enormous significance for the Soviet state in that it is seen as a useful educative cell (воспитательная ячейка) for the younger generation. The family assumes an ideological and functional significance as a stepping-stone in the path leading from socialism to communism.\(^9\) This functional view of the family has ensured that relations between the sexes have not become a matter of private concern, but rather have been institutionalized in successive Family and Civil Codes as imperative considerations of state and society. As a Soviet writer observes:

The family is irreplaceable as a unit in which the education of children is cared for in the best possible way. Correspondingly, Soviet society is concerned that these initial units (первичные ячейки) be strong.\(^10\)

This commitment to the family is brought into sharp relief by noting one attempt to reverse the influence of the family - Khrushchev's educational policies of the early sixties. Recognizing the role of the nuclear family in stabilizing an elite in Soviet society,\(^11\) Khrushchev in 1961 proposed a large-scale expansion of the boarding school system, to counter the tendency towards a self-reproducing elite.\(^12\) Under Brezhnev and Kosygin, however, the perception of the family's guiding role in society has been an unshakeable feature of civil and family legislation.

The family plays a big part in educating the new Soviet citizen, a member of Communist society.\(^13\)

The high number of marriages which end in divorce - 50% in Kiev, 52% in Odessa and 56% in Riga,\(^14\) and an average of over one in three in European Russia - is viewed with concern by demographers and party ideologues alike as symptomatic of moral irresponsibility and the survival of individualistic or authoritarian attitudes towards others among the population. Implicit here is the assumption that a stable, Communist family can induce the individual's perception of his interests as collective, thereby effecting "the strengthening of
collectivity"\textsuperscript{15} through a unity of personal and social interests. The Soviet family exists, therefore, as an indispensable unit in social organization, both in the educative and attitudinal senses. Exalted by Party spokesmen as a qualitatively different institution from the 'bourgeois-monogamous' marriage of the West, it nonetheless retains prescribed economic functions of parental care for children, alimony to dependent spouses and joint property provisions, for all of which the formal registration procedure at the ZAGS office serves as a bureaucratically convenient notification.

* * * * *

In The Eighteenth Brumaire of Louis Bonaparte, Marx astutely observed the struggle between the potentiality of human volition and the cruder limits of the possible. Similarly, the Soviet retention of economic rights and duties arising from marriage might be seen as a compromise between a relatively backward and retrogressive system of social organization and a body of revolutionary socio-economic doctrine. Within the context of such struggle, the pursuit of a revolutionary programme was placed at a particular disadvantage, if not postponed, when during the New Economic Policy a cautious state apparatus encouraged elements of the old order to maintain traditional practices.

The focus of this thesis is the 1926 Code of Laws on Marriage, the Family and Guardianship (the KZoBSO). An examination of the legislation firstly gives:

a lively impression of the predominant trends in public opinion in town and country.\textsuperscript{16}

Secondly, it may contribute to the explanation of the survival of the monogamous and 'economic' family in the Soviet Union. The proposed Marriage Code was debated in the Central Executive Committee of the Congress of Soviets (VTsIK) of the RSFSR in October 1925 and November 1926, in at least 6,000 village meetings throughout the Republic,\textsuperscript{17} and was given wide coverage in newspaper and "agitprop" discussions of the day. The debates illustrated the clash between revolutionary doctrine concerning marriage and the family and the "jarring, but irresistible force"\textsuperscript{18} represented by the social and economic traditions of the peasantry and embodied in the peasant household (dvor).

Vigorously defended by its advocates as a further step towards full equality of the sexes, the KZoBSO may in fact be
described as resting on a contradiction. During the New Economic Policy the realities of female unemployment and the continued oppression of women within the patriarchal dvor drew the attention of legislators to the problems of female exploitation and economic dependence. Objective economic reality increasingly obscured the abstract legal equality with men which women were given in the first Bolshevik legislation on the matter, the 1918 Code. Protection, essentially a reactive process, was to be extended by means of the legal recognition of de facto marriages, thereby assuring lone or abandoned mothers of the same financial recompense which they would enjoy as registered wives. The suggestion, however, that factual marriages - the so-called "unZAGsed" (неоооонгсый брак) cohabitation - be legally recognized was somewhat at odds with the assertions of Bebel and, later, of Engels about the essential privacy of personal relations in the future society. In a powerful statement of revolutionary conviction, Bebel had forecast that:

How I shall eat, how I shall drink, how I shall sleep, is my private affair, - exactly so my intercourse with a person of the opposite sex.¹⁹

Similarly, Engels had no doubts about the eventual withering away of societal interference:

Question 6. What influence will the Communist order of Society have upon the family?

It will make the relation between the sexes a purely private relation which concerns only the persons involved, and in which Society has no call to interfere.²⁰

Rather than recognising the marriage bond as "a private contract, celebrated without the intervention of any functionary",²¹ the new Code extended the realm of state supervision and legal obligation to a wider range of personal relationships. The new legislation did, however, threaten to undermine the institution of monogamy, by granting legislative recognition to de facto relationships which might well be auxiliary to de jure marriages. The ideological legitimation of monogamous marriages incorporating 'individual sex love' was one of Engels' less disputed legacies. The creation of categories of de facto marriage and the attachment of economic and pecuniary responsibilities to de jure and de facto marriages was therefore a successful resolution of the dilemma. It enabled alimony to be paid to needy, unemployed women and
children whilst upholding the principle of monogamy - the man (unanimously identified as the offender) simply would not be able to afford a bigamous or otherwise polygynous association.

* * * * *

The first chapter of this thesis attempts a short survey of women's position in Russian society until the middle NEP years, presenting the social and political development of the Russian women's movement in the nineteenth century, in particular the impact of Marxism and the fortunes of an embattled but ardent Alexandra Kollontai. The first Bolshevik family legislation is also briefly surveyed and contrasted with the worsening socio-economic position of women under the New Economic Policy, thereby suggesting the protective rationale for the extension of legal rights to de facto spouses.

Chapter two reviews the draft code as presented to the VTsIK in late 1925. The Code's claims to revolutionary legitimacy are examined in the light of the relevant provisions of the 1918 legislation. Of importance here is the definition of factual marriage first proposed by the People's Commissariat of Justice and subsequently modified in response to both theoretical objections and peasant protests. It was a modification encouraged by the Council of People's Commissars (Sovnarkom) and itself reflects a general mood of tactical compromise consistent with the contemporary economic orientation and political status quo.

The view is put forward in this thesis that the 1926 Marriage Code was essentially reactive or remedial and reflected traditionalist undercurrents within the Bolshevik Party and the RSFSR at large. This view challenges conventional interpretations of the first decade of Bolshevik rule, which have stressed the revolutionary determination to "abolish the family". The third chapter attempts to assess the validity of the traditional view that the recognition of de facto marriage was a product of Marxist dogma. A tenacious 'first impression' of the Code has derived from strident rhetoric and from an exaggerated depiction of the Bolshevik Party at that time as purveyor of united, revolutionary resolve. First impressions may indeed 'count', but they may also be mistaken, as a reappraisal of the verbiage surrounding the code and the tactical position of the Party during the NEP hopes to show. The alteration to the definition of factual marriage also bears witness to the reluctance of the Code to challenge the family as a burden-sharing institution.
The collectivist suggestions for a Self-Insurance scheme and for marital contracts, made in early 1926 by the Soviet feminist Alexandra Kollontai, are pursued in chapter four. These proposals played an important part in stimulating debate about the KZOBSO, but their relevance to this discussion lies in the motives for their angry rejection—examined in the last two sections of the chapter. Attitudes exhibited by Soviet and party critics during this turbulent period were indicative of the desire to retain monogamy as the form of sexual liaison most appropriate to the NEP goals of economic and social stabilization. Likewise, the swift official reaction to Kollontai's suggestions highlights the belief that moral change was, at best, secondary and, at worst, harmful to the proletarian class struggle.

The current Soviet insistence upon the constitutive significance of marriage registration is traceable to the fears and the hostility exhibited towards the recognition of de facto marriages in 1925-1926. Contemporary complaints about women's "double-shift" in home and factory, including the stirrings of an independent feminist organization, can also be ascribed to a hallowed Soviet reluctance to alter gender roles or to 'deprivatize' and equalize role responsibility in marriage. Essentially, dissatisfaction springs from recognition of the point made by Shulamith Firestone, that:

...the roles of women were enlarged rather than redefined. This process has occurred in a moral environment where registered, ostensibly life-long marriage (письмо до града) continues to be seen as the precondition for formation of the Soviet family. Demographic concern with a falling birthrate in the RSFSR may provide a catalyst for change. Where the Soviet woman's 'right to work', combined with wifely duties, is seen to militate against a rising birthrate, greater financial assistance to unwed mothers may be a first step towards a second recognition of unwed "wives"—only six decades after the first attempt.
INTRODUCTION


5. Orlova, N., Брак и семья в международном частном праве (Marriage and the Family In International Private Law), Moskva 1966, p. 143.


7. Fundamentals of Legislation on the USSR and Union Republics, Moscow 1974, p. 340. New legislation on marriage and the family was gazetted on 27 June 1968 (pp. 337-355), "designed to encourage the creation of a Communist family" (sec. I, art. 1).

8. Orlova, op. cit., p. 159.


10. Vorozheikin, op. cit., p. 3.


12. Similarly, the leading Soviet sociologist Sergei Strumilin supported this policy by advocating a wide network of creches and child-care institutions to communalize child-rearing responsibilities at the earliest possible age. See 'Рабочий быт и коммунизм!' (Workers' Everyday Life and Communism) in Новый мир 7 (1960), pp. 203-221.


22. Actually a four-fold burden of childbirth, child-rearing, housework and paid employment.


24. First enshrined in articles 118 and 122 of the Stalin Constitution.
CHAPTER 1

PRELUDES TO THE 1926 LEGISLATION:
HISTORICO-LEGAL AND THEORETICAL

Три тяжкие доли имела судьба
И первая доля: с рабом
повенчаться
Вторая -- быть матерью сына
раба
А третья -- до гроба рабу
покоряться
И все эти грозные доли легли
На женщину русской земли.

-- Н. Некрасов
Мороз, Красный Нос, 1863

These are the hardest lots
devised by Fate:
One is to wed a slave; and
yet another
Is to obey a slave -- a lowly
state;
The third -- to be a slave's
unhappy mother.
And all these loads united
in the end
To crush the women of the
Russian land.

-- N. Nekrasov
Jack Frost, 1863

A principal reason for the classification of the Bolsheviks'
atitude towards the family and marriage during the 1920s as
'radical', or disdainful of these two institutions,\(^1\) is the
historian's comparison of the position of women after October
1917 with their position in Czarist and pre-Czarist times. Any
juxtaposition could not fail to stress the sincerity of the
Bolsheviks' commitment to the improvement of women's position;
it would show on one hand the earnest rhetoric of the Communist
Party (RKP[b])\(^2\) leaders, on the other, the centuries during
which women had been relegated to a subordinate political and
socio-economic position. The very rationale behind the call to
revolution and to the overthrow of traditional standards,
especially in Russia, was a belief in the unsuitability of those
standards for the advancement of the mass of the population. Of
the Bolshevik Revolution it has been said that

No previous innovator in Russian history had drawn so
frankly and unreservedly ... on the experience and
example of the west, or had spoken in'terms of such
open contempt of Russia's native backwardness.\(^3\)
Women under Czarism

The backwardness of Russia was epitomized by the position of women in Czarist times, a position to which religious, social and geographical factors had contributed in the course of at least the past ten "poignantly painful" centuries. From their relatively culturally and economically advanced position in Kievan Russia, especially among the upper (ščep) classes, women suffered a slow but inexorable fall.

The impact of the Mongol invasions at the beginning of the thirteenth century is acknowledged as having fundamentally altered the lifestyle of those early Russians. The impact of the tatarshchina was certainly extremely negative for women; the accepted habits of concubinage to conquering armies and rape of the wives of conquered enemies signified a lessening of prestige and a derogatory attitude towards women. The invasions of the 'Golden Horde' also resulted in the elevation of the role of (masculine) physical strength, not only in combat with the invaders, but in the harsher environment of northern Russia (Muscovy). Culture in general, and the position of women in particular, suffered as a result of the large migrations to the less fertile and colder northern, forest regions. The influence of the institutions of the terem, a tower room or slightly elevated quarters in upper-class houses in which women were secluded, is more difficult to gauge. Although the practice of female exclusion did not exist among the lower classes, where the demands of peasant economy ensured that the women take a considerable part in seasonal farm labour and winter homecrafts, the terem persisted among the boyars and nobility until Peter the Great's 'notorious social tinkering'. Its influence can be observed in the influential 16th century treatise on household and domestic matters, the Domostroi, where upper-class women were told to follow the instructions of their husbands in all matters, to avoid social contacts outside the home and to restrict their conversation with guests to matters of household routine.

The asceticism of the Orthodox church, spreading with the rise of Muscovy, also had a negative effect upon the position of women. Liberated from the yoke of ethnically and linguistically foreign oppressors, women nonetheless found themselves abased in the eyes of a (comparatively) indigenous religious and moral standard which cast them both positively, as Mother of God or Holy Virgin, and negatively, as Eve the Temptress (искушительница).
The earlier 9th century writings of John Chrysostom (Ioann Zlatoust) concerning the essentially evil and cunning character of women were combined during the ascendency of Muscovy with a religious ethic which diabolized the sexual act, thereby leading to a debasement of motherhood and child bearing functions. A collection of mediaeval Russian teachings, the Emerald (Измапрашк) book, which appeared as late as 1859 in 'Orthodox Interlocutor' (Православный Союзедник), violently attacked drunkenness and sex in general, naming marriage the Law of God and fornication a cursed iniquity. Women were denounced as philanderers and betrayers of Sampson.¹⁰ The contemporary attitude towards women was summarized by an often quoted statement of the seventeenth century religious leader and popular hero of the 1656 Schism, Avvakum: 'Woman's hair is long, but her wit is short.'¹¹ In brief, the position of women in Muscovite Russia appeared to have reached bottom rung.

It was a position only slightly improved by the vigorous Westernization campaigns of Peter the Great at the end of the seventeenth century; moreover these campaigns impinged only upon the upper classes (борщина). For instance, Peter's edict of 1704 forbidding parents and relatives from forcing their daughter to marry was practically confined to the upper classes; for as long as serfdom remained, peasant girls (девки) would continue to be subject to the feudal arbitrariness of the барин (lord).¹² In addition, Peter's meritocratic reforms simply bypassed women, whose education had not been adequate for meritocratic competition. The overwhelming mass of women in the rural peasantry were untouched by secularizing Western tendencies and continued to live under a repressive religious and moral code which bolstered the authority of the extended peasant household (двор) and the husband as head of the family. Meanwhile social occasions in St Petersburg bore witness to the decreased abolition of women's seclusion, the spread of Western dress and social custom¹³ and, significantly, the import from Western Europe of the concept of the relationship between the sexes as a psychological bond transcending the purely physiological bond of yore. Significant also is the development of the word любовь in this period, which increasingly assumed connotations of strong sexual attraction or attachment, rather than the religious, mediaeval connotations of charity and benevolence. In this way
the idea of an intense mutual devotion between a man
and a woman... the recognition of common characteristics
and shared experience laid the groundwork for a
reappraisal of the relations between the sexes.\textsuperscript{14}

The accession to the Romanov throne of several czarinas,
Catherine I (1725-1727), Anna (1730-1740) and Catherine II or
the Great (1762-1796) reinforced nations derived from the
European enlightenment that women's present position was not
due to any ordained (вне сего мира) inequality of spiritual and
mental capacity, but to certain definitely worldly factors. In
this respect, Catherine the Great's limited educational reforms\textsuperscript{15}
were an admission that women's subordinate role was socially and
culturally prescribed and could be altered by State measures,
'de haut en bas'. The subsequent history of the women's
movement in pre-revolutionary Russia was very much an argument
between the advocates of differential rates of change; ranging
from the very incremental (witness the markedly erratic
educational policy of both Nicholas I and Alexander II), through
varying degrees of reformism to the avowedly revolutionary aims
of the Populists (Народники) in the 1870s or the People's Will
(Народная воля) group of the 1880s.\textsuperscript{16} The participation of
women in terrorist groups reached its apex in the latter, of
which one third were women.

Developing from the protestations of Radishchev, further
inspired by the Decembrists of 1825, the Petrashevsky Circle
and the Westernizer Chaadaev, the 19th Century Russian
Intelligentsia was a prime, if numerically small, force in
heightening social sensitivity and drawing attention to the
injustices of Serfdom and oppression 
per se. They would
doubtlessly have echoed Pushkin's agonized comment upon
finishing the draft of Gogol's Dead Souls: 'Oh, Lord, how
wretched our Russia is.' The playwright Aleksandr Ostrovskii
expounded this feeling in 'The Thunderstorm' of 1860; a
damning portrayal of the despotism and moral squalor of a
patriarchal merchant class which the critic Dobroliubov named
'the realm of darkness' (темное царство).

In particular, the appearance in 1863 of Nikolai
Chernyshevskii's What is to be Done? is seen as the announcement
of the centrality of the woman question to the Russian
Intelligentsia. The author wrote the book while in the
Petropavlovskii Fortress between late 1862 and April 1863,
but for his effort was rewarded with another 19 years of penal
servitude and Siberian exile. Vera Pavlovna, the main female figure of the book, cast off the constraints of family life and an unfortunate first marriage to achieve independence through professional medical work and the organization of a seamstresses' artel'. She became a model for emulation by many hundreds of intelligentki. This seminal novel was partly inspired by, and partly inspired, the notorious nihilistka or 'woman of the sixties'. Short-haired, frequently smoking and possessed of a personal code of free love, she pioneered the device of the fictitious marriage, whereby young men would offer to marry the manor girl in order to secure documents for her and thereby the ability to work or study abroad - the male partner (often a medical student) would then bow out. The behaviour of Vera Pavlovna also served to advance the concept, important to Lenin, that the realization of human potential was conditional upon the attainment of happiness and independence.

Certainly, this epoch marked a sensitization of attitudes towards the social situation of women, coincident with the Emancipation of Serfs. The appearance of the woman question has, however, been said to predate the 1861 Emancipation and to have emerged in the advanced educational articles of the surgeon and anaesthetist N.V. Pirogov, who between 1858 and 1861, as curator of the Kiev educational district, wrote admiringly of the female nurses who had aided him in the Crimean War and recommended educational reform for women.

Selected nineteenth century laws relating to the position of woman in the family and in society demonstrate the strength of opposition to any reformist moves which might aim at the elevation of women's position from that of domestic servant to her husband. The spirit pervading much of the legislation might be said to be remnant of Mongol influence, if the introduction of "generalized habits of unconditional obedience" is taken as one of the less specific impacts of Mongol-Tartar culture. As late as 1914 article 107, book X, of the Code of Laws of the Russian Empire, first enacted in 1763, still applied:

A wife is bound to obey her husband as head of the family, to dwell with him in love, respect and unlimited obedience.

while in the previous article the husband had been entreated to
... love her ... as his own flesh, respect her ... defend her, ... forgive her inadequacies and ... lighten her infirmities.\textsuperscript{21}

The same code stipulated that the spouses must live together, further to which a married woman was severely limited by articles which forbade her the right to reside separately, to hold a separate passport or to work without her husband's permission (art. 2207). Article 103, which required husband and wife to live together and stipulated that the wife must follow the husband if he is transferred or changes residence (exile included), also carried the proviso that

... [hence], every act is forbidden which leads to their separation ...\textsuperscript{22}

This gave legal support to the most rigid ecclesiastical prescriptions against divorce in Czarist Russia. As eloquently shown in Tolstoi's Anna Karenina, the difficulties in obtaining, and the social opprobrium attached to, divorce were considerable, including the effective exclusion of children born out of wedlock (незаконнорожденные) from the legal and economic rights of legitimate children. Only after 1902 was an illegitimate child permitted a legal relationship with its mother; before that date no parents were entered on the register of births.\textsuperscript{23}

An anomaly in the general record of social discrimination is the property clause of art. 109, which lacked the later Bolshevik insistence (introduced in 1926) that property acquired during marriage be shared equally. An exception to the rule, art. 109 theoretically allowed enterprising women to prosper and acquire economic identity during marriage, yet the opportunities seemingly offered were vitiated by discriminatory inheritance laws, whereby a daughter could inherit only one-fourteenth of any unmovable property or one-seventh of movable property.\textsuperscript{24}

The Marxist Programme

The emancipatory idealism of certain aspects of the Marxist tradition stood in stark contrast to the innate conservatism of legal, moral and religious pressures which operated in pre-revolutionary Russia to maintain the sexual status quo. Formulating their earlier ideas on marriage and the family in the 1840s, Marx and Engels seized upon Fourier's notion of the progress of women towards emancipation as a useful indicator of general human progress. In this period the founders of Communism favoured the prevalent radical liberal view that:
society in equality is in its normal state ...
Already in modern life, and more and more as it progressively improves, command and obedience become exceptional ... equal association [the] general rule.25

Hence they asserted that in the relationship between man and woman, and in the slow but inevitable progress of women towards liberty, could be seen the ascendancy of the human over the brutal and the barbarous.

The relation of man to woman is the most natural relation of human being to human being. It therefore reveals the extent to which man's natural behaviour has become human ... This relationship also demonstrates the extent to which man's needs have become human needs, hence ... the extent to which in his most individual existence he is at the same time a communal being.26

However, where Fourier saw woman's movement towards emancipation as a cause of progress, with implications for the role of women in the proletarian movement, Marx believed only in the instrumentality of the 'woman question' for measuring social progress;27 a view which in subsequent years characterized the Bolshevik attitude towards women's issues and surfaces to this day in the avowedly "coincidental" course of Soviet leaders.

Marx and Engels cited the sexual act as the beginning of the division of labour;28 the domestication of women and their confinement to non-productive tasks in the private sphere of home and family was of central significance in the development of class society. It:

... serves Marx historically as the exit by which men leave primitive Communism, sociologically as the root cause of the division of society into classes, economically as the fount of private property ...29

Marx and Engels' forecasts of the withering away of the family under communism, accompanied by demands for the communalization of child rearing,30 were predicated upon the firm belief that these were the most effective ways of realizing "the innate or potential equality of women" and releasing her from traditional feudal or bourgeois families, which were:

... essentially economic institutions, necessarily requiring the economic and consequent social dependence and servitude of the female partner.31

The Marxist critique saw the bourgeois family as the institution most closely embodying capitalist economic relationships and furthering the exploitation of women's labour value in the home and sexual capacity in the streets. It was first hinted in the
Communist Manifesto, but only after the death of Marx, was it elaborated in Engels' *The Origin of the Family, Private Property and the State*. Despite the obvious centrality of the position of women to the division of labour and the problem of exploring the nature of oppression, the attitude of Marx and Engels has been characterized as

... a mixture of vague sympathy and unwillingness to deal with the problem directly.

After the references made to women's position in *The Manuscripts of 1844* and *The German Ideology*, Marx and Engels' attention became focused on the explanation of the laws of motion of the capitalist economy. The question of women's position in society became peripheral, of limited import as a functional expression of the antagonisms inherent in the economic base.

The relative neglect of the woman question was built into Marxist theory.

Cited as "the result of previous close collaboration between the two men", *The Origin of Family, Private Property and the State*, written in 1884, came late in the canon of Marxist thought and at a time when the supremacy of the economic base over the ideological and social superstructure had been firmly established. The new addition was the reliance on the work of the American anthropologist Lewis Morgan and his 1877 work *Ancient Society*. Lewis' work among the Iroquois Indians of New York State had led him to posit the existence of a pre-patriarchal form of society based on matrilineality. Given this original state, the subsequent development of social organization by "stages" until the advent of the monogamous bourgeois family could be analysed as historically determined by economic forces in the base. Likewise, women's oppression was seen to have historic origins and therefore to be "capable of historic resolution."

This evolutionism was combined with a strident criticism of the bourgeois family as "monogamy supplemented by adultery and prostitution", where the social mores enforcing the monogamy of women were but a hypocritical manifestation of the bourgeois property ethic. The enforced monogamy of women, despicable not because of the nature of monogamy but because this same monogamy was not observed by the man, was a microcosm of the capitalist's desire for individual appropriation. The
bourgeois, 'monogamous' family was for Engels the first form of sexual relationship based on the victory of property, and thus existed not as a free or voluntary contract between man and woman but as an expression of the antagonism between owner and owned, husband and wife; and by extension, bourgeois and proletarian.¹

In the great majority of cases today ... the husband is obliged to earn a living and support his family and that in itself gives him a position of supremacy ... Within the family he is the bourgeois, and the wife represents the proletarian.²

The way was now open, as the "approaching ... social revolution"³ drew ever nearer, for the commitment to the abolition of private property to involve an equally ardent commitment to the dismemberment of the family. More specific and sexually based analyses of women's oppression may indeed have been lacking from Marxist lore,⁴ yet the family had been identified as a manifestation of capitalist class relations and its fate under proletarian dictatorship was well summed up as disintegration or decay (raspad).

Kollontai and Russian Feminism

The term raspad, with its verbal connotation of urgent action and determination was frequently used in the years surrounding the October 1917 Bolshevik Revolution to denote the Bolsheviks' commitment to the Marxist goal of abolishing the bourgeois family. It contrasts with the words used to denote the process in the late 1920s and onwards; the more abstract razloženie (withering away) or otmiranje (atrophy), which implied a more deterministic attitude to the family by hinting at the dialectical inevitability of that institution's disappearance. 'Disintegration' in this early period was thus far more capable of being interpreted in a spontaneous and (literally) iconoclastic way, demanding a superstructural change in social relations at least contemporaneously with change in the economic base.

Aleksandra Mikhailovna Kollontai (1872-1952), née Domontovich, the controversial first woman member of Lenin's Council of People's Commissars (Sovnarkom),⁵ explicitly contrasted the differences between 'disintegration' and 'withering away'. Whilst the more passive conception of the withering away of the family laid emphasis on the inexorable movement of the dialectic, it assumed the transformation of the
bourgeois family into a qualitatively different unit, one where the previously dominant role of economic calculation would be subservient to the spiritual-emotional union (духовно-душевная связь). Yet implicit in Kollontai's urging was the idea that even this spiritual bond might be an obstacle to the desirable raspad of the family unit.⁶ While expressing allegiance to the Engelsian view of family and marriage as economically determined and "epiphenomenal"⁷ to the modes of production, Kollontai nonetheless spoke warily of the monogamous union. She hinted that the exclusive attachment of one man to one woman might be dangerous if it did not satisfy the multiplicity (многограннысть) of emotions of which human beings are capable. Refusing to predict any definite forms which marital life might assume in the future, she remained definite about one aspect:

The exact form and content of the future marital union, this we can't predict, for it would be utopian. One thing is, however, beyond dispute, namely that there will be no room for jealousy and possessiveness.⁸ Yet her critique of the bourgeois monogamous family and the notion of the woman as an economic and often personal appendage to the dominant male⁹ dictated that monogamy per se, whether bourgeois or transition (переходный) period,⁵⁰ would be criticized as confining to one partner the emotions which should be 'generalized' and extended to the workers' collective.

Kollontai's unorthodoxy, evident in many of her early writings,⁵¹ was a function of her education and experiences. Her distrust of monogamy stemmed from an unhappy first marriage to Vladimir Kollontai in 1893. The marriage was dissolved when Kollontai, sensing the conflicts between the activity which she longed for and the maternal role expected of her, left to study Marxist economics in 1898. The daughter of a Czarist General and a Finnish divorcée, her childhood had been spent in comfortable surroundings which only served to sensitize her to the oppression and misery of the less fortunate. Studies in Zurich, Geneva and Paris between 1901 and her joining the German Socialist Party in 1909 had provided a firm and conscious allegiance to Marxism with which to balance her impulsive attraction to less well defined emancipatory causes.⁵² The diverse elements in Kollontai's "Marxism" were later to cause troubled relationships with the Bolshevik leadership.

No small factor in the clash between these two conceptions was the question of their differing theoretical antecedents.
Kollontai's theory of "revolution on the spiritual front"\(^5\) stemmed from the emancipatory tendencies in August Bebel and, in turn, from Fourier.\(^6\) Bebel's historical survey of the roots of women's oppression had led to an initial encouragement of independent work by women in order to achieve their own mobilization,\(^5\) a contention which was suggested to him by the uniqueness of the female position:

However much in common woman may be shown to have with the working man, she leads him in one thing:— woman was the first human being to come into bondage: she was a slave before the male slave existed. (italics in original)\(^5\)

This view bears a close similarity to Kollontai's insistence that the especially backward condition of women was its own justification for special work.\(^7\) Influential in the development of Kollontai's ideas was also Bebel's conception of historical progress as a circular process; Communism as a return to

- communistic property and complete equality and fraternity, but no longer among congeners alone, but among the whole human race.\(^8\)

Citing Bachofen, Bebel stressed that the advent of Communism could be measured by the change in women's status, from that of mistress to man, to that of man's equal.

The original equality returns. The mother-web of existence starts and rounds up the cycle of human affairs.\(^9\)

Five years after Bebel's work, Engels' analysis of women's oppression as a process of developmental stages roughly approximating the evolution of commodity and production relationships implied a markedly different view of women's future. The Marxist dialectic, unlike the rather more simplistic circular conception of dialectical movement, demanded that the historical change in marriage and family forms be not a process of 'return to the Gentes' in any sense, but rather a progressive transformation (\textit{Aufhebung}). Hence, the Marxist demands for the abolition of the family as the economic unit of society did not signify a whole-hearted contempt for the family, nor for marriage. Thus:

... in calling for the abolition of these corrupt and degenerate institutions, Marx and Engels do not necessarily reject as deficient the constitutive presuppositions upon which these derivative institutions ostensibly rest.\(^6\)

The view that marriage and the bourgeois family should not be negated but positively transcended "in a higher synthesis -
a synthesis in which they are simultaneously abolished, transcended, and yet preserved (aufgehoben) at the higher level to which they have been raised",\textsuperscript{61} owed much to the influence of Hegel upon the young Marx. Writing as early as 1842, Marx had posited that marriage can retain a certain sanctity (as for Hegel, the marriage contract represented an area of spiritual or ethical harmony); this was one of the "constitutive features of the Marxian vision"\textsuperscript{62} untouched by Marx's subsequent vituperations against bourgeois morality and the corrupting influence of proprietary attitudes. Engels maintained the attack in 1884, criticising the iniquitous effects of capitalism upon marriage and the family while, however, reserving unabashed faith in its ability to thrive when freed, by Communism, from its economic fetters. Quoting Morgan at the conclusion to his second chapter, Engels retained the evolutionist conviction, derived from the categorization of human progress into stages, that the historical transformation of monogamy can occur through a process of progressive change. Engels' approval of individual sex-love, an element which characterized the progression from group and pairing marriage to monogamy, and existed in its purist form among the proletariat,\textsuperscript{64} theoretically demanded the continuation of monogamous relationships after the 1917 upheaval.

During the first heady days after accession to power, these theoretical differences were submerged under a flood of inspiring rhetoric which stressed alteration at any cost to the previous family structure. The comment of Inessa Armand in 1918, then head of the Women's sections of the Bolshevik Party, is typical in this respect.

Single, isolated economic units have become only a harmful survival of the past, slowing and encumbering the institution of new forms of distribution.\textsuperscript{65}

Committed Bolsheviks, women like Kollontai (although she only joined the Bolsheviks in 1915, after nine years in the Menshevik Party), Armand, Balabanova and Samoilova had a firm grounding in the teachings of Engels and Bebel that the women's movement was important, yet still subordinate to overall revolutionary struggle. They exercised great influence in these years, in part because of the role they had played in establishing support for the struggling Bolshevik Party among Russia's working women. The high visibility and popularity of the best known agitator, Kollontai, had been built precisely in the
context of this pre-revolutionary struggle against the bourgeoise feminists who emerged in increasing numbers after the limited successes of the 1905 Revolution.

Kollontai is sometimes described as a feminist first and foremost. Yet the trademark of Kollontai's "bolshevik feminism" was the reluctance to raise what would today be termed feminist demands in isolation from the general programme demanding the overthrow of capitalist relations of production. Kollontai would have subscribed to the strategy for women's liberation elaborated by the German Communist Klara Zetkin and presented to the 1889 II International; class struggle must supersede sexual struggle, thus bourgeois feminists were doomed to failure by not joining the proletarian movement. Kollontai offered "a complete solution to the sexual problem" by advocating the abolition of private property and the bourgeois family as the means to achieving full liberation for women. This advocacy was at variance with the efforts of diverse groups of Russian feminists, whose main programme centred around the extension of the vote to women and 'mutualist' reforms of the Czarist family system.

The predominantly youthful nihilist movement of the eighteen sixties had directly contributed to the rise of women's organizations of varying shades of radicalism. Their sense of socio-economic justice heightened, many young women of the seventies and eighties felt the need to continue pressures for reform, yet were alienated by the hedonistic tinges of nihilism, with its emphasis on personal autonomy and happiness. A range of feminist groups arose, varying from the revolutionary People's Will (whose women members achieved deserved notoriety in 1881 when a general's daughter, Sofia Perovskaiia, led the assassination of Alexander II and was hanged), where demands for the improvement of women's position were raised in conjunction with the clarion call to peasant revolution, to organizations stressing 'small deeds' and educational reforms. In the more liberal phases of Alexander's reign, the latter groups seemed to be achieving results, yet the onset of reaction and the closure of universities after 1881 dashed any hopes for reform.

From Factory to Revolution

The advent of industrialization and the migration to Russian cities of large numbers of young, single women created an increase in the activities of feminist organizations.
Women flocked into the cities to be engaged as servants or maids, but also to gain employment from the introduction of mechanization into occupations where previously brute strength and endurance had been necessary. As Glickman notes, the mechanization of certain industrial work made it possible to employ women in less arduous tasks and at lower wages than those of men. Another reason for the increased employment of females were the strict provisions of the 1882 Factory Law, whereby child labour was strictly supervised. Employers effectively circumvented any possible loss to themselves by replacing children with women and adolescents, who were paid the same wage. By 1900 women constituted by far the greater part of the workforce in certain occupations and trades and a potential focus for either revolutionary or feminist agitation.

Table I.I  Numbers of women in the Russian textile industry, 1900

<table>
<thead>
<tr>
<th></th>
<th>Women</th>
<th>Total Workforce</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cotton</td>
<td>171,000</td>
<td>201,000</td>
</tr>
<tr>
<td>Wool</td>
<td>46,457</td>
<td>81,339</td>
</tr>
<tr>
<td>Jute, linen and flax</td>
<td>33,616</td>
<td>71,515</td>
</tr>
<tr>
<td>Silk</td>
<td>12,437</td>
<td>24,774</td>
</tr>
</tbody>
</table>

"Emancipist" groups such as the Russian Women's Mutual Philanthropic Society, founded in 1895 or the Russian Society for the Defence of Woemn of 1900, maintained pressures for educational reform, temperance and the abolition of prostitution (redemption of the fallen woman) in these years. But the heyday of Russian feminism occurred in the period 1905-1907, after the first stirrings of protect among women textile workers in 1905 had drawn attention to their potential strength and a new spirit of Constitutionalism in the higher circles of society convinced women that their suffragist, reformist demands might be practicable. The Women's Progressive Party of 1905 and the more successful Union for Women's Equality, of the same year, continued to press for legal reforms designed to achieve equal rights for women in the liberal democratic sense. By 1906 membership of the latter group had risen to 8,000 women in over 80 branches throughout Russia, yet the failure of the first two Constituent assemblies (Dumas), to accede to the persistent demands for women's suffrage by 1907-1908 resulted in a decline in the popular base of these groups. Some
concessions were, however, granted in the wake of the 1905 Revolution and the creation of the Duma; along with a general relaxation in political control (including permission for Chernyshevskii's novel to be published) minor reforms in the educational system, the abolition of the passport system and the equalization of inheritance laws were achieved largely through the All-Russia League for Women's Equality, a successor to the Union for Equality.75

The advent of the First World War "gave further impetus to the political organization of women".76 Coinciding with wide-spread disenchantment with the Government's inability to resolve the 'woman question', it brought about a polarization of attitudes between those liberal feminists espousing the cause of war77 (the defenseists), and those who shared the socialist, increasingly Bolshevik, abhorrence of the war and the mercenary motives which underlay it (the internationalists). The replacement of male factory workers en masse by less educated women of peasant stock gave wide opportunities to Bolshevik agitators. For preaching the essential unity of all women and the need for a common feminine outlook, bourgeois feminists of various hues repeatedly came up against the very concept which they hoped, among women at any rate, to diffuse - class consciousness. Thus, maids' unions benevolently organized by well-placed feminists of the suffragist persuasion thwarted their founders' aims by assuming socialist affiliations.78 The inextricable connection between the woman question and the proletarian movement was the motif of the 1914 journal Rabotnitsa (Woman Worker). Marking the first official Bolshevik recognition of women's special place in the organization of workers, it was headed by Inessa Armand, Lenin's sister Anna, Krupskaia and Kollontai.

Alexandra Kollontai had initiated the attack on bourgeois feminism much earlier, in 1908, both theoretically and in deed. That year she had inspired a vocal group of forty-five women workers to disrupt the First All-Russian Women's Congress, of whose 1053 delegates79 the vast majority were committed to the attainment of "women's aims" ( ЧИСТЫЕ ЖЕНСКИЕ ИНТЕРЕСЫ )80 within the framework of capitalism. Following upon the heels of Nadezhda Krupskaia's 1901 probings, Kollontai's Social Bases of the Woman Question, an "endless polemic against the feminists",81 criticized the latter's failure to take into
account the oppressive economic factors inherent in Capitalism. She was scathingly critical of those "penitent gentlewomen" (кающиеся дворянки) who praised a state of affairs where women were forced to lift as much as men as an acknowledgement of 'equal rights', but ignored the fact of women's lower wages or the damage being done to the female organism.

Kollontai's persistent emphasis on the special place due to women in the future collective organization because of their natural characteristics contradicts the view of her as a "prominent opponent of motherhood". Kollontai did indeed deplore the concentration of bourgeois feminists upon the equalization only in the legal, educational and physiological spheres. To interpret this as indicating a denigration of women's child-bearing capacity is, however, at best superficial. Kollontai's exhortations to women to join the general proletarian struggle won popularity because they recognized that the economically based oppression of women workers also obstructed women's capacity (and desire) to have and raise children. Thus a realization of the woman's ability to enjoy her 'natural role' would accompany her liberation from the obvious consequences of economic and wage oppression.

The long and vitriolic struggle, between bourgeois feminists and those who subordinated the woman's cause to the overall goals of proletarian dictatorship, had been largely resolved in favour of the latter by 1917. The reasons were firstly, the successful popularization of Engels' ideas by Bebel, Zetkin and Kollontai, and the effective organizational work done by such inveterate revolutionaries as Krupskaya, Klavdia Nikolaeva and Konkordia Samoilova. Secondly, an objective worsening of the position of women had accompanied the First World War and was accentuated by the inadequacies of food and clothing distribution (hence inflation) in the later years of the war, particularly in Petrograd. Dissatisfaction with economic conditions prompted the riots there on International Woman's Day, 23 February (O.S.) 1917, sparking the strikes at the Putilëv factory and in turn the February Revolution, while dramatically drawing attention to the revolutionary potential of politicized women. It was a facet of the revolt noted by a resurrected Pravda, which wrote a week later:
Hail the women (Да здравствует женщины)! Hail the International! The women were the first to come out onto the streets on their women's day. The women in Moscow determined the mood of the military: they went to the barracks and convinced the soldiers to join the Revolution. Hail the women!  

Lenin was also aware of the possibilities of using women to achieve and facilitate revolutionary transformation. The concept of woman as a double proletariat - an oppressed sex within an oppressive class system - made clear that women's liberation was a prerequisite to the fostering of class consciousness.

The home life of a woman is a daily sacrifice to a thousand unimportant trivialities. The old master right of man still lives in secret. The backwardness of women, their lack of understanding of the revolutionary ideals of the man, decrease his joy and determination in fighting.

The Marxist program advocating the abolition of private property and the socialization of women's domestic work was enthusiastically espoused by Lenin on many occasions. His abhorrence of domestic labour was supported by the conviction (a legacy from Engels) that only the return of the female sex to public industry would lay the foundation for women's genuine emancipation.

The real emancipation of women, real Communism, will begin only where and when an all out struggle begins (led by the proletariat wielding state power) against this petty housekeeping..., wrote Lenin, having dismissed the latter as

... barbarously unproductive, petty, nerve-wracking, stultifying and crushing drudgery.

Only five months later, in November 1919, Lenin praised the progress that had been made towards the abolition of the bourgeois family:

In the course of two years of Soviet power in one of the most backward countries of Europe more has been done to emancipate woman, to make her the equal of the "strong" sex, than has been done during the past 130 years by all the advanced, enlightened, "democratic" republics ... taken together.

Great steps had been taken in the first year of the Bolshevik assumption of power, steps which did allow Lenin to make such grandiloquent claims. In December of 1917 two major decrees, commonly seen as the first steps on the Bolshevik road towards the confinement of the family to the "Museum of Antiquities", had been issued. Indeed, the 1917 decrees, with one stroke of the pen, had produced
more sweeping changes in the status of women than even the most fervent female rights advocate would have dreamed possible.  

The decrees were historically memorable for boldly achieving what Kerensky's Provisional Government had failed to do in March-April of 1917. Although the Duma had (finally) granted universal suffrage, permitted co-education in the gimnazii and allowed women to be jurors, it had not altered the fundamental laws on marriage and divorce, nor had it introduced any Equal Rights legislation of the kind envisaged by the Bolsheviks.  

The two decrees also directly attacked the authority of the Russian Orthodox Church, and were a product of Lenin's customary political astuteness.

Legal Radicalism

The decree of 18th December, 1917 (N.S.) established the network of ZAGS (Registry) offices in areas occupied by the Bolsheviks or their sympathizers. The following day, a decree recognized the freedom of divorce for women - a right which, despite the tribulations of the Stalinist years and the onset of more conventional sexual and social views, has remained to this day as basic. Both decrees confronted the pre-revolutionary family insofar as they challenged the authority of the Church by insisting on the secularization of marriage and divorce proceedings and the creation of a qualitatively different Soviet family. The attack on the family served the larger purpose of attacking one of the three pillars of Czarist Russia, particularly the policy of nationality, dating from Nicholas I (Orthodoxy, Autocracy and Nationality).  

Even at this initial stage it was possible to see the doctrinaire attack on the family as instrumental to the general task of consolidating the Bolsheviks' separation of Church from State - one of their first and pressing aims. In pursuing this aim, the Leninist programme was necessarily circumscribed by the attack on the sanctified, Orthodox family and therefore felt the need to provide a definite and unambiguous alternative. This alternative, the family 'sanctified' by Soviet registration, was enshrined in the first legislation.

On 17th October, 1918 both decrees were replaced by the first legislation on the subject, the Code of Laws Concerning the Civil Registration of Deaths, Births and Marriages. The secularization of marriage was maintained as a direct attack on the authority of Church weddings. Article 52
unambiguously proclaimed that

marriage contracted with the assistance of the clergy (при содействии духовенства) does not give rise to any rights or obligations for those entering into it.

Availability of divorce upon mutual consent was accorded in Article 87. Articles 71, 72 stated that differences of religion, the monastic state or the priesthood did not constitute impediments to the registration of marriage at a ZAGS office. That an obvious purpose of the first legislation was the creation of a clear secular alternative to Church marriage is shown firstly by the categorical prohibition of ecclesiastical participation in article 52, secondly by the provisions of articles 54, 55, 57 and 60, which were aimed at the preservation of ceremony in the celebration of marriage.

The Soviet leaders ... have been quick to see the advantage of ceremony in aiding new social forms to take root among the people ... Revolutionary ritual was encouraged in these years, exemplified by the new baptism ceremony, the Oktiabrina, or the creation of such names as Rem (Revolution, Electrification, Moscow) to replace the biblical names of Czarist times. In effect then, the 1918 legislation, operating through the guidelines of an attack upon the Church, established a form of secular marriage which had been known to the French since 1791. In the context of the rigid social prescriptions of Czarist and Orthodox morality, the Code did, however, seem a radical shift, and was acknowledged as such.

By its first legislative acts the new state markedly furthered the formation of the new family and the development of socialist, humane relations.

Nevertheless, certain aspects of married life remained unchanged by this, the most radical of the Bolshevik legislation. Article 100 made mandatory the use of a common matrimonial surname (either the bride's or the groom's) before and after the decease of one of the spouses. Article 105 did not establish community of property during marriage, a provision similar to that of Czarist legislation as noted above. Another motivation was possibly a desire to remove economic motivation from marriage by retaining the husband's and the wife's wages as separate, a decision based on an optimistic assumption that women's large scale entry into the
labour force would follow shortly. However, the realities of economic disruption during the Civil War and female unemployment during the New Economic Policy made this clause the instrument of a mere legal equality which barely touched the everyday lives of most women.¹⁰⁴

The 1918 Code has been seen by Soviet jurists and observers as a "radical shift" (направленный переворот)¹⁰⁵ in civil legislation, which consolidated the imperative Bolshevik need to separate Church from State. It served to attract women workers to the Bolshevik cause, a tactical necessity, while inspiring a sense of independence and personal worth among women in general which often culminated in the break up of pre-revolutionary marriages and participation in the defence effort. A major consideration was also that of destroying, by disassociation, the religious conception of the marital contract as an unworldly or divinely ordained document which, in the realm of contract law, was sui generis.¹⁰⁶ Accordingly, articles 106-108, 130-132 laid down provisions whereby the formalization of marriage through registration entailed specific economic obligations of support to a spouse "in need and unable to work", firmly cementing marriage into the edifice of all legally enforceable, contractual relationships.¹⁰⁷ The existence of marriage as an economic institution in these years of precarious Soviet rule strengthened women's confidence and enabled them to leave an oppressive marriage by assuring them of material support. Sections maintaining that parents were "bound to take care of their children under age, of their education and their training for a useful activity" (art. 154), as well as providing board and maintenance and determining the manner of their "upbringing and instruction" (art. 161, 157) assured the divorced or deserting wife that the husband would need to contribute towards the child's upkeep, thereby relieving her own burden. Article 162 stipulated that the amount to be paid towards the support of a child devolved upon both parents "in accordance with their means", but both were obliged to contribute half of an established minimum.¹⁰⁸ Although undoubtedly an economic unit, the Soviet family enunciated in October 1918 existed as a polar opposite to the marriage sanctified by religious rites.¹⁰⁹ This important distinction announced the centrality of women's "equal rights" to the party, while also permitting women to enter the workforce. The latter
was of prime concern to Lenin, who consistently spoke of women's emancipation in terms of the transformation of housework into a "large-scale socialist economy".\footnote{110}

The policy of War Communism, from 1918 to 1921, was dedicated to the pursuit of this type of economy. The early (and sometimes rash) nationalizations of key industries, the partial elimination of money, a ban on private trade and the controversial policy of forcible produce appropriations from the peasantry (prodravště) were all characteristic of this period of Soviet economic policy.\footnote{111} Directing themselves towards the replacement of economic regulation by a highly centralized structure of administrative allocation,\footnote{112} the War Communist policies outlined above recognized the desirability of concentrating all powers of economic decision-making in the hands of the State and removing financial or material considerations from the sphere of human relationships. This desirability was also a feature of the Marxist commitment to the liberation of women, which taught that the women's oppression, perpetuated by the continuation of (bourgeois) marriage as an economically motivated institution, would be relieved by the 'purging' of economic calculation.

For its origin and its continued development marriage is tied to the economic relationships of one epoch or the other. But with the disappearance of these economic relationships, (bourgeois) marriage also will be destined for disappearance (подлежит исчезновения).\footnote{113}

A corollary of this view was that a qualitative transformation in human relationships, accompanied by the liberation of women from oppressive domestic and patriarchal structures, would result from the acquisition of financial independence. Women's entry into productive labour outside the home, necessitated by the dearth of an adequate male labour force during the Civil and Interventionist Wars, was therefore seen as desirable. In rigidly determinist phrases, new economic relations were seen to herald the disintegration of bourgeois marriage and the atrophy of "economic incentive" (денежный расчет).

Kollontai wrote enthusiastically:

The family loses its significance as an economic unit from the moment of transition into the period of the dictatorship of the proletariat.\footnote{114}

Her approval of War Communism, and the specific measure of labour conscription, was based on her belief that this was the most practical way to assign "independent value" to women's
labour, while contributing to the collectivization of demand and the installment among women of a new consciousness of their capabilities. These qualities would in turn help to free them from the vestiges of fatalism and ignorance which so tenaciously clung to them from the past. Whether the retention in the 1918 Code of definite, prescribed economic rights and responsibilities arising from marriage, was to be a transitional stage pending the full entry of women into 'productive' labour and the ultimate razlozhenie of marriage qua economic contract, remains a moot point. Given the prominent role which Kollontai and other Bolshevik women agitators did play in the drafting of the first legislation, Kollontai's support for the more vigorous policies of War Communism (aimed at women's extraction from domestic labour), in addition to Lenin's strident critiques of housework, it is fair to deduce that the creation of a distinctly Soviet, "divorceable" marriage (in Brandenburgskii's words) was a Bolshevik concession to the time-honoured and religiously sanctioned adherence of the populace to monogamous marriage. However, these "survivals of the past" (пережитки прошлого) would be altered, as War Communism progressed, by new productive relations and by women's new-found economic independence. Put simply:

The Communist economy will do without the family.

The Socio-economic Position of Women prior to the KZoBSO

The economic and social dislocation caused by the effects of four years of European war and two years of fierce Civil War intruded into this scenario.

The 1920s had begun with the fervor and idealism of the Revolution ... But the lack of resources of the young Soviet government, the disruption of the economy, the extreme conservatism of the population and perhaps a general naiveté about the process of social change all contributed to serious shortcomings in the realization of these goals.

For those who believed in the ability of substructural changes to the relations of production to alter inculcated moral attitudes, the inability of the Soviet government to continue with War Communism arose as the most cogent reason for women's continuing employment within the home, hence their subordination to patriarchal ideology.

The extent of economic and social dislocation, not to mention tragedy, represented by the years of war in the Soviet
Union can be seen by the vital statistics collected in the First All-Union Census of December 1926, which noted especially the discrepancy between the expected population, estimated according to the fertility rates from 1897 Census data, and the observed population.

Table I.II  
Expected and observed populations of the USSR, 1926 (attributed to conditions of war and post-war life)\textsuperscript{120} (in thousands)

<table>
<thead>
<tr>
<th>Birth</th>
<th>Age at Dec. 17, 1926</th>
<th>Expected</th>
<th>Observed</th>
<th>Deficit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1896 (males)</td>
<td>30+</td>
<td>30,431</td>
<td>23,141</td>
<td>24%</td>
</tr>
<tr>
<td>1896 (females)</td>
<td>30+</td>
<td>31,090</td>
<td>26,318</td>
<td>15%</td>
</tr>
<tr>
<td>1897-1901</td>
<td>25 - 29</td>
<td>13,770</td>
<td>12,045</td>
<td>13%</td>
</tr>
<tr>
<td>1902-1906</td>
<td>20 - 24</td>
<td>15,620</td>
<td>13,822</td>
<td>12%</td>
</tr>
<tr>
<td>1907-1911</td>
<td>15 - 19</td>
<td>17,609</td>
<td>16,986</td>
<td>4%</td>
</tr>
<tr>
<td>1912-1916</td>
<td>10 - 14</td>
<td>19,630</td>
<td>17,101</td>
<td>13%</td>
</tr>
<tr>
<td>1917-1921</td>
<td>5 - 9</td>
<td>21,988</td>
<td>15,279</td>
<td>31%</td>
</tr>
</tbody>
</table>

The deficit in children born in the years of revolution and Civil War is most marked, superseding even that of children born during the First World War or that of those old enough for conscription into the Red (or White) armies. The table helps draw attention to the rapid decline in fertility during the years of War Communism, itself sufficient witness to the chaotically deplorable living conditions of the time. It has been estimated that in the years 1917-1921 there were annually 2.8 million more deaths than births in the USSR.\textsuperscript{121} The decline in the birthrate, expressing women's inability to have and rear children in conditions of social and political turmoil, was of concern to Krupskaia.

The general conditions of life force the woman to renounce that greatest of joys, motherhood.\textsuperscript{122} (отказываться от материнства, этой величайшей радости)

Krupskai's honest dismay at the intolerable destitution caused by war, famine and the epidemics which ravaged Russia during this period was, however, tempered by the opinions of those who saw women's concomitant large scale entry into the work force and army as progressive. Kollontai was the most enthusiastic proponent of the latter view, lauding the separation of the kitchen from marriage, which, she claimed, was of the same importance as the separation of Church from State.\textsuperscript{123} She applauded the growing participation of women in industry during this period, citing the rise in women's participation from 32% in 1914 to 40% in 1918 as indicative of the home's obsolescence and as prerequisite for a rise in
women's consciousness. In the high rates of women's employment in certain industries (tailoring, textiles, tobacco), if extended throughout the economy, lay the foundations for the replacement of the bourgeois family; an institution embodying and perpetuating selfish possessiveness. ... it is obvious that the workers' collective will sooner or later dissolve, and finally remove, the traditional and isolated bourgeois family.

Yet the vaunted beginnings of women's emergence from the home coincided neatly with the social and political priorities of the War Communism period, when the Bolsheviks' perception of hostile encircling forces, produced in effect a "siege economy". Conditions of life dictated a "unity of will and a solidarity of action", whereby the entry of women into the industrial work force was necessitated by factors unforeseen by the theoretical architects of women's liberation. However, as the foreign and White armies were driven back, and as progressively more cities and towns were retaken by forces loyal to the Bolsheviks, a new sense of relief and a desire for societal stability emerged most strongly. The role which this psychological change of outlook played in egging Bolshevik leaders on to the declaration of the New Economic Policy (1921-1928) is undeniable.

Acclaimed by Soviet observers as a 'civil peace' after the Civil War, the New Economic Policy was suggested to Lenin by the inability (or unwillingness) of the peasantry to fulfil the grain appropriation targets of 1919-1921. In essence a partial restoration of the role of the market (the "commanding heights" of heavy industry, banking and foreign trade remained in the hands of the State), the main provisions of the NEP were elaborated as concessions to the peasantry. In February of 1921 Lenin announced to the Politbureau the replacement of the prodrazvěrstka by a graduated tax in kind, the prodnalog, and the provision that surpluses be permitted to be sold on local markets. A significant stimulus to local entrepreneurs was given by the fact that the peasant surpluses available for private sale were deliberately large.

Table I.III  State acquisitions from the peasantry, 1920-1922

<table>
<thead>
<tr>
<th>Product</th>
<th>1920-1921 prodrazvěrstka</th>
<th>1921-1922 prodnalog</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grain</td>
<td>423 million poods</td>
<td>240 million poods</td>
</tr>
<tr>
<td>Potato</td>
<td>110 million poods</td>
<td>60 million poods</td>
</tr>
<tr>
<td>Meat</td>
<td>25.4 million poods</td>
<td>6.5 million poods</td>
</tr>
</tbody>
</table>

(1 pood = 16.3 kg)
The notion that the NEP, by granting such concessions to the peasantry, was not merely a retreat but was indispensable as a prerequisite to the worker-peasant alliance (smychka) was strongly implied by Lenin after the XI Party Congress of March 1922. Hence the concept that "we are retreating in order to take a running start and take a bigger leap forward"\textsuperscript{131} gave ideological and tactical legitimacy to the further reintroductio of market practices and the denationalization of smaller light industries, a process which began in July 1921.

For women the arrival of the New Economic Policy and the establishment of State Capitalism\textsuperscript{132} served to announce that "ideological pretensions had outrun institutional capacities".\textsuperscript{133} Women's entry into the work force and their removal from the domestic complacency of the family hearth was threatened by the reintroductio of market practices. Lenin had spoken emotionally of the suffering and disruption caused by the Civil War:

\begin{quote}
Her [Russia's] condition is most similar to that of a man who's been beaten half to death. For seven years they have been hammering her - well, God grant we may move on crutches (дай бог с костылями двигаться ).\textsuperscript{134}
\end{quote}

After years of revolutionary fervour and the encouragement of social spontaneity, the recourse under NEP to more gradual and administrative-bureaucratic methods of government meant that a rapid increase in women's employment could not be sustained. It also signified to many women that men "on crutches" would be welcomed back into the productive labour which women had "temporarily" occupied.\textsuperscript{135} Thus the demobilization of the Red Army helped bring pressure to bear on those women who had entered the work force to replace men at the front. The number of men in the Red Army fell from 4,110,000 in January 1921 to 1,590,000 in January 1923, and one year later to 562,000.\textsuperscript{136} Coincident with this the number of registered unemployed (those available for hire at the labour exchange), rose dramatically from 160,000 in January 1922 to over 1,344,000 in July 1924.\textsuperscript{137}

Women were particularly affected by this process of displacement of women's labour during a surplus of available manpower\textsuperscript{138} to the extent that by February of 1923 they comprised 56\% of all unemployed.\textsuperscript{139} The reasons for their especial vulnerability were twofold. Firstly, their inferior educational attainment
and illiteracy prejudiced their chances to compete with returning soldiers for employment. As late as 1926, surveys among 20 year olds found a significant discrepancy between the literacy of males and that of females. Disregarding rural-urban differences, it was found that 75.6% of men of that age group were literate, compared with 49.9% of women.\footnote{40} The discrepancy between literacy levels among 40 year olds was even higher - 73.2% for men, 24.7% for women. The entry into the labour market of thousands of housewives with no educational or occupational qualifications also increased the numbers of unemployed women. By 1927 84% of unemployed women had never been in previous paid employment, and the majority of these possessed no qualifications.\footnote{41} Even when employed, women suffered discrimination due to their lower rates of pay. It is estimated that the average wage of a woman manufacturing worker in 1924 was only 64.6% of an equivalent male worker.\footnote{42} Recognizing the need to give incentive to skilled workers and specialists, Lenin in December 1918 had established 35 categories of remuneration according to qualifications. Most women, recently arrived in the work force, fell into categories 1-3, for unskilled labour, or 4-12, for manual work.\footnote{43}

Secondly, the introduction of the khozraschët (financial autonomy) principle at the X Party Congress in 1921, in addition to the protective labour legislation of October 1922, had combined to discriminate against women seeking employment, principally by making the employment of men more advantageous for smaller firms. A basic principle of the New Economic Policy whereby enterprises were expected to work without state subsidies (in view of the chronic shortage of funds) and provide maximum productivity at minimum expenditure,\footnote{44} khozraschët had convinced many firms to sack their less qualified employees - women. Likewise, due to the absence of substantial mechanization and the need for physical strength, women were classed as less able and more expendable. In this climate of female unemployment, the provisions of the 1922 Labour Code (KoT), designed to prevent the exploitation of women and harm to the female's reproductive capacity, rather ironically served to protect women from work itself by confining them to the labour exchange. Articles prohibiting women from heavy work, underground work and, except in exceptional circumstances, from night work made women undesirable employees in a time of
financial stringency. Similarly, measures aimed at the protection of nursing mothers, for example, the granting of thirty minute breaks every three hours for the mother to feed her child, were either ignored or seriously questioned by industrial managers, whose concentration was centred upon fulfilment of the production targets and efficiency scores demanded by the khozraschët system. In the aftermath of the 1923 "Scissors Crisis" a determined effort was made to lower production costs, hence the price of industrial vis-à-vis peasant goods. This policy involved the extension of more rigorous efficiency controls, particularly the elimination of overstaffing, over government departments and heavy industry, in turn contributing to unemployment by releasing skilled, mostly male workers.

The result of these pressures was a large measure of unemployment among women, especially in the early and middle years of the NEP before emphasis was placed on the development of heavy industry. The problem was serious and visible enough to attract legislative attention, with the formation in early 1924 of a Commissariat of Labour Commission to study the reasons for female unemployment. Accordingly, a system of vocational training courses was set up at the labour exchanges and the direction of girls into training courses preliminary to higher educational or technical institutions was accelerated. In December 1924, a joint commission composed of members of the influential Orgburo, the Commissariat of Labour, the Commissariat of Social Welfare and the trade unions concluded an intermittent two year study of the problem. Their recommendations included that women must only be dismissed in the same percentage as men, also that women with children under one year of age must have preference of employment. If the dismissal of the woman was unavoidable, then the child should remain in the child care facilities of the institution where the mother was employed.

By admission however, these measures were only able to halt the rise in female unemployment. By 1926, the year that the revision to the 1918 family legislation was accepted, female participation was, as admitted in the census statistics of that year, still consistently lower than that of men.
Table I.IV  Employment Statistics, 1926^{150} (in thousands)

<table>
<thead>
<tr>
<th>Age</th>
<th>Total Male</th>
<th>Employed %</th>
<th>Total Female</th>
<th>Employed %</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-19</td>
<td>8133</td>
<td>7193</td>
<td>88</td>
<td>8844</td>
</tr>
<tr>
<td>20-24</td>
<td>6712</td>
<td>6556</td>
<td>98</td>
<td>7101</td>
</tr>
<tr>
<td>25-29</td>
<td>5490</td>
<td>5429</td>
<td>99</td>
<td>6547</td>
</tr>
<tr>
<td>30-34</td>
<td>4297</td>
<td>4259</td>
<td>99</td>
<td>4768</td>
</tr>
<tr>
<td>35-39</td>
<td>3994</td>
<td>3965</td>
<td>99</td>
<td>4458</td>
</tr>
<tr>
<td>40-44</td>
<td>3393</td>
<td>3365</td>
<td>99</td>
<td>3562</td>
</tr>
<tr>
<td>65-69</td>
<td>1157</td>
<td>873</td>
<td>84</td>
<td>1407</td>
</tr>
</tbody>
</table>

By 1926 the number of women (2,265,000) as a percentage of the Soviet work force, at 23%, had fallen two percentage points from the 1922 figure and would only begin to rise substantially after the inauguration of the first Five Year Plan^{151}.

Women's failure to enter the work force on the same scale as men confirmed their attachment to antediluvian ways of life and to traditional role models and figures of authority. The gradual reintroduction of a stabilized currency by 1924 also played its part in disadvantaging women engaged in unpaid housework. The persistent economic dependency of women was reflected in their continuing social subordination and exploitation.

An acknowledgement of the latter as a feature of Soviet life was the decree of July 10, 1923, a supplement to the RSFSR Criminal Code of 1922 and aimed primarily at employers. This proclaimed taking advantage of a woman's dependent position to compel her to have sexual relations a crime punishable by no less than three years' imprisonment^{152}. Prostitution and begging began to appear in numbers comparable to pre-revolutionary years as many women, encouraged by the egalitarian provisions of the 1918 legislation or widowed in the Wars, emerged from family home or peasant village onto the labour market only to be unemployed and penniless in the frankly petty-bourgeois atmosphere of the NEP. The rise of prostitution and petty crime was noted in May 1924 by the People's Commissar for Health, Nikolai Semashko, who saw it as "minatory" ( угрожающее развитие ),^{153} and was implicit in party propaganda pamphlets after 1925, which urged that a rise in the ranks of working women was preferable to a rise in the ranks of prostitutes^{154}.

* * * * *

The history of women's involvement in Russian society is a history of tribulations, trials and frustrations, and any attempt to survey it is doomed to cursoriness. Promised a
bright and prosperous future by the utopian tendencies of Marxism, in theory women's position in society had undergone drastic change. The legal and economic independence so swiftly assigned to women in the first Bolshevik legislation was in marked contrast to the incremental falterings on the question by successive legislatures since 1905 and the subordination of women within the family structure, as enshrined in the religious and moral scriptures of Czarist Russia. Yet, despite the ideological commitment to the dissolution of those institutions which perpetuated male domination, the position after eight years of Soviet rule remained fundamentally similar to that established by centuries-old patterns of life. A certain stabilization, both in material conditions and in the attitude towards one's surroundings, was reflected in the New Economic Policy. Coterminal with the introduction of measures which aimed at easing the position of the peasantry and reasserting the role of the market were restrictions upon the amount of urban, manufacturing employment which could be made available to women.

Both the absence of employment and the fact that, due to their lack of usable skills and frequent illiteracy, women with jobs received less than men, posed dramatic implications for a doctrine which claimed (then as now) that:

the realization of an equal right to work and to receive payment for that work created the economic foundations for women's equal rights.155

Women's continued employment within the home, hence their continued dependence upon the earning capacity of the husband, remained a basic feature. The persistence of traditional economic and sexual roles during the New Economic Policy, upon whose alteration the expectation of the raspad of the bourgeois family had been premised, forced a reappraisal of the view that

new economic relationships were ... the real key to any durable alteration of women's position.156

2. Российская коммунистическая партия (большевиков) (Russian Communist Party [Bolsheviks]). The name was borne until the Fourteenth Congress of the Party in December 1925, whence it became the VKP(b) — Всесоюзная коммунистическая партия (большевиков) (All-Union Communist Party [Bolsheviks]).


7. This argument was first made by the nineteenth-century historian Solov'ev, in История россии с древнейших времен (A History of Russia from Ancient Times), vol. 1, pp. 78ff.

8. Atkinson, op. cit., p. 25. Opinions differ as to the origin of the terem. V.A. Krasanovsky, for instance, disputes that it was originally a Mongol institution and generally stresses the lack of inter-connection between nomadic Mongol and agricultural Muscovite or merchant Novgorod societies. See "The Influence of Mongol Culture and Law on Russian Culture and Law", in The Chinese Social and Political Science Review 20 (4) 1936-1937, pp. 499-530. The existence of etymologically similar nouns in modern Serbo-Croatian (trijem) or Bulgarian (трем) to describe a stone house or room might also imply a Slavonic, not Asiatic, derivation. For an opposing view see Vernadsky, G., A History of Russia, Volume Three: The Mongols and Russia, Yale 1953, pp. 333-338, 366-391.


10. On restrictions placed by the Church on sexual relations in this period, see Fedotov, G., The Russian Religious Mind, New York 1965, pp. 75-78, 99-100. Fedotov concludes: "It is a sad ideal of family life offered by the Izmaragd... wife and children live under the law of fear, not that of love." p. 78.

"Болосы длинные, а ум нороткий." His was not the only misogynist saying of the day. Originating in the same era are such quintessentially Russian mottoes as:
"I love her like my own soul and shake her like a pear tree."
"Beat your wife, it improves the cabbage-soup."
"To be alone is a misfortune — to be with a woman, a double misfortune." (All in Halle, F., Woman in Soviet Russia, London, 1939, pp. 16-17. A later peasant saying retained the spirit:


13. A romanticized description of these events was given by Aleksandr Pushkin, memorializing his own Abyssinian ancestor,
in Apan Патре Великого (Peter the Great's Negro), in Полное собрание сочинений (Collected Works), vol. 4, Moskva, 1949, pp. 7-38.

14. Atkinson, op. cit., p. 26. Ironically, during and after Peter's reign the influx of Western ideas concerning the worthiness and spirituality of love (and the conception of women as equal partners in love) brought about a tightening of divorce laws, while Church supervision over marriage was increased.


16. On the educational reforms of Nicholas I, see Westwood, op. cit., pp. 97-107, on revolutionary groups, pp. 110-122.


19. Stites, R., "M.I. Mikhailov and the Emergence of the Woman Question in Russia", in Canadian Slavic Studies, 3(2) 1969, pp. 178-199. There was already a base on which to build. By the mid fifties there were 148 secondary schools for women. See Halle, op. cit., pp. 35-36. In 1859 the prestigious University of St Petersburg was opened to women. Two years later three women began to study medicine there, but by 1863 had emigrated to Zurich.


23. Ibid., p. 135; also Annenkov, op. cit., p. 91.

24. This was noted by Kollontai, "Введение к книге Социальные основы женского вопроса" (Introduction to 'Social Bases of the Woman Question'), in Kollontai, A.M., Избранные статьи и речи (Selected Articles and Speeches). Edited by T.M. Dazhina et al. Moskva, 1972, p. 71.


30. The disappearance of the family is explicitly forecast in the "Manifesto of the Communist Party", in Marx and Engels, Selected Works, Moscow, 1977, pp. 35-63. "Abolition of the family! Even the most radical flare up at this infamous proposal of the Communists ... The bourgeois
family will vanish as a matter of course when its complement (prostitution) vanishes, and both will vanish with the vanishing of Capital." pp. 49-50. The communal rearing of children was advanced in an unused draft of the Manifesto. See Sweezy, P. (ed.), The Communist Manifesto etc., New York, 1964, p. 80.

32. Here the authors saw bourgeois marriage as all the more hypocritical - underneath the juridical mist created by the formal equality of the spouses, strict monogamy for women was accompanied by widespread hetaeraism (Sumpfzueugung) for the men.
34. Meyer, op. cit., p. 92.
35. Ibid., p. 99. The centrality of the man-woman antagonism remains a sorely contested point. Kate Millett criticizes Marx and Engels for failing to supply a sufficient ideological basis for 'sexual revolution' and thus ignoring a question of central importance: "...All the mechanisms of human inequality arose out of the foundation of male supremacy. In the subjection of female to male, Engels saw the historical and conceptual prototype of all ...power systems." Sexual Politics, London, 1972, pp. 121, 169. Guettel, although noting the paucity of Engels' analysis of women's oppression, reasserts the primacy of class: "Male-female relationships do not necessarily define a stage of society, they themselves are products of a given class system." Marxism and Feminism, Toronto, 1974, pp. 27-28.
37. In 1861 the Swiss historian and archaeologist Johann Bachofen had separately discovered societies based on matrilineal descent: "Myth, Religion and Mother-Right", Selected Writings of Bachofen, Princeton, 1973. That this reckoning of descent through the mother was simply a convenience, owing to the difficulties of establishing paternity in hunter-gathering and subsistence societies, and did not imply matriarchy, has been well argued. See Godelier, M., "The Origins of Male Domination", New Left Review 127 (1981), pp. 3-18, for the assertion that women are subordinate in matrilineal societies. More generally, the premise that the natural division of labour (sex differentiation) does not imply oppression (sex stratification) has come under strong criticism from feminists. See Lane, A., "Women in Society", in Carroll, B. (ed.), Liberating Women's History, Urbana, 1976, pp. 13-23.
39. Geiger writes that: "The founders of Marxism were most receptive to the ideas of a man (Morgan) who is adjudged as no more than another nineteenth century evolutionist." op. cit., p. 15. This dismissal is criticized as "unjustifiably condescending". See Dunn, S., "Sovietology : Old and New", in Canadian Slavic Studies 3(3) 1969, pp. 570-571.
40. Engels, op. cit., p. 138. In evolutionary terms, Engels saw the transition from pairing marriage to (bourgeois) monogamy as a negative step for women, resulting in the infidelity of men and the (literal) prostitution of the sex-love ideal. (pp. 129-135).
42. Engels, op. cit., p. 137.
43. Ibid., p. 138.
44. See Jancar, B., Women Under Communism, Baltimore, 1978. "At no time ... was there a serious effort to investigate the premises upon which male domination was based." (p. 76)
46. See her "Семьи и коммунизм" (The Family and Communism), in Коммунистка 7 (1920), esp. pp. 17-18.
47. The term is Foster's, Critical Theory of the Family, London, 1978, p. 43.
50. An adjective often used in the middle to late twenties to account for the discrepancies between changes in the base and superstructure.
51. Especially in her view of morality as a weapon in the class struggle. See "Письма к трудящейся молодежи. Письмо первое: к нам должен быть коммунист?" (Letters to Working Youth. Letter One: What should a Communist be like?), in Молодая гвардия 1-2 (1922), pp. 138-139.
52. This résumé of Kollontai's early career is woefully short. For a fuller, as yet unsurpassed, treatment see Porter, C., Alexandra Kollontai: A Biography, London, 1980, chs 1-9.
55. Meyer, op. cit., pp. 97-98. Kollontai, still a teenager, was strongly attracted to Bebel's treatise and through it first considered the potential of the worker's movement. See Kollontai, "Великий борец за права и свободу женщин" (A Great Fighter for the Rights and Freedom of Women), in Избранные статьи и речи, especially p. 122. Also Porter, op. cit., p. 34.
57. Kollontai's most explicit pronouncement of this sort came in late 1920, shortly after her appointment to head the Zhenotdel. Arguing against the prevalent view that the Women's Departments should exist only as a transmission belt for Party policy, she asserted that the reflection of specifically women's issues should be its main goal. "Задачи отделов по работе среди женщин" (The Tasks of the Departments for Work Among Women), in Коммунистка 6 (1920), pp. 2-4. Six months later she chastised the trade unions for failing to involve women, stressing that their backwardness (закабальненность) necessitated specific agitational work. "Профсоюзы и работницы" (Trade Unions and the Woman Worker), in Избранные, pp. 319-321.
59. ibid., p. 348.
60. Krouse, op. cit., p. 45.
61. ibid., p. 43 (German in original).
62. ibid., p. 33.
64. ibid., p. 135.
65. In Smidovich, S., "О новом НЗобСО" (About the New KЗобСО), in Коммунист, 1 (1926), p. 46.
66. For example Geiger, op. cit., p. 62.
69. See Stites, "Women and the Russian Intelligentsia", pp. 54-62, for a discussion of the variety of 'feminist' organizations after 1860.

71. ibid., p. 70. As late as 1914 the woman's wage was, at an average, only 47% of the man's. See Kingsbury, S. and Fairchild, M., Factory, Family and Women in the Soviet Union, New York, 1975, pp. 33-35.
72. The participation of women in certain industries dated back at least to the 1719 Ukaz of Peter the Great that female offenders should be gainfully employed spinning flax whilst in prison. A traditional Russian readiness to use female labour had long been dictated by economic and seasonal considerations among the peasantry – an attitude transplanted to the urban environment of the late nineteenth century. By 1885 over 47% of Muscovites in the tobacco industry were women, in the textile trade – 31%. Buckley, M., "Women in the Soviet Union", in Feminist Review 8 (1981), pp. 82, 83.
73. Adapted from Kollontai, "Введения...", op. cit., p. 65.
74. Stites, "Women's Liberation Movements", pp. 460-461, for the differences between the passive and active interpretations of emancipation (эмансипация) and liberation (освобождение). This distinction is criticized in Edmondson, L., "Russian Feminists and the First All-Russian Congress of Women", in Russian History 3 (2) 1976, pp. 133-134.
77. The formation of women's shock battalions during the war was typical of these women's readiness to postpone their demands for the duration. Anna Shabanova of the Mutual Philanthropic Society invited Emmeline Pankhurst to review the battalions in the summer of 1917. Pankhurst accepted and had an interview with Kerensky as well.
79. ibid., p. 184, pp. 172-264 for an outline of the Congress. See the only Soviet biography of Kollontai yet published, Itkina, A., Революционер, трибун, дипломат (Revolutionary, Tribune, Diplomat), Moskva, 1964, pp. 35-37, for the events which forced Kollontai into exile.
81. Stites, op. cit., p. 467. The book was intended for publication before the Congress, but the manuscript, sent to Capri for Gor'kii's blessing, was delayed on its return and only appeared in January 1909. Itkina, op. cit., pp. 45-48.
83. The claim is made by Geiger, op. cit., p. 48.
84. "The subordinate position of the woman has been brought about by definite economic factors: her natural attributes have played only a secondary role (роль вторичного фактора)." "Введение...", p. 64.
85. The pronatalism preached by Kollontai throughout her career would antagonize many feminists today. Yet her conception of motherhood as a social obligation cum burden to the State allowed her to speak of the communalization of child-care facilities as a benison to women – and hence generate propaganda appeal. Schlesinger, op. cit., pp. 53-55. In common with Lenin, Kollontai saw the 1920 decree legalizing abortion as a necessary evil, to be administered with societal rather than individual interests in mind. Carr, op. cit., p. 29; Clements, op. cit., pp. 168-169.
87. Hayden, op. cit., p. 150.
90. ibid., vol. 33, Moscow, 1966, p. 161. Lenin related to Klara Zetkin that his trust in the revolutionary potential of women was well placed: "In Petrograd, here in Moscow, and in other cities and industrial centres, proletarian women showed up splendidly... We would not have won without them, or hardly." Zetkin, "Reminiscences of Lenin", in Lenin, On the Emancipation of Women, Moscow, 1977, p. 98.
91. Engels, op. cit., p. 139.
93. loc. cit.,
96. Goldberg, op. cit., p. 358.
97. Clements, op. cit., p. 35. Kollontai played a vital part in drafting these first decrees and the KZoAGS, and not for purely theoretical reasons. Her de facto husband, the sailor Pavel Dybenko, urged her to marry him and thus become the first couple to register under the new legislation.
98. See Shub, D., Lenin: A Biography (Middlesex, 1976), pp. 420-423 for the contention that Lenin was aware of "... the incompatibility of simply reproducing Western models." (Carr, op. cit., p. 10).
99. "Lenin has treated the freedom of divorce as one aspect in the general program to emancipate women." Vorozheikin, op. cit., p. 149.
100. Westwood, op. cit., pp. 42-47.
102. Smith, op. cit., p. 94.
103. Sedugin, op. cit., p. 11.
104. In this vein, Magas criticizes the 1918 Code as essentially a transposition of formal legal equality onto a chaotic post-revolutionary structure, claiming that positive discrimination would have been more effective. "Sexual Politics : Class Politics", in *New Left Review* 66 (1971), pp. 69-92. On the 'abstract notions of equality' in the Code and their adverse effects, see Kollontai, *Selected Writings*, p. 294.

105. Brandenburgskii, Ia., *Семейное, брачное и опекунское право РСФСР* (Family, Marriage and Guardianship Law of the RSFSR), Moskva, 1927, p. 3.


107. Schlesinger, pp. 36-37.


109. Brandenburgskii notes that both the December 1917 decree on divorce and the October 1918 Code of Laws were obligated by their proximity to ecclesiastical influence to provide an unambiguous alternative to Church wedding. A simple contrast was made by contrasting the Czarist restrictions on divorce with the Soviet freedom of divorce. In Russian: расторожий брач - невраччий брач. (op. cit., pp. 18, 20-21). Smidovich also excused the more abstract provisions of the 1918 Code as the announcement of battle with religious prejudices. "О новом НЗобСО", op. cit., pp. 45-47.


112. Iurii Larin defined War Communism in these terms, see *ibid.*, p. 80.

113. Brandenburgskii, op. cit., p. 16.

114. Kollontai, "Тезисы о коммунистической морали в области брачных отношений" (Theses on Communist Morality in the Sphere of Marital Relations), in НОМУНИСТКА 12-13 (1921), pp. 28-29.

115. *ibid.*, p. 29. "Труд женщин приобретает самостоятельную ценность," Kollontai's support for labour conscription was expressed in her "Трудовая обязанность и охранение женского труда" (Labour Conscript and the Protection of Women's Labour), in НОМУНИСТКА 1-2 (1920).


118. loc. cit.


121. Sacks, op. cit., p. 190.


124. Kollontai's lecture notes, later published in Russian in 1923 (see above), were revised by her in Oslo in 1923 and appeared in Swedish in 1928. A German translation has recently been published, yet to my knowledge no English language edition yet exists. See Die Situation der Frau in der gesellschaftlichen Entwicklung (The Position of Women in Economic Development), Fulda, 1975, p. 183.

125. "The family, as it inculcates selfishness, weakens the ties of the collective and hinders the development of Socialism. "Тезисы", op. cit., p. 29.
126. Die Situation der Frau..., p. 224.
130. Nove, op. cit., p. 84.
132. For the theoretical arguments between the Left, Trotskyi and Preobrazhenskii, and the Rightists like Bukharin (whose 1925 slogan Огорошайтеся (Get Rich) earned him notoriety), see Nove, op. cit., pp. 116-127.
135. The reasons for the displacement of female labour are also given as the unwillingness of demobilized men to return to occupations in villages ravaged by war and famine, ibid., p. 69. Yet the employment of ex-soldiers of peasant background (a phenomenon largely hidden by Census methods, see Carr, p. 93) was certainly aided by a feeling of gratitude to these men for 'services rendered'. See the complaints of Red Army men in Pravda, 17 January 1922.
136. Suvorov, op. cit.
137. Ibid., p. 77.
138. Ibid., pp. 120-121.
139. This was noted by Pravda, 25 February 1923; Suvorov, p. 121.
140. Uralis, B., История одного поколения (The History of One Generation), Moskva, 1968, pp. 128-130. The gap was even more glaring in the countryside:

Literacy Rates Among 20 year olds, 1926, for men & women.  
City. 89.3% - 78.6%  
Country. 72.3% - 43.2%.
142. Kingsbury and Fairchild, op. cit., pp. 33-35. Kingsbury also noted (p. 48) cases after Industrialization where men and women fulfilling the same tasks in the same factory were placed in different categories of remuneration.
143. Ibid., p. 468.
144. Chirkov, op. cit., p. 118.
148. In "Об очередных задачах в области работы работниц, крестьянок и трудящихся женщин востона" (Urgent Tasks in the Area of Work Among the Women Workers and Peasants and Toilers of the East), НОММУНИСТНА 12 (1924), p. 7.
149. Chirkov, op. cit., p. 119.
150. Adapted from Dodge, op. cit., p. 35.

CHAPTER 2

THE 1926 CODE ON MARRIAGE, THE FAMILY
AND GUARDIANSHIP (KŽoBSO) -- AN APPRAISAL

On the 17th October, 1925, as the Soviet Union was catching sight of the pre-war (1913) rates of economic growth and the conflict between the advocates and opponents of more rapid industrialization at the expense of the peasantry was reaching new levels of acrimony, the People's Commissar of Justice, Dmitrii Ivanovich Kurskii, introduced into the All-Russian Central Executive Committee of the RSFSR (VTsIK) the revised Code of Laws on marriage and family matters. The new Code was seventh on the list of priorities for the second session, twelfth convocation of the VTsIK, following such matters as the reorganization of town soviets, the debate about the RSFSR budget, a discussion of the Executive Committees of both the Bashkir Republic and the guberniia of Nizhnii Novgorod and the usage and preservation of forests. Yet its relative inconspicuousness on the agenda belied the dramatic effect which it was to have on the delegates present in the great malachite pillared, crystal chandeliered and gold bedecked hall of the Czar's palace in the Kremlin.

Burdened by the weight of other matters due for consideration, the Central Executive Committee was able to devote only two days to the discussion of this draft code, submitted by the Commissariat of Justice (Narkomiust) with the approval and recommendation of the influential Council of People's Commissars (Sovnarkom). Yet, in heated debates which ranged far into the night of the 19th October, a majority of delegates found reason to disagree with the crucial provisions of the proposed KŽoBSO.

But the delegates had not been prepared for such a frank recognition of reality ... Learned old Bolsheviks mingled their voices with illiterate moujiks to denounce this 'sanctioning of polygamy and depravity'.

Impassioned exchanges followed between representatives of the peasants and some national minorities and the spokesmen
from Narkomiust, Kurskii, Brandenburgskii and Krylenko. Finally, Mikhail Kalinin, then Chairman of the Executive Committee, proposed that final acceptance of a law so 'daring' and of such import to everyday life (закон затрагивает гущу жизни) be postponed until the next session.

... it is generally desirable that every law should undergo mass discussion .. if so desirable, then mass discussion must be seen as especially desirable in the case of the introduction of a law which has such massive significance for everyday life. To the dismay of the lawyers who had backed it, the new code was only accepted in principle, thus reflecting the almost unanimous feeling for change of some kind. Among howls of 'inopportune "tailism"' (хвостизм неуместный) from several of the delegates of the Left, the Marriage Code was referred to town, provincial and village meetings for further discussion and modification. Commissar Kurskii and his aides admitted to their bewilderment and frustration at the project having been postponed for at least a year and seriously questioned. In an angry speech before the Central Committee of the Women's Organization (Zhenotdel) of the Party on January 12th, 1926, Krylenko criticised the excessively negative attitude exhibited towards the code which proclaimed

No matter how fine your principles, in our present conditions it's hard enough to have a bit of bread, so don't feed us the victuals of a future structure. In the meantime the draft KZOBSO, often appended in booklet form to a record of the main speeches made in the Kremlin, began to be discussed in the towns, cities and the 'dark lairs' (мёдажные углы) of the Republic. Over 6,000 meetings on the subject were held in the villages alone, widely varying opinions from ardent, young members of the Komsomol and traditional peasant patriarchs were canvassed at all levels, prompting a correspondent from Izvestiia to write that

the present discussion is the first in the world, certainly in Soviet practice, to be held on such a grandiose scale. Yet the surprise and impatience of the leading proponents of the new law, gathering their forces and distributing propaganda as they sensed peasant opposition rising, are understandable. Kurskii first introduced the new law with all confidence that it would be approved, claiming that the draft had 'undergone wide preliminary discussion' and had received approbation in Ivanovo-Voznesensk, the Volga German Republic and in the district
committees (uispolkomy) of Kargopol'sk, Gzhatsk and Kingisepp. Its failure to be accepted at the Second Session was thus an expression of either popular distrust or misunderstanding of the more important sections of the code. The absolute paucity of any defence of the 1918 Code during the Executive Committee debates testifies to the recognition that changes needed to be made in the sphere of marital and family relationships, indeed, to the paradox of any law which set out
to destroy the old order, yet clung to such a mainstay of everyday life as the family (гнездившийся в таком очаге быта, как семья).  

In October of 1924, Kurskii had first proposed to the Executive Committee a simple amendment to the 1918 articles concerning the matrimonial surname (articles 100-102). The amendment was adopted calmly, but a twenty-three member Commission formed at the end of the session to consider amendments to the 1918 Code on Acts of Civil Status (KZoAGS) resulted in the Narkomiust being entrusted with the task of drafting a replacement to the original code. Following discussions in the Sovnarkom, at which a number of minor textual amendments were made in response to the consistently conservative arguments of the Commissariat for Internal Affairs (Narkomvnudel), the draft code was presented to the assembled delegates.

Content of the KZoBSO of 1925

Introduced in the interests of mothers and children, in order to regulate the legal and property relationships arising from marriage, the family and guardianship, the Code consisted of four sections with a total of 134 articles. The first three were concerned with Marriage, the Mutual Relationships of Children and Parents and Guardianship and Trusteeship respectively. The fourth section, of far less emotive appeal than the first three, concerned organizational and procedural changes to be made in the system and conduct of ZAGS bureaux throughout the RSFSR. Important among these last thirty-four articles were those establishing that registration of marriage and divorce could be made, in the absence of a ZAGS office, in the executive committee of the volost' Soviet. Not only did this concession serve to increase ZAGS representation in the country, but also to encourage couples to register their marriage, whereas an excuse for failing to register in the countryside may previously have been the lack of facilities.
In Chapter 1, the general principles which had guided the framers of the KZoBSO were presented. Registration of marriage was introduced in order to facilitate the protection of the personal and property rights, as well as the interests of both spouses and of children. In article two, persons at present living in a state of unregistered marriage (to be defined below) were invited at any time 'to regularize their relationships by means of registration' (формить свои отношения путём регистрации). Chapter 2 followed upon this invitation to the ZAGS office by setting out the conditions upon fulfilment of which a marriage could be registered. The marital age for men was 18 years, that for women, 16 years, thus retaining the marital ages fixed by article 66 of the 1918 Code. A note to the third article proclaimed that 'in exceptional circumstances' ZAGS offices at the provincial level could lower the marriageable age by not more than six months. Originally the Narkomvnudel, during discussions in the Sovnarkom had proposed that the reasons for lowering the marriageable age be those of 'exceptional circumstances grounded in economic necessity' (при исключительных случаях по соображениям хозяйственной необходимости). In this way, legislative approval would be given to the already widespread peasant practice of marrying a woman before the harvesting season, thus exploiting her unpaid labour in the fields, and often divorcing her in the late autumn. At Narkomiust urging, the explicit reference to peasant habits was removed, although the possibility of marrying girls of 15½ still remained. Krylenko promised the assembled members of the Zhenotdel that he would fight for its elimination. The fourth article proclaimed the registration of a marriage to be dependent upon mutual consent and the attainment of marriageable age. According to the fifth article, marriage could not be legally recognized between persons already married, thereby upholding the dogmatic commitment to monogamy, or between persons, any one of whom had been judged weak-minded (слабоумным) or insane (душевнобольным). Likewise, registration was also conditional upon 'the absence of a blood relationship', and was forbidden inside an immediate consanguineous kin group ranging from grandparents to grandchildren and between full-blooded brothers and sisters. In the final version of the KZoBSO, marriage was also forbidden between half-brothers and half-sisters. The enumeration of such prohibitions without any
mention of affine relationships was a careful step, designed to prove that

affinity or family relationships for us are based not on marriage, but on blood descent (на обществи крови).\textsuperscript{22}

Chapter 3 outlined firstly that the parties to marriage could adopt a common matrimonial surname, either husband's or wife's, or retain their respective surnames (Article 6). This varied from articles 100 to 101 of the 1918 Code, whereby married persons were instructed to use a common surname which remained valid even after dissolution of the marriage by death. The eighth article, however, was simply a reordering of article 104 of the 1918 Code, stating that change in residence by one spouse did not oblige the other to follow. The subsequent article 9 broke with the spirit of both Czarist legislation and the 1918 Code #105 by establishing community of property (общая собственность) during marriage, a concept first suggested by a delegation of women workers and a provision which was one of the most ardently debated in the Executive Committee and in the villages. The guarantee of shared property during marriage can be seen as a reflection of the desire to remunerate housewives for work performed in the home, a far cry from the abstract denial of common marital property in the first legislation, based as it was on the expectation that women's entry into productive occupations outside the home would free her from financial dependence. Brandenburgskii noted especially the suitability of article 9 to peasant conditions where the woman remained in the home to raise children and tend the smaller farm animals.

[This article] fully satisfies the actual conditions of the peasantry, its conception of the law.\textsuperscript{23}

A note to this article extended the same property rights to \textit{de facto} spouses in a rather categorical manner, refusing to give any hints as to the methods by which the existence of a de facto, factual (фактический брак) relationship might be determined and, indeed, failing to give any definition at all of what constituted a de facto 'marriage' in the eyes of the court or the ZAGS bureau, save in the negative sense that it could be seen to exist when 'not registered in the prescribed manner' (хотя и незарегистрированных установленным порядком). Article 10 permitted the husband and wife to enter into any contractual relations regarding property providing the latter were lawful. For further emphasis, in unambiguous recognition
of the economic dependence of the housewife upon the male breadwinner, it was stated that mutual agreements intended to restrict the property rights of husband and wife were not valid. The next two articles were also the subject of much argument, for here was the clearest indication that the summum bonum of the new law was the furthest possible extension of legal rights and obligations arising from marriage. Article 11 remained faithful to article 107 of the original code and asserted that a spouse in need (нуждающийся) and unable to work (недо- способный) be entitled to support from the other spouse, and in addition to article 107 affirmed that such support should be given during the period of the spouse's unemployment. The draft submitted by the Narkomiust omitted the provision that the recipient of such payment be 'in need', prompting the Sovnarkom to insert the words. A note to article 11 extended the right of support to de facto spouses who might also be in need, unable to work or unemployed, again without giving a definition of how the determination of de facto status would be made. The first Narkomiust draft had, however, implicitly defined de facto marital status in this provision by noting that the person in a factual relationship, when called upon to pay, would be obliged to do so only if he was not simultaneously living in a registered marriage. The definition of de facto marriage only by negation of a registered ZAGS marriage was again apparent, termed somewhat flippantly a 'collision provision' (коллизионный случай) by its authors. The commitment to monogamy was enforced by this early provision, which perceived any de facto relationship as necessarily conflicting with a de jure marriage, affirming that only one could be recognized as entailing legal responsibilities and giving the benefit of the doubt to the spouse in a registered marriage. During preliminary meetings of the Sovnarkom however this commitment had been removed, primarily by convincing the jurists of the Narkomiust that the desirability of Soviet monogamy was over-ridden by the need to protect those women of a first, second or third factual marriage who were 'in need' but without support. This, in effect, would be more 'appropriate to the way things are now'. Article 12, likewise contentious, repeated the assertion of the 1918 article 130 that the right to support of a spouse in need and unable to work should continue even after divorce, until such time as the conditions which first gave rise to such a need were altered.
Chapter four provided the conditions under which a marriage could be declared void and a divorce accorded. The intention to divorce could be declared at any suitable ZAGS office (article 15), upon which the parties were entitled to choose the surname by which they wished to be known. If agreement were lacking then their respective premarital surnames could again be used (article 16). Initiating the infamous era of postcard divorce,\textsuperscript{29} articles 13 and 14 provided that divorce could be granted upon death of either of the spouses, upon mutual consent (общее согласие) or upon ex parte application (одностороннее желание). The freedom of divorce contained in article 87 of the 1918 Code was fully retained. Articles 17 to 19 strengthened the legal obligations of marriage by stating that upon divorce the spouses reach agreement on the amount of support to be given to their children and on the question of who should raise them. If such agreement were absent the courts were empowered to decide upon the amount of support to be given and which of the parents would be entrusted with their education.

Section 2 of the K ZoBSo was concerned with the mutual relations of parents and children. The first chapter clearly retained article 133 of the 1918 Code, establishing that actual descent (действительное происхождение) was the basis for defining the rights of parents and children. Later this was amended to consanguinity (кровное происхождение) (article 20). Subsequently, articles 21 to 27 established the procedure by which the maternity and paternity of a child should be registered at time of birth or, at the latest, a month afterwards. In the interests of mother and child, a woman in a de facto relationship was given the right to state the name and address of the father, who was then informed by the local ZAGS bureau of his paternity. If within a month (the period was two weeks in #141 of 1918) no objection was made then the man was entered in the register as father and required to pay a share in all expenses 'associated with the pregnancy, lying-in, birth of the child and its upkeep'. Article 27 was designed to eliminate the ambiguities contained in the relevant articles of the original legislation, whereby one child had often been given group paternity in order to ensure that the mother be given adequate support. Here the court was instructed to establish the paternity of only one man in cases where the mother of the child had had sexual intercourse with other men than the one whom she had designated as father.
Chapter 2 of this second section, concerning the mutual rights and obligations of parents and children, remained unscathed by the VTsIK debates. A firm link was maintained with the relevant articles 153-159 of the 1918 Code, establishing firstly that parental rights are exercised exclusively in the interests of the children and can be taken away by the courts in case these obligations are not fulfilled (article 28). The surname of the children can be determined by the parents if the latter have retained their premarital names (article 29). Articles 30 to 32 concerned the nationality and religious affiliation of children and aroused no particularly strong feeling.

Articles 33 to 39 reaffirmed the duties of parents to act where possible on a basis of mutual consent in order to ensure the welfare of the minor children in their care. As well as caring for needy and incapacitated children (article 37), parental duties included the tasks of educating and preparing minor children for a socially useful activity (article 36). Included in these parental obligations was the ability to entrust the education and care of the children to other persons, likewise to conclude contracts of apprenticeship with the children's consent (article 40). Article 43 established that the need to provide for children lay upon both parents 'in accordance with their material position', a condition reinforced by article 47, which provided that the parents' support for their children be 'in equal shares' except in such circumstances as recognized by the court where the material means of the parents differed to the extent where other ratios of support could be fixed. This provision, acknowledging the wide wage differentials of the middle NEP period, contrasted with articles 161 and 162 of the 1918 legislation, which had stipulated that the amount of support of any one parent could not be less than half of a 'subsistence minimum established for a child in a given locality'.

The rights and obligations were truly mutual -- article 44 proclaimed the duty of children to care for their needy and incapacitated (не трудоспособные) parents. Where either the parents or the children refused to discharge their obligations under articles 37 or 44, support might be sued for in a court of law (article 45). The duties of parents towards their children continued even after the children, as a result of
harsh treatment or the unlawful application of parental rights (article 41), were placed in institutions of trusteeship and guardianship. In effect then, parental obligations continued even after parental rights had been lost (article 46).

The third chapter of this section, the last of major concern, dealt with adoption, an institution which was notably absent from the 1918 Code. Article 183 of the letter had stated categorically that:

From the moment of introduction of the present Code, the adoption of the children of relatives, or of others', is not permitted.\(^\text{30}\)

It was a provision explained by a fear that adoption of children by peasants would both swell the membership of peasant households and serve as a cover for exploitation of child labour, compounded by the belief that orphaned, homeless children (безпризорные) could be satisfactorily cared for in public institutions.\(^\text{31}\) The introduction of NEP, however, made such a policy unrealistic, for the Soviet government, concentrating on the maintenance of efficiency in the 'commanding heights' under its control, had little to expend upon the creation of a network of children's homes (детдома).\(^\text{32}\) The wars and famines of the period had resulted in a vast number of homeless orphans, wandering the towns and country in search of food, money and victims. By 1924, the People's Commissar for Education, Lunacharskii, confessed to the overcrowded and inadequate state of the children's homes, lacking both money and facilities, and thereby brought doubt onto the whole revolutionary policy of educating children in state institutions.\(^\text{33}\) By the autumn of 1925 many homeless children were being settled in peasant families.

The care of children was once more being considered in the traditional framework of a restoration of family life.\(^\text{34}\) In addition, the famine of 1921 had resulted in a large flow of orphaned children into the cities, where many had been settled in proletarian families, without, however, their inclusion being recognized by the code of laws then in operation. By the mid twenties then, the relatively common practice of including rural children in urban families, in addition to the increasingly common 'adoption' (приемаство)\(^\text{35}\) of children into peasant families where they were used as labour, prompted one writer to claim that:
The further prohibition of adoption would be futile . . .
[It] would go against the demands of life.36

The inclusion of a chapter concerning the conditions of adoption
in the 1925 Narkomiust code was not a complete legislative
volte face. The practice, at least as extant among the
peasantry, had been accorded recognition in the 1922 Land Code
(Земельный Модекс or ЗК). It had been established in the note
to article 66 of the ЗК that:

persons joining a dvor by marriage or priimachestvo
acquire a right to use the land and the communal
equipment which constitute the dvor in question --
at the same time they lose their rights to use
those of any other dvor.37

The introduction of adoption as a Soviet institution was
therefore necessitated by widespread economic and social
practices in both town and country which invalidated the 1918
prohibition. Kurskii prefaced this section with an explanation:

In the seven years that have passed since the
acceptance of the 1918 code, practice (опыт) has
shown that we must introduce a number of essential
amendments . . . 38

An integral part of these amendments, article 48 permitted
adoption only in the case of young and under age children,
and stipulated that adoption existed only in the interests of
children. The consent of all children over 10 years of age had
to be obtained prior to their adoption (article 54), a provision
objected to by women delegates on the grounds that such consent
could readily be obtained, thus effectively outwitting the
intention of the article in preventing the exploitation of
child labour.39 None the less, it remained intact. The
remaining articles assured the legal equality of adopted
children, their assumption of the adopters' surname (article
51), and in article 55, their ability to enjoy the same rights
as relatives by consanguinity (родственники по происхождению).
Adoption was conditional upon the consent of adopters (article
53) and the parents, guardians or trustees of the adoptee
(article 52). Where such consent had not been granted, articles
56 and 57 affirmed that the parents of the adoptee could
institute proceedings for the annulment of the adoption, if
such a step were in the child's interests.

* * * * * * *
Such were the main components of the draft code submitted for discussion of the 17th October 1925. Following the referral of the KZoBSO to wider discussion in the towns and villages of the RSFSR, various amendments were introduced into the text. A revised version was presented to the third session of the twelfth convocation on the 15th of November 1926 and debated on that day and on the morning of the 16th. Again, stormy and irascible exchanges characterized the reluctance of the peasants and several prominent male Bolsheviks (Beloborodov, Kiselev, Krassikov, Riazanov) to condone even this modified recognition\textsuperscript{6}\textsuperscript{0} of de facto marriage.

The KZoBSO included far-reaching provisions which extended the rights and obligations of de jure spouses, particularly in the establishment of adoption and, in the penultimate section, of institutions of guardianship (опека) and trusteeship (попечительство).\textsuperscript{31} Yet the ire of most was concentrated solely upon the notes to articles nine and eleven: the equalization of the legal and property rights arising from a de facto relationship with those of registered marriage. Brandenburgskii, still wondering at the staunch opposition which he and other Narkomiust spokesmen had met, noted that the KZoBSO

only extends the sphere of legal consequences arising from marriage.\textsuperscript{42} (my italics)

His conception of the innate innocuousness of the project was not shared by the vehement attackers of November 1926, who, despite the Code's strong government backing, succeeded in having several substantial amendments introduced into the 1925 text. On the 16th November 1926 the Code was approved in principle by only seventy-five per cent of the delegates present\textsuperscript{43} and referred to a thirty-four member Commission for revision on the basis of the discussions. Even at this late stage, Riazanov of the Marx-Engels Institute attempted to have a guiding resolution adopted.

This session of the VTsIK considers necessary the mandatory registration of marriage ... in the interests of safeguarding the personal, property and political rights of the spouses and of children.\textsuperscript{44}

The resolution was unsuccessful, however, and was passed on to the Commission only as written material. The Commission, headed by Kurskii, reported its amendments on the 19th November
1926, after which the Code was finally accepted, becoming law on the 1st of January 1927. But its promulgation has in no way quashed the tendency to interpret, hence attack the KZoBSO. Learned observers of the Soviet record in family legislation, historians, jurists and sociologists alike, have allied themselves with the vociferous peasant detractors of 1925 and 1926 by perceiving the Code as a radical and conscious onslaught against family life in the Soviet Union.
CHAPTER 2

1. See the records of the Executive Committee debates,
Всероссийский центральный исполнительный комитет (РСФСР),
(All-Russian Central Executive Committee) (RSFSR), Стенографический отчет XII созыва, II и III сессий (Records of the
Twelfth Convocation, II and III Sessions), Moskva 1925-1926.
Hereafter ВЦИК, отчет, p. 41 (1925).

2. Smith, op. cit., p. 112.
3. ibid., p. 106.
5. ibid., p. 287.
6. ibid., p. 307.
7. ibid., p. 309.
8. "Нак ни хороши ваши принципы, но в наших теперешних условиях
погрустлюсь, мол, кушать черный хлеб, а не кормите нас мечтами
о различных яствах будущего строя.", in Krylenko, N.V.,
'Проект о браке и семье : доклад' (Report on the Project on
Marriage and the Family, in Kurskii, D.I., Сборник статей и
материалов по брачному и семейному праву (A Collection of
Articles and Materials on Marriage and the Family), Moskva
1926, p. 45.

11. Izvestiia, 9 January 1926, p. 4. Correspondent L'vovich
wrote of the "unprecedented interest of the worker-peasant
masses" and reported the emergence of a 'Domostroi' morality
(Домостроевская мораль) among rural and urban men.

12. ВЦИК, отчет, p. 223 (1925).
13. This was Public Prosecutor Krylenko's explanation :
"In the country three quarters of everything is based on
misunderstanding and on ignorance (незнание), both of the
present Code and the project ...", op. cit., p. 47.
14. ibid.,
15. ВЦИК, отчет XI созыва : II сессия (Records of the Eleventh

16. This review is based on the draft introduced into the VTsIK
in October 1925, Постановление ВЦИК о введении в действие
НЗобСО (Decree of the VTsIK on the Introduction of the
KZобСО), in Kurskii, op. cit., pp. 204-223.
A translation of the first two parts of the KZобСО in its
final version is given in Schlesinger, op. cit., pp. 154-168.
A comparison between the Narkomiust draft of 1925 and the
version of 1926, as given in Schlesinger, is made in Appendix I.

described the custom of 'a wife for a season' in his short
story "The Bridegroom".
Here the garrulous Yegorka Basov proposes to the lame soldier
Ants'ia :
"Ну, -говорю,- время горячье, спорить с вами много не
приходится - вы да я - нас двое, третьего не требуется,
окрупимся ... и завтра выходит на работу смыны взятые.
(Well, I said, it's high time and I'm not going to bother
arguing about it - you and me - the two of us, no need for
a third, we'll get hitched ... and tomorrow you can come and
tie the sheafs.) In Собрание сочинений (CW), vol. 1,
право РСФСР (Family, Marriage and Guardianship Law of the
RSFSR), Moskva, 1927, pp. 32-33.
22. ibid., p. 8.
23. Brandenburgskii, "Брак и его правовые последствия" (Marriage
and its Legal Consequences), in Kurskii, op. cit., p. 22.
24. ВЦИК, отчет, p. 864 (1926). Kurskii hinted here that the
Zhenotdel may have suggested this inclusion.
26. ibid., p. 30.
27. ibid., p. 31.
28. For the view that "the Soviet regime initially subjected the
family to a frontal attack, including divorce by postcard ..."
see Inkeles, A., Social Change in Soviet Russia, (Cambridge,
Massachusetts, 1968), p. 5.
29. Schlesinger, op. cit., p. 40. Also Brandenburgskii,
Семейное право РСФСР, p. 60.
30. Article 183 : "С момента вступления в силу настоящего
кодекса не допускается усыновление ни своих родных, ни чужих
dетей." Krylenko, op. cit., p. 60.
31. Carr, op. cit., p. 35.
32. ibid., p. 36. This was also noted in Izvestiia, 20 February
1926.
33. See Lunacharskii's speech, in ВЦИК, отчет XI созыва :II сессия
(Eleventh Convocation : Second Session), (1924), especially
pp. 116-118.
34. Carr, op. cit., p. 36.
35. Приимачество is a historically specific term designating the
adoption of children into the peasant двор; from the verb
'to take': принимать (принять).
36. Dombrovskii, E., "Усыновление и опека по действующему закону
и по проекту НЗоБСО" (Adoption and Guardianship According to
the Present Law and the KZoBSO Project), in Kurskii, op. cit.,
p. 74.
37. Schlesinger, op. cit., p. 42. Приимачество has here been
rendered as adoption, yet the latter word did not re-enter the
legislative lexicon until the KZoBSO draft of 1925, where it
was placed on an equal basis with приимачество (art. 58).
38. ВЦИК, отчет, p. 226 (1925).
41. The difference between guardianship and trusteeship was a
subtle one. Article 60 noted that guardianship was established
for minors under the age of 14 and for persons deemed weak-
minded (слабоумными) or insane (душевнобольными). Article 61
noted the establishment of trusteeship for minors over 14 and
for persons 'able to function' (деспособными) but unable to
defend their rights independently because of physical disability
42. Brandenburgskii, op. cit., p. 21.
43. Smith, op. cit., p. 120.
44. ВЦИК, отчет, pp. 702-703 (1926).
45. ibid., pp. 862-867.
CHAPTER 3
AN AMBIGUITY OF FORM AND CONTENT

The early to mid twenties are viewed as a period of more or less daring experimentation, directed by "left wing hotheads, of whom Alexandra Kollontai was typical ..."¹ with the acquiescence of the majority of the Bolshevik leadership. Aiming at the relegation of such archaic and antediluvian habits as church attendance and family life to ideological oblivion, early Soviet legislation was, in this view, confounded by the uncanny survival of the monogamous, often patriarchal, family unit and its resurrection under Stalin.

... the development of Soviet policy on the family constitutes a striking affirmation of the importance of that institution as a central element in the effective functioning of the type of social system which is broadly characteristic of Western civilization.²

The monogamous family has in effect been vindicated by the failure of a persistent Bolshevik attempt to alter it.

The association of the first two legal pronouncements on family matters - the October 1918 Code of Laws with the 1926 Code of Laws on Marriage, the Family and Guardianship - has been a corollary of the assumption that the 1926 laws were themselves the product of a radical, consciously directed programme aimed at the withering away (разложение) of the family and of marriage. Mention is made of a "first phase"³ of legislation embodying radically emancipatory principles, which became a victim of "the triumph of certain traditionalist strains"⁴ and the social conservatism imposed by Stalin. An examination of the tensions and stresses evident during the debates may, however, serve to remove the onset of such traditionalism from the Stalinist era to the mid twenties. Stalin's own conservative sexual morality has acted to highlight the thirties and forties as a period when a reversal of the commitment to the dismemberment of the family as an economic institution took place. This concentration has been to the detriment of a reasoned examination of the 1926 Marriage Law. Faced with the easily discernible aims of the 1936 and 1944 decrees, the fact that the KZoBSO issue contained, under the surface, the seeds of later sexual views has been all but
ignored. Thus, the exhibition of fears by the peasantry that advanced 'city-ways' would spell economic ruin for the peasant household, the encouragement of restrictions upon divorce, and the Narkomiust concession (in article 12 of the 1926 version) justifying Court interference in private life if a marriage's existence were in doubt - all tended towards:

- a certain retrenchment from the free-and-easy legislation of 1917 ...

Also telling in this respect is the textual amendment to the first article of the Code. Whereas the 1925 draft justified the registration of marriage as protection for the rights of children and spouses, the 1926 version added to these personal rights the "interests of the State and society". The groundwork for the modern view of marriage and the family as areas of significance to society, hence justifying State intervention, was already laid.

In Commissar Kurskii's opening address and in subsequent declarations by aides Krylenko and Brandenburgskii in late 1925, the attack against the Church figures very prominently. The strident criticism of the survival of the religious marriages in the countryside, plus the advocacy of the KZoBSO within the parameters of a mandatory attack upon religious, hence Czarist morality, has led many reviewers of this period to speak of October 1917, October 1918 and the debates of late 1925 to November 1926 in the same breath. The persistence of the view that the legal recognition of de facto marriage was a radical development, aimed at the replacement of the family, can also be linked to a willingness to believe the rhetoric of the enthusiastic spokesmen from the People's Commissariat of Justice. Throughout the five days devoted to discussion of the new KZoBSO the Narkomiust claimed that the recognition of the seventy to one hundred thousand de facto marriages in the Russian Republic was a logical sequel to the success of the widely accepted "Soviet" marriage in combatting the influence of church ritual.

At present the struggle against Church weddings is, if not superfluous, at least not a matter of urgency; the authors of the draft have thus concentrated on the protection of the family and marriage rights of the weaker party.

Figures given by the Commissariat of Internal Affairs (whose head, Beloborodov, consistently argued against the recognition of factual marriages) in 1925 showed that, of a total of around
five million marriages, only 29% were accompanied by a Church ceremony. The way was paved for an appraisal of the most contentious point in the new legislation as a deliberate weapon in the Soviet regime's arsenal against the family: in no sense a stop-gap rule, but a consciously created tool of legal policy.

Legal Radicalism?

А наш наркомист зарвался вперед.
Испек пирог из недоспелого теста
Но удержался от крайне левого жеста.

Разложение?

But our Narkomiust has rushed ahead.
Baked a pie from unrisen dough
And not refrained from an extremely leftist show.

--- Dem'ian Bednyi, 1925

The persistence of the view that the KZoBSO was anti-family in intent has been due to firstly, a willingness to believe the rhetoric propounded at the Executive Committee debates, and secondly, Soviet terminological gymnastics in this period.

The interpretation of the main provisions of the Code, particularly the proposed equalization of de facto relationships, as an open invitation to sexual debauchery and license, was common during the debates. Kurskii even gave it a name, the "simpleton digression" ( упрощенный уклон ). Riazanov, upon reintroduction of the KZoBSO in 1926, immediately denounced it as "a mongrelized legal idea ( ублюдон юридической мысли ) ... you will fall into the quagmire not only of factual marriage, but of bigamy and trigamy"... Beloborodov of the Narkomvnuidel took the bureaucratic approach, stating that the recognition of de facto relationships would lead to massive red tape over the problem of children's surnames and the question of priority for housing allocation. His complaint was also premised on the assumption that the flourishing of bigamous or polygamous relationships would be, and was, the intention of the Commissariat of Justice. Deren-Aierly from the Crimean ASSR echoed the views of the majority of the delegates from national minorities and autonomous regions when he spoke of the country being plunged into an orgiastic "all-in nation-wide marriage" ( сплошной всенародный брак ). Unable to countenance the proposed recognition of de facto unions any longer, the swarthy Samurskii from Dagestan ASSR rose to denounce unregistered marriage as depravity, and continued:
You say you are against polygamy, but you are trying to introduce it indirectly ... At least the law of Mahomet is honest ... ("Shame!" interrupted Krylenko at this point.) I am black. It is hard for me to blush ...\textsuperscript{18}

Samuskii's alarmist view was rebutted by the spokesmen from the Narkomiust, yet his initial conviction that the provision made for unregistered marriage to entail equal economic and legal responsibilities constituted an assault against registered marriage has been uncritically reproduced in academic studies. In this way, the recognition of de facto marriage has tended to be defined as destructive of registered marriage and as representing the transition to some form of polygamous relationship. The first Narkomiust definition of a de facto relationship as being on a 'collision course' with ZAGS marriage (see above, note 2.26) had been understood by the majority of delegates, peasants and workers alike, to mean that de facto marriage was opposed and antithetical to the continuance of de jure marriage.

In the second place, the very absence of the word 'family' in the key articles of the 1918 and 1926 legislation has been interpreted as indicative of hostility towards the family. The possibility has been ignored, however, that the regime's commitment to the family as a basic social unit may, for ideological reasons, have been implicit rather than explicit. Indeed, between 1918 and promulgation of the markedly pronatal Family Law of July 1944,\textsuperscript{19} the legal concept of the family was a perplexed one, reflecting the contradictory demands of attempting to adequately legislate for, and therefore describe, the conditions of the present while maintaining a verbal liaison with the Marxist programmes of the past century, themselves "gestated in a long political wilderness".\textsuperscript{20}

Both Engels and Bebel had been trenchant critics of bourgeois marriage as an institution which corrupted monogamy and the ideal of individual sex-love. They proclaimed the heinousness of any institution where "profit is the sole regulator of human emotions".\textsuperscript{21} Consequently they had advocated the communalization of child-rearing in order to undermine the prevalent materialistic view of children as heirs to accumulated property, and to eliminate children's dependence.\textsuperscript{22} The future socialist family would thus rest solely on the man-woman relationship, and to institutionalize the Soviet family on the basis of paternal responsibility would sit sorely with the
future mapped out for it by Marxist theoreticians. Thus article 133 of the 1918 Code of Laws, judiciously avoiding the word family, stated that

Actual descent (происхождение) is regarded as the basis of the family, notwithstanding that articles 145-157, 161-166 laid down criteria for the mutual obligations of parents and children, "custody, upbringing, maintenance, education and training for a useful activity" — all founded on the basis of the child's descent from 'registered' parents. Articles 136, 140 and 143 designated that the mother was entitled to name the father of the child before the ZAGS, the establishment of paternity or, where necessary, group paternity (exceptio plurium), being a device to ensure the fulfilment of parental obligations.

These provisions of the old code were the subject of much mirth during the debates over the KZoBSO. In articles 26 and 27 of the 1926 Code the Registry Office, with the aid of all interested parties, was instructed to establish the paternal obligations of only one father. Previous to this one wit had remarked upon the embarrassment which any new boy in the playground would experience if his name and patronymic were to be found as 'Ivan Ivanovich & Co'.

Maintaining the revolutionary tradition, article 25* of the 1926 KZoBSO avoids employing the word "family" in the definition of parental obligations,

The mutual rights of children and parents are based on consanguinity.

Chapters one and two of the second section cautiously eschew the word family as they attempt to define the "mutual relations between parent and child and between other relatives". The proclamation of parental rights and responsibilities towards minor children (articles 41, 42) and the obligations of children towards their parents (article 49) was accomplished without mentioning that the most common unit of social organization whereby two parents (article 48) are obliged to care for children descended from their union is precisely the family. Indeed, the complication that the sumnum bonum of the 1926 Code was the creation of definite, and additional, economic responsibilities for the parent-child relationship did naught to lessen the legislators' desire to appear theoretically

*The enumeration of articles here is given according to the final 1926 text of the KZoBSO, not the draft presented in October 1925. (See Appendix I).
orthodox. Soviet writers had written approvingly of article 133 of the 1918 Code of Laws, whereby the former category of illegitimate children was abolished. The "populist-philistine morality" (popovsko-meshchanskaya moral') of Czarist days was deplored because of its insistence that only the juridical (and religious) act of marriage could be recognized, while thousands of unregistered unions had been hypocritically ignored. Likewise, the revolutionary rhetoric of the KZOBSO, dealing with questions of marriage, child care and even recognizing the validity of adoption, might be accused of duplicity. A verbal disdain for the family, inherited from the Marxist tradition that women's emancipation can be achieved through the collapse of the family, was used to conceal the strengthening and legal recognition of an entity termed the parent-child relationship.

If not a preoccupation with a semantic nicety, then an optimistic depiction of the Bolshevik Party is power in the midst of the NEP has contributed to the radicalization of the KZOBSO. Thus:

In the first decade or so after the Revolution it was ... generally agreed that the family was not worth much as an institution and would eventually disappear.

Implicit in this view is a conception of the Bolshevik Party, numbering at most 1,080,000 members and candidate members in 1926, as monolithic, consistently implementing carefully determined social policies in the face of a disunited and disorganized populace. The picture is grimly supported by the assertion that

In Russia, after the civil war, only individuals survived; and the task of the Soviet regime was to take over, utilize or neutralize, not institutions or groups, but isolated and unorganized individuals, whose capacity to resist ... was much more easily overcome.

The view of the Bolshevik Party as a monopoly, resting upon the prohibition against other political activity as early as 1918, has been closely followed by the concept of the Party as a monolith. The presence of centralism and discipline have been seen as the raison d'être of a Party which is conceived not as a 'conglomerate of different groups', but as a single, granitelike, massive unity ...

This appraisal might possibly overestimate the disruptive potential of the years of War Communism and Civil War; firstly, by attributing to the Russian Revolution and its proletarian
vanguard a certain ruthlessness, secondly, by underestimating the resilience of the main components of the old Russian political and social order, namely the peasantry and its "ideological organizations". Such a denigration of the role played by the Russian peasantry, the vast bulk of the population, is particularly misleading in relation to the period of the New Economic Policy. Even a negative role, arising from organizational or policy confusion or simply from the strength of conventional sexual and moral views, nonetheless constitutes an influential factor which, given the prevalent emphasis upon an active 'alliance' with the peasantry, even the most leftist, dogmatic Bolshevik would have to heed. Carr is the first to admit that the NEP, representing the reaction of continuity against change and "a shift in emphasis from adventure to Administration", would demand a more incremental governing mentality by the RKP(b) and an increased readiness to base legislation on responsiveness to everyday conditions, rather than dogmatism or experimentation. The transition from War Communism to NEP had been described in 1924.

With the old economic policy we thought we could build Socialism immediately and spontaneously, we had a straightforward policy (вели прямолинейную политику ) ... [later] we recognized a long transition period as indispensable.

Various authoritative statements made in the course of the KZoBSO debates hinted at this changed orientation; the Chairman of the Central Executive Committee, Mikhail Kalinin, upon promulgation of the Code, remarked confidently:

The time is coming when every new project will have to rely on the legislation which preceded it and on the facts of the environment (то, что накопило жизнь).

Not only the psychological, but the political climate of the middle term NEP may serve to explain the resurgent strength of the peasantry and the willingness of the supposedly radical Bolshevik Party to maintain traditionalist frameworks, and fight against the family only within the confines of that framework. By 1925-1926 a more tolerant attitude towards peasant views was dictated by the Party's desire to bridge a serious gap; not merely to maintain the passive acquiescence of the peasantry, but to inspire active support and participation. The deproletarianization of the Party conducted most markedly in the two years 1926 to 1927 was a strategic response to the
anxieties voiced, at the very beginning of the Left Wing's oppositional activities, by Stalin at the XIV Party Congress.

Our party is a workers' party. Workers will always preponderate in it. That is an expression of the fact that we have a dictatorship of the proletariat. Yet it is also clear that without an alliance with the peasantry the dictatorship of the proletariat is impossible. The statistical data show "a contraction of the proletarian nucleus of the Party".

Table III.I  **Class Composition of Party Membership (%)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Workers</th>
<th>Peasants</th>
<th>White-collar Workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1924</td>
<td>44.0</td>
<td>28.8</td>
<td>27.2</td>
</tr>
<tr>
<td>1925</td>
<td>56.7</td>
<td>26.5</td>
<td>16.8</td>
</tr>
<tr>
<td>1926</td>
<td>56.8</td>
<td>25.9</td>
<td>17.3</td>
</tr>
<tr>
<td>1927</td>
<td>55.1</td>
<td>27.3</td>
<td>17.6</td>
</tr>
</tbody>
</table>

Preceding the 1927 figure for peasant composition of the Party, the 1926 figures also showed that, of candidate members accepted, 39% were classed as peasants, as compared to the intake of two years earlier, when only 11% of candidates were peasants. The policy of maximizing peasant intake, in such contrast to the proletarianization campaign launched by the Lenin enrolments in 1924, was also motivated by the need to bolster the network of rural soviets and to consolidate the role of party cadres in those village cells vis-à-vis the "peasant longbeards" (длиннобородые старички). As Bettelheim observes, article 52 of the 1922 Land Code (ЗК), by assigning material resources of the peasant community to the traditional institutions, the local ми́р and the сход, and thereby granting them legal personality under Soviet law, severely weakened the raison d'être of the rural soviets, which was the presupposition that external interference in the village was necessary.

The situation thus arose, whereby, perceiving the need to increase peasant representation within the Party and to exert a stronger influence on village affairs, the Bolsheviks in turn were 'infiltrated' by a new crop of members of peasant background, bringing traditionalist attitudes towards such burning questions as women's position and women's role. As even the battle-hardened partisan and proletarian, Goncharenko, admits in Aleksandr Fadeev's "The Rout" of 1926:

> You'll find a peasant in each one of us. With all his guts but without his best shoes.  
（В каждом из нас мужина найдешь. Со многими потрохами, разве что только без лаптей.）
Radical Fetishism

So it follows that from the point of view ... of the struggle for a strong family, for a lengthy and stable marriage, the projected [law] gives more than the present legislation.

--- Nikolai Krylenko, 1926

There are fairly straightforward reasons for the widely held view of the 1926 Marriage Code as a logical successor to the 1918 legislation and a conscious attack against the family and registered marriage. Those holding this view have been misled by the fog of superficial rhetoric and anti-religious propaganda, which has prevented them from perceiving the socio-economic realities beyond. The realities of women's economic misfortune and demographic situation during the NEP period rendered the qualified acceptance of de facto marriage very much a necessary evil; and it should be seen in this light rather than as a logical consequence of Bolshevism.

An unremembered poem written in commemoration of the KZoBSO by the then laureat of the Komsomol, Aleksandr Bezymenskii, illustrates a characteristic of the Code which has all but escaped attention.

It's often hard to travel a new road
But hard or not - there is no other way!
Oh women, forward! There are those cripples
Who would drive you back into your cages,
Would fetter you, as half-humans,
And call the yoke "legalized love".
But I, as a Bolshevik, I'm off to the barricades,
To fight
For new ways - against the old,
For a reshaping of our future, a reforging of our feeling,
For honour - my own, women's and mankind's.
For Kurskii! For ourselves! For the Narkomiust project,
For the New Family!

Despite long protestations about the fight for women's emancipation and the need to combat resurgent elements of the old moralistic approach to love, the problem was still to be solved by means of the family. The furthering of women's emancipation from the economic rigours of the NEP was striven for by means of a qualitative - and in the case of the extended peasant household, a quantitative - transformation of the family. The commitment to the ideal of (a Soviet) family is shown in the conclusion to Bezymenskii's poem.

The 1918 decrees had significantly altered the traditional family by secularizing the marriage ceremony and by granting the freedom of divorce in articles 86-89, whereby mutual
consent of the married spouses was sufficient. An important break was also made by negating the difference in legal rights between children born from registered marriage and those born out of wedlock (article 133, note I); a feature of bourgeois family which Lenin had abhorredly named "incredibly foul, disgustingly vile, bestially crude ...". A basic intention was the rupture of the so-called "unbreakable union" (непрерывная связь) between marriage and the family, which had been a consistent feature of the Czarist attitude towards marriage. Thus consanguineal relationships in 1918 were placed on an equal basis irrespective of the presence or absence of marriage, although this equality was not matched by any corresponding equity in the legal treatment of (childless) spouses.

Hence the equalization of rights of children was succeeded seven years later by the application of the rights enjoyed by wives in registered marriages to those in de facto marriages. Yet these later steps were merely reformist, aimed at the improvement of the position of women and children within the family by granting them the ability to leave the family if necessary, and also by undermining the religiously derived authority of the husband and father. The aim was the creation of a distinct, perhaps better, Soviet family; the replacement of one adjective by another while retaining the all-important noun, and not the widespread and fundamental attack on the family as "a centre of social cohesion" which has been supposed.

The determined avoidance of the word "family" has impressed Westerners with the sincerity of the Bolsheviks' opposition to that institution, but did not imply contempt for it in any practical sense. Relevant articles of the KZoBSSO insisted upon the obligations of parents and children to support each other in case of need (art. 48-49), an obligation surviving even the abolition of parental rights (art. 51). Similarly, the note to article 57 provided that the father should continue to contribute towards the child's upkeep even after adoption, a clause which by any gauge implied a strengthening of the parent-child bond. The text of 1926 contained an appendage to the second chapter of section two which considerably widened the circle of those eligible for the duties and privileges arising from marriage. This section was absent from the 1925 draft, which was at first praised for narrowing the marital and familial responsibilities of 1918. Articles 53-54
stipulated the rights of needy siblings to obtain support, plus the rights of grandparents to obtain financial assistance from grandchildren if either the spouse or the children were insolvent - provisions described by a concerned delegate from the Volga German Republic: "not a law, but a nightmare". The extension of "the sphere of protection" to siblings, grandparents and to incapacitated, needy or unemployed spouses implied the extension of privileges and obligations arising from the family - thus of the family itself. The changed basis of this family - from ritual to consanguinity - bore no real importance compared to its retention of economic identity. No disdain of registered marriage, but formalization of the de facto relationship was the intent of the KZoBSO.

A contributor to the general belief in the radical nature of the Code has been the contention that it was a deviation from the NEP rapprochement with the peasantry, a momentary triumph of city views against country backwardness. In the RSFSR, where the weight and prestige of the cities in party counsels turned the scale, the proposal to recognize de facto marriage as conferring the same legal rights and obligations as registered marriage won a short-lived victory and was inscribed in the marriage code of November 1926.

The popular "bard of the regime" and satirist, Yefim Pridvorov (Dem'ian Bednyi) contributed to this view in late 1925 with the publication of a widely read fabular poem "Всерёз и ... не надолго, или советская женитьба" (Seriously and ... not for long, Or Soviet Marriage). In it he constantly reproached the Narkomiust for having lost perspective and misunderstood the fundamental desires of the peasantry - a marital and sexual ritual as predictable and stable as the advent of the seasons.

This leap-frogging divorceable marriage of ours
Goes against the peasant grain.
(Мужину чехарда наша бракоразводная
Не совсем по нутру) Notwithstanding its literary merits, the view of the 1926 Code as representative of a rural-urban cleavage neglects, as mentioned, the formative role played by the peasantry during the NEP, when particular emphasis was placed on the satisfaction of middling peasant (seredniak) needs. Seredniaki comprised 67.5% of the peasantry in 1926. It likewise assumes, as noted, a monolithic character of the Bolshevik Party which, on social issues in particular, did not apply.
More generally, the radicalization of early Soviet family legislation has tended to neglect the forces of continuity which acted to maintain conventional units of organization. Stabilization was particularly encouraged in an era whose rationale was a strategic adaptation of revolutionary programme to "the facts of the environment". At its simplest, this implies the recognition that:

Soviet society ... is made up ... of people who continue to govern their marriage and family and home lives along lines which remain continuous with a past much longer than the Soviet regime.

The KZoBSO has been interpreted as anti-family in intent. It continued to support the freedom of divorce granted in 1918, buffeting the survivals of Church marriages in the RSFSR and perceiving the increased rights given to peasant wives as a method of destabilizing the dvor (when pertinent sections of the 1922 ZK, articles 85-89, had forbidden the dissolution of the dvor beyond certain limits). Actually, the "hotly contested" Code of 1926, by extending the economic and legal protection previously available to registered wives, reinstated marriage as a valid institution in a socialist country, suitable for the pursuit of political goals by maintaining an outward stability in sexual relations and by relieving the State of the economic burden of caring for the unwanted children of casual liaisons. There is:

no clearer evidence of the imposition of traditional culture upon Communist ideology.

As an example of a paradigmatic hasty appraisal of the Code, Western specialists have seized upon the introduction of the notorious "postcard divorce" (article 18, KZoBSO), whereby divorce could be granted either by mutual consent of the spouses or by ex parte application, as an advancement upon the right of divorce granted in 1918 and as testimony to the Code's radical nature. A reading of the context in which the right to divorce was defended during the VTsIK debates shows, however, that recognition of divorce was conditional upon the fact that the majority were shown to be the means of ending an unsatisfactory first marriage and entering a second, longer one. Commissar Kurskii found himself countering the widespread objections from the provinces that open divorce would bring the dvor to economic dislocation and give "occasion for abuse". Delegates repeated the common view among male peasants that the men would be victimized by constant divorces and numerous
claims for alimony from calculating women. This would herald the "enslavement of men" (побошение мужчин)\footnote{55} and the dissolution of the dvor, catastrophes which could be averted by placing restrictions on the frequency of divorce - at, say, two or three times.\footnote{66} But Kurskii maintained that in the period 1922-1925 there were only 10 divorces to every 10,000 inhabitants of the RSFSR;\footnote{67} a reasonable and stable figure. Furthermore, he stated that 53% of divorces occurred in marriages of less than one year's duration, claiming thereby that

[This] is a phenomenon not in the least threatening and not representing anything at all alarming.\footnote{68}

Nor is the radicalism of the Code proved by the effect which the new legislation had upon the determination and definition of marriage. One jurist, consistent critic of the KZoBSO and member of the USSR Supreme Court, P.A. Krassikov, wondered why the recognition of marriage without registration was even proposed;\footnote{69} for, in essence, the Code none too subtly preserved the distinction between registered marriage (зарегистрированный брак) and de facto marriage (фактический брак) by insisting that court intervention into private life be necessary to establish the existence of a de facto marriage. Noting the advantages given to registered marriage, Krylenko in January 1926 described the controversial equation of the rights and responsibilities arising from de facto marriage with de jure marriage as at best a "quasi-equalization".\footnote{70} He was echoed by Brandenburgskii.

We're not abolishing registration, on the contrary, we reserve for it an exclusive significance.\footnote{71} A woman delegate, Moirova, noted the inequality between the two forms of marriage implied in article 12 of the Code, which allowed for intervention by the courts in the case of alimony payments arising from de facto marriages (articles 11, 16) and thereby sanctioned the old forms of hypocrisy, whereby a ZAGS or Church registered marriage might be prolonged for economic or status reasons, even though the projected basis for Soviet marriage, mutual compatibility, was not present.\footnote{72} Article 2 of the final version, introduced at the prompting of the Sovnarkom, was no longer merely implicit:

The registration of a marriage at a Civil Registrar's Office is conclusive evidence (непрерывное доказательство) of the existence of a state of matrimony.\footnote{73}

Fundamental superiority for registered marriage was maintained by the felt need to preserve "normative definitions of
the very act of allotting certain conditions by which to extend to some the economic and legal rights of marriage, while refusing protection to others who failed to satisfy those conditions, constituted an avowal of the Bolsheviks' faith in marriage and the family and justified state intervention in the domestic realm. Indicative of this attitude was an article of March 1926 in the journal of the Moscow guberniia court, whose author had made a survey of 300 alimony cases in the Moscow district over the previous year. Citing the point that a third of de facto marriages before the court had been of more than one year's duration, the writer spoke positively of the KZoBSO as aiding an observable "rapprochement" (стирающая разницу) between registered marriage and the more lengthy and stable factual marriages. Casual sexual encounters, reflecting forceful, authoritative behaviour towards women and often leading to polygamous behaviour, could be combated by placing unregistered but lengthy unions under legislative aegis, hence by:

... as widely as possible popularizing and strengthening the conception that the father must always be responsible for his own child. The Council of People's Commissars, to which the Narkomiust had first presented a draft of the eventual KZoBSO, had debated whether to accept any definitions of de facto marriage. Initially, the Narkomiust had proposed that joint cohabitation established in court be sufficient. The NKVD had insisted upon some form of normative criterion, and proposed that marriage be acknowledged as "a voluntary cohabitation of any duration" (неограниченное сроком добровольное сожительство). Realizing that this definition would deprive the woman of all rights, by making her dependent upon the admission of voluntarism by the man, the Sovnarkom instead attached to article 12 its three conditions: proofs of a joint household and cohabitation, the written expression of such to a third person, plus the presence of mutual material support. Although an improvement upon the restrictive conditions proposed by the NKVD, definitions of this sort unavoidably created categories of spouses according to their eligibility for alimony and for their assumption of parental duties.

The method of determination of a de facto marriage had shifted substantially, from the early negative conception of it as antithetical to 'Soviet' marriage to the positive
interpretation of pre-defined economic factors. It was a shift which entailed the exclusion of some from the newly-found "protection" of a de facto relationship. Again, Krylenko proved this point when he outlined the procedure by which the existence of de facto marriage might be ascertained:

... if there is an argument over the existence of an unregistered marriage, the court will say: prove it (докажите). Prove that you really live in a factual marriage, how long you've been in it, which property belongs to you, have you witnesses?...

Faced with this type of approach, a whole range of women — "a widow, a young girl, a 'wife for a season!'" (вдова, девчонка, батрачка), might all be deprived of any claim to alimony because their casual sexual liaisons did not meet the requirements of art. 12. Indeed, the mollification of the Code's attackers was aided by the Markomiust's ardent assurances that the code "in no way (ни малейшего повода не подает ) tends to confuse de facto marital relations with casual sexual liaisons (со случайной связью)." Conversely, Party functionaries living in an acknowledged de facto relationship but spending long periods apart in different regions of the country on komandirovki, would be forced to register their relationship in order to safeguard their economic rights. A couple might likewise be drawn together not by economic calculation (расчетельность) but by mutual respect and compatibility, the elusive element which Kollontai described as comradely love. Deciding not to set up a joint household but to retain their independence, they would not be classed as de facto spouses, even though their non-economic commitment to each other constituted the much vaunted 'individual sex love' forecast by Engels.

The recognition of de facto marriages under certain conditions, the network of alimony entitlements and the continuation of the right of divorce were not radical, indeed could not cause the destruction of the family. Their effect, deriving from the categorization of personal relationships and the refusal of aid to some who fell without their boundaries, was a reaffirmation of faith in the institution of marriage as the channel by which to achieve certain goals. These goals were the extension of the economic protection normally available to registered wives (and to wives in most bourgeois countries) to the wives in acknowledgedly de facto relationships. During the 1925 debates Kurskii's aide, Krylenko had defined the rights of a wife as
property rights guaranteed to the wife, so that, in the absence of economic equality, she will still be capable of fighting for her subsistence (существование ).

The extension of marital rights, decried by others as an effective annulment of de jure marriage, was in truth a response to the absence of economic equality in Soviet Russia during the New Economic Policy, particularly as it affected women.

* * * * *

The radicalization of the KZoBSO has, as noted, been accompanied by the assertion that its promulgation was due to "the weight and prestige of the cities in party counsels". By implication, the marriage law is seen as a departure from the guiding principles of the middle NEP period: readiness to accede to peasant demands and reluctance to pursue policies detrimental to the prized smyshka. Yet in a period of widespread female unemployment and economic dependence, the influence of the urban centres can itself be seen as a process of reaction or response. In this light, the supposedly conscious tool in an anti-family arsenal begins to resemble the modus vivendi of the New Economic Policy; "a retreat from the uncompromising theoretical position of Communism".

The KZoBSO arrived with a flourish, a revolutionary fanfare proclaiming that henceforth legislative concentration would be upon the fact of cohabitation as opposed to the preceding view of marriage as a contractual act celebrated in ZAGS office or Church.

It would be truly monstrous of us if we ignored the fact itself and proceeded solely from the formal act of registration.

This new appraisal seemed progressive inasmuch as it followed the egalitarian guidelines established by article 133 of the 1918 Code. A claim to follow in the revolutionary tradition might also be made with reference to Engels' criticism of bourgeois marriage law as obsessed with the paper equality of the marriage contract. In fact, this novel concentration upon reality ( положение ) in the determination of marriage was paralleled by a consideration typical of the NEP period; a felt need to respond to the economic, hence social inequalities (note I.150) experienced by women. The method by which women's position might be enhanced was no longer the wholesale transformation of housework into the socialist industry of which
Lenin had spoken, but the extension of the Soviet, "divorceable marriage". The sufferings of lone mothers or needy, unemployed spouses might be resolved by their inclusion under the aegis of enforced alimony payments from (unwilling) husbands.

Thus state support for marriage acts to stabilize a potentially disruptive (class) struggle. It helps to mute or silence women's demands for equality of treatment in the labour market ...

The rationale behind the extension of marital rights lay in the desire to give protection. Vinokurov sparked a fierce argument when he attempted to show that a theoretical basis for the extension of alimony rights to de facto spouses had been provided in Lenin's March 1905 lecture on the Programme of the Paris Commune, when he had lauded the attachment of "economic responsibility to every instance of cohabitation with a woman" ( обязанность отвечать денежно за всякое сожительство ). The speeches at both VTsIK sessions are peppered with references to the need to react to the catastrophic conditions of the NEP and protect the weaker party in any economic or social contract - the woman and child. Krylenko, defending the Code against the attacks of Riazanov and Chayshev, who urged the registration of marriage in combating polygamy and debauchery, maintained his belief that the law was desirable; its inherent motive was protection, and women and children remain the economically weaker side of any union.

It is noteworthy that the Women's Departments, which had not brought much pressure to bear upon the 1925 discussions, themselves reacted against the Code's paternalism. Zhenotdel initiatives in the Sovnarkom resulted in the amendment to article 15 of the 1926 text. The categorical extension of alimony rights after divorce was limited to a period of six months for an unemployed spouse, one year for a needy and incapacitated spouse. Women saw fit to introduce limits on the amount of alimony available in order to reassert the theoretical independence granted them in 1917 and prevent their transformation into a "lifelong pensioner" ( пенсионерка) of the ex-husband.
Registered marriage had been retained and, indeed, given certain advantages in the KZoBSO.

Registration is still needed ... It can still contribute to the struggle against Church marriages, but it is by no means necessary to make a fetish of it (футуризировать ее ни в каком образе не стоит). Thus campaigned the spokesmen of the Narkomiust, asserting the humaneness and rationality of an innovative concentration upon marriage as a condition of life rather than an initial mutual agreement. Yet, the ends of protection by alimony to which these means were directed created a belief in the monogamous family as the sole institution capable of satisfactorily fulfilling the economic duties of child maintenance and remuneration of housewives. A basic reluctance to abandon the family as a network of economic rights and obligations stemming from marriage was manifest in the official responses to Alexandra Kollontai's collectivist proposals of 1926, and testified to the regime's commitment to marriage and the family. In truth, where registration had been the fetish of 1918, the latter were the fetish of 1926.
CHAPTER 3

2. Inkeles, Social Change in Soviet Russia, p. 220. See also the same author's "Family and Church in Postwar USSR", in Annals of the American Academy of Political and Social Sciences, May, 1949, pp. 33-44.
6. Ibid.
7. Jancar, op. cit., p. 133. Here the KZ is placed not in the postrevolutionary phase, but in the maintenance period of legislation, pp. 122-126. The view is that although the Code did have progressive tendencies, it was mainly directed towards the promotion of economic development rather than destruction of the Czarist order.
9. Pethybridge estimates that as late as 1925 75% of rural weddings were accompanied by a church ceremony, testimony to the fact that the earlier secularization programme had not touched the peasantry, The Social Prelude to Stalinism, London, 1977, p. 55.
10. For example: "The early decrees on marriage and the family, particularly the Code of Laws of 1926, were widely regarded as the most radical legislation of their kind extant." Inkeles, Social Change, p. 214 (emphasis added).
11. In 1923, according to ZAGS figures, there were 127 marriages for every 10,000 people in the RSFSR, but 134 marriages for every 10,000 according to figures of the Central Statistical Office. The discrepancy meant that there were at least 7 acknowledged de facto unions per 10,000. ВСИХ, отчёт, pp. 300, 566-567 (1925). This would put the number of de facto marriages in the European RSFSR at 57,040 in 1926.
13. This was a figure for Moscow only.
14a Kurski, Сборник статей и материалов, p. 3.
15. ВСИХ, отчёт, p. 644 (1926).
17. Ibid., p. 272 (1925).
25. Opening the 1925 debates, Kurskii gave this as the most
telling distinction between Soviet and bourgeois family law.
ВЦИК, отчет, pp. 554-557 (1925).
28. ibid., p. 30.
29. Geiger, op. cit., p. 43.
30. Rigby, T., Communist Party Membership in the USSR 1917-1967,
32. Towster, J., Political Power in the USSR 1917-1947, New York,
1948, p. 24, also pp. 24-34.
33. The mir, the skhod and the family. Bettelheim, Class Struggles
34. Ambientumov, op. cit., passim; Nove, op. cit., pp. 78-93.
35. On the concept of the NEP as an alliance, designed to "beat
Capitalism on its own ground" (p.35), see Bettelheim, op. cit.,
pp. 22-27.
37. Larin, in ВЦИК, отчет ХI сессия (Records of the
38. Izvestiia, 20 November 1926, p. 1
39. Stalin, J.V., Collected Works 7, Moscow, 1952, p. 356; also
Bettelheim, op. cit., pp. 163-180 for a discussion of internal
struggles between the Left Oppositionists and Stalin - the
issue, at what stage did 'subordinate Capitalist development'
become subversive?
41. ibid., p. 116
42. ibid., pp. 134-135.
43. These were Larin's contemptuous words, as he referred to the
Code as "лицом к деревне" (facing the villages). In ВЦИК,
отчет, p. 309 (1925).
44. Bettelheim, op. cit., pp. 174-178. Ironically, democratization
of the participatory process at the village meetings in the
1922 Land Code tended to increase the popularity of the skhod
and lessen the efficiency of the rural soviets. See Male, D.,
Russian Peasant Organization before Collectivization, Cambridge,
1971, pp. 67-68.
Women's ready acquiescence in skhod decisions, not their actual
role in the meetings, was at issue here. A delegate from the
Votiak A.O. remarked during the debates that in his region male
prejudice still censured women who attended the skhod. ВЦИК,
отчет, p. 296 (1925). Male also estimates that well into the
late twenties women maintained strong domestic pressure and in
this way influenced skhod decisions. But this remained a tradi-
tionally 'feminine' method of policy-making and negated the
intentions of the 1922 law.
45. Fadeev, A., Разгром (The Rout), Moskva, 1972, pp. 116-117.
46. In Kurskaia, A., Пережитое (Experiences), Moskva, 1965, p.204.
"Бывает тяжело идти дорогой новой
Но пусть наш путь тяжел - пути много нет!
О женщины вперед! Наким-то там калеч
Вес хочется загнать в былую клетку вновь.
И вновь надеть ярмо, как получеловекам,
Назвав это ярмо "законная любовь".
Как большевик иду, иду на баррикады,
За навье пути и против сил старья,
(cont'd)

David Riazanov, director of the prestigious Marx-Engels Institute, later called Bezymenskiy "poetically, moderately gifted, politically, illiterate", in "Маркс и Энгельс о браке и семье" (Marx and Engels on Marriage and the Family), in Летописи марксизма 3 (1927), p. 14.

47. Kurskii approved of the fact (recognized by many peasant delegates) that a wider extension of rights for women would accelerate the process of the dvor's dissolution into smaller, 'nuclear' units. The attitude of the young wife towards her mother-in-law would contribute to this: every wife wants to ladle the soup out herself (ши сама разливать хочется). See ВЦИК, отчет, pp. 247-249 (1925), p. 562 (1926); Carr, op. cit., p. 215.

50. Brandenburgskii, Семейное право, pp. 4-5.
52. Schlesinger, op. cit., p. 168.
55. Kurskii's phrase, ibid., p. 301 (1925).
Bednyi also maliciously, and, as it turned out, wrongly forecast that every couple strolling on the Tverskoi Boulevard would be congratulated upon their factual marriage (С фактическим браком!) (pp. 239-242).

58. Statistical Office figures, given in Bettelheim, op. cit., p. 88. The assumption at this time was that, as the bedniaki (poor peasants) would be the natural allies of the Party and the kulaks their enemies, the seredniaki were at least "tolerant associates" and could be won over to the regime.
Nove, op. cit., pp. 108-109. Clear definitions of the peasant classes were rather vague at this time; it was only with collectivization in 1929 that models for stratification were devised. Male, op. cit., pp. 163-165.
59. "Early Bolshevism was not monolithic, for radicals and conservatives opposed each other not only on political and economic issues but also on social ones." Farnsworth, op. cit., p. 139.
60. Carr, op. cit., p. 4.
63. Jancar, op. cit., p. 75.
64. ВЦИК, отчет, pp. 270-271 (1925).
65. Ibid., pp. 245-246 (1925); Izvestiia, 31 January 1926, reported that his view had already crystallized among peasants of the southern RSFSR (p. 3).
66. See the speeches of Samurskii or Gnipova, in ВЦИК, отчет, pp. 655-657 (1926).
67. By contrast, 1926 figures showed that there were 10.6 marriages to every 1,000 inhabitants in the European part of the RSFSR. The population of the European RSFSR was 81,857,600 at this stage. Lorimer, op. cit., p. 67, and The Soviet Union: Facts, Descriptions, Statistics, Washington D.C., 1929, p. 31.
68. ibid., pp. 695-698 (1926).
70. Krylenko, op. cit., p. 67.
72. ibid., pp. 672-675 (1926).
73. ibid., p. 568 (1926). See also Brandenburgskii's defence, in "Что дела нам дискуссия о браке и семье?" (What Has the Discussion on Marriage and the Family Given Us?), in Пролетарский суд 4-5 (1926), p. 5.
74. See Beloborodov's speech, in БЧИИ, отчет, pp. 254-256 (1925), where firm criteria for marriage were urged in order to help keep adequate records for housing allocation, jury section. Indeed, the extension of property and economic rights to de facto spouses did not include those political rights enjoyed by registered wives: see Kurskii, in ibid., p. 568 (1926). Krassikov opined that the conditions laid down for recognition of de facto marriage were not strict enough and would lead to excessive reliance by the Courts on "subjective perceptions" (субъективное понимание), pp. 240-243 (1925).
75. Stel'makhovich, A., "Алиментные дела" (Alimony Cases), in Пролетарский суд 4-5 (1926), pp. 1-5.
76. Ibid., p. 5
78. Krylenko, op. cit., p. 63.
80. Brandenburgskii, op. cit., p. 37; "Casual liaisons ... have nothing at all in common and can be seen as an expression (является проявлением) of sexual debauchery by one or both parties...", Stel'makhovich, op. cit., p. 4.
81. Its ingredients were equality, recognition of rights and sensitivity (равенство, признание прав, чуткость). See "Дорогу крылатому Erosu!" (Make Way for Winged Eros!), in Молодая гвардия 3 (1923), pp. 115-118, 123 (see 4.86).
82. Engels, The Origin of the Family..., pp. 138-139.
83. Krassikov, basing himself on Marx's own forecasts about the period of revolutionary transformation, asserted that during the "prolonged birth pangs" of the emergence from Capitalist society, bourgeois laws would continue to be used. He named the КЗоП as bourgeois, for "There are, in fact, no Communist laws as such at all, since in a Communist society there can be no laws. " See Marx and Engels, "Critique of the Gotha Programme", in Selected Works, pp. 319-331; Krassikov in Schlesinger, op. cit., p. 134.
84. БЧИИ, отчет, p. 290 (1925).
85. Carr, op. cit., p. 37n.
87. Brandenburgskii, op. cit., pp. 25, 37. The dichotomy between marriage as act and marriage as fact was already present in Russian: note the differences in meaning between женитьба as an act, брак as the fact.
90. Brandenburgskii, Семейное право, p. 16.
91. Article 165 of the RSFSR Criminal Code provided that those refusing to pay Court-ordered alimony would be liable for six months' gaol. Dombrovskii, op. cit., p. 79.
93. ВЦИК, отчет, pp. 662-665 (1926). The reference is to paragraph 9 of a pamphlet written by Lenin in preparation for a Geneva lecture. No mention can, however, be found in recent editions, for instance "План чтения о коммуне" (Plan for a Lecture on the Commune), in Lenin, Полное собрание сочинений (Complete Works), vol. 9, Moskva, 1967, pp. 328-330.
94. Sofia Smidovich, then Head of the Zhenotdel, argued for the Code in precisely these terms, speaking of women as the "weaker party, poor thing" (горемычная ... слабейшая сторона) (p.49). See "О новом НЭОБСО", op. cit., pp. 46-49. Smidovich was criticized for her obsession with the victimization of women. Parnsworth, op. cit., pp. 157-160.
95. ВЦИК, отчет, p. 650 (1926). Kurskii also noted the need to base legislation not solely on the theoretical presupposition of women's equality in society, but on the economic relationships of the period, ibid., p. 577 (1926).
97. Brandenburgskii, "Правовые последствия", p. 28. He also acknowledged the possibility that the unqualified granting of financial support after divorce created "the soil for parasitism". But given this 1926 willingness to criticize the 1925 text, the proposals for unlimited support first advanced by the Наркомиаст can only testify to the paternalism which motivated the draft. See "Что более нам дискуссия о брачн и сёмье?", p. 5.
CHAPTER 4
THE KŽOBSO ISSUE --
BEHIND THE SCENES AND BETWEEN THE LINES

The controversy and acrimony exhibited during the debates of the Central Executive Committee were matched by virulent exchanges in the popular periodicals of 1926. Peasant women, male and female factory workers and the more influential party propagandists of the day on social issues had all taken strong issue with two proposals made by Alexandra Kollontai in February of 1926. Kollontai had returned to Moscow in December 1925 from a successful tour of duty in Oslo,¹ where she had presided over the Norwegian recognition of the USSR in 1924. She launched herself into the debates on the (postponed) Marriage Law by pointing out the essentially unsocialist nature of alimony and denouncing the paternalistic desire to protect women which had motivated the more controversial sections of the Code.²

The swift reactions and angry accusations launched at Kollontai served to defend the 1926 Marriage Code and generally to marshall the forces of support before the November reintroduction of the code into the Executive Committee. While pursuing this aim, however, the supporters of the KŽOBSO underscored the point that has often been hidden to the West, namely that:

the Soviet regime, however impeccable the Socialism of its rhetoric, was never disdainful of the family in practice.³

Kollontai's Collectivist Proposals

The Code has had a strange fate. People have attacked it from both left and right.

--- Alexandra Kollontai, 1926

In her last public pronouncement on the questions which had been of such interest to her since the first decade of the century, Kollontai attacked the revised marriage law as unsocialist and detrimental to women. Her attack was from a leftist perspective and stood in contrast to the attacks which had been made in the committee sessions and in innumerable town and country meetings. Kollontai looked beyond the avant-garde form of the legislation and saw clearly that its intent
consisted in a remedial extension of the aegis of alimony. This was a step which contradicted her deeply held "emancipatory idealism"; her conception that the liberation of the economic and emotional potential of the individual would result from the full development of socialist relations, hence that:

women were essentially strong and needed protection from the debilitating protection of men which alimony represented.  

She lambasted the grandiose claims of Kurskii and his aides that the KZoBSO constituted a continuation of the spirit of the 1918 legislation. The Narkomiust argument that the equalization of de facto marriage was a qualitative (and thus revolutionary) change in the conception of marriage registration — from an act of constitutive significance to an act signifying the mere 'formalization' of a fact — did not convince Kollontai. She wrote scathingly:

On the divorce question we are on a par with North America, whereas on the question of the illegitimate child we have not yet even progressed as far as the Norwegians.  

Her disapproval centred not on the actual recognition of de facto unions, but on the categorization of women into three groups (три разряда женщин) — the natural outcome of the strict provisions for the recognition of de facto marriage inserted into article 12 of the final version. As noted above, peasant opposition to the categorical recognition first mooted in the draft had prompted the Sovnarkom to insist upon the three "normative definitions" (see 3.74), the nature of which was well apparent by February 1926, when Kollontai expressed her views. Kollontai argued that the celebrated and much criticized legislative emphasis upon the fact of marriage was at best an "artificial equalization".

The creation of standards by which to judge the applicability of alimony, resulted in the deprivation of a certain number of women, namely of those who fell into the category of casual liaisons or casual wives.

The latter category appeared to refer in a particularly insulting fashion to the young peasant girl, generally living in the city in conditions of terrible congestion and poverty.  

This refusal of alimony to the women who, because of their lack of suitable or employable skills, were really most in need of financial support and most vulnerable to the economic inconsistencies of the New Economic Policy, made a mockery of
the Narkomiust's good intentions. Similarly, the stress on protection of women through financial support rendered the KZoBSo a godsend for enterprising nepmen who could afford alimony and hence did not baulk at the prospect of a polygynous relationship. Kollontai ironically contrasted this covert sanctioning of polygamy for the wealthy with the earnest warnings against moral laxity and debauchery with which the conservative "ideologists of vice" in party, press and Executive Committee debates had opposed the Code. The theme that alimony is a heavy burden, unaffordable and crippling to the poorer peasant and proletarian yet no obstacle to the profiteer or kulak, was intended to highlight the inadequacy of legislation which attempted to regulate sexual relations by financial means in an era when those same means were all too obviously unequal. A second, tactical objective in drawing attention to the institution of alimony payments was to attract male support for her daring, yet "belligerently rejected" proposals.

Her first suggestion consisted of an outright rejection of the elaborate maintenance network being established by the 1926 Code, and its replacement by a graduated tax from every adult worker in the USSR. The scheme was named Self-Insurance (Самострахование) by Kollontai but quickly acquired the rather derisive name of an "all-round guarantee" (круговая порука), the latter bearing strong connotations of an inevitable moral laxity which, some felt, would here be guaranteed rather than insured against. A minimum contribution of two roubles a year from every adult, with further contributions rising in accordance with salary, would assure the Fund of at least 120 million roubles each year. The sum could be devoted to many tasks which the complacent insistence upon alimony as a panacea to women's misfortunes had managed to overlook.

Firstly the Fund might be used to support lone, deserted women with children, the victims of what had disdainfully been called "casual sexual encounters". Under articles 28 and 31 of the 1926 KZoBSo, where the mother had established paternity with a local ZAGS office the father was obliged to contribute towards the expenses of pregnancy, lying-in and childbirth and for a period not exceeding six months after the birth. After this period the 'casual wife' would not be entitled to support because the conditions in which conception had occurred did not meet the requirements of article 12. Kollontai estimated
that every year there were approximately one million children, or one in every five born in the USSR, who might require such support.  

Secondly, the revenue gained each year might be used to bolster the network of permanent day care nurseries and child care institutions. These had suffered heavily from the introduction of the khozraschët (self-financing) system of management, as well as from increasing disillusionment with the role and nature of permanent child care institutions. By 1924, spurred on by Lunacharskii's disparaging remarks about unsanitary conditions and high mortality rates in the children's homes, many orphans began to be allotted to peasant families, thereby increasing the social pressures for recognition of adoption in the 1925 draft code. The Head of the Department for the Protection of Motherhood and Infancy (Охрана материнства и младенчества), admitted bluntly to the renewed interest in the home as a suitable environment.

... under our present conditions there is no doubt that the home offers a more stimulating environment for the development of the infant than the asylum. Not only have we decreased the death-rate in this way, but we have insured normal development to a much larger proportion of babies, since in almost every case our asylum-trained babies were both mentally and physically backward.

Combined with these increasing pressures, the number of permanent child care institutions, despite an initial rise in 1921-1922 after the famine, dropped steadily during the NEP. Their decline was in contrast to the more stable and less threatened existence of such temporary facilities as day nurseries and summer nurseries. The latter, with their concentration upon primarily medical and sanitary advice to supplement the child's domestic upbringing, played a consolidating role at odds with the permanent institutions' aim of showing the inefficiency and obsolescence of the home in a system of Communist education.

Furthermore, Kollontai's advocacy of the insurance fund was predicated on the optimistic notion that the growing financial and material prosperity of the country would increase the amount of money available to lone mothers and could thereby extend child support until the age of three to five. Her 1926 suggestion and her confidence that such a "Common Pot" was a practical possibility can be seen in sharp contrast to an earlier despair which she and many others at the Women's
Departments evinced at the inauguration of the New Economic Policy. 24

Kollontai's second suggestion was aimed squarely and in principle at the remedial desires which had motivated the Narkomiust. Whereas her advocacy of Self-Insurance represented an avowal of her distrust in alimony as a solution, her proposal for the conclusion of marital contracts (брачно-хозяйственные договоры) 25 was an expression of her indignation at the very rationale of the KZoBSO. Perceiving that the sumnum bonum of the new law was protection of the 'weaker party' 26 via marriage, hence a reaction to economic circumstances, Kollontai wondered why the legislation intended merely to manage the crisis of impecunious mothers and wives but did nothing to solve it.

Laws will not achieve our aims ... measures of a different nature are called for, agitation on a massive scale, the dissemination of scientific knowledge and general cultural work. 27

She suggested that the mandatory conclusion of a marital contract at registration would go further than the assignment of a punitive, restraining role to alimony payments. These contracts would not only regulate the economic duties and obligations of the spouses but over time would inculcate in the parties to marriage:

...a conscious attitude towards the marital union and towards their parental responsibilities. 28

She reasoned that a new, socialist consciousness of individual worth would solve the problem of destitute and abandoned spouses far more effectively than the extension of legally enforceable alimony payments could every hope to do. For alimony could at best be seen as a stop-gap remedial measure, while at worst, legislative concentration upon alimony as a panacea constituted a "strengthening of petty-bourgeois tendencies". 29 Kollontai gave examples from Western nations with similarly strict alimony legislation to prove that the extension of alimony obligations was a reactive measure which bore no creative influence at all upon the social and moral forces which had led to the position in the first place.

Alimenta won't untangle the situation. Neither will they give us morality. 30

Rejection of the two proposals followed swiftly. In the same edition of Ekran (Screen), Iurii Larin, a member of the Central Executive Committee and staunch defender of the Code, 31 dismissed them as "acceptable in principle, impossible in fact". 32 The
retaliatory rush to condemn the proposals as hopelessly utopian in the economic conditions of NEP Russia is impressive in its swiftness, yet ironical. A consideration of Kollontai's last suggestions, delivered only months before her appointment to Mexico City as head of the trade delegation, in the light of her earlier pronouncements reveals the serious compromise which she was making in 1926. In effect, the plan for an Insurance Fund and for marital contracts was a pragmatic adjustment to the "major shift in priorities" signified by the NEP. As Kollontai's previous priorities had been those of revolutionary change in moral attitudes, so her suggestions now conformed to the Zeitgeist of evolutionary transformation. This conformity renders the rebuttal of Kollontai's collectivist ideas doubly indicative of the family's tenacity.

Basic testament to the compromise which Kollontai was adopting is her acknowledgement of the family as a continuing economic institution, bearer of duties and obligations between individuals and towards children which should be regulated and foreseen by contract. Kollontai's advocacy of marital contracts was predicated on her realistic appraisal that the abstract rights of woman of which she had spoken in 1921 were now those of housewives still treading the path "from the stove to the door", as the Russian proverb had it. Kollontai promoted marital contracts as a means of improving, not abolishing, the housewife's lot.

It is essential that the labour of a woman in this Unit (чека - the family) be taken into consideration and valued. This would lead to the real and not merely verbal equality of the Parties. Yet she had previously claimed that female labour in the household was morally dangerous, inculcating a parochial and dependent outlook, and economically inefficient. These views had allowed her to wholeheartedly approve the expected распад of the family.

Thus the recognition of the monogamous family is strongly at odds with the radical forecasts which she had entertained in the first two decades of the century. In conformity with Marxist doctrine, she had predicted not only the obsolescence of the monogamous family but its injuriousness in a system where, stripped of economic functions, it could exist only as an atavistic remnant. Similarly, her Self-Insurance proposal gave tacit approval, insofar as graduated contributions upwards of two roubles per head were envisaged, to wage differentials.
and the superior earning capacity of specialists and managers. Her acceptance of differentiated wages (a characteristic of the NEP) likewise stands in acute contrast with strong egalitarian tendencies and strivings throughout her early works. The latter received their clearest expression in Kollontai's support of the Workers' Opposition Movement from January 1921 to at least July 1921, protesting against increasing bureaucratization of the party apparatus and the popularity of "one-man management", a system which was... totally detached from the aspirations of the collective.\textsuperscript{38}

Kollontai took a leading role in the union-based Workers' Opposition. Her part in the movement, a reflection of Kollontai's mistrust in the New Economic Policy\textsuperscript{39} as disregard for the revolutionary spontaneity of the working class, resulted in Lenin's recommendation at the twelfth Party Congress in March 1922 that Kollontai, her lover Shliapnikov and Medvedev be expelled from the RKP(b).\textsuperscript{40} The three were not, however, expelled, but were given a strong warning to abstain from factional activity.

Combined with these pressures, Kollontai's dismissal in February 1922\textsuperscript{41} from the Zhenotdel, the organization which she had headed since Inessa Armand's death in late 1920, served to notify Kollontai of her increasing isolation within the Bolshevik Party. She was given notice that her disenchantment with the inner echelons of Bolshevik leadership could no longer be aired abroad (as had occurred when a delegate of the anti-Bolshevik German KAPD had been entrusted with Kollontai's oppositional pamphlet in July 1921 and had published it in Germany),\textsuperscript{42} and the threat of 'eating peaches in the Caucasus'\textsuperscript{43} must have played some part in convincing her to modify her erstwhile beliefs. Accordingly, her appointment in October 1922 to Oslo, first as a member of a trade delegation, subsequently as Ambassador, was accepted as a rather comfortable exile - perhaps even a sinecure.\textsuperscript{44}

The tactical nature of Kollontai's 1926 proposals, consisting of the implicit approval which they gave to the economic family of NEP Russia, might then be seen as a response to the political Coventry in which Kollontai had found herself during the previous four years. A strategic adaptation to the fact of women's existence as wife, mother and sock-darner was, firstly, a way of showing her once doubted flexibility to the
Party, secondly, necessary if Kollontai was not to be dismissed as impractical.

... economic constraints had brought back to harsh reality a woman like Kollontai who, before the Revolution, had dreamt a good deal about personal relations in a different system.\textsuperscript{45} The self-imposed censorship of some critical passages dealing with the Party's reluctance actively to pursue emancipatory policies, a feature of Kollontai's 1926 autobiography, also testifies to her desire to remain within Party rules.\textsuperscript{46} This led Kollontai not only to adapt her previous disdain for the family, but to advocate the Self-Insurance proposal in the terms of aiding, or at least, alleviating, the position of the peasantry. In 1920 Kollontai had written condescendingly of the peasant family as a remnant of the pre-capitalist "natural economy",\textsuperscript{47} where the fulfilment of both productive and consumptive tasks (the acquisition of material benefit for its members) ensures the strength of the family system. Kollontai continued that the socialization of production and the abolition of private property would annihilate this form of "familial and economic unit" (семейно-хозяйственная ячейка).\textsuperscript{48} The Great Revolution and the main transition in our workers' Republic to new forms of Communist economy will significantly undermine the bases of the rural family.\textsuperscript{49}

Six years later, her proposals admitted the notion that the peasants, fearing the impact of alimony upon the prosperity of the ďvor, were "right in their own way" (по-своему разумно).\textsuperscript{50} As noted, peasant opposition at all levels had indeed been a major obstacle to the Narkomiust.\textsuperscript{51} In fact, another suggestion had been made for a general insurance fund, but for reasons entirely different to Kollontai's – one delegate, Novikov from Tula guberniia, suggested that a state fund be set up to support poor peasants who were particularly hard hit by alimony payments to cunning ex-wives and children.\textsuperscript{52} Suggestions from the peasantry that the marriageable age be raised, to as high as 22 for men, 20 for women, are also traceable to a fear among these quarters that young couples, hastily married, might soon break up and cause financial injury to the working husband - the peasant and his ďvor.\textsuperscript{53} Catering to this anxiety, Kollontai presented both the Self-Insurance plan and the suggestion for economic contracts within the framework of an appeal to the wider sections of the populace; the alimony
system and the maintenance of individual responsibility are no longer simply theoretically dubious, but functionally undesirable. Hence the collective responsibility offered by the Self-Insurance scheme would suit all strata of the population, but particularly the peasantry, by relieving them of burdensome financial outlays. Marital contracts would also assuage peasant fears by ensuring that the rights of the woman (identified as the rights of the housewife) were foreseen by the spouses, avoiding the need for crippling alimony payments and vitriolic court battles in case of divorce.\textsuperscript{54}

Kollontai's recognition of the couple as a legal unit, explicit in her second proposal, must also be mentioned as a departure from the urgent collectivism which she had advocated immediately prior to and after the 1917 Revolution. In 1921 she had written scornfully of the rigid insistence on marriage registration embodied in the 1918 Code of Laws. This, and provisions establishing the mutual obligations of spouses, parents and children she cited as remnants "of an obsolete system" (отжившій системи),\textsuperscript{55} harmful to the interests of the collective in their concentration upon the married couple as a legal entity separate from that collective. Outlining her ideals for future legislation, she wrote:

The Workers' State recognizes its responsibility to provide for maternity, but it does not recognize the couple as a legal unit separate from the collective.\textsuperscript{56}

Seen in this light, her second proposal must emerge as a distinctly reformist, rather than abolitionist, view of the Soviet family and of woman's position in it. Her 1926 acceptance of the legal existence of the married couple, the family as a purveyor of economic goods and services and the inevitability of differential wage rewards must have been a volte face for this woman who sought a liberation beyond the comprehension of many of her contemporaries.\textsuperscript{57}

It was an about-turn dictated by political considerations and by an objective appraisal of the forces of continuity inherent in the New Economic Policy. Ironically, the compromise was not appreciated by Kollontai's attackers.

Elements of Continuity in Kollontai's Thought

Comrade Kollontai was always wont to swim in a sea of hackneyed phrases and banal phrases diluted merely with a sickly-sweet sentimentality and adorned with rhetorical curl-papers.

--- Polina Vinogradskaiia, 1923
Notwithstanding the basically pragmatic nature of Kollontai's proposals, the blustery reception with which they were met by Party critics, the often expressed disinclination to accept them as practicable, can be attributed to a fundamental similarity underlying all of Kollontai's thought. A basic continuum of thought and desire, or "Idea-Element",\(^5\)\(^6\) places these last public pronouncements in a central position with regard to her other, key, works. For a theme recurrent, and explicit, in her writings before the diplomatic assignment to Oslo, and resignedly implicit in her attacks upon the KZoBSSO is her urging that a reconstruction in moral and social attitudes must take place concomitantly with the transformation of the forms of production. It was a task described as a "reeducation of our psychology" ( переобразование нашей психологии ),\(^5\)\(^9\) and a clear expression of Kollontai's belief that supportive change in the superstructure was as important as change in the economic base.

The two tasks are closely connected: the new morality is created by a new economy, but we will not build a new Communist economy without the support of a new morality.\(^6\)\(^0\)

The theme is most evident in Kollontai's suggestion for Marital Contracts, the conclusion of which will result not only in economic security for the housewife, but, Kollontai argues, in a new attitude of mutual respect and cognizance (see 4.28). A similar basis exists in the proposal for Self-Insurance, where the collectivization of child-rearing functions which she envisaged does its best, despite the concessionary nature of these proposals, to "instill in Soviet society socialist concepts of collectivism".\(^6\)\(^1\) The rationale behind her suggestions seems sadly ludicrous besides the rampant egoism and the frank commitment to a socially isolated family cell exhibited throughout the debates. Providing the undoubted proof that a reorientation of attitude, "the perfecting of human personality through communalization",\(^6\)\(^2\) was still an urgent task, both male and female delegates trotted out the old proverbs to prove that 'Every sparrow is a bird on its own' ( каждый воробей сам по себе птица ). Delegate Shurupova maintained that it was nonsensical to speak of the husband's alimony responsibilities being restricted. After all, "If you like tobogganing then you must enjoy pulling your sledge uphill" ( любишь кататься, люби и саночки возить ).\(^6\)\(^3\) Thus, in the face of a resurgent, property-oriented
individualism during the NEP - if it is accepted that such an ethic had ever been dormant among the peasantry - Kollontai's attempt to maintain a spirit of collectivism is strong testament to the central role which psychic change played in her theories.

In her best remembered writings on women's emancipation under Communism, Kollontai had always maintained the orthodox position that the family, forms of marriage and morality are directly related to and regulated by the class relations of the era. Showing the fruits of considerable erudition in the quiet libraries of Western Europe during her exile, Kollontai traced the development of the position of women from primitive societies (Sophocles' Antigone) and the Roman familia, through the transitory feudal period to the first stirrings of manufacturing wage-labour at the beginning of the capitalist period. The author was concerned to show how morality and the concept of love itself had been adapted to the advantage of the ruling group. As the ancients had elevated the concept of friendship (лвовь-дружба) between members of the ruling tribe above that of sexual love, so the morality of feudal knights had dictated that chivalrous love for a "lady of the heart" and of higher birth be entirely separated from marriage, a physical act usually performed without 'love' and purged of psychological demands. Both these variants of morality were advantageous to the ruling group inasmuch as they aided it to consolidate its power over the rest of society. Particularly for the amorous knight, anxious to win the favour of his lady, love as interpreted in this mediaeval context could be a powerful motivating force in promoting his social advancement.

The more inaccessible the woman, the more insistently the knight sought her favour, then the more he needed to develop within himself those virtues and qualities which were prized by his milieu.

Kollontai further insisted that the strivings of the developing bourgeois class towards the accumulation of capital had conditioned the development of personal relations. Under developed bourgeois conditions, the family, in which the new notion of physical love was exclusively embodied, became "a living custodian of capital" (жовой хранительницей богатств). The religious Reformations and civil wars of the 16th century were an especial reflection of this clash between two social movements, and accordingly two differing
conceptions of love. Luther and his philosophers of the Renaissance, aware of the necessity for a stable and productive family unit in bourgeois society, had posited that marriage could involve mutual attraction and a psychological factor.71 As the functionality of love in marriage was appreciated the bourgeois conceptions of marriage and love began to seem synonymous, the idea of love without marriage more and more hard to fathom:

... bourgeois morality demanded that even when a marriage was concluded for economic reasons (mo pacwój), the spouses should hypocritically give the impression that there exists mutual love.72

Accordingly, this concentration of both love and marriage besides one family hearth was a microcosm of the capitalist property ethic and the striving for accumulation. The strictures against love without marriage, hence against illegitimate children, were also dictated by the strictly economic considerations of wishing to prevent inheritance outside the family and the dissemination of accumulated goods. Love had been transformed into a maid-servant of the bourgeois property principle.73

In drawing attention to the "historicity of the family"74 and to the point that changes in the family system had been conditioned by the access of different groups to the means of production, Kollontai placed her analyses in a decidedly Marxist framework. Indeed, her scenario of social and moral change conforms to the view that:

The sum total of these relations of production constitutes the economic structure of society, the real foundation, on which rises a legal and political superstructure and to which correspond definite forms of social consciousness.75

Kollontai's qualified approval of capitalist industrialization as essentially progressive for women, heralding the proletarianization of women76 and preparing the ground for class revolution, was firmly within the pale established by Marx and Engels. The economic determinism built into Marxist theory77 paralleled the enthusiasm with which Kollontai predicted that the collapse of the bourgeois family would be preceded by the socialization of women's productive work. It was an enthusiasm which often bordered on optimistic delusion, and certainly involved an overestimation of the changes which women's exist from the household would entail. Her analysis of women's entry into the work force is marked
by a confidence that, in a very short space of time, both the psychological and economic bases for domestic living can be eroded.

It is no longer possible to turn the clock back ... What on earth can a woman hope to find in the family, when many of its traditional functions have long been assumed by institutions outside the actual family?78

Kollontai's divergence from orthodox economic determinism came at this point. Like Engels, she had committed her study of the evolution of the family to the creed that, as a specifically historical, superstructural79 phenomenon, it was defined by economic relations and hence malleable. Unlike Engels and the greater majority of Bolsheviks, her view of the malleability of moral attitudes led her to conclude that the latter might be positively used as a vehicle to hasten the victory of socialism. Her optimistic forecasts of the rate at which women's entry into socialized production could encourage the dissolution of the isolated family unit hinged not so much on "a narrowly quantitative" or voluntarist perception,80 as on the expectation that the creation of a proletarian ideology might aid the process.

Morality has been a mighty weapon of class struggle ... It's not a coincidence (неудивительно) that every class fighting for dominance has redone the Gospel in accordance with its own class needs and has strengthened its class morality with references to religion and moral prescription.81

The collectivism apparent in the 1926 suggestions of a politically ostracized Kollontai can be traced to this cri de coeur for moral change which she espoused in her early revolutionary agitation. In 1911, four years before her final alignment with the Bolsheviks, Kollontai had been influenced by the thoughts of the left-wingers of the Bolshevik movement, such figures as Bogdanov, Maksim Gor'kii and Lunacharskii.82

The latter had broken away from the literary centre in 1909 to propagate their views on the creation of a distinct proletarian culture and by 1911 were settled in Capri and Bologna, enjoying the influence which their journal Вперед (Forward) had inherited from the first Bolshevik newspaper.83

Their conception of culture, hence morality, as a malleable, formative force was, to Kollontai, only further underlined by her Marxist training in Zurich 84 and the assumption that legal, political and social values were conditioned by economic relations. The very notion of the dependence of the
superstructure suggested to her the possibilities of moulding social and moral attitudes simultaneously with the developing contradictions in the economic base.

Kollontai searched therefore for moral norms appropriate to the class interests of the proletariat, having shown that the bourgeois family, an institution which since the Renaissance had safeguarded the possessive instincts of that class, was by analogy alien and unsuited to the workers' demands.

Hence, we need a love-comradship (любовь-товарищество) to answer the interests of the dominant working class. Scorning bourgeois morality and its dictate that love could only be centred within marriage, Kollontai juxtaposed her ideal of proletarian love as embodying three principles: equality, mutual recognition of rights, and sensitivity; all aspirations of the working class and all of which would be functional in the new society. With a lyricism reminiscent of her first yearnings to be a novelist, she personified, or rather deified, the new morality as a "winged Eros", his many-stringed lyre (многострунность) and many tunes representing the multitude of human emotions and moods.

Functionality was a central tenet in Kollontai's advocacy of the musical young Eros as a counterpart to egoistic "all-consuming love" (всепоглащающая любовь). The ideals of mutual equality, the recognition of each other's rights and independence, plus "comradely sensitivity and the ability to lend an ear (умение прислушаться)" served to agitate on a moral plane for the goals which the Bolsheviks wished to achieve on an economic plane. As the campaigns were unidirectional the implication that both were mutually supportive was obvious. With a fervour undiminished by the partial reintroduction of a market economy in 1921, Kollontai continued to popularize her belief that, corresponding and in now way subservient to the socialization of the means of production, a "magic thread" in class morality must be found and love must be released from the narrow confines of marriage into which the struggle against feudal morality had driven it.

Kollontai does not wish ... to publicize all-round prostitution, rather she conceives that love, emotionality and mutual relationships be freed from the fetters of the man-woman and mother-child relationship granted to ALL men. This transformation can be imagined ... as a sort of widening or generalization of these energies onto the whole of society.
Explicit in Kollontai's recurrent motive of generalization was the extension of human emotional capability beyond the boundaries of monogamous marriage, which Kollontai often criticized as exclusive, but in its fostering of such possessive feelings as jealousy, harmful to the working class. Implicit in Kollontai's steadfast advocacy of a proletarian morality was also a disdain for monogamous marriage. For Kollontai, the multiplicity of human emotions was not satisfied, only frustrated, by the placement of love and comradely affection into the bonds of such a historically determined institution. The form of marriage (whether it be religious and life-long, or the Soviet freely divorceable kind) was immaterial to Kollontai, as she made clear her opposition to any form of legislative concentration upon the act of marriage which would tend to isolate two individuals from society in toto. That Kollontai was a prime influence behind the 1918 decrees and their establishment of compulsory ZAGS marriage registration only testifies to her belief that the legislation should be only transitory, pending the obsolescence of a four hundred-year-old social obsession with 'marriage'. In this crucial respect, Kollontai's search for a "greater fluidity in relationships between the sexes ..." clashed with the stubborn persistence of a monogamous attitude towards personal relationships. From 1917 to at least two years after the proclamation of the NEP, Kollontai had fought against "survivals of the past" in legislation and in morality, maintaining that a failure to recognize the survivals of a bourgeois superstructure was ultimately harmful to the nascent socialist base. Her campaign against these "mechanisms of internalization" (which served to perpetuate monogamous, proprietary relationships) failed to account, however, with the volume and strength of resistance to her thesis of generalization. For, as illustrated in the specific instance of the cold reception which she met in 1926, the resistance had derived theoretical legitimation from Engels himself.

The Rebuttal of Kollontai's Proposals

With the cult of 'The Winged Eros' we will build aeroplanes very badly.

--- Aron Zalkind, 1926

The scorn which Kollontai directed towards the maintenance of the obligation of individual support in the KZoBSO was dismissed as "the biggest mistake" ( крупнейшая ошибка ) in an
official publication of the Narkomiust. A large role in this denunciation was played by the theoretical legacy of Engels, whose identification of "individual sex love" as a redeeming force, able to cleanse the bourgeois marriage of its exploitative and unjust elements, very strongly implied that the monogamous relationship would flourish under Communism. For:

... as sexual love is by its nature exclusive - although at present this exclusiveness is realized fully only in the woman - the marriage based on sexual love is by its nature individual marriage.

Assumptions about the desirability of monogamous relations were bolstered by the imposition of the NEP and the introduction of market practices.

The economic structure of NEP encouraged the peasants to cling to family life and male heirs as preservers of their small-scale farms. In this context hostility towards Kollontai's views was not surprising. A dogmatic commitment to the maintenance of monogamous marriage clashed with Kollontai's teachings about the need to develop a new class morality which in turn would be a weapon; "a means to bind the collective together". Ominously for Kollontai, this view conditioned the opposition of many Bolsheviks to moves which could have as their result the legislative recognition of sexual cohabitation besides monogamy. To varying degrees, the KZoBSO and Kollontai's last suggestions attracted wrath for this reason, for both could be seen as a portent of some form of polygamous association between the sexes.

The class-based code of 'generalization' favoured by Kollontai, although in no way signifying the approval of harmful sexual excesses (see note 90 above), did by implication scorn the constricting bonds of monogamous association. This was noted very clearly by her attackers, who for theoretical reasons assented with the concerns of the peasants; that the suggestions would result in ... great licentiousness...

Such projects are not only unfeasible, but harmful in our present conditions.

The reaction was similar to that of the VTsIK in 1925, where the original Narkomiust provisions saw de facto marriage only as a negation of registered marriage (see note 2.26) and implied the legal sanctioning of polygamy. This first definition alarmed those who should refuge from the moral
confusion of the 'transitional period' in the ipse dixit of Marxist lore. Hence the first of the Central Executive Committee sessions devoted to the proposed law witnessed condemnation of the Narkomiust provisions; from the peasants, as the expression of a creeping trend towards polygamy and "all-in nation-wide marriage", from prominent Bolshevik delegates, as an unnecessarily destructive attitude towards registered marriage which could only lead to moral confusion.

It is significant that the amendments made to the Narkomiust draft, after postponement, to a large extent mollified the more noteworthy critics during the 1926 sessions of the VTsIK. The consistent opposition of Riazanov (see note 2.44) is exceptional to this trend. Although he did subsequently approve the KZOBSO as an improvement upon the original Narkomiust draft, Riazanov's conception that monogamy should be strictly retained in Communist society (as he explained to Vinokurov) was of a less flexible nature than that of most other delegates. He upheld the registration of marriage [as established in 1918] as an act of constitutive significance, and as the only way to maintain monogamy while keeping a register of the productive forces in society. For others, the sorting of de facto spouses into categories of eligibility for financial support, plus the guarantees of superiority for de jure marriage, effectively underlined the commitment, theoretical and practical, to monogamy as the form most appropriate to the proletariat. Article 5a) of the 1925 draft had stipulated that the presence of either of the spouses in a marriage constituted an impediment to the registration of another marriage, thereby giving a clear announcement that monogamy would remain the acknowledged form of cohabitation. Reflecting the general mood of the VTsIK debates of that year, the revised version strengthened this view and accentuated the commitment to monogamy by noting that both factual and registered marriages constituted an impediment to the conclusion of another marriage. Because of these amendments, the first objections of critics and the perceived danger of approving polygamy declined significantly. The commitment to the preservation of monogamy had been upheld in the Marriage Code through the categorization and definition of de facto marriage as an economic institution. The method of maintaining monogamy was probably more subtle than in the Soviet Central Asian Republics, where the Criminal and Civil legislation of
the twenties outlawed polygamy as a means of combating the influence of Islam. As Prosecutor Krylenko explained, punitive measures were not necessary in the Russian Republic, for monogamy could be retained by ensuring that the prospective bigamist simply could not afford a second liaison. He was echoed by another official commentator:

The material responsibility of the father ... serves as a restraint (сдерживающее начало) upon those who see in our good laws upon marriage and the family (the easy possibility of divorce) an excuse for irresponsibly (легкомысленно) skipping from one marriage to another ...

Over a decade later a Soviet reviewer relying on the KZoBSO was able to state:

Soviet marriage and family law strongly and consistently upholds the principle of monogamy and battles against polygamy as a survival of the old ways in a socialist way of life.

Kollontai had, as mentioned, retained a large measure of continuity between her earlier views and her 1926 proposals. This continuity made her an easy target; the collectivism which she propagated ran at cross currents with the emphasis on individual responsibility and on the legitimacy of monogamy introduced into the 1925 Narkomiust draft. Kollontai's kindest critics scorned her Self-Insurance scheme as a "utopian divergence" or a fanciful flight "to somewhere far, far off" while noting that she had ignored the objective conditions of the peasantry.

The assertion that Kollontai's Self-Insurance scheme neglected the interests of the peasantry was characteristic of the attacks by Larin and Smidovich. Both these critics asserted that the potential benefit to the dvor in being able to avoid large alimony payments was outweighed by the resentment against the government which would be felt if such an additional tax were levied. A mandatory minimum contribution would run counter to the present policy of assuaging the peasants by lessening tax burdens, and would also be seen as unfair, for the majority of children's homes and the victims of "casual liaisons" (see note 4.17 above) were located in the cities. The prized alliance with the peasantry could be seriously endangered if the peasantry were to grow resentful of paying eighty per cent of a tax to fund city vice. Similarly, Rostovskii noted the falsity of Kollontai's appeals to the male population that they would not be able to afford
alimony by reminding her that wage-earners could certainly afford to devote a third or more of their income towards a former spouse's upkeep. A man's wages were paid to him on the basis of his responsibility for his family, not simply as an individual.\(^{117}\)

Kollontai's marriage contract proposal, aiming at the prior notification of women's (specifically housewives') rights, was perceived as similar in purpose to the remedial protection first offered by the Narkomiust, and hence was dismissed rather more leniently. Smidovich and Rostovskii hinted that such "contracts" (договор в навычках)\(^{118}\) may be aimed at lessening the rights of the 'weaker party' - mother and child - and hence would be unlawful under the Sovnarkom provisions for protection of rights in article 13 of the 1926 text. By noting the possibility that such a marital contract could be forced, these writers implicitly raised the fact of women's inadequate consciousness as an obstacle to the plan's feasibility. Their objections, however, were short-sighted insofar as they took the rationale of the scheme to be the immediate protection of women and children, failing to notice that Kollontai's rationale was the long-term inculcation of a socialist consciousness and self-esteem.

Her critics completely failed to understand that Kollontai was attempting the difficult task of maintaining a sense of revolutionary purpose within the context of the NEP.\(^{119}\)

Harsher attackers opposed Kollontai from a standpoint of theoretical complacency. The extension of "comradely love" beyond the bounds of monogamy could be, and was, seen as a historically absurd regression to a pre-monogamous form of sexual relationship, where both men and women were held in common. Such a suggestion was inimical to the adherents of Engels' evolutionary analysis of women's oppression, which had postulated that the final realization of monogamy, for men as well as women, would result from the abolition of private property.

Community of women is a relationship that belongs altogether to bourgeois society and is completely realized today in prostitution ... instead of introducing the community of women, communist organization puts an end to it.\(^{120}\)

The transformation of sexual relationships, from group or clan marriage towards the refinement of the individual sex-love ideal, constituted "the greatest moral progress";\(^{121}\)
a progress which threatened to be lost if the collective responsibility envisaged by Kollontai were to succeed.

Hence Kollontai was denounced as an advocate of vulgar communism, heretically and hedonistically advocating polygamy of both sexes (многообрачие) without mention of the evolutionist conviction that

Any form of polygamy or polyandry testifies to the low cultural level of its objects and subjects.\textsuperscript{122}

In a slashing attack on Kollontai's suggestions made after the refinement of the draft КЗоПСО, the advocacy of collectivism was seen as a retrogressive step which would ultimately lead to debauchery, and, as such, was not suited to the atmosphere of construction and elaboration represented by the Code.

The class which has risen to the highest forms of the relations of production, cannot ... display a decadent sexual debauchery.\textsuperscript{123}

Rather, Kollontai's collectivism was petty-bourgeois, wrote an influential member of the Secretariat of the Party Control Commission (TsKK) two months after Lavrov's critique. In encouraging the collectivization of feeling Kollontai was sanctioning forms of polygamy which were not only theoretically undesirable but harmful. It was understandable that bourgeois and intelligentsia elements were attracted to Kollontai's proposals; the love of worker bees was not at all appropriate in Communist society. The Stalinist Iaroslavskii obliquely referred to Nepmen and 'parasitic' elements:

This theory is taken from bourgeois society ... [Its proponents] don't realize that even among bees there are those whose function it is to chase the Queen-Bee - they are the drones.\textsuperscript{124}

This attack was the logical successor to the claim voiced earlier by Lavrov, that Kollontai's concentration on the reformulation of morality amounted to a "squandering (разбазаривание) of creative energy on sexual matters".\textsuperscript{125} In turn, this contention stemmed from an appreciation of sexual life and, generally, personal relations, as secondary to the economic processes by which moral and sexual relationships had themselves arisen.\textsuperscript{126} Implicit in this dichotomy between an economic base and a superstructure, in which derivative moral conflicts were evolved, was the contention that individual and collective energy can be diverted from more useful functions by being retained in the social and sexual spheres. This was the "hydraulic theory of sexual energy",\textsuperscript{127}
first authoritatively announced in Lenin's remarks to Klara Zetkin in 1925, which saw in sexual promiscuity the danger of revolutionary degeneration, the dissipation of revolutionary energies in unproductive activities that 'wasted health and strength' among the younger generation.\(^{128}\)

Such a dichotomy was opposed to the rationale behind Kollontai's faithful pursuit of collectivist goals, which saw morality and social consciousness as flexible, but potentially useful, tools in aiding and accelerating the evolution of new economic relations.

We need morality, for it is an extra weapon in the struggle and defence of the working class ... We have made a revolution and we have changed the economic foundations of society, planting a new governmental order. But the revolution must be capped with the creation of new relationships between members of the workers' collective.\(^{129}\)

The fears voiced by Kollontai's detractors expressed the hydraulic and indeed orthodox view of a more important sphere for the operations of social energies than the legal and political superstructure ... to which correspond definite forms of social consciousness.\(^{130}\)

This relegation of family life meant that, in a time of economic turmoil and readjustment, agitational activity of the kind Kollontai proposed would not be seriously considered. Economic realities of the RSFSR - the lack of child-care facilities, the inability of the Soviet government to financially redress abandoned women - would continue to govern the attitude towards such matters,\(^{131}\) until alterations in economic conditions permitted a reappraisal. Attempting to account for the interest and controversy stirred by the KZoBSO issue, Kollontai had prefaced her 1926 suggestions with Marx's assertion that "Man's social being determines his Consciousness".\(^{132}\) Her choice was ironic, for it was the implications of that very idea, stressing the primacy of revolutionary commitments other than the reformulation of personal morality, which contributed to Kollontai's rebuttal, and in turn, to the decision that any future contributions would be made at diplomatic posts geographically and politically isolated from the Soviet Union. As a critic succinctly explained, Bros had his wings clipped in 1923, rose for "revanche" three years later,\(^{133}\) but on a flight which threatened to be his last.

* * * * *
Kollontai's contribution to the KZoBGO debate has to this day remained sunk in an official oblivion, overshadowed by the distinguished diplomatic career upon which she embarked soon afterwards and in which she remained for the next nineteen years. No mention of Kollontai's participation in the Marriage Law debate is made in the Soviet biography or collections which have as yet appeared. The silence which now surrounds the subject of these propositions should, however, come as no surprise; it is a product of the hostility exhibited towards her in 1926.

Both collectivist suggestions were rejected for ideological and tactical reasons. As shown, Kollontai's theoretical predisposition to speak warily of the monogamous family and, in her more daring moments, to urge its abandonment along with other remnants of prerevolutionary society clashed with orthodox definitions of the family's future. The latter were conditioned by the dialectical view of institutional transformation. They stressed firstly, the dependence of morality, the family and forms of marriage upon economic alterations, and secondly, the concept that certain "constitutive concepts" of marriage and the family might well be retained, albeit in a more elevated form. Kollontai's continuous search for a 'golden thread' - a qualitative change in moral attitudes - as a necessary adjunct to the economic revolution engendered opposition from party circles which outweighed any compromises she might make (or appeals on the ground of functional utility). In a similar vein, the Self-Insurance scheme was seen as detrimental to any alliance with the peasantry, insofar as it would impose an extra tax upon them. As an alternative to Kollontai's doomed collectivism, the 1926 Marriage Code was ipso facto perceived as a successful compromise, protecting women and seasonal wives from the worst excesses of male exploitation while maintaining the essential NEP alliance with the countryside. Both the provision allowing the marital age for women to be lowered by six months (article 5 of 1926), and the crucial addition to article 9 of the 1925 text (article 11) specifying that the 1922 Land Code continue to be used in disputes concerning the dvor, thus emerge as palliatives to the peasantry and assurances that dissolution of the dvor was not the aim of the government.
Generally, the rebuttal of Kollontai's proposals serves as a background against which to clarify the reasons for the KZoBSO's acceptance. The rejection of particularly the first proposal, based on the assumption that the collective should have responsibility for children, indicated that the responsibility for and care of children were to remain elsewhere — namely, with the family. This was the expression of a deeply-held reluctance to abandon the family and the notion of children as an individual responsibility, a view underscored by a common reaction to the Self-Insurance scheme:

What business is it of all men (При чем здесь все мужчины) when only one man took part?"  

The KZoBSO extended protection to the weaker party through recognition of de facto marriage. It managed simultaneously to guarantee that this qualified legislative abandonment of registration (женитьба) would not result in a licensing of polygamy, so abhorrently regressive for Marxists. The fact of marriage (браch) was to determine the apportionment of rights and duties, yet monogamy would be preserved by moulding the "fact" itself. More subtly than criminal penalties, the categorization of marital relationships and the assignment of financial responsibilities would ensure the impossibility of maintaining a bigamous relationship. Similarly the efficacy of marriage as a remedial protector would be assured. Hence, marriage became functional in Soviet society with the strengthening of the economic component, permitting a righteous dismissal of 'dysfunctional' proposals which threatened marriage and weakened the concentration upon class struggle. Kollontai's exile to the dangerous heights of Mexico City marks, therefore, an affirmation of faith in the utility and legitimacy of marriage as a burden-sharing institution which has remained to this day.
CHAPTER 4

1. As a first indication of official displeasure with Kollontai's rather relaxed and egalitarian work methods, the Soviet Embassy in Oslo was visited in January 1925 by an officer of the powerful Central Control Commission. His prying into Embassy management procedures produced an unfavourable report on the Soviet delegation which resulted in the recall of Kollontai's friend and confidant, Marcel Body. Angry at this intrigue, Kollontai wrote to Litvinov asking to be relieved. See Porter, op. cit., p. 426; Itkina, A., Революционер, трибуна, дипломат (2nd edition) Moskva, 1970, p. 234. Body himself reports that Kollontai seriously thought of leaving the Bolsheviks after the episode and devoting herself to writing in the West, but was dissuaded. See "Alexandra Kollontai" Preuves (14) April, 1952, p. 19. Hence, her participation in the marriage law debate can be seen as an effort to combat her own sense of disillusionment and reassert her own utility to the Bolsheviks.

2. Farnsworth, op. cit., pp. 149-154.

3. Ibid., p. 140.


5. Farnsworth, p. 154.

6. Thus Brandenburgskii, attempting to extract marriage from the sphere of contractual obligation, reviewed the lengthy 1917 Mexican Civil Code and the writings of the French jurist Marcel Planiol. He concluded sceptically that the recent attempts to arrive at a definitive conception of marriage showed the futility of such endeavour. Particularly in the chaotic social and moral flux of post-revolutionary Russia, the sensible thing then was to abandon registration as a constitutive act and concentrate on the "character of life", "Правовые последствия " in Kurskii, op. cit., pp. 14-17.

7. This was intentionally used in article 3 of the 1926 Code.


14. Farnsworth, op. cit., p. 150.


20. Vera Lebedeva quoted in Smith, op. cit., p. 178. See pp. 174-175 for the confused organizational record of the Department. The allocation of the Department to the People's Commissariat of Health (Нацгномздрав) ensured that the Department's emphasis was medical rather than social.
21. Closed and Open Institutions for Mothers and Babies in the RSFSR, 1917-1926.

<table>
<thead>
<tr>
<th>Years</th>
<th>1917</th>
<th>1920</th>
<th>1921</th>
<th>1922</th>
<th>1923</th>
<th>1924</th>
<th>1925</th>
<th>1926</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infants' Asylums</td>
<td>7</td>
<td>370</td>
<td>418</td>
<td>765</td>
<td>491</td>
<td>362</td>
<td>313</td>
<td>287</td>
</tr>
<tr>
<td>Homes for Mother and Infant</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>99</td>
<td>125</td>
<td>237</td>
</tr>
<tr>
<td>Factory and District Day Nurseries</td>
<td>14</td>
<td>565</td>
<td>668</td>
<td>914</td>
<td>447</td>
<td>503</td>
<td>536</td>
<td>603</td>
</tr>
<tr>
<td>Summer Nurseries</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>125</td>
<td>209</td>
<td>524</td>
<td>1853</td>
</tr>
<tr>
<td>Pregnancy Consultations</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>29</td>
<td>28</td>
<td>95</td>
<td>169</td>
</tr>
</tbody>
</table>

In *ibid.*, p. 177.
The Head of the Zhenotdel, Smidovich, also noted the decrease in child care facilities and creches during the NEP. In 1923 18.8% of women workers were served with child minding facilities in the Russian Republic, but by 1926 this number had dropped to 16.8%. See "Наши задачи в области переустройства быта" (Our Tasks in the Reconstruction of Everyday Life), in Новомости (10-11) 1926, p. 20.


23. From the title of her article "Общий котел или личные алименты" (A Common Pot or Private Alimony), in Брак и семья. Сборник статей и материалов по семейному праву (Marriage and the Family. A Collection of Articles and Materials on Family Law), Moskva, 1926; it was first published in Новомосковская правда 2nd February, 1926, p. 2.

24. See Kollontai, "Новая угроза" (A New Threat), Новомosti, 8-9 (1922), pp. 5-6.


26. For a typical expression of this attitude, see Smidovich, "О новом НЭоСО", op. cit., p. 49.


28. "Брак, женщины и алименты", p. 3.

In this aim of constructive consciousness-raising and agitation, Kollontai's marital contract must be seen as different from the famous marriage contracts of the nineteenth century between English socialist and liberal 'progressives':


In 1832 the utopian socialist Robert Owen had first concluded such a contract upon his marriage with Mary Robinson, repudiating the "unjust rights" which he had legally been accorded 'over the person and property of another'. The purpose of Owen's contract was basically one of repudiation, for as Owen himself expressed it, his aim consisted in

divesting himself of those rights ... the barbarous relics of a feudal and despotic system. (See Stannard, U., Mrs Man, San Francisco, 1977, p. 96.)

Six years later, a similar contract was concluded between the abolitionists Theodore Weld and Angelina Grimké, but the best known was that of John Stuart Mill and Harriet Taylor in 1851 (see Rossi, pp. 45-46 for the text). Both these later contracts were renunciatory in nature, concentrating on recording a protest against the existing
marriage law and not defined as agitational, or indeed practicable on a mass scale.


30. ibid., p. 369.

31. Allying himself with Preobrazhenskii and the Trotskyist Left, Larin had supported the KZoBSSO as an attack upon the kulaks and the exploitation of female labour by rich peasants. He had strongly opposed the motion from a Siberian peasant, Sentsov, to defer acceptance of the Code until 1926.

See ЭКИП, отчет, pp. 309, 237, 258 (1925).

32. ЭКИП, p. 3.


34. "Брак и бьют", p. 370.


36. Kollontai, "Семья и коммунизм", op. cit., pp. 16-17; "Sexual Relations and the Class Struggle", in Selected Writings, pp. 245-247; "Письмо к трудящейся молодежи. Письмо первое...", p. 140.


40. Kollontai's appearance and criticism of the NEP before the Third Congress of the Comintern in July 1921 had significantly contributed to Lenin's wrath and his conviction, repeated by Aron Sol'ts at the Party Congress, that Kollontai had violated the Party ban on factionalism. Clements, Bolshevik Feminist, pp. 202-230; Porter, op. cit., p. 383.

41. The date of Kollontai's dismissal is unclear, but is estimated somewhere between the second and sixteenth February. Clements, "Kollontai's Contribution", p. 204. A major contribution towards her dismissal was the interview she accorded in November 1921 to the "Chicago Tribune". Her criticism of the Party's failure to appoint women to key posts was widely cited by Socialists and liberals in N. America. See New York Times, 21 November, 1921, with the slick title "Kollontai in Russia Fights for Her Sex: First Woman Commissar Heckles Government Till She Gets Action".


43. From Kollontai's own appeal in 1920: "Long live Criticism, but without the necessity of eating peaches after it!" See НПС (CPSU): IX Конференция РКП(б). Протоколы (Records, 9th Conference of the RKP(b)), Moskva, 1972, p. 188.


46. ibid., p. 46; also Irting Fetscher's afterward in Kollontai, Autobiography, pp. 110-111.

47. Kollontai, "Семья и коммунизм", p. 17.

48. loc. cit.

49. loc. cit.

Three years later Kollontai had analyzed, albeit in a less propagandistic vein, the peasant family as a survival of medieval morality, where emotional bonds in love were subordinated to economic factors. See "Дорогу крылатому Эросу", p. 117.
51. Izvestija, 31 January, 1926, p. 3.
52. ВЧИМ, Отчет, p. 279 (1925).
53. Ibid., pp. 278, 283-286 (1925). Their anxiety was supported by the survival, in literary works of the time, of the reactionary peasant woman (рассчетная баба), who takes pride in her inability to adjust to the new legal mores and instead pursues the old economically motivated ways. See Gasiorowska, X., Women in Soviet Fiction, 1917-1964, Madison, 1968, pp. 44-45.
56. Ibid., in Kollontai, Selected Writings, p. 227.

58. Ibid., p. 326.
59. Kollontai, Новая мораль и рабочий класс (The New Morality and the Working Class), Moskva, 1918, p. 57.
60. Kollontai, "Проституция и меры борьбы с ней" (Prostitution and Ways of Fighting It) in Selected Writings, p. 270.
61. Farnsworth, op. cit., p. 149.
63. ВЧИМ, Отчет, pp. 247, 253 (1925).
64. Krouse, op. cit., p. 40.
66. Die Situation der Frau, pp. 91-93; Heinen, op. cit., p 52.
68. Ibid., p. 115.
69. loc. cit.
70. Ibid., p. 116.
71. Die Situation der Frau..., pp. 86-89.
72. "Дорогу крылатому Эросу", p. 117.
73. Ibid., p. 121.
76. "The rosier the prospects for the future of capitalism, the more unbearable woman's lot. However, productive work outside the home... was nevertheless the force which opened to women the road towards emancipation". Die Situation der Frau..., p. 105. With undisguised approval, to the point of glossing over the high mortality rates and starvation wages paid to women, Kollontai reviewed the massive entry of women (from 32% to 42%) into the industrial work force during the First World War as a fitting and essential prelude to the 1917 February Revolution (pp. 151-160); see also Autobiography of a Sexually Emancipated Woman, p. 116.
78. Die Situation der Frau..., p. 109. Kollontai has been criticized for overestimating the degree to which the family would be challenged and expressing "an idealist conception of the evolution of women's place in society". Heinen, op. cit., p. 54.
"The forms of marriage and the family are determined by the economic system of a given epoch". Kollontai, "Ге́рси" , p. 28.

80. Heinrein, op. cit., pp. 54-55.
81. Kollontai, "Письмо первов" , p. 140.
84. See Kollontai's Soviet autobiography, Из моей жизни и работы (From My Life and Work), Москва, 1974, pp. 93-94.
86. Ibid., p. 123. Undeniably, Kollontai's recipe had a lot to do with personal experience: both the example of her parents' unconventional, and socially sanctioned, marriage and her happy but unfulfilling first marriage influenced her. See Bailes, op. cit., p. 473; also Kollontai's deep emotional attachment to Zoia Shadurskaia contrasted with her love for Vladimir Kollontai, in Из моей жизни и работы, pp. 69-76; Clements, Bolshevik Feminist, p. 22.
87. Kollontai, "Дорогу крылатому Эросу" , p. 121.
88. Ibid., p. 123.
90. Kollontai, Die Situation der Frau ..., pp. 262-263. Kollontai's frequent insistence that love, whether between man and woman or taking the form of an emotional commitment between members of the same sex, retained a fundamental superiority over the purely physiological attraction which she named "Wingless Eros" (Бескры́льный Эрос), negates the very common view that 'Madame' (the final insult) Kollontai was an exponent of mindless sex. "Мне Кольонта была утверждена, что любовь должна стать и есть для них естественным и естественным act, as natural and simple as drinking 'a glass of water'". See Guins, op. cit., pp. 292-293. This view derived from an erroneous interpretation of Kollontai's remark in "Ге́рси" that "The sexual act should be judged as a natural and legal act, just like ... the satisfaction of hunger or the quenching of thirst (утоление голода или жажды)" (p. 31). However, the context in which the statement was made supports the view that she was not comparing in essence the satisfaction of the sexual urge with the satisfaction of bodily needs, merely comparing the futility of morally judging such behaviour as the quenching of thirst with the freedom from moral opprobrium which, she hoped with Bebel, the sexual act would enjoy in the future. This contextual meaning has been clarified by Alix Holt's translation of the passage:

The sexual act must not be seen as something shameful or sinful but as something which is as natural as the other needs of a healthy organism ...

(Kollontai, Selected Works, p. 229)

Further in the same article, the provision laid down by Kollontai that state intervention in the sphere of private relations was justified only when health or hygiene were endangered by sexual excess, seems to suggest that Kollontai's links with the debauchery and sexual crime of the post-revolutionary years are tenuous. Kollontai's point that the sexual act performed without love might impair the health of the children, conceived in this manner, implies also that she disapproved of sexual excess (p. 33).
The association of Kollontai's name with the prevalent moral looseness was helped by an unkind interpretation of Kollontai's 1923 collection of povesti, Любовь пчел трудовых (Love of the Worker Bees). A thoughtful review of the author's attitude towards her female characters reveals, however, the importance which Kollontai attributed to comradely emotions between women, rather than linking her with the mindless and hedonistic attitude towards sex displayed by the young Zhenia. In truth, Kollontai's ideal here is not sexual freedom and the unlimited development of sexual relations outside marriage, but the freedom of non-attachment where love-comradeship was irrevocable.


91. See Kollontai, "Тезисы", in Selected Works, p. 230.
93. Again, a good deal of personal experience contributed to this judgment, see Selected Works, p. 210.
96. Kollontai, "Sexual Relations and the Class Struggle", in Selected Writings, p. 248.

100. Again, the satire of Mikhail Zoshchenko is helpful in illustrating the revival of prerevolutionary manners, etiquette and morality, stimulated by the resurgence of entrepreneurial activities and the ostentatious successes of the nepmeny. See, for instance, Гримаса НЭПа (A Grimace of the NEP), Рабочий костюм (The Worker's Suit), or the absurd sartorial pretensions of Прелести культуры (Culture's Charms). In Собрание сочинений op. cit., (vol. 2) pp. 60-62, 123-127; (vol. 3) pp. 25-27.
103. Rostovskii, op. cit., p. 97.
104. In 1891 Engels had written that "the new social order" would come about after a short transitional period involving some privation, but at any rate of great value morally. See "Introduction to 'Wage Labour and Capital'", in Marx and Engels, Selected Works, p. 70. With an acuity derived from hindsight the statement seems very ironic, for the immediate post-revolutionary years were in fact a time of great fluctuation and confusion in morals and sexual behaviour. The reason is simple:
The upheaval ... had weakened or swept away the old moral codes, particularly among the young citizens, without replacing them with any new models. Bailes, op. cit., p. 471.

The moral value of which Engels had spoken seemed very dubious to many Bolsheviks, Lenin among them, who looked with loathing upon the plethora of moral and sexual views which had arisen, especially among the Communist Youth League (Komsomol), in the years of War Communism. The Vladimir decree announcing that all virgins over the age of 18 (two years above marriageable age) were henceforth state property emerges as a vivid example of the frequently perversion of Marx's maxim that 'Men's Social being Defines his Consciousness'; "Eroticism defines Consciousness" (Эротика определяет сознание). In Pethybridge, op. cit., p. 52.

The psychological orientation of the NEP years expressed itself in a renewed campaign against debauchery and what Smidovich, then Head of the Zhenotdel, labelled dark "African passions". See her article "О любви" (About Love) in Pravda, 8th March, 1925. The widely-read, sentimental vignettes of Soviet life by the poputchik Romanov also helped to proclaim against the new moral nihilism of the young. With heart-rendering images he depicts the sorrow of a female student searching for love in a student dormitory where cleanliness, chastity and emotion are regarded as bourgeois remnants. The girl moans that

For us love does not exist, we have only sexual relationships. Love is scornfully relegated to the realm of psychology, and our right to existence is only understood physiologically.

In Without Cherry Blossom, Westport, Conn., 1973, p. 17.

105. ВЦИИ, отчет, pp. 270-272 (1925).
106. See Krassikov's speech, ibid., pp. 236-239 (1925).
107. Riazanov was more antagonistic even at this first session, see p. 306 (1925).
109. Riazanov, op. cit., p. 35.
110. This provision of the RSFSR Code contrasted with the corresponding articles 3 and 105 of the Ukrainian Family Code (accepted by the UTsIK in May 1926), which did not recognize the existence of a de facto marriage as an impediment to marriage registration. See Codes, А., "Понятие юридического и фактического брака по действующему законодательству СССР" (The Conception of Legal and De Facto Marriage According to Soviet legislation), Советская юстиция (19-20), 1939, p. 18. This has produced the impression that de facto marriage entailed no legal consequences under Ukrainian law. Court practice until October 1928 tended to recognize only registered marriages as entailing legal rights to alimony. Yet, acting on the principle that the permitted retrospective registration of marriage implied the recognition of factual cohabitation, Courts often based their rulings on RSFSR practice, especially in urgent alimony cases. In Boshko, V., "The Registration of Marriage And Its Importance Under Soviet Law" (1939) in Schlesinger, op. cit., pp. 355-356; Bilinsky, A., Das Sowjetische Eherecht (Soviet Marriage Law), Herrenalb, Schwarzwalld, 1961, p. 24.
113. Godes, op. cit., p. 18.

114. Kurskii, op. cit., p. 3; Rostovskii, p. 96.

115. Larin, in Экран, 5 (1926), p. 3; Smidovich, "Отменить ли регистрацию брака и систему алиментов" (Whether to Change the Registration of Marriage and the System of Alimony), Номосольская правда 37 (1926), pp. 1-2; also Farnsworth, op. cit., p. 153.


117. Ibid., p. 99.

118. Ibid., p. 103. A superb example is given by Zoshchenko who relates the tale of a dandy from Saratov, Seriozha Khrenov, who before the sexual act manages to extract a written agreement from his partner that he is not responsible for any 'consequences' arising from their encounter. Eighteen months later the couple stand before the people's judge (narsud) to contest the woman's claim for support for her child. The signed document is produced, but the judge is resolute.

- Документ, безусловно, правильный. Но только является одно соображение, советский закон стоит на стороне ребенка и защищает как раз его интересы. И в данном случае ребенок не должен страдать, если...отец попался...хитрый сунунь сын.

(The document is correct, without a doubt. But there's just one thing. Soviet law is on the side of the child and defends his interests exclusively. And as legally provided for in this case, the child should not suffer if by some chance the father turns out to be a cunning little son of a bitch like you.)


121. Riazanov, op. cit., p. 20.

122. Ibid., pp. 19-20, 25.

123. Lavrov, Ye., "Половой вопрос и молодежь" (The Sexual Question and Young People), Молодая гвардия 2 (1926), p. 146.

124. Iaroslavskii, Ye., "Мораль и быт пролетариата в переходный период" (Morality and Everyday Life of the Proletariat in the Transition Period), Молодая гвардия 3 (1926), p. 150.

125. Lavrov, op. cit., p. 140.

126. Ibid., p. 138; Iaroslavskii, op. cit., pp. 138-139.

127. Cf. Freud's view, enunciated only four years later, that civilization and higher mental activities rested on the sublimation of instinct and the "renunciation of instinctual gratifications". In Civilization and Its Discontents (tr. J. Riviere), London, 1949, p. 63.


Note Lenin's calumny to Zetkin:

I mistrust sex theories ... the theories dealt with in that specific literature which sprouts so luxuriantly on the dung heap of bourgeois society.

I mistrust those who are always absorbed in sex problems, the way an Indian Saint is absorbed in the contemplation of his navel ... There is no room for it in the Party.


In this vein Iaroslavskii noted that the best people, the veteran Bolsheviks, had often been forced to observe long periods of abstinence in jail. Although not wishing to preach monkish asceticism, he noted that eight years'

abstinence had not done him any harm (op. cit., p. 149). More recently, however, the economic determinism of Marxism itself has been criticized as neglecting the psychological and psychosexual factors which might both "contribute to irrationality" and disturb the purposive rationality upon which Marx had premised the proletarian revolt. See Ollman, op. cit., pp. 238-241. Ollman recommends that a study of the "characterological hardening of the arteries" (p. 242) be introduced into Marx's conceptual framework.

130. Marx, "Contribution to the Critique ...", p. 181.
133. Lavrov, op. cit., p. 143.

The reference is to a rancorous attack on Kollontai after publication of two key articles in early 1923. The lyric "Make Way for Winged Eros" had been published with large, stark question marks grouped around the section title - Questions or Problems (the Russian word is ambiguous) of Life. In addition, Kollontai's third letter to working youth, an analysis of the poetry of Anna Akhmatova, carried an editorial note stating that as many of Kollontai's points were highly questionable the letter was published only to stimulate further discussion. The presentation was a covert announcement that attacks against Kollontai's ideas would be welcomed, and in quick succession two parerites were delivered. See Kollontai, "Письма к трудящейся молодёжи. Письмо третье ...", (Letters to Working Youth. Third Letter: About "The Dragon" and "The White Bird"), Молодая гвардия 2 (1923), pp. 162-174; Vinogradskaya, P., "Вопросы морали, поля, быта и товарищ Нолентай", (Problems of Morality, Sex, Everyday Life and Comrade Kollontai), Красная новь 6 (1923), pp. 179-214; Arvatov, B., "Гражданская Ахматова и товарищ Нолентай" (Citizen Akhmatova and Comrade Kollontai), Молодая гвардия 4-5 (1923), pp. 147-151; Porter, op. cit., pp. 413-417.

Both these criticisms began to suggest the attacks which Kollontai's 1926 suggestions would merit. In offering Akhmatova's work for consideration in the transition period, Kollontai remarked upon the uncanny way in which Akhmatova's poems recognized the dilemma of the proletarian woman trying to reconcile her own nascent revolutionary aspirations (the white bird) with the egoistic demands of the man whom she loved (the dragon): "Every page", she wrote, "is an expose of the woman's soul".

Discarding the then common criticism of Akhmatova as a decadent bourgeois-formalist poetess (p. 165), Kollontai strove to show how her poetry hinted that the woman's own "grief of incompatibility" (гордь несовзвучия) (p. 171) could be overcome through the full recognition of her own independent worth, a recognition accomplished distancing oneself from the fetters of marriage and adhering to the collective.

Arvatov, pre-empting fears that Kollontai's concentration upon matters of love and morality was to the detriment of class struggle, wrote disapprovingly of Akhmatova's influence, naming her poetry:

- narrow-minded, petty, poetry of the boudoir and the family apartment: love from the bedroom to the croquet field (от спальни до крокетной площадки) (p. 151).
Furthermore, Kollontai's treatment was decadent and harmful in the present period of transitional morality because it glorified the woman's struggle against a male oppressor while disregarding the class nature of that struggle.

It's not the fact of struggle which defines the social position of the woman, but the object of that struggle and its methods. Otherwise one would have to count Cleopatra, de Staël, Sarah Bernhardt and many others as 'proletarian women'. (p. 149).

Arvatov's attack coincided with a denunciation of Kollontai's conception of Akhmatova as "absurd" (p. 191) by the influential Grigorii Leleivich in the self-proclaimed proletarian mouthpiece, На посту. See "Анна Ахматова", На посту 2-3 (1923), pp. 177-202. Interestingly, Фёдоров was then on the editorial board of На посту. In short, where Kollontai perceived morality as a class weapon which might be helpful to the class struggle ("Письмо первое", p. 140), emergent here was a foretaste of the view that class itself was a moral weapon. The extreme formulation of this idea appeared in the 'twelve commandments' of Aron Zalkind as early as 1925, who posited ideological compatibility, rather than mutual physiological or emotional attraction, as the basis for socialist marriage. See Stites, "Women and the Russian Intelligentsia", p. 52; Zalkind, A., "Половая жизнь и современная молодежь" (Sexual Life and Modern Youth), Молодая гвардия 6 (1926), pp. 238-249.

134. Itkina's biography merely jumps from the period of Kollontai's work in Oslo and Bergen in 1924 to her 1927 assignment as Ambassador Plenipotentiary to Mexico, using the artful device, "Three years went past" (p. 114). The collections of articles and autobiographical material similarly leave a conspicuous gap between 1923 and the appearance in 1927 of Kollontai's appeal for Party unity "Оппозиция и партийная масса" (The Opposition and the Party Rank-and-File), in Избранные отъя, pp. 364-367.

135. Before the Revolution see excerpts from "The Social Bases of the Woman Question", in Selected Works, pp. 64-65; after 1917 see "Семья и коммунэизм" , p. 17.

136. Krouse, op. cit., p. 44.

137. Brandenburgskii admitted to the new stipulation that alimony be sought from the dvor only in proportion to the defendant's personal contribution to the household. He also noted that the applicability of the ZK to peasants only was a compromise, but in a face-saving gesture suggested that the provisions of the ZK themselves be changed to provide more for needy women and children. See, "Что дала нам дискуссия о браке и семье?" , p. 6.

The general concern with maintaining the stability of the peasant household failed to note, ironically, that the weakening of the dvor may have acted to strengthen the rural soviet. See Bettelheim, op. cit., pp. 180-182.


139. This refers to Kollontai's condition of high-blood pressure, which, whether deliberately or not, was aggravated by the sudden change of altitude from Scandinavia to Mexico. See Porter, op. cit., p. 435.
CONCLUSION

This thesis has attempted to dispel the notion that the recognition of factual marriages was part of a Bolshevik campaign against the family. No disdain for the family or for marriage was implied in the KZoBSO; rather, its parting shot was the assignment of an additional function, that of adoption, to marital legislation. Conventional observers of the 1926 Marriage Code have been persuaded of its radicalism by the revolutionary verbiage of its supporters and its text. The absence of the word "family" has been seen as indicative of antipathy. The context of the terminology employed was the Narkomiust legislators' need to adhere verbally to Marxist constructs, while recognizing that the fears and anxieties shown in the Central Executive Committee,¹ and in countless village meetings, dictated a substantial retreat from earlier enthusiasm.² Both the scoffing reaction to Kollontai's collectivist suggestions and the changed definition of factual marriage in the course of the two VTsIK sessions denoted a hostility to any possible recognition of polygamy or to a loosening of the marriage bond. The categorization of personal relationships and the "positive" definition of marriage as an economic institution represented a compromise with traditionalism which has been largely ignored. The reluctance to transform personal conceptions of morality was the forerunner of the later Soviet insistence upon the constitutive significance of marriage registration.

The state welcomes the registration of marriage, which is a registration of the will of citizens entering into a marriage, and takes this union of man and woman under its protection.³

In the context of this later approbation of marriage and the family, Soviet commentators, like their Western counterparts,⁴ saw the 1926 Marriage Code as devaluing family life. Consequently, the proposal to recognize factual marriages was viewed with hindsight as an embarrassing anomaly in the context of the overall policy of stressing the important psychological, social and economic functions of the registered, Soviet, marriage.⁵
The recognition of factual marriage encouraged a light-hearted attitude towards the family: its acceptance was a forced move (вынужденным шагом)⁶. Indeed, in contrast to Western analyses of a 'first period' of revolutionary or at least "highly unusual" legislation, Soviet reviewers have interpreted the KZoBSO as the only responsive, reactive family legislation since the Revolution, as:

... a concession, in some way, to the temporary situation obtaining in the country.⁸

The adoption of the Code is seen to have been forced by the survival of exploitative class relationships, by a religious aversion to ZAGS registration among many women⁹ and by the strength of "mistaken [sexual] views"¹⁰ and petty-bourgeois principles among certain sectors of the population. By implication, the introduction of pronatalist measures, such as the prohibition of abortion (for first pregnancies) in 1936 and the imposition of large court fees to discourage divorce,¹¹ culminating in the 1944 abandonment of de facto marriage and the total ban on abortions,¹² are perceived as the reversal of an earlier undesirable trend towards denigration of marriage registration. With the exception of an unfortunate incident necessitated by Kollontai and kulaks, Soviet legislation has insisted that

... for the sake of the struggle against the frivolous approach to marriage, the legislative ruling on the question should ... make it clear that for the Soviet State the registration of marriage is far from being an indifferent act.¹³

The lasting view of registration as an act of constitutive significance — a definition which, as noted, represents a reversal of the 'factual' Narкомюст definition — has had its effect upon position of women in the RSFSR, and therefore the USSR.¹⁴ The existence of Soviet marriage as a contract sui generis,¹⁵ announced only in the Registry Office and all but synonymous with lifelong cohabitation and the formation of a family, has been combined with a failure to redefine sex roles within the family.¹⁶ The fact that Soviet women continue to fulfill traditional roles within the home, expending, by some accounts, three and a half times more of their leisure activity¹⁷ than men on housework and on private farm plots has given rise to considerable dissatisfaction among women with their double burden of participation in the work force, superimposed upon traditional expectations of 'women's place'.¹⁸
The central thrust of Soviet policy has been to superimpose new obligations of work and citizenship on more traditional definitions of femininity ... 19

Undercurrents of anti-Marxist protest about the "unbearably difficult position" of women, the crude philistinism of most Russian men and the deplorable condition of childcare institutions have recently surfaced, claiming that:

Today, women are formally liberated and have equal political and legal rights (or wrongs) with men — but they do not have moral equality. As far as responsibilities are concerned, there is no equality at all. 20

Despite arguments and honest differences within this illegal grouping, (concerning the adaptability of Western feminism to the Soviet environment), 21 the protests made here will, if only because of adverse publicity in the West if prominent members are imprisoned, be increasingly hard to ignore.

Similarly, an obvious and "pervasive asymmetry of male and female roles" 23 within the home has conditioned the participation of women in social production. In effect, the failure to redefine gender roles in the home, or adequately to socialize housework and child-rearing functions, has upheld the definition of housework as a woman's preserve. This has lessened women's prospects for higher education 24 and reduced their competitiveness in the labour force.

Because of this, women's participation in the economy has turned out to be something quite different from what Engels intended — gainful employment outside the home has been added to work in the home. 25

Where women have entered the so-called productive sector, the phenomenon known as the feminization of job categories, or the concentration of female employees in relatively underpaid low-status work, has reflected the impossibility of creating true equality while a sexual division of labour continues to hold sway. 26 Thus, in 1973 the massive proportion of women (85%) in health and physical education sectors, where the monthly wage was only 95.5 roubles, contrasted strongly with the science sector, whose status was high and where the
monthly wage was 143.6 roubles. In the latter only 29% of employees were women.\textsuperscript{27} Testifying to the persistence of traditional sex expectations in the more common occupations, it is interesting to note that in newly developing fields, in permafrost science for instance, prejudice against female participation is least,\textsuperscript{28} and consequently female participation is greatest.

The picture is that of an intangible bias, which upholds conventional expectations of women's role\textsuperscript{29} and concomitantly bolsters a hallowed Russian male unwillingness to participate in household chores. The framework is that of a rigid allegiance to the Marxist-Leninist construct that women's emancipation can be achieved through the transformation of "petty housekeeping"\textsuperscript{30} into a socialist economy. This allegiance has dictated the official Party view that, except for the tasks of combatting revisionism and leftist opportunism in this field, the woman question is very much solved\textsuperscript{31} with the near total employment of women outside the home. Women now account for 51.4% of wage and salary workers, a fact which leads to glib assertions that

\begin{quote}
... the emancipation of women in the Soviet Union is indisputably at a higher level than anywhere else in the world.\textsuperscript{32}
\end{quote}

Problems and grievances which arise are to be seen as coincidental and subjective. Ironically, however, the objective reality of differentiation of roles by sex, reinforced by the continuation of a subtle double standard in morality\textsuperscript{33} and the sanctity of registered marriage, has impaired the everyday equality of men and women.\textsuperscript{34}

* * * * *

Notwithstanding the widespread belief in the functional necessity of the Soviet family and ZAGS marriage, current concern with the declining birthrate may bring about changes. From 1965 to 1978 national fertility declined from 24.9 to 8.5 births per 1,000.\textsuperscript{35} Combined with a rapidly increasing birthrate in Soviet Central Asia and Transcaucases (whose birthrate comprised 20.8% of the total in 1976, a rise from 12.4% in 1959), the falling birthrate in the European Republics has brought about concern on socio-economic grounds.\textsuperscript{36} This concern has seemed to justify pronatalist measures to artificially bolster a birthrate which, many suspect, may have fallen below the expectations of even August Bebel.
Bebel had forecast, following the Marxist and anti-Malthusian view that economic inequalities are the cause of overpopulation:

This disinclination for numerous children ... may - all the solicitude notwithstanding that a Socialist Society will bestow upon pregnant women and mothers - be rather strengthened than weakened.37

Soviet reviewers have frequently noted the conflict between the constant encouragement given to women to enter the work force, the ready availability of abortion (the most common method of contraception, having been re-legalized in 1955), and the maintenance of a rising population rate. Accordingly, a "low-key, but nonetheless ongoing, pro-natalist propaganda campaign"38 in press and Party circles has regularly stressed childbearing as a societal and patriotic duty, extolled motherhood as the best vehicle for women's self-expression, to the point of castigating only children as egotistical, delinquent or burdensome, their parents as consumerist.39

A commonly pronatalist view is typified by the interpretation of the constitutional provision that parents must raise children to be "worthy members of socialist society"40 to mean that the duty of citizens is to have children. Fertility is seen as a social and State concern, thus justifying frequently intrusive government propaganda in the areas of family and procreation.

Recent administrative measures illustrate the point that official policy, characterised by its wariness of divorce (liberalized in 1968), contraception and abortion, remains not too distant from an advocacy of Stalinist intervention into these aspects of personal relationships.

At a time when official and unofficial attitudes on sex and the family are undergoing extensive liberalization throughout the world, the trends in Soviet official opinion represent something less than an avalanche.41

At the XXVI Party Congress in February 1981 a regionally differentiated demographic policy was announced.42 Lump-sum grants upon the birth of a first (50 roubles), second or third child (100 roubles), and interest-free housing loans to couples with one or more children are to be introduced in three yearly stages, preference being given to areas of low fertility.43 The limited applicability of such incentives constitutes a (slight) precedent for attempts to regulate fecundity.
Stirrings of a new and controversial view, that an incentive to population growth can be given by increasing legal and material assistance to unwed mothers (some in de facto relationships), have also come to the fore. The angry reaction with which they are met underlines serious opposition to any proposals which may damage the conception of Soviet marriage as the unique, normal, foundation stone for raising a family. Nonetheless, the still skewed distribution of the sexes in Soviet society has encouraged a view that the strictly monogamous union, which necessarily leaves a larger proportion of women than men unwed, is proving an additional obstacle to the encouragement of a two or three-child family. Removal of this obstacle might occur through a de-emphasis of the registered marital union as the precondition for the birth of children; a liberalization which may in turn provide the precedent for a recognition of de facto marriages.

Whatever the outcome of present demographic and sociological debate in the USSR, one point is certain. The most central facet of the 'woman question' will be its emergence from the marginal position which it has occupied since women's entry into social production, between 1928 and 1940.
CONCLUSION

1. "The 1926 Marriage Code, much like the controversy over the ERA, challenged deep-rooted attitudes and so brought to the surface the Pandora's box of fears and anxieties ..." Jancar, op. cit., p. 75.
5. See for instance Kharchev, A.G., "О путях дальнейшего укрепления семьи в СССР" (On Ways of Further Strengthening the Family in the USSR), Социальные исследования 1 (1965), pp. 162-169. The nuclear family is very much the norm, with common-law marriages attributed to disorganized leisure time and insufficient moral training.
8. Kharchev, Marriage and Family Relations in the USSR, p. 16.
9. ibid., p. 15.
11. See Guins, op. cit., pp. 297-301 for a review of Stalinist decrees in the thirties. The prohibition of abortion is usually cited as the onset of sexual retreat, but the Congress of Kiev in 1932 and the May 1935 decree increasing the responsibility of parents for child misdemeanours can be seen as the first hints of 1944. See Millett, op. cit., p. 172; Guins, p. 297.
12. Tay, op. cit., pp. 680-681. Among the harsher provisions was article 20, whereby the mother of a child fathered by a man with whom she lived in a de facto relationship could not file a claim for alimony. The ban on abortions was accompanied by an elevation of the status of motherhood. Under the Soviet system motherhood is glorified; the mother is exalted, she enjoys universal respect and honour, receives every attention and consideration. Motherhood ... has become a proud and noble duty in the Land of Soviets. Popova, N., Woman in the Land of Socialism, Moscow, 1949, p. 95.
14. Since the first USSR Constitution of 1924, the RSFSR Code has acted as a basis for the codes of other republics, overriding their constitutional right, under article 10) and p) to formulate their own legislation. The 1936 Constitution made no explicit reference to marriage law, yet its requirement that Civil Law be uniform strengthened the guiding role of RSFSR law. See Berman, H.J. "Soviet Family Law in the Light of Russian History and Marxist Theory" in Yale Law Journal 56 (1946-1947), p. 40n; Towster, op. cit., p. 214.

18. Considerable impetus to these protests was given by publication of Natal'ia Baranskaia's article "Неделя как неделя" (A Week Like Any Other), Новый мир 11 (1969), pp. 23-56. Five months before, in June 1969, an official enquiry had discovered that women enjoyed one third to one half of men's leisure time and recommended the establishment of more nurseries and the provision of "socialist services for households"; such as Home Appliance Rental Services.


21. In early 1980, the authors of Woman and Russia split into two groups, one formed around the now exiled Tat'iana Mamonova and allied to Western feminism, the other believing strongly in Christian "natural role" doctrines. See Voznesenskaia, Iu., "Женское движение" (The Women's Movement), Единение, 30th April, 1982, p. 3.


24. Ostapenko (op. cit., p. 98) found that of a sample of women farm workers in Kalinin oblast', only 2% of women pursued education after marriage. Similarly, the educational and cultural level of mothers has been found to decline in proportion to the number of children borne by them. Pankrat'eva, N.V., Население и социалистическое воспроизводство (Population and Socialist Reproduction), Moskva, 1977, pp. 22-23, 33.


36. Apart from the obvious political ramifications of pan-Islamism, grounds for concern are: economically, the creation of a low-skill, rural labour surplus in Central Asia; militarily, the increasing number of draft-age Central Asians. Weber, C. and Goodman, A., "The Demographic Policy Debate in the USSR", Population and Development Review 7(2) June 1981, p. 287.
38. Desfosses, op. cit., p. 103.
40. Ibid., p. 107.
43. RFE-RL. 156/82. 7th April, 1982.
44. According to the 1970 Census there were 1.3 million more married women than married men. Perevedentsev, V., "Перепись и прогнозы" (The Census and Forecasts), Литературная газета 27th December, 1978, p. 13.
45. See Zhukovskii, L., "Любовь и демография" (Love and Demography), also in Литературная газета, 4th May, 1977, p. 12.
46. Note Aleshin's denunciation of a letter from Moscow which suggested that marriage registration become less definitive and marriage less "life-long". Op. cit.
47. In 1970, for instance, 72.2% of men were married, as against 58% of women. See Итоги переписи населения 1970 года, vol. 2, p. 13.
48. "There is heated debate in the press as to how many children a family should have. Two or three children are usually recommended." Yearbook USSR 1981, p. 44.
The preponderance of males to females (by 1,000 to 963) in the number of children born in the USSR between 1956 and 1965 may, however, indicate the renewed demographic utility of monogamous marriage for this decade. From Итоги переписи населения 1970 года, vol. 2, p. 13.
I am grateful to Dr John Besemeres for pointing out the exaggerated sex dominated birth statistics for 1960 (Yearbook, p. 44). The latter figures (100 to 87) may testify to an ardent desire to stress the future worth of monogamy.
49. Note Urlanis' view that pregnancy out of wedlock is no reason for abortion. "Избранная революция" (A Wanted Child), Неделя, 1-7 December 1980, pp. 10-11.
APPENDIX I

THE 1926 CODE OF LAWS ON MARRIAGE, THE FAMILY AND GUARDIANSHIP (Kzobso)*: (PARTS I AND II)

Part I -- Marriage and Divorce.

Chapter 1  General Principles

1. 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.
   (Note) A marriage is contracted by registration at a ZAGS office in the manner prescribed by Part IV of the present code**.

2. The registration of a marriage at a ZAGS 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.

3. 2. 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 formalize their relations by registration, stating when so doing the period of their cohabitation.

* Unless otherwise indicated, the articles and provisions here were those first presented to the VTsIK by the Narkomiust in October 1925. Those clauses marked in italics are the amendments and additions accepted by the VTsIK in November 1926. Those provisions which were insisted upon by the Sovnarkom are contained within [ ]. The italicized clauses marked in parentheses are those which were deleted from the original Narkomiust draft, often at Sovnarkom insistence, prior to the introduction of the Code in 1925. Otherwise parenthesized clauses denote those provisions of the 1925 draft which were deleted or rendered obsolete because of other amendments.

Articles 35-36 30-31, 58-59 49-50 and 64-67 55-57 have been omitted from this comparative review due to their marginal importance to the main provisions of the Code.

** See Kurskii, pp.219-223.
Chapter 2 Conditions for the Registration of Marriage

4.4. Needed for the registration of marriage are:
(a) mutual consent to register the marriage;
(b) the attainment 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 (at 16 for women, eighteen for men).
Note. In exceptional circumstances, (according to considerations of economic necessity), the provincial divisions of the ZAGS may lower the marriageable age fixed for women in the present section, but not by more than half a year****.

6.5. Marriage may not be registered:
(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 of the full blood or the half blood.

Chapter 3 Rights and Duties of the Spouses

7.6. On registering a marriage the parties may declare their wish to have a common surname, either of the husband or the wife, or to retain their antenuptial surnames.

8.7. Upon registration of a marriage between a citizen of the RSFSR and a foreign citizen, each retains his or her respective citizenship. A change in citizenship of such persons may be effected in the simplified manner provided for by the Union laws.

9.8. 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 partner to follow.

*** 132. 122. The parties to registration are obliged to show documents verifying the identity and signature of the person and attesting to the absence of the obstacles mentioned in article 6(5) and that they have been informed of their health, particularly with regard to venereal, mental or tubercular diseases...

**** This period was lengthened to one year in 1928, see Schlesinger, p.155.
10. 9. Property which belonged to either husband or wife prior to their marriage remains the separate property of each of them. Property acquired by the spouses during 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 spouse in regard to the use of land and property used in common and forming part of a dower are defined by sec. 66 and 67 of the Land Code.

11. (Note 9) Section 10 of the present code extends also to the property of persons married de facto though not registered, provided such persons recognize their 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 such proof, 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 into consideration such circumstances as the presence or absence of mutual material support, joint raising of children and such like.]

13.10. The spouses may enter into any contractual agreements between each other provided they are lawful. [Agreements between husband and wife intended to restrict the other's property rights 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.]

14.11. When either spouse is [in need] and unable to work he or she is entitled to receive alimony from the other spouse, if the court finds that the latter is able to give support. A husband or wife [in need of support but] able to work is likewise entitled to support during the period of unemployment.

15.12. The right of a spouse [in need] and unable to work to receive alimony from the other spouse continues even after the dissolution of marriage until a change in the conditions which, according to sec. 14 11, served 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 spouse 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. (Note 11) 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 ... (provided that the person obliged to pay alimony does not live in a state of registered marriage).

Chapter 4 Dissolution of Marriage

17.13. A marriage is dissolved by the death of one of the spouses or by a court declaration of his or her death.

18.14. During the lifetime of both spouses the marriage may be dissolved either by the mutual consent of both parties or upon the ex parte application of either of them.

19.15. During the lifetime of both parties, the dissolution of a marriage may be registered at a ZAGS 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 sec. 12.

20. The dissolution of a marriage may also be established by a Court, if the divorce was not registered.

21.16. When registering the dissolution of their marriage the spouses indicate what surname each of them wishes to use. In the absence of agreement, each resumes his or her antenuptial surname.

22.17. 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 spouse unable to work. In the case that the spouses arrive at an understanding on these points, such agreement is recorded in the register of divorces and an extract from the book is handed to both parents; this agreement does not deprive either the former spouses, or the children, of the right subsequently to present, by way of an ordinary lawsuit, a claim for alimony in excess of the sum stipulated in the agreement.

23.18. If the obligations set forth in the agreement have not been carried out, interested parties may apply to the People's Court for a writ of execution in accordance with sec. 210d) of the Civil Procedural Code.

24.19. In the absence of an agreement the question of alimony to be awarded to children is settled by an ordinary lawsuit; the court at the time the 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, 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 spouse [in need] and unable to work must in the absence of an agreement likewise be decided upon by the court upon the institution of an ordinary lawsuit.

Part II -- Mutual Relations between child and parent and between other relatives.

Chapter 1 General Principles

25.20. The mutual rights of parents and children are based on (actual descent) consanguinity. Children whose parents are not married possess the same rights as children born in wedlock.

26.21. The father and mother of a child (are considered those persons entered as such in the register of births) are recorded in the register of births.

27.22. If no record is made of the parents, or if the record is incomplete or incorrect, the parties interested are entitled to prove or disprove parenthood by recourse to the court.

28.23. In order to protect the interests of (the mother) and child, the mother is granted the right, during the period of her pregnancy or after the birth, to file a declaration of paternity with the local ZAGS office according to her place of residence, stating the name, patronymic, surname and residence of the child's father.

29.24. The ZAGS office informs the person alleged to be the father of the filing of such a declaration. If the putative father, within (a year) a month after receiving this notification, does not raise any objection, he is recorded as the father. The person alleged to be the father may within one year after the date of receipt of the notification institute a suit against the mother contesting the veracity of her statement.

30.25. The mother also has the right to institute a paternity suit in court after the birth of the child.

31.26. If the Court is satisfied that the person stated in the declaration is the father of the child, it enters a finding to that effect and imposes on the father the duty of contributing towards the expenses connected with the pregnancy, lying-in, childbirth and maintenance, and also to the expenses of the mother during the period of her pregnancy and for six months after childbirth.
32.27. If, during the trial of the paternity case, the Court determines as a fact that the mother at or about the time of conception had sexual intercourse not only with the person referred to in section 30, but also with other persons, the court enters a decree recognizing one of these persons as the father and imposes on him the duties set forth in section 31 26.

Chapter 2 Rights and Duties (of Children and Parents) of Relatives.

33.28. Parental rights are exercised exclusively in the interests of children, and in the case of their improper execution the court is empowered to deprive the parents of their rights.

34.29. If the parents have a common surname, that surname is also given to the children. If the latter is absent, the surname of the children is determined by parental agreement. In the absence of such agreement the surname of the children is determined 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 marriage the children retain the surname given them at birth.

37.32. Agreement between the parents that their children adhere to any particular religion is of no legal effect. (Until their coming of age children are considered as not belonging to any religious denomination.)

38.33. All steps in regard to children are taken by both parents jointly.

39.34. 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.

40.35. If the parents live separately, they may agree on the question of the residence of their minor children; in the absence of such agreement, this question is settled in the ordinary way by the People's Court.

41.36. Parents are obliged to take care of their minor children, in particular to see to their upbringing and preparation for a socially useful activity.

42.37. Parents are obliged to provide maintenance for their minor children, as well as for needy and incapacitated children.*

* Subsequent additions to art. 42, made in 1928 and 1929, concerning the qualified obligations of stepfather, stepmother and stepchildren, are given in Schlesinger, pp.161-162.
43.38. The protection of both the personal and property rights of children is incumbent upon the parents, who are the representatives of the children in courts and other institutions.

44.39. 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 contrary to court decree; in such cases 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 interests of the children.

45.40. Parents are entitled to entrust their children to others to have them brought up and educated. They are also entitled, with the consent of the children, the right to make contracts of apprenticeship and wage labour in the cases and the manner foreseen by the labour legislation in force at the time.

46.41. In the event of non-fulfilment of their duties by the parents or in the case of improper execution of their rights with respect to their children, or in the case of cruel treatment of the children, the court issues a decree to the effect that the children be taken away from the parents and entrusted to the Office of Guardians and Trustees, and the court is authorised at the same time to decree that both parents contribute to the support of their children.

48.43. The duty to support children rests upon both parents; the extent of their contribution towards this support is calculated in accordance with their respective means.

49.44. Children must support their [needy] incapacitated parents.

50.45. In the event that parents are unwilling to support their children, or children their parents, in cases provided for in sections 42 37 and 49 44, such persons as entitled to support may sue for such support in court.

Note. In case of any change in the material position of parents or children, the court decree may be modified by the usual institution of a lawsuit.

51.46. The deprivation of parental rights does not relieve the parents of the duty to support their children.

52.47. Persons who are jointly liable for support are liable in equal shares, except where the court, in view of the unequal means of the obligated parties or in view of the absence of one of them, or for some other valid 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 duor are determined by the pertinent sections of the Land Code.
54. Needy brothers and sisters, if minors, are entitled to obtain support from their brothers and sisters who possess sufficient means provided the former are unable to obtain support from the parents because the parents are not a party to the action or are impecunious.

55. A needy, incapacitated grandfather or grandmother is entitled to support 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 are entitled to support from their grandfather or grandmother who possess sufficient means, provided they are unable to maintain such alimony from their parents.

56. Children born of members of a 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.

Chapter 3 Adoption.

57.48. Adoption is allowed only in the case of young and [under age] children (under the age of 14), and exists exclusively in the interests of the children.

...  

60.51. At the time of adoption, the adopted child may be given the surname of the adopter and, with the consent of the adoptee, also the adopter's patronymic.

61.52. 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 and trustees.

62.53. Where the adopter is married, adoption can only take place with the consent of the other spouse.

63.54. No children above the age of 10 may be adopted without their consent.

(58. In respect to property rights and obligations arising from the conditions foreseen by art. 66 of the Land Code, priimachestvo is given equal rights with adoption.)

* * * * * * *
"In the RSFSR, ... the proposal to recognize de facto marriage as conferring the same legal rights and obligations as registered marriage won a short-lived victory and was inscribed in the marriage code of November 1926. In the other republics, where peasant influence was dominant, no such recognition was ever accorded." (Carr, p.37n)

1926 -- EUROPEAN RSFSR AND UNION REPUBLICS
Areas where legal recognition of de facto marriage was accorded and date of Acceptance

KEY:
- Accoded
- Not accorded
- Determined by Courts on basis of Precedent
- Accoded for Community of Property only

Sources:
Bilinsky, A. Das Sovjetische Eherecht
Boshko, V. "The Registration of Marriage and Its Importance Under Soviet Law" (1939), in Schlesinger, (ed.) pp.348-357
Godes, A. „Понятие Юридического и фактического брака по действующему законодательству СССР" (The Conception of Legal and De Facto Marriage According to Soviet Law), Советская Юстиция 19-20 (1939) pp.16-20
Lorimer, F. Plate XI, pp.54, 61-62
BIBLIOGRAPHY

I Marriage and Family Legislation
   (i) in Russian
   (ii) in English and German

II Writings and Speeches by Kollontai
   (i) in Russian
   (ii) in English and German

III Writings on or concerning Kollontai
   (i) in Russian
   (ii) in English and German

IV USSR. Official Publications and Newspapers

V General
   (i) in Russian
   (ii) in English and French

I Marriage and Family Legislation
   (i) in Russian


Brandenburgskii, Ia.N., 'Что дала нам дискуссия о браке и семье?' (What Has the Discussion on Marriage and the Family Given Us?), in Пролетарский суд 4-5 (March 1926), pp.5-6.

Brandenburgskii, Ia.N., Семейное, брачное и опекунское право РСФСР (Family, Marriage and Guardianship Law of the RSFSR), Москва, 1927.

Dombrovskii, E.I., 'Усыновление и опека по действующему закону и по проекту Х2oB3o' (Adoption and Guardianship According to the Present Law and the Х2oB3o Project), in Kurskii, op. cit. (see Brandenburgskii), pp. 70-94.

Godes, A., 'Понятие юридического и фактического брака по действующему законодательству СССР' (The Concept of Legal and De Facto Marriage According to Soviet Law), in Советская юстиция 19-20, pp. 16-20.


Orlova, N.V., Брак и семья в международном частном праве (Marriage and the Family in International Private Law), Москва, 1966.


Smidovich, S., 'О новом кодексе законов о браке и семье' (About the New Code on Marriage and the Family), in Коммунистка 1 (January 1926), pp. 45-50.

Smidovich, S., 'Отменить ли регистрацию брака и систему алиментов' (Whether to Change the Registration of Marriage and the System of Alimony), in Новомосковская правда 37 (14 February 1926).

Stel'makhovich, A., 'Алиментные дела' (Alimony Cases), in Пролетарский суд 4-5 (March 1926).


(ii) in English and German


Cox, R.D., 'Marriage and the Family', in Brown, op. cit. (see Bronfenbrenner), pp. 130-137.


Fundamentals of Legislation of the USSR and Union Republics, Moscow, 1974.


Kharchev, A.G., Marriage and Family Relations in the USSR, Moscow, 1965.


II  Writings and Speeches by Kollontai  

(i) in Russian


'Задачи отделов по работе среди женщин' (The Tasks of the Departments for Work Among Women), in Коммунистка 6 (1920), pp. 2-4.

'Семья и коммунизм' (The Family and Communism), in Коммунистка 7 (1920), pp. 16-19.


'Тезисы о коммунистической морали в области брачных отношений' (Theses on Communist Morality in the Sphere of Marital Relations), in Коммунистка 12-13 (1921), pp. 28-34.


'Новая угроза' (A New Threat), in Коммунистка 8-9 (1922).


'Работа женотделов при новых условиях' (The Work of the Women's Departments in the New Conditions), in Правда 13 April 1923.

'Дорогу крвяatum Eros' (Make Way for Winged Eros), in Молодая гвардия 3 (1923), pp. 111-124.


'Брак, женщины и алименты' (Marriage, Women and Alimony), in Экран 5 (1926), pp. 1-3, 4ff.

Избранные статьи и речи (Selected Articles and Speeches), Dazhina, I.M. et al. (eds), Moskva, 1972.

- 'Введение к книге Социальные основы женского вопроса' (Introduction to the Book 'Social Bases of the Woman Question'), (1908), pp. 61-81
- 'Великий борец за права и свободу женщин' (A Great Fighter for the Rights and Freedom of Women), (1918), pp. 113-124.
- 'Доклад о работе среди женщин на VIII съезде РКП(б)' (Report on Work Among Women at the VIII Congress of the RKP[b]), (1919), pp. 268-273.
- 'Профессия и работница' (Trade Unions and the Working Woman), (1921), pp. 319-321.
- 'Оппозиция и партийная масса' (The Opposition and the Party Rank and File), (1927), pp. 364-367.

Из моей жизни и работы (From My Life and Work), Dazhina, I.M. et al. (eds), Moskva, 1974.

(ii) in English and German


III Writings on or concerning Kollontai

(i) in Russian

Arvatov, B., 'Гражданина Ахматова и товарищ Нёллоантай' (Citizen Akhmatova and Comrade Kollontai), in Молодая гвардия 4-5 (1923), pp. 147-151.


Lavrov, E., 'Половой вопрос и молодежь. О некоторых итогах и новых откровениях товарища Нёллоантов' (The Sexual Question and Young People. Some Consequences of the New Discoveries of Comrade Kollontai), in Молодая гвардия 2 (March 1926), pp. 136-148.

Lelevich, G., 'Анна Ахматова' (Anna Akhmatova), in НА посту 2-3 (September-October 1923), pp. 177-202.


Smidovich, S., 'Наши задачи в области перестроек мышления' (Our Tasks in the Reconstruction of Everyday Life), in Коммунистка 10-11 (October-November 1926), pp. 18-21.


Zalkind, A., 'Половая жизнь и современная молодежь' (Sexual Life and Modern Youth), in Молодая гвардия 6 (1926), pp. 238-249.

(ii) in English and French


Farnsworth, B.B., 'Bolshevism, the Woman Question and Alexandra Kollontai', in American Historical Review 81 (2) April 1976.
'Kollontai in Russia Fights for her Sex: First Woman Commissar Heckles Government till she Gets Action'.
21 November, 1921.
'Soviet Names Woman for Diplomat'. 28 Septwember, 1922.

IV USSR. Official Publications and Newspapers

Институт марксизма-ленинизма при ЦНК НПСС (Institute of Marxism-Leninism at the CC of the CPSU),
История коммунистической партии советского союза (History of the Communist Party of the Soviet Union) vol. 4 (1)
Известия (Izvest'ia).
2 January 1926. 9 January 1926. 31 January 1926.
20 February 1926.
Коммунистическая партия советского союза (Communist Party of the Soviet Union),
XI съезд РКП(б). Стенографический отчет. (Eleventh Congress of the RKPP(b). Stenographic Record.) (March-April 1922),
Коммунистическая партия советского союза (Communist Party of the Soviet Union),
Правда (Pravda).
17 January 1922. 25 February 1923.
Р.С.Ф.С.Р. (R.S.F.S.R.),
Всероссийский центральный исполнительный комитет. Стенографический отчет XII созыва, II и III сессий. (All-Russian Central Executive Committee. Stenographic Record of the Twelfth Convocation, Second and Third Sessions.)
Москва, 1925-1926.
(cont'd)
17 October 1925, pp. 222-256; 19 October 1925, pp. 257-313;
24 October 1925, p. 607.
15 November 1926, pp. 554-645; 16 November 1926, pp. 646-704;
19 November 1926, pp. 862-867.

Центральное статистическое управление (Central Statistical
Office),
Итоги всесоюзной переписи населения 1970 года (Results of
the All-Union Population Census for 1970) volumes 2 and 7,
Moskva, 1972.

V General

(i) in Russian

Aleshin, S., 'Образцовый развод' (Model Divorce), in

Azarov, Iu., 'Наше, единственных детей' (A Class of Only

Baranskaia, N., 'Неделя как неделя' (A Week Like Any Other),
in Новый мир, November 1969, pp. 23-56.

Bednyi, D., 'Серьезно и ... ненадолго или советская женитьба' (Seriously and ...
not for long or Soviet Marriage), in Собрание сочинений (Collected Works) volume 5 (1923-1925),

Bochkareva, E. and Liubimova, S., Святый путь (A Bright Path),
Moskva, 1967.

Chernyshevskii, N.G., Что делать? (What Is to be Done?).
Introduced by Riurikov, B. Moskva, 1954.

Chirkov, P.M., Решение женского вопроса в СССР 1917-1937 гг.
(The Resolution of the Woman Question in the USSR 1917-1937),

Kharchev, A.G., 'О путях дальнейшего укрепления семьи в СССР'
(On Ways of Further Strengthening the Family in the USSR),

Krupskaiia, N., 'Война и деторождение' (War and Childbirth),

Kurskaia, A.S., Пережитки (Experiences), Moskva, 1965.

Ostapenko, I., 'Влияние новой производственной роли женщины
на ее положение в семье' (The Influence of Woman's New

Pankrat'eva, N.V., Население и социалистическое воспроизводство

Perevedentsiev, V., 'Перепись и предсказания (The Census and

Samoilova, K.N., Организационные задачи отделов работниц
(Organizational Tasks of the Women’s Departments),
Moskva, 1920.

Strumilin, S., 'Рабочий быт и коммунизм' (The Workers’ Way of
Life and Communism), in Новый мир 7 (1960), pp. 203-221.

Suvorov, K.I., Исторический опыт партии по ликвидации
безработицы: 1917-1930 (The Historical Experience of the
Party in Liquidating Unemployment: 1917-1930),
Moskva, 1968.

Urlanis, B.Ts., История одного поколения (социально-
демографический очерк) (The History of One Generation - A
Social and Demographic Essay), Moskva, 1968.

Voznesenskaja, Iu., 'Женское движение' (The Women's Movement),
in Единение 30 April 1982, pp. 3-4.

Zhukovitskij, E., 'Любовь и демография' (Love and Demography),
in Литературная газета 4 May 1977, p. 12.

(ii) in English and French


Atkinson, D., 'Society and Sexes in the Russian Past', in Atkinson et al., op. cit. (see Farnsworth), pp. 3-38.


Glickman, R.I., 'The Russian Factory Woman, 1890-1914', in Atkinson et al., op. cit. (see Farnsworth), pp. 63-84.


Guettel, C., Marxism and Feminism, Toronto 1974.

Halle, F., Woman in Soviet Russia, London 1933.


Juvalier, P.H., 'Women and Sex in Soviet Law', in Atkinson et al., op. cit. (see Farnsworth), pp. 243-266.


Lenin, V.I., Selected Works 3, Moscow 1975.


Lewin, M., 'La Paysannerie vers la Fin de la Nep' (The Peasantry Around the End of the NEP', in Cahiers du Monde Russe et Soviétique 6 (1) January-March 1965, pp. 5-32.


Sacks, M.P., 'Women in the Industrial Labour Force', in Atkinson et al., op.cit.(see Farnsworth), pp. 189-204.


Stites, R., 'M.L.Mikhailov and the Emergence of the Woman Question in Russia', in Canadian Slavic Studies, 3 (2) 1969, pp. 178-199.


