

Utopian Visions of Family Life in the Stalin-Era Soviet Union

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SOVIET socialism shared with its utopian socialist predecessors a critique of the conventional family and its household economy.¹ Marx and Engels asserted that women's emancipation would follow the abolition of private property, allowing the family to be a union of individuals within which relations between the sexes would be "a purely private affair."² Building on this legacy, Lenin imagined a future when unpaid housework and child care would be replaced by communal dining rooms, nurseries, kindergartens, and other industries. The issue was so central to the revolutionary program that the Bolsheviks published decrees establishing civil marriage and divorce soon after the October Revolution, in December 1917. These first steps were intended to replace Russia's family laws with a new legal framework that would encourage more egalitarian sexual and social relations. A complete Code on Marriage, the Family, and Guardianship was ratified by the Central Executive Committee a year later, in October 1918.³ The code established a radical new doctrine based on individual rights and gender equality, but it also preserved marriage registration, alimony, child support, and other transitional provisions thought to be unnecessary after the triumph of socialism. Soviet debates about the relative merits of unfettered sexuality and the protection of women and children thus resonated with long-standing tensions in the history of socialism.

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¹While Charles Fourier's rejection of the family as the basic unit of social life makes him the most prominent example, other French utopias imagined increasing women's social status by rescuing them from the patriarchal family. Frank Edward Manuel and Fritzie Prigohzy Manuel, *French Utopias: An Anthology of Ideal Societies* (New York: Free Press, 1966), 12–13.

²Friedrich Engels, "From Principles of Communism," in *Communist Morality*, ed. V. A. Liubisheva, R. Lavrov, and N. V. Bychkova (Moscow: Progress Publishers, 1962), 23. For an analysis of the relationship between Marxism and the women's movement, see Richard Stites, *The Women's Liberation Movement in Russia: Feminism, Nihilism, and Bolshevism, 1860–1930* (Princeton, NJ: Princeton University Press, 1978), 233–77.

³*Pervyi kodeks zakonov ob aktakh grazhdanskogo sostoianii, brachnom, semeinom i opekunskom prave* (Moscow, 1918). For more on the development of the 1918 Family Code, see Wendy Z. Goldman, *Women, the State, and Revolution: Soviet Family Policy and Social Life, 1917–1936*, Cambridge Russian, Soviet, and Post-Soviet Studies (New York: Cambridge University Press, 1993), 48–58.

By locating Soviet family life in the context of utopian notions about the liberation of sex from the household economy, this essay will explore Stalin-era family policy as the continuation of a radical revolutionary tradition. Following Nicholas Timasheff, many scholars have understood the Stalin years as a conservative “retreat” that drove utopian ideas about sexual equality out of official discourse, sometimes asserting sexual repression as a hallmark of totalitarianism.⁴ In her groundbreaking study of early Soviet family policy, Wendy Goldman has used the language of retreat to explain that the family was resurrected as a solution to child homelessness (*bezprizornost'*) “because it was the one institution that could feed, clothe, and socialize a child at almost no cost to the state.”⁵ The historical narrative of Stalinism as a retreat effectively addresses the possible alternative outcomes of the Bolshevik Revolution, but its assertion of discontinuity overshadows the aspects of Soviet life in the Stalin-era that appeared to fulfill the promises of 1917. As Stephen Kotkin has argued, “Stalinism, far from being a partial retreat, let alone a throwback to the Russian past, remained forward-looking and progressive throughout.”⁶ This essay will focus on progressive family policies enacted under Stalin’s leadership that were explicit in their promotion of equality. By examining the rigorous public debates that these policies prompted about legitimate and illegitimate sex, this essay contributes a fuller appreciation of the complexity of sexual politics in the period from Lenin’s death in 1924 until Stalin’s death in 1953.

Soviet leaders in the Stalin-era sought to transform sexual and social relations radically by legal means, leading some citizens to object that the promotion of equality had gone too far. This protest frequently came in the form of letters expressing particular outrage over the laws on alimony. These letters employed the language of rights to assert differential moral and legal entitlements, evidence of popular participation in Stalinist legal culture.⁷ Letter writers protested equal rights for all women and mothers to argue in favor of the restoration of the distinction between legitimate families based on registered marriages and illegitimate families based on biological relation. Letters about alimony expressed frustration that Soviet law did not reflect the popular conviction that some families were more valuable—and therefore more worthy of official concern and financial

⁴Nicholas S. Timasheff, *The Great Retreat: The Growth and Decline of Communism in Russia* (New York: E. P. Dutton & Company, Inc., 1946). Igor Kon has argued that, “Repressive sexophobia was an integral part of maintaining totalitarian control over individuality.” Igor Semenovich Kon, *The Sexual Revolution in Russia: From the Age of the Czars to Today* (New York: The Free Press, 1995), 1.

⁵Goldman, *Women, the State, and Revolution*, 100.

⁶Stephen Kotkin, *Magnetic Mountain: Stalinism as a Civilization* (Berkeley, CA: University of California Press, 1995), 6.

⁷For a discussion of legal culture and the ways in which the Russian state’s differential assignment of rights and duties “created conditions for including even lowly subjects in the basic practices of governance,” see Jane Burbank, “An Imperial Rights Regime: Law and Citizenship in the Russian Empire,” *Kritika: Explorations in Russian and Eurasian History* 7, no. 3 (2006): 400.

support—than others. In evaluating letters from ordinary citizens to public figures in the 1930s, Sheila Fitzpatrick has written that “public” letter writing “was essentially a form of individual, private communication with the authorities on topics both private and public.” Situating these letters in a long Russian tradition dating back to petitions sent to the Tsar, Fitzpatrick has argued that “for all the qualifications that have to be attached to the term ‘public’ in this context, the writing and reading of these letters to the authorities is as close to a public sphere as one is likely to get during the Stalin period.”⁸ In writing letters of protest to Soviet authorities, Soviet citizens invited state involvement in family life, blurring the boundary between the personal and the political at the same time that they reaffirmed the boundaries of legitimacy, respectability, and propriety. Their opposition to the laws on alimony in particular exposed a rift between official Soviet discourse and unofficial family values, which (to borrow George Orwell’s famous formulation) asserted that some families were more equal than others.

Alimony in Soviet Law and Society

The original Soviet Family Code of 1918 constituted a compromise between utopian ideals and pragmatic considerations. With this law, the Bolsheviks established civil marriage, simplified divorce, and abolished the concept of illegitimate children in the name of the liberation of women and the dissolution of bourgeois family life.⁹ It also established the right of a spouse in need to be maintained by the other spouse in the case of divorce. The jurists who drafted this transitional code were mindful of the changes they imagined were yet to come, carefully crafting the language used to describe children born out of wedlock, for example, as “children of parents who are not in a registered marriage” instead of children born “outside marriage,” in order to retain the possibility of free, unregistered unions.¹⁰ Later, this careful phrasing paved the way for the right of a spouse to collect maintenance from the other spouse and was extended even to those who did not register their unions, provided that they were judged to live in a “factual marriage” based on evidence of cohabitation.¹¹ This was by far the most controversial clause in the 1926 code, a draft of which was circulated and discussed by high-ranking party members in special meetings of the Central

⁸Sheila Fitzpatrick, “Supplicants and Citizens: Public Letter-Writing in Soviet Russia in the 1930s,” *Slavic Review* 55, no. 1 (1996): 80.

⁹The Family Code of 1918 defined “need” as not possessing the minimum necessary for subsistence and/or the inability to work, to be determined in court. “From the Code of Laws concerning the Civil Registration of Deaths, Births, and Marriages, of Oct. 17, 1918,” in *Changing Attitudes in Soviet Russia: The Family in the U.S.S.R.*, ed. Rudolf Schlesinger (London: Routledge & Paul, 1949), 36.

¹⁰Goldman, *Women, the State, and Revolution*, 54–55.

¹¹The phrase “factual marriage” (*fakticheskii brak*) was used interchangeably with “unregistered marriage” to describe as marriages unions that were not registered. See, for example, Gosudarstvennyi arkiv Rossiiskoi Federatsii (hereafter GARF) f. 9492, o. 1, d. 404, l. 54.

Executive Committee beginning in the autumn of 1925. The transcript of the debates concerning the draft of the new code reveals the logic of the law, as well as the issues that vexed participating party members.¹²

On October 17, 1925, People's Commissar of Justice D. I. Kursky opened the discussion of the draft by addressing the reasons for replacing the 1918 code, which granted recognition only to civil marriage in order to deprive church marriage of any significance. Much had changed from 1918 to 1925, he argued: civil marriage had already successfully superseded church marriage, according to data from the Moscow Registrar's office showing that one-third of marriages involved a church service and two-thirds were "purely civil, non-church, Soviet marriages." Restricting the definition of marriage to registered unions was necessary in 1918 to counterbalance the church, he argued, but "even at that time the criticism was voiced that by such limitations de facto marriages would be deprived of absolutely all rights." Since church marriages no longer posed a threat to registered civil marriage, the time had come for "registered and non-registered marriages [to] become equal in their material consequences," Kursky explained. The one respect in which de facto unions were recognized by the Soviet state under the 1918 code was in connection with children, since children's rights were based on the fact of parenthood and therefore safeguarded regardless of whether the marriage was registered. "But the wife in a de facto marriage enjoyed no rights," he argued. Although the unregistered spouse could theoretically be male or female, Kursky and other speakers made clear that this draft sought to protect vulnerable women from economic hardship.¹³

In response to Kursky's opening remarks, several party members voiced serious concerns about the draft and some explicitly argued that it needed to be changed. One participant worried that the draft would not do enough to discourage divorce, considering that "a great deal of the present neglect of children [*detskoy bezprizornosti*] must be attributed to the disintegration of the family." Another delegate emphasized the importance of encouraging the husband to stay faithful to his wife, even when "she no longer pleases him," since "the husband must pay more attention to the reeducation of the wife." To downplay the frequency of divorce, Kursky asserted that the majority of divorces dissolved a first marriage, and "this proves that we are not faced with endless series of divorces. The age of the majority of persons divorcing each other lies between twenty and twenty-four ... This shows that these people divorce in order to achieve a new and stable marriage." (In response to these statistics, one delegate shouted ironically from the floor, "Yes, general stability, quite normal and not in the least

¹²Further analysis of the draft can be found in Goldman, *Women, the State, and Revolution*, 214–53.

¹³"Discussion of the Draft of the Code in the Second Session of the Central Executive Committee of the RSFSR," October 25, 1925, through November 15, 1926, in *Changing Attitudes in Soviet Russia*, ed. Schlesinger, 81–91.

alarming.”) But the most frequent criticism of the draft by far concerned what participants felt would be an unfair burden on family members of individuals forced to pay alimony to unregistered spouses. Despite Kursky’s assurances that families, households, and collective farm communities would not bear responsibility for the alimony payments owed by one of their members, he was unable to propose any measure to prevent this side effect of economic codependence.¹⁴

This challenge to the draft code focused on an argument against providing for the unemployed, unregistered spouse. “If we accept the project as it stands,” one delegate argued, “a number of dandies and spongers are bound to make it their reason for choosing the most well-off working girls ... The women dandies will do the same.” He imagined the same thing happening among workers: “for example, there are ladies suffering from a weak heart or migraine who set off in pursuit of men from the rank of bus conductor to that of sanitary inspector inclusive—as long as he earns 160 or 140 rubles—and all the rest are out of the running (*laughter*).” The laughter from the floor suggests that the audience recognized this scenario as plausible and familiar, though exaggerated for effect. “Since he is unsuitable—a drainage man is obviously not suitable for a lady afflicted with migraine—then she divorces him and the fellow is obliged to pay her, seeing that she is ill, some twenty or thirty rubles a month because she is ‘needy’ (*laughter*), and how are you to prove that she is not ‘needy’? (*laughter*).” The delegate concluded by demanding that the law be revised and “the spongers will have to be burnt out, and burnt out with a red-hot iron. We must make certain that dandies of this kind or the type of woman-chaser cannot exploit our law to live at other people’s expense. (*Female voices from the public: ‘They’ll exploit it whatever happens!’*)”¹⁵

Reacting to the laughter on the floor, a female party member admonished those in attendance for their lightheartedness. “I have noticed that some comrades are laughing and giggling,” she announced. “But during this session this question [of divorce] will have to be discussed in common and seriously.” She argued that women were worse off than men after divorce, because a husband “will find another woman to live with,” but a wife will have to raise her children in poverty. For her, the draft under discussion was only part of the solution to this problem, which could only really be resolved with the proliferation and improvement of children’s homes. She asked the men in attendance to “be the first to give the women a hand, to teach them, show them the way about which Vladimir Ilyich [Lenin] used to tell us. You must not forget that Vladimir Ilyich was the first to sound the battle cry on behalf of the oppressed women. His road should be followed.” Short of that, she implored, “there should not be laughing at women. To us this is very insulting.” Ultimately, she focused the blame for

¹⁴Ibid., 98, 101–08, 13, 51.

¹⁵Ibid., 88, 95–96.

divorce and infidelity on men, saying that men may be able to “take two wives,” but “we peasant women, we have no time for that.”¹⁶ Her contribution ultimately echoed Kursky’s defense of the new draft code on the basis that it did a better job of protecting the rights of women, especially those women in unregistered unions who were most vulnerable after divorce.

As a consequence of these bitter disagreements, the continuation of the discussion and the decision on the draft were postponed until a year later. At this 1926 debate, Kursky argued for the protection of women in unregistered unions, a population that seemed to have very few defenders. “The suggestion that women exploit alimony, that there are—to repeat the phrase used here—‘alimony women,’ is a mistaken one,” Kursky argued. “It is an overstatement of isolated cases which themselves are usually exaggerated,” he said, citing the fact that the law limited alimony to a fixed period (six months in the case of unemployment) and that the child was already entitled to maintenance by both his or her parents. “This means that the mother, too, has to bear a certain proportion of the alimony,” Kursky maintained, overstating his point by insisting that “complete equality exists here.” Nevertheless, the Code of Laws on Marriage and Divorce, the Family, and Guardianship finally passed by decree of the All-Russian Central Executive Committee on November 19, 1926. This code established for couples in de facto marriages the same rights and duties as those whose marriage was made official at the registry office, especially the right of alimony for unregistered spouses after the dissolution of the union.¹⁷

While the language of the law was phrased in such a way that either spouse could sue for alimony, lawmakers explicitly stated that it was written for the protection of women. When asked whether alimony could be claimed only by women, Kursky replied, “Article 11 is concerned with the rights of men also, since by ‘spouse’ it is meant either husband or wife; but the article is primarily intended to safeguard the women. And it is right that this should be so.”¹⁸ The combination of gender-neutral language in the law and the expressed intention to protect women reveals the tensions surrounding the issue of women’s equality in the early Soviet period. As Elizabeth Wood has argued, much of the language of the early Soviet decrees was deliberately gender neutral. “The primary thrust of the new legislation was thus to neutralize gender differences, specifying such differences only where biology seemed to intervene (particularly in questions relating to maternity, protective legislation in the workplace, and minimum marriage age, which was set at sixteen for girls and eighteen for boys) or where special

¹⁶ *Ibid.*, 99–100.

¹⁷ A. N. Iodkovskii and A. K. Rodnianskii, *Kodeks zakonov o brake, sem’e, i opeke* (Moscow: Sovetskoe Zakonodatel’stvo, 1931).

¹⁸ “Discussion of the Draft of the Code in the Second Session of the Central Executive Committee of the RSFSR,” October 25, 1925, through November 15, 1926, in *Changing Attitudes in Soviet Russia*, ed. Schlesinger, 88, 95–96.

emphasis had to be placed in order to overthrow centuries of cultural practice.”¹⁹ Sensitive to immediate problems and future solutions, the architects of the 1926 code sought to protect women without acknowledging gender-specific needs that would enshrine in law the historic inequality of women that socialism would render obsolete. The 1926 code was notable for being the last major Soviet law introduced in order to protect *women* as a distinct population; from that point forward, Soviet family law focused its energies on the protection of families.

The prioritization of the family in Soviet law developed in tandem with what Peter Solomon has called the return to “traditional legal order,” which occurred at the same time that Stalin began to make extensive use of the weapon of extra-legal terror against enemies.²⁰ On February 2, 1935, the Central Committee announced Stalin’s initiative to revise and “correct” the 1924 constitution, but by July of that year a decision was made to produce an entirely new document. As Robert Sharlet has argued, “One of the paradoxes of Soviet history is that a major movement to revive legality occurred at the very height of the great purges of the thirties.”²¹ So at the same time that millions of citizens were accused, tried, sentenced, and in some cases executed by extralegal means, the Soviet government expressed a renewed commitment to the law and legality as a permanent feature of the socialist state. Throughout the summer and into the fall of 1936, Soviet newspapers published a constant stream of editorials, reports, and suggestions from Soviet citizens to the draft constitution. Responses to Article 122, which explicitly addressed the rights of women, provide a window into popular understandings of the role of women and the family in Soviet life. Citizens debated the very existence of this article, questioning whether women should be accorded special protection under the constitution (like children), or whether they (like men) should be accorded the rights and duties of all citizens.²² Thus, the renewal of the rule of law coincided with a shift from the state protection of women to that of children and families that required the reinstatement of the family as a politically correct social, economic, and political network of dependency that could be relied on as an agent of survival, stability, and prosperity. Furthermore, the public debate around the 1936 constitution, much of which took the form of letters to the editors of newspapers,

¹⁹Elizabeth A. Wood, *The Baba and the Comrade: Gender and Politics in Revolutionary Russia* (Bloomington, IN: Indiana University Press, 1997), 51.

²⁰Peter H. Solomon, *Soviet Criminal Justice under Stalin* (New York: Cambridge University Press, 1996), 153.

²¹Robert Sharlet, “Stalinism and Soviet Legal Culture,” in *Stalinism: Essays in Historical Interpretation*, ed. Robert C. Tucker (New York: Norton, 1977), 155.

²²See, for example, GARF f. 3316, op. 40, d. 15, ll. 54, 105, 141; d. 18, ll. 120, 122, 123; op. 41, d. 40, l. 21; d. 41, l. 3. In the end, the article describing women’s unique protection *as women* was retained in the final draft of the constitution. Aryeh L. Unger, *Constitutional Development in the U.S.S.R.: A Guide to the Soviet Constitutions* (London: Methuen, 1981), 155–56.

demonstrated real and meaningful public engagement with Soviet law as a form of civic duty.

Then, on May 26, 1936, the draft of a new family law appeared on the front page of *Pravda* with an appeal to begin a public discussion of the proposal in the press and in factory and collective farm meetings. Two days later, another article in *Pravda* identified the law's lineage with "the great Utopians, More, Saint-Simon, Fourier, Cabet," whose critique of capitalism included attention to the plight of working-class children. "This love of children and this joy of parenthood have been given to men by the Soviet reality. Not on an imaginary isle of Utopia, but in this real and great country of ours the working people have found the bliss of being free and living a full life." To reconcile this new emphasis on the permanence of the family with earlier ideas that the family might wither away under communism, the article continued by blaming class enemies for the theory. "More than once the enemies of the people suggested to us the foul and poisonous idea of liquidating the family and disrupting marriage. The bourgeoisie has tried to use it as a weapon in the struggle against socialist progress." Citing "slander" about the "nationalization of women," the article sought to reassure the reader about the historical consistency of this official position. "The bourgeois for whom his own family is but a thin veneer covering prostitution and sexual debauchery, naturally thought that everyone would fall for his lie about 'free love' in the country where the exploitation of man by man has been abolished and women have been liberated. But he failed." On the contrary, the *Pravda* article concluded that such a profound transformation had already taken place in the Soviet family that "there is no doubt that the free woman of our time values and loves her family differently."²³

According to the introduction to the 1936 decree, the new law constituted a response "to numerous statements made by toiling women," a reference to the popular discussion of a draft of the decree that took place in newspapers across the Soviet Union. While some letters to the editors of newspapers were critical of the proposed law, many more articulated approval of the law strengthening the family. Letters discussing the draft law's section on enforcing alimony payments elicited particular approval. As Janet Evans has argued, "Women appeared to feel exploited by the advent of the 'new morality' in the 1920s," caught off guard by the sudden changes in sexual behavior, in attitudes toward marriage and divorce, and in the devaluing of motherhood that came with the expectation

²³"Proekt postanovleniia TsIK i SNK Soiuza SSSR o zapreshchenii abortov, uvelichenii material'noi pomoshchi rozhentisam, ustanovlenii gosudarstvennoi pomoshchi mnogosemeinym, rasshirenii seti rodil'nykh domov, detskikh iaslei, detskikh sadov, usilenii ugovolnogo nakazaniia za neplatezh alimentov i o nekotorykh izmeniakh v zakonodatel'stve o razvodakh," *Pravda*, May 26, 1936. See also *Pravda*, May 28, 1936, in *Changing Attitudes in Soviet Russia*, ed. Schlesinger, 252–4. The "nationalization of women" idea was widespread enough to be reported as fact in the *New York Times*. See R. E. Simmons, "Bolshevism Bared," *New York Times*, February 18, 1919.

that women's work outside the home was synonymous with independence.²⁴ While most letters printed in newspapers during the discussion supported the draft law, the voices of opposition were significant. "It was no coincidence that the Soviet government guaranteed parental responsibility at the same moment that it outlawed abortion," David Hoffmann has argued in his analysis of Stalinist pronatalism. "They therefore sought to buttress the family as a positive incentive for women to have more children, at the same time that they instituted coercive measures to prevent abortions." After a limited, temporary increase in the number of births, in 1938 the birthrate began to decline again and did not rise to pre-industrialization levels, calling into question the effectiveness of the decree as a pronatalist measure.²⁵

One month later, on June 27, 1936, the new law was passed by decision of the Central Executive Committee and the Council of People's Commissars of the U.S.S.R. The law enacted on June 27 differed from the original draft only in that the maximum amount of alimony that could be claimed was reduced, and the amount invested in institutions for the care of mothers and children was increased. There was no change in the most prominent clause of this decree that criminalized the acts of providing and receiving an abortion, which had been legal since November 18, 1920. All of the measures included in this 1936 decree were united in their alleged necessity of ensuring the protection of mothers and children: abortion was abolished "in view of the proven harm of abortions" to women; material aid by the state was provided to women in childbirth and to those with large families "in order to improve the material position of mothers"; the network of maternity homes was extended "in order to extend medical service to women in childbirth in rural localities"; the network of nurseries and kindergartens was expanded to help mothers care for children; and penalties for the nonpayment of alimony and the legislation of divorce were altered "with the aim of combating light-minded attitudes toward the family and family obligations."²⁶

While the 1936 decree has been widely seen as a turning point in the historical narrative of Stalinist retreat from Leninist ideals, attention to its treatment of alimony establishes striking continuity with previous Soviet family policy, demonstrating ways in which it constituted an amplification rather than a betrayal of the

²⁴Janet Evans, "The Communist Party of the Soviet Union and the Women's Question: The Case of the 1936 Decree 'In Defense of Mother and Child,'" *Journal of Contemporary History* 16, no. 4 (1981): 263–65.

²⁵David L. Hoffmann, "Mothers in the Motherland: Stalinist Pronatalism in Its Pan-European Context," *Journal of Social History* 34, no. 1 (2000): 45–47.

²⁶"Decree on the Prohibition of Abortions, the Improvement of Material Aid to Women in Childbirth, the Establishment of State Assistance to Parents of Large Families, and the Extension of the Network of Lying in Homes, Crèches, and Kindergartens, the Tightening-up of Criminal Punishment for the Non-Payment of Alimony, and on Certain Modifications in Divorce Legislation, (Decision of the C.E.C. and the Council of People's Commissars of the U.S.S.R.)," in *Changing Attitudes in Soviet Russia*, ed. Schlesinger, 271–78.

1918 and 1926 codes. The 1936 decree introduced standardized percentages of the defendant's salary that should be collected in alimony suits: one-fourth of the wages of the defendant for the maintenance of one child; one-third of the wages of the defendant for two children; and one-half of the wages of the defendant for three or more children.²⁷ Furthermore, the decree raised the penalty to two years' imprisonment for nonpayment of sums awarded by a court for the maintenance of children, with the search for persons refusing to pay alimony to be made at their expense.²⁸ Soviet alimony law up to and including the decree of 1936 opened up the definition of "marriage" to include more casual cohabiting lovers, and provided fixed amounts of alimony that could be demanded by one of these lovers from the other for the support of any children who resulted from this union. In this light, the 1936 decree can be seen as a continuation of the campaign against male irresponsibility that was at least a decade old.

Factual marriages were by nature unregistered, making them difficult to quantify and compare in relation to the total number of registered marriages in the Soviet Union. According to a survey administered by the Central Pediatric Institute of the People's Commissar of Health of the Russian Soviet Federative Socialist Republic (RSFSR), the percentage of factual marriages increased between their survey of 5,066 mothers in 1932 and their survey of 7,200 mothers in 1937. In a 1941 memo addressed to the Chief Administrator of Judicial Organs of the People's Commissar of Justice of The U.S.S.R., the Institute Director revealed that 14.4 percent of mothers surveyed reported to live in factual marriages in 1932, compared to 17.7 percent in 1937. In both years, the remainder of mothers surveyed (comprising 85.6 percent and 82.3 percent of the respective survey pools) were counted as living in registered marriages. The memo went on to describe that an average of 4.1 percent of all births were children born to mothers living outside registered marriage in 1932, compared to 3.5 percent in 1937. These figures were consistent with the information provided by city registry (ZAGS) offices, suggesting that 3 to 4 percent of children in the 1930s were born to parents whose marriage was unregistered. Of the 45,998 children whose births were registered in the city of Moscow in 1938, for example, an average of 3.3 percent (1,518 births) were registered without the father, indicating the absence of a registered marriage. The report concluded that "the percent of births outside marriage, 3.5 percent, corresponds to the number of children whose birth is registered without the father, 3.3 percent." Moscow city registry offices were consistent in reporting that 3 to 4 percent of births were registered without the father, a strong indication that this was also the proportion of factual marriages.²⁹

²⁷Section 8, "On Severer Penalties for the Non-Payment of Alimony and Alterations in the Legislation on Divorce," Article 29. The following statute stipulates that "Payments to collective farm women should to be made in labor-days on the same basis." *Ibid.*, 278.

²⁸See Statute 31, *ibid.*, 279.

²⁹GARF f. 9492, op. 1, d. 404, l. 54.

However fragmentary, the data suggest that there was a critical mass of people living in factual marital relations, people whom the Soviet government accorded protection under the law and who could therefore make legitimate alimony claims. The nature of these claims, however, was further complicated by the considerable slippage in use of the term alimony (*alimenty*), which was used to refer to both child support and spousal support. One consistent complaint about Soviet alimony policy was the insinuation that alimony payments were squandered on the upkeep of unemployed single mothers rather than their children, and that efforts to prevent this abuse were insufficient. The number of citizens in unregistered unions who were eligible for alimony but who did not take advantage of the new laws most likely outnumbered even legitimate alimony claims after the dissolution of unregistered unions. Nevertheless, the notion that women whose marriages were unregistered preyed on registered families for livelihood in the form of alimony payments loomed large in the popular imagination.

Popular Opposition to Soviet Alimony Law

In June 1940, the Soviet women's magazine *Rabotnitsa* (*The Woman Worker*) published an article entitled "Legal Consultation (Alimony)" by Maria Grechukha, the Head of the People's Court Department of the Commissariat of Justice of the U.S.S.R. Grechukha's article was printed in the back of the magazine, an area routinely filled with recipes, dress patterns, and advice columns. It appeared directly below an article on menopause written by a professor from the Commissariat of Health, suggesting that both menopause and alimony were facts of women's lives that required demystification by experts. The article began by citing the June 1936 decree, which "clearly emphasizes what enormous care and love surrounds mothers and children in our country." Based on this decree, Grechukha argued that the task of the Soviet court, "careful to protect the rights of mothers and children, is to lead the struggle against light-minded attitudes toward family and family responsibilities, and to struggle against remnants of capitalism in questions of morality." The article enumerated the improvements in the way that alimony cases were handled (including taking measures to establish the residence and place of employment of the defendant, and declaring a search by the militia when necessary), but the main purpose of her advice was to acquaint readers with the legal process involved in an alimony suit. As justification for this explanation, Grechukha noted that the editors of *Rabotnitsa* published her article in response to letters from readers asking for assistance in understanding the complicated processes surrounding the claim and receipt of alimony payments under Soviet law.³⁰

³⁰Maria Grechukha, "Iuridicheskaia konsul'tatsiia (Alimenty)" ["Legal Consultation (Alimony)"], *Rabotnitsa*, June 1940.

According to Grechukha's article, every mother had the right to submit an application to her local ZAGS office naming the father of her child either during the pregnancy or after the birth. The mother's application to establish paternity required the name, patronymic, surname, and residence of the father of the child, and after the birth the mother had the right to sue the father of her child for alimony. If the court awarded alimony, one-quarter of the defendant's wages was required for one child, one-third of his wages was required for two children, and one-half of his wages was required for three or more children. Furthermore, Grechukha explained, when children could not receive means from the father (for example, if he died or disappeared) and the mother had no sufficient means to support them, minor children had the right to receive maintenance from financially secure grandparents or older brothers or sisters. Grechukha concluded her "consultation" by imploring the active readers of *Rabotnitsa* to acquaint other women with the rules governing alimony, the submission of alimony claims, and Soviet laws on alimony, since citizens' understanding of the alimony laws facilitated the work of the people's courts.³¹ Grechukha's article testified to the Soviet state's interest in allying itself with women in general and mothers in particular, publicizing attempts to identify, prioritize, and satisfy women's needs. In this way, the Soviet state positioned itself as the third-party arbiter that would oversee the transfer of funds from family to family rather than being the source of single mothers' financial support.

In response to Grechukha's article on alimony, readers sent letters to the editors of *Rabotnitsa* offering their own opinions on Soviet alimony law, and the editors forwarded these letters to the Commissariat of Justice. The note that accompanied the forwarded letters simply stated that the editors of *Rabotnitsa* enclosed collective and individual letters received from women-workers regarding amendments and additions to the alimony law.³² The editors continued to forward bundles of letters throughout the following year, as letters from readers continued to arrive.³³ In stark contrast to the letters published in *Rabotnitsa*, the unpublished letters found in the archives were unanimously critical of the opinions expressed in the pages of the magazine, which were a reiteration of official Soviet policy. And unlike published letters, there is no reason to suspect the authenticity or authorship of these unpublished letters, since they were made available only to the editors to whom they were addressed and to bureaucrats within the Commissariat of Justice. Official published discourse certainly adhered closely to state policy, bowing to the demands of political convention, but archives

³¹ Births, deaths, marriages, and divorces were registered in the official record at any organ of the *Zapis' aktov grazhdanskogo sostoiianiia* (ZAGS). Ibid.

³² GARF f. 9492, op. 1, d. 399, l. 63.

³³ See, for example, GARF f. 9492, op. 1, d. 399, l. 87 and l. 113.

reveal rich unpublished sources that illustrate the variety of political opinions espoused by Soviet citizens.

Like its sister periodical, *Krest'ianka* (*The Peasant Woman*), *Rabotnitsa* was a popular party publication for women, "a magazine by women-workers for women-workers," as the inside cover of each issue announced. Whereas women's magazines in capitalist countries trafficked in bourgeois models of feminine behavior aimed at middle-class women (or women aspiring to middle-class status), *Rabotnitsa's* model of womanhood combined prerevolutionary traditions, including the Orthodox Church's emphasis on the sanctity of motherhood and the literary trope of the strong, self-sacrificing Russian peasant woman. As Aleksandra Kollontai wrote in *Rabotnitsa* in 1946, "I always promoted the idea that the woman must have the right to build a new life in the socialist state and to be a citizen with full rights, but never to forget that her second obligation is motherhood." The difficulties inherent in this "second shift" were especially felt by single mothers, a problem frequently discussed in the pages of *Rabotnitsa*. Readers were encouraged to contribute to the magazine on an ad hoc basis and also as regular worker or peasant correspondents, but control of the magazine was largely in the hands of the professional editors, members of the party tasked with selecting and editing all published content. It was these editors who received letters protesting Soviet alimony law and sent them to the Commissariat of Justice. Since publishing these protest letters would have been impossible, and discarding them might seem inadequately vigilant, the editors' decision to forward the letters was likely the most conservative option, perhaps even motivated by an earnest desire to see justice prevail.³⁴

In November 1940, the editors of *Rabotnitsa* received a letter from a woman named Fedotova. "An old woman, a citizen with full rights, a mother who has lost any kind of shame, conscience, and pity, writes to you about the freedom of the Soviet woman," she began. "I speak about the 'alimony hunter'—a woman who violates the rights of family men, whose personal life is supported by the healthy family and the unknowing state, who does not wish for her own holy of holies, femininity and morality." In her indictment, Fedotova compared herself to the many women who were "abused by law," necessitating the reconsideration and alteration of Soviet law to "reduce the appetites" of the "alimony hunter." Fedotova based her villainous depiction of the "alimony

³⁴Published regularly (monthly or bimonthly) after 1923, *Rabotnitsa's* circulation was quite large: from 165,000 subscribers in 1928, it reached 400,000 in 1941. Circulation rose again in the postwar era and peaked in the Brezhnev era, when it was counted in the millions. Since magazines could be passed between friends, family members, and coworkers, the actual number of people reading *Rabotnitsa* was probably even higher than these figures suggest, and the vast majority of those people were undoubtedly women. Lynne Attwood, *Creating the New Soviet Woman: Women's Magazines As Engineers of Female Identity, 1922–53*, *Studies in Russian and East European History and Society* (New York: St. Martin's Press, 1999), 12–14, 26–30, 174.

hunter” on personal experience, but she presented her personal circumstances as a microcosm of Soviet society as a whole. “I recount the facts only from my family, and they will show by example how all people live,” Fedotova wrote, explaining that her two adult sons remained unmarried because they are already “bound hand and foot by women—‘huntresses.’”³⁵ According to Fedotova, the fault for these out-of-wedlock pregnancies and the financial burdens they introduced—and therefore the fault for her sons’ persistent bachelorhood—lay squarely on the single mothers who took advantage of Soviet alimony law. Part of her anger was therefore directed at the architects of Soviet law and family policy who positioned themselves as the protectors of single mothers.

Like Fedotova, many letter writers addressed the financial hardship caused by the laws regarding alimony, which they considered to be unfair. Soviet family law in the Stalin-era allowed for the very real possibility that an alimony suit brought against a relative could cause the financial ruin of families. This was due in part to the fact that alimony law was written explicitly in favor of abandoned single mothers, shifting the burden of proof to their male lovers—and unintentionally burdening the other members of these men’s families. Fedotova concluded her letter with a warning: “It has reached the point that men have begun to avoid women, in each of whom they see the inclination toward alimony.” Presenting Soviet alimony law as a force favoring single women, destroying men’s trust in women, and therefore undermining families, Fedotova narrated a scenario in which registered marriages and legitimate children were threatened by alimony-hunting single mothers. It is “hard to live in this atmosphere,” she complained, arguing, “the law on alimony should and must be changed, if not by consciousness then by law, since law awakens consciousness in women.” In Fedotova’s opinion, it was the duty of Soviet law to change women’s attitudes toward alimony and the family “so that their behavior does not disgrace or soil honest women worthy of the name Soviet women, having full equal rights.”³⁶ Suggesting that the law be brought in line with popular values so that it could in turn reinforce those values, Fedotova articulated a circular logic of the law as an expression of the will of the people indoctrinated by it.

Fedotova was not alone in blaming “alimony hunters” for jeopardizing the stability of the Soviet family. In December 1940, a group of women sent a letter to the editors of *Rabotnitsa* addressed to the “collective of our Soviet country” and signed it Shuchkina, Sak, Efimova, and Kolotina. “Devote more and more attention to the backward and uncultured life of women who behave shamelessly and ruthlessly toward their husbands and children,” they wrote, recounting the story of Pavlov, a twenty-five-year-old man who purportedly shot himself over alimony paid to a “backward and uncultured” woman.

³⁵GARF f. 9492, op. 1, d. 404, l. 5.

³⁶GARF f. 9492, op. 1, d. 404, l. 7.

Pavlov was married to Liuba Klemenko, “who got pregnant and abandoned him because she didn’t like him.” She later married a railroad mechanic, “a toiler for the Soviet country,” with whom she lived for six years and had two more children. “Liuba’s husband was a member of the party and always busy with work, and Liuba was a kept woman who never did anything but go to the store ... the children were most often found under the supervision of the street.” According to these letter writers, “Liuba is always made up and dressed up, strolling everywhere, because her husband is a great worker for the Soviet nation. When he gets home, he finds his wife away from home one, two, and then three times. He has to wash the children and tidy up the bedroom himself because Liuba is busy gossiping and has no time. He tolerated it, and then suddenly one day, he chased her out.” The letter writers claimed that Liuba felt guilty about the failure of her second marriage, and then remembered her first husband, Pavlov.³⁷

According to the letter, Liuba took Pavlov to court after her second marriage ended, claiming that Pavlov abandoned her with their child. The Petrovsk region court allegedly tried Pavlov in absentia and ruled that he pay Liuba alimony. For the previous five years, Pavlov had been married to his second wife, with whom he had a three-year-old son and one-and-a-half-year-old daughter. “The night after the first 300 rubles were withheld from Pavlov’s paycheck, leaving him and his family with five rubles in their hands, he shot himself, leaving his happy family fatherless,” they wrote, using Pavlov’s sad story to criticize Soviet alimony law. “The government thinks that everyone lives well and it’s necessary to take twenty-five percent from everyone,” they reasoned, “but it’s not so easy when she abandoned him, drove him out, robbed him, and then sued him in court and robbed him again—taking away his last kopeks from his family.” They insisted that alimony was a punishment too severe for a man who worked hard, had a family, and respected the law. “In the event that a man abandons his happy family, if he is absent and tardy at work, then we need a basic court to which he can be brought.” On the contrary, they argued, women who collected alimony should be punished. “If a wife leaves her husband and marries many times, and then gives it some thought and seeks out someone weak from whom to grab more resources, since she doesn’t work and lives her whole life off of someone else’s honest labor, she needs to be condemned.” The main opposition these writers had to Soviet alimony law was therefore the advantage that it gave to single women: “It seems to us that where there are more women, there should be stricter laws.”³⁸

By characterizing women as selfish and untrustworthy, Shuchkina, Sak, Efimova, and Kolotina echoed Fedotova’s demonization of the “alimony

³⁷GARF f. 9492, op. 1, d. 404, l. 8.

³⁸Ibid.

hunter” as a failed mother, wife, and worker undeserving of material assistance. Evoking caricatures of the “NEP [New Economic Policy] wives” from the 1920s, the letter writers’ representations of women who received alimony payments were thoroughly cloaked in the iconic imagery of the class enemy.³⁹ And like the “new woman,” whose proliferation troubled nations across Europe in the 1920s, the “alimony hunter” was a product of war, industrialization, and urbanization.⁴⁰ A fictional example of this trope can be found in Abram Room’s 1927 film *Bed and Sofa* (released in the Soviet Union under the title *Third Meshchanskaya*), in which a husband invited an old acquaintance to stay in the room he shared with his wife. Frustrated by housework, the wife’s affections shifted to the more attentive boarder, and he and the husband traded places on the bed and the sofa. When she discovered that she was pregnant, the two potential fathers (both of whom announced themselves as her husband) sent her to a clinic to have an abortion. Disgusted, she fled the clinic and the two men, deciding to have the baby on her own and leaving the men without a woman to wash and cook for them.⁴¹ While exemplary of a theme in journalism, literature, and film in this period, *Bed and Sofa* was exceptional in the degree to which the female character was not only given the power to choose between her two men (or to have them both if she pleased), but also the independence to escape from the love triangle and live on her own. As vehicles for connections between men, shared women facilitated one set of early Soviet values—collectivism and comradeship—at the same time that they seemed to embody fears of sexual depravity and the dissolution of the family.

Makeup, fashionable clothes, dancing, and strolling appeared in women’s letters about alimony as pointedly nonproductive symbols of bourgeois decadence that implicated alimony claimants as class enemies. That this characterization was so consistent in women’s letters suggests that makeup and fashionable clothes—symbols of consumption, independence, and sexuality—rendered the maternity of alimony claimants unrecognizable. Averse to reflections of their own femininity, the writers declared themselves to be good mothers and citizens by denouncing women marked by autonomous female sexuality. In contrast, the people whom the “alimony hunter” was accused of hurting (Fedotova’s bachelor sons, Fedotova herself, Liuba’s second husband, Pavlov and his widow) were

³⁹“NEP wives” were the women who benefited financially from their husbands’ involvement in the New Economic Policy (NEP), a policy introduced by Lenin in 1921 to allow for some private businesses while the state controlled banking and major industries. As the gap between impoverished peasants and rich merchants grew, merchants’ wives were maligned as bourgeois consumers of luxury goods who did not work. Eric Naiman, *Sex in Public: The Incarnation of Early Soviet Ideology* (Princeton, NJ: Princeton University Press, 1997), 181–207.

⁴⁰See, for example, Mary Louise Roberts, *Civilization without Sexes: Reconstructing Gender in Postwar France, 1917–1927* (Chicago: University of Chicago Press, 1994).

⁴¹Jay Leyda, *Kino: A History of the Russian and Soviet Film* (London: George Allen & Unwin Ltd., 1960), 214–16.

portrayed in the letters as exemplary workers and citizens. Young mothers who accepted alimony payments were thus depicted not only as wreckers of “healthy” Soviet families, but also as criminals, parasites, and vagrants, nonproductive elements who preyed on the trust and goodwill of the Soviet state, law, and society.

Many letters about alimony were written collectively by groups of women. In another letter of this type, nine women who identified themselves as “the Office of Doctor G. F. Bodganova” sent a letter to *Rabotnitsa* asking the government “to establish the law of a correct life.” They sought the elimination of alimony payments to unregistered spouses, “since in most cases these accusations prove to be false and those who are not at all guilty have to pay. Because of it an unhealthy, crippled home life is created, there are divorces, family depravity, etc. We ask the government not to encourage casual connections.”⁴² Another letter was signed by thirty-three women who identified themselves as “a collective of women-workers from the Consumers’ Cooperatives of the Blagoveshensky Factory of the Bashkir Republic, composed of sixty-six people.”⁴³ This letter offered the example of a male coworker who found himself with only forty-three rubles to spend on each of his six dependents after alimony payments were deducted from his salary each month. The writers concluded that the payment of alimony without a marriage certificate must stop, since only this “can eliminate debauch in life and put an end to obvious disgraces.” The pattern established by these group letters was one that made the strongest impression possible while requiring the least possible personal risk. There was strength in numbers in the logic of Soviet ideology, where a collective based in a factory or office was less likely to be accused of acting out of self-interest or dismissed for being out of touch with the needs or opinions of workers. This kind of letter was written from the perspective of model citizens who understood themselves to be doing a great service by drawing the attention of the authorities to some “omission” in the law that should be addressed.⁴⁴

The Ministry of Justice apparently received so many letters from citizens regarding alimony that letters were summarized and grouped together based on their proposals, goals, and conclusions. One such chart cataloged twenty-two letters received in 1940 and 1941, of which four were written collectively by more than one author. These collectively written letters included a letter signed by nine coworkers from Chimkent Communication Management, a letter signed by three women (Alekseeva, Valueva, and Pindiurina), a letter signed by a woman named Ivanova and 163 other people, and the letter signed

⁴²GARF f. 9492, op. 1, d. 404, l. 142.

⁴³GARF f. 9492, op. 1, d. 404, ll. 132–133. The Bashkir Autonomous Soviet Socialist Republic was part of the Russian Soviet Federative Socialist Republic, which constituted the largest and most populous republic of the Soviet Union.

⁴⁴GARF f. 9492, op. 1, d. 404, l. 141.

by thirty-three women workers from the Bashkir Republic, quoted above.⁴⁵ All of the twenty-two letters cataloged included some proposal that the law should be changed so that alimony would only be paid in cases where the marriage had been officially registered, calling for the reinstatement of a legal distinction between registered and unregistered marriages. Furthermore, the demographic diversity of the letter writers accounted for in these catalogs reflects the degree to which this anxiety about the stability of the family crossed class, ethnic, and regional boundaries. Collective farm workers, factory workers, teachers, doctors, and housewives alike all signed their names to letters of protest in response to Soviet alimony law, demonstrating that alimony was a fact of life for all women, rich and poor, urban and rural.

One letter sent by a woman named E. Nesterova stands out as beautifully written by someone who was clearly comfortable expressing herself in writing, and who therefore was probably well educated. Like the other letter writers, Nesterova made her case by allying herself with the goals of the Soviet party-state, in this case by praising the state for its accomplishment in passing a law “on work and work discipline that soundly chased out loafers and drifters.” She quoted party slogans and celebrated this new law for the ways in which it would restore the advantage to “the fair worker, the citizen of the Great Soviet Union.” To that end, Nesterova wrote, it was also necessary to change the law on alimony for the education of children, a law that “has become outdated and does not justify itself.” Like the other letters, Nesterova’s primary critique of Soviet alimony law was that it protected the wrong women. “Under the letter of the law there has arisen a new type, ‘the housewife,’ whose income depends upon the reception of alimony,” she wrote. Nesterova then narrated the example of one “former family X”: after the mother and father of two children divorced, the children remained with the father and the mother remarried. With the advent of the alimony law ruling the deduction of twenty-five percent from the father for the education of children, this woman decided to take custody of the five-year-old, leaving the father with the other child. The father was then forced to pay alimony in the sum of 400 rubles (“on which a whole family could live”), and in Nesterova’s estimation, the mother was therefore “twice provided for.” Nesterova’s studiously objective argument continues with a flurry of rhetorical questions: “Why in the allotment for children does the law award to the woman alimony payments if she brought the divorce? Why is only the man obliged to feed the children even if they have agreed to split them up? Why is this worker depersonalized, denied the right to speak as a person? Why does the law ask for neither his opinion nor his reasons?”⁴⁶

⁴⁵GARF f. 9492, op. 1, d. 404, ll. 132–133.

⁴⁶GARF f. 9492, op. 1, d. 404, l. 18.

Nesterova grounded her argument in the equal rights of women, reminding the reader that “women in our country have been given the right to study and to earn equal qualifications and equal right to pay (based on ability). Our women (we shout) have grown in all areas of work as citizens who labor for the Soviet Union. So why are these citizens given protection by the law from equality in rights and duties in the education of one’s own child?” Nesterova’s answer to “this awkward question” was to limit alimony payments to “the CERTAIN SUM that would suffice for the education ONLY of the CHILD.” With such a limitation on alimony, Nesterova explained, the state could protect the rights of children without an undue burden on parents. “Children are not guilty,” she wrote. “But upon the divorce of parents the woman is obliged to work instead of living off the support of the child. Limiting the sum to the education of the child will force the mother to care for the child and to work herself.” For all the differences between Nesterova’s letter and the others, her scorn was similarly reserved for single women who collected alimony but did not work, and also like the others she called for greater restrictions on alimony to protect society from these women.⁴⁷

Finally, near the end of her letter, Nesterova’s argument took a personal turn: “I live with a husband paying alimony. I love my husband, and I wish to live with him, but my salary and my husband’s salary together does not give us the sum of money for each of our children to have as much as his first wife receives. This injustice has forced me to write such a letter, to which I ask you to respond ... It seems to me that regarding marriage–divorce laws it is necessary to stop and develop a law appropriate to the demands of contemporary life.” Nesterova characterized herself and her husband as responsible workers and devoted parents; in contrast, she portrayed her husband’s ex-wife as lazy, manipulative, and selfish. Nesterova’s criticism was not that alimony should not be paid for the maintenance and education of children after the divorce of their parents, but rather that alimony should not be levied universally. Arguing that the husband’s ex-wife did not deserve his salary when she divorced him and did not work, Nesterova argued for the conditional distribution of alimony according to her system of family values, in which monetary value was connected to worthiness and usefulness to society.

Although the inclusion of statements attesting to the righteousness of the Soviet state and its people were almost certainly a technique used by letter writers to gain the favor of their readers, these affirmations of loyalty most likely contain at least a grain of truth. Considering the helplessness that women such as Nesterova must have felt as they saw their husbands’ salaries diverted from their children to the children of their husbands’ ex-wives, it must have taken a firm belief in the goodwill of Soviet authorities to continue to write

⁴⁷GARF f. 9492, op. 1, d. 404, l. 18ob. Emphasis in original.

such letters. As statements of faith in Soviet power and articulations of the logic of Soviet law, these letters demonstrate citizens' dutiful participation in Soviet legal culture. In writing to Soviet authorities, citizens such as Nesterova were not only confirming their faith and loyalty to the state, but also demanding a change in the way that the Soviet Union was governed. In claiming privileged status as good citizens, these writers were able to criticize the decisions of the Soviet leaders responsible for the alimony laws without dissenting from the overall mission of the state itself. That this vociferous protest happened at all in the Stalin era shatters many notions of the supposedly totalitarian Soviet state; that these letters of protest were written in the wake of the Stalinist purges is especially remarkable. The experience of the Great Terror may have even reinforced the idea that denunciation was an everyday practice of loyal citizenship, an ethical obligation of men and women who were politically engaged and eager to see the Soviet collective improved.

Despite the fact that it was legal for a woman to sue the father of her child for alimony regardless of whether their union had been registered, women's protest letters exhibited contempt for those who took advantage of the law. These writers argued that instead of protecting single mothers, the law should favor "healthy" Soviet families by discouraging divorce and extra-marital sex. By allying themselves with the goals of the authorities they addressed in their appeals, these citizens protested what they understood to be injustice in Soviet governance. Their understanding of justice was based on a moral system tolerant of the redistribution of wealth but only as long as it happened according to a hierarchy of worthiness, in which some individuals and families were more valuable than others. In accordance with the Leninist principle, "He who does not work, neither shall he eat," these letters assumed that rights were not inalienable, but rather contingent on the fulfillment of duties.⁴⁸ According to the authors of these letters, the main problem with Soviet alimony law was that illegitimate children had the right to fixed percentages of their father's income while his legitimate children did not. In some cases, they argued, illegitimate children received a greater percentage of the father's salary than did his legitimate children—a prospect that horrified the wives and mothers of men forced to pay alimony. In the zero-sum game of household economics, those who protested the laws on alimony saw other women's gains as their losses, and they understood these losses to be unjust due to their belief that children born in registered marriages had a greater claim to support than those who were not.

⁴⁸The phrase, "he who does not work, neither shall he eat," appeared in Lenin's *State and Revolution* (chapter 5, part 3) and in the 1936 "Stalin" Constitution (chapter 1, article 12). Vladimir Ilich Lenin, *The State and Revolution*, trans. Robert Service (New York: Penguin Books, 1992), 85. Unger, *Constitutional Development in the U.S.S.R.*, 141.

The Postwar Protection of Families

Women who wrote letters protesting Soviet alimony law argued that the party-state would do a better service to women by shifting the focus from the protection of women to the protection of family integrity. This concern on the part of citizens dovetailed with the opinions of lawyers, judges, clerks, and other legal professionals whose wartime articles and memos expressed frustration with the flood of alimony cases overwhelming the resources of courts, especially provincial courts that found the prospect of judging the veracity of alimony claims particularly bewildering. In a letter sent to the Commissar of Justice, an employee of the Gorky Regional Appeals Department explained the inherent difficulties involved in the enforcement of the law. "In the practical work on alimony penalties," he wrote, "meeting defendants is often very difficult, if only because the summons is investigated lightly and in certain cities we have nothing to go on but the defendant's given name, patronymic, family name, and other basic information, such as the year or place of birth." He went on to explain the problem of mistaken identities involving common surnames, in which case the defendant "then has to spend a long time proving the truth before the court will release him from illegal alimony withdrawals."⁴⁹ A memo from an unknown writer from the Ministry of Justice corroborated the problems faced by those charged with the enforcement of the law on alimony. "I see our practical work in court, how often suits are brought against people absolutely not involved, but who are hit with the suit by persons who hope to collect alimony because of their high salary. In fact, under the existing decree it is quite enough to name the surname of a person and have one witness in order to begin collecting alimony, and against this nothing helps." To remedy the situation, he wrote, "it is necessary to reconsider this law radically and to establish that only at a divorce of a registered marriage is it possible to collect alimony ... it is necessary to publish such a law as soon as possible."⁵⁰

The Presidium of the Supreme Soviet of the U.S.S.R. introduced a new family law on July 8, 1944, just five days after Red Army troops took Minsk as part of the massive Operation Bagration that drove the German army out of Belorussia, a vital step toward victory almost one year later.⁵¹ The peculiar timing of this family law passed during total warfare was most likely a measure to resolve the confusion over alimony before the return of demobilized soldiers from the front. According to the 1944 law, legal family relationships no longer existed except on the basis of a registered marriage or of common descent from an unmarried mother. This was a major departure from all previous Soviet law,

⁴⁹GARF f. 9492, op. 1, d. 404, ll. 9, 11.

⁵⁰GARF f. 9492, op. 1, d. 404, l. 135.

⁵¹Catherine Merridale, *Ivan's War: Life and Death in the Red Army, 1939–1945* (New York: Metropolitan Books, 2006), 263–98.

which defined legal family relationships only on the basis of “common blood.” For the first time, fatherhood outside wedlock created neither rights nor obligations. In essence, this law restored to Soviet society the distinction between children born in and out of wedlock that had been abolished with the first Soviet Family Code of 1918. The introduction to the 1944 law offered an explanation of its necessity: “In safeguarding the interests of mother and child, the state is rendering great material aid to pregnant women and mothers for the support and upbringing of their children. During and after the war, when many families face more considerable material difficulties, a further extension of state aid measures is necessary.”⁵² With the experience of total war and the passage of this law, the Soviet experiment with paternal responsibility was pushed aside in favor of a restoration of the nuclear family more in line with popular family values.

The family law of 1944 curtailed the responsibilities of fathers while promising that the state would step in to provide the support no longer required of men. To afford this expansion of the social support provided by the state, the 1944 law also instituted “Taxes on Bachelors, Single Citizens, and Citizens of the U.S.S.R. with Small Families.”⁵³ To some degree, if only symbolically, this tax meant that every bachelor and every woman with less than three children paid for the illegitimate children of the Soviet Union. In her study of pronatalist policies that aimed to replace the dead in the postwar Soviet Union, Mie Nakachi has argued that the 1944 law was introduced to counteract the population shortage and gender imbalance perpetuated by high death rates and low birthrates during the war. What changed with the 1944 family law, drafted in 1943 by Ukrainian party leader Nikita Khrushchev, was a shift in focus away from very large peasant-style families to focus on “the pragmatic task of convincing small families, the vast majority, to have just one more” child.⁵⁴ By broadening the category of mothers eligible for state support to include not only unregistered wives but

⁵²“Decree of the Presidium of the Supreme Soviet of the U.S.S.R. on increase of State aid to pregnant women, mothers with many children, and unmarried mothers; on strengthening measures for the protection of motherhood and childhood; on the establishment of the title ‘Heroine Mother’; and on the institution of the order ‘Motherhood Glory’ and the ‘Motherhood Medal,’” in *Changing Attitudes in Soviet Russia*, ed. Schlesinger, 367.

⁵³The tax applied to childless men (ages twenty to fifty) and women (ages twenty to forty-five), as well as citizens with one or two children. Exempt from this new tax were service men, service officers, wives of service men, women receiving assistance or pensions from the state for the support of children, citizens whose children perished or disappeared on the fronts of the patriotic war, students of secondary or higher educational institutions (limited to men and women under twenty-five years of age), and invalids. According to the terminology used in the law, every unmarried man was legally childless, and an “unmarried” man was one who had never been married. Section IV, articles 16–18, and section V, article 19. *Ibid.*, 372–3.

⁵⁴To encourage all women to have more than two children, government aid for mothers began with a one-time subsidy upon the birth of a third child, and monthly subsidies were provided for five years following the third child’s second birthday. Mie Nakachi, “N. S. Khrushchev and the 1944 Soviet Family Law: Politics, Reproduction, and Language,” *East European Politics and Societies* 20, no. 1 (2006): 46–50.

also war widows (whose marriages may or may not have been registered), the architects of this law prevented women without legal husbands from suing other women's husbands for alimony. The ramifications of this law can be seen most dramatically from the perspective of these single women, many of whom had long-term sexual partners but whose liaisons were not registered and who were therefore no longer considered legally married after 1944. This new policy eliminated the threat of the "alimony hunter" to those in registered marriages, but it also rendered single mothers more vulnerable than they had been since the revolution. Their children suddenly illegitimate, bearing all of the pre-revolutionary stigmas that illegitimacy implied, unmarried women found themselves reliant on state aid for the assistance that had previously been the responsibility of their children's fathers.

The 1944 law also required couples to establish serious grounds for divorce, and its effect on the divorce rate was profound. Postwar legal opinions were inclined not to consider adultery alone grounds for divorce, but as Sheila Fitzpatrick has argued, they "were inclined to grant divorces if the unfaithful partner had actually set up a new *de facto* partnership and if a child had been born to it."⁵⁵ Thus, while temporary infidelity was inadequate cause for divorce, the existence of another unregistered union was grounds to dissolve a registered marriage, revealing both anxiety about the stability of registered marriage and fears of polygamy after the war. The immediate postwar years witnessed divorce cases involving relatively young spouses, workers, or servicemen in their 20s and 30s who survived the fighting at the front and the German occupation but whose marriages were in many cases casualties of war. In a number of divorce cases, one spouse established a second family (built on an unregistered marriage) as a result of separation and consequential infidelity during the evacuation.⁵⁶ On the other end of the age spectrum, divorce cases brought by older, long-married spouses were given priority in some areas, because it was assumed that a significant number of these cases were brought by spouses already in other factual marriages.⁵⁷ By prioritizing these cases where unregistered marriages were thought to exist simultaneously with registered marriages, Soviet courts expressed concern about the possibilities for polygamy allowed by the abrupt shift in Soviet family law on the one hand, and the tumult of war on the other. Although the 1944 law attempted to delegitimize unregistered unions, in a way some courts implicitly

⁵⁵The average number of divorces in Moscow just before the war was around 10–12,000 each year. During the war, the number of divorces dropped to just less than 4,000 per year in 1943 and 1944, but in 1945, after the new law went into effect, the number of divorces dropped to 679. Although the war certainly contributed to the plummeting divorce rate, the disconnect between the sharp drop in the number of divorces in the same year that evacuees and soldiers began to return home demonstrates the efficacy of the restrictions on divorce introduced in 1944. Sheila Fitzpatrick, *Tear off the Masks! Identity and Imposture in Twentieth-Century Russia* (Princeton, NJ: Princeton University Press, 2005), 256–8.

⁵⁶See, for example, GARF f. 9492, op. 1, d.491, l.57.

⁵⁷See, for example, GARF f. 9492, op. 1, d.491, l.126.

privileged them by referring to them as new marriages that therefore necessitated the dissolution of the first union, even though the first was a supposedly more legitimate registered marriage.

While this backhanded recognition of unregistered unions in divorce cases could be understood as an exceptional necessity of postwar disorder, Soviet authorities continued to recognize unregistered unions as marriages a full decade after 1944. Party Control Commission (KPK) reports of investigations into the personal lives of party members were littered with references to unregistered marriages into the mid-1950s. Letters of denunciation and other documents that sparked KPK investigations of Party members' personal lives frequently cited "amoral behavior," "an unworthy way of life," "behaving improperly in life," and a failure to achieve "normal family relations." These reports rarely noted any punishment for improper or amoral behavior, evidence of the distinction between a criminal act and a moral violation. Whereas criminal activity was tried in courts and punished by the KPK, moral or familial infractions were rarely a violation of any law. Nevertheless, un-party-like behavior was mentioned alongside the criminal accusations to implicate the accused (framing him as someone who lacked discipline as a way of being rather than presenting him as a good party member who may or may not have committed an infraction). The KPK thereby serves as an excellent source for evidence of cultural and moral norms as separate from legal norms. Above and beyond that which was codified in law, the moral wrongdoings detailed in KPK reports illustrate the practices that shaped Soviet culture in the postwar period.

In his work on postwar party discipline, Ed Cohn has shown that the 1944 law led to greater party intrusion in the personal lives of party communists. "Between 1945 and 1953, the proportion of expulsions appealed to the KPK that dealt with family issues rose from 2.78% to 7.88%, reaching a high of 9.22% in 1951." In 1948 and 1949 in particular, at least forty percent of appeals of what Cohn calls "morals cases" explicitly mentioned the 1944 family law, and most of these cases involved a man who violated Soviet legislation on the family in one way or another.⁵⁸ In many cases, KPK reports described unregistered unions simply as marriages, without specifying which marriages were registered and which were "factual," until the paragraph where the party member was scolded for neglecting to register a particular marriage.⁵⁹ One example of this tacit acknowledgment of unregistered marriages in the postwar era can be seen in the case of

⁵⁸ Cohn interprets as related to family misconduct any case involving "unworthy conduct in everyday life" or a "violation of the law on marriage and the family." Edward Cohn, "Disciplining the Party: The Expulsion and Censure of Communists in the Post-War Soviet Union, 1945-1961" (Ph.D. diss., University of Chicago, 2007), 382-4, n. 34.

⁵⁹ For examples of unregistered marriages cited as evidence in *Komissia partiinogo kontrol'ia* (hereafter KPK) investigations, see Rossiiskii gosudarstvennyi arkhiv noveishei istorii (hereafter RGANI) f.6, op.6, d.1599, l. 41.

Comrade Ivanov. In January 1951, the KPK received an anonymous letter accusing Ivanov, the party secretary of the Rostov regional committee of the Communist Party, of “behaving improperly in life.” Characterizing Ivanov as a drunk who abandoned his wife and two children, the letter accused him of marrying another woman, a doctor who stayed in occupied German territory during the war and “led an unworthy way of life.” The denunciation prompted a KPK investigation, which revealed that Ivanov’s bad behavior involved “breaking established normal family relations” and marrying three times. The memo summarizing the investigation noted that all three marriages were unregistered.⁶⁰

In 1930, Ivanov went to Moscow to study, leaving his first wife in the provinces, ending a marriage that was never registered. Then, in 1933, while he was working in the Black Sea region, Ivanov married Comrade Radchenko, with whom he lived for ten years, during which time she bore and raised a son and a daughter. The investigator noted that Radchenko considered the break-up of the family to be caused by Ivanov’s light-minded attitudes toward women, whereas Ivanov’s son (also a party member) laid the blame for the break-up of the family on Radchenko and not Ivanov. Then, in 1943, the year that Radchenko gave birth to their daughter, Ivanov married Valentina Titenko, whose husband was thought to be missing in action. In 1945, when Valentina’s husband returned from the front, she refused to live with him and remained married to Ivanov. The KPK investigation corroborated the claim that Titenko remained in Rostov during the German occupation of 1942–43, adding that she worked as a doctor in a children’s polyclinic. The memo summarizing the investigation concluded by adding that the secretary of the party organization of the Rostov regional committee and other members of the party did not confirm his supposed drunkenness and characterized him as a reliable comrade. As a consequence of the investigation, no disciplinary action was taken.⁶¹

A gendered difference of opinion can be seen in the KPK report between the men involved in the case (Ivanov’s son, his boss, and his fellow party members) who sided with Ivanov, and the women—namely, Radchenko. As the woman married to Ivanov longest and the only one with whom he had children, Radchenko was the woman in his life who had the most to lose. Radchenko’s testimony was suspiciously close to the claims made in the initial denunciation, suggesting that she may in fact have been the anonymous letter writer. Furthermore, Radchenko’s anger over the fact that Ivanov left her with a newborn baby for Titenko may explain why the denunciation of Ivanov insinuates that his new bride behaved shamefully during the war—a common trope in a period rife with fears that those who survived the German occupation were guilty of appeasement at best and treason at worst. The wide gap separating

⁶⁰RGANI f.6, op.6, d.1599, ll. 7–8.

⁶¹Ibid.

Radchenko's story from that of Ivanov's male defenders—and the fact that the investigation concluded by siding with the male interpretation that Ivanov did nothing wrong—suggests gendered disagreement about what constituted “improper behavior” in private life. Female relatives of prominent party members (especially wives) were frequently the source of denunciation letters sent to the KPK complaining of the behavior of (usually male) party members. Even in cases where the denunciation was anonymous, as in the example of Ivanov, the testimonies of female relatives tended to figure prominently in the investigations that followed.

Like the letters written to the editors of *Rabotnitsa*, women's voices in KPK investigations of impropriety was evidence of anxiety about the instability of marriage and the family in the Soviet Union. Before the war, the women speaking out against Soviet alimony law wanted to communicate their belief that registered marriages (and the children they produced) were more legitimate, and therefore more deserving of scarce resources, than unregistered unions (and the children they produced). After the war, KPK investigations frequently provided a forum for women to voice their fears about the instability of all marriages, registered and unregistered. Rather than having the effect of girding the family against the encroachments of unregistered unions, the 1944 law eliminating the legal legitimacy of unregistered marriages therefore seems to have had little effect on the social acceptability and cultural currency of factual marriages. Like the letters opposing Soviet alimony law, denunciations sent to the KPK about a party member's personal life employed official language to talk about deeply personal subjects such as sex, infidelity, and abandonment. And like the women who sent letters to *Rabotnitsa*, the women who participated in KPK investigations invited Soviet officials into their most personal lives, fulfilling Bolshevik dreams of utopian transparency even as they opposed the idea of complete equality under communism.

Utopian Transparency and Soviet Family Values

The utopian impulse in the Soviet Union outlived Lenin and, as Richard Stites has observed, “survived as vestigial idealism all the way through the bitter Stalinist years, even in the camps, even in the hearts of some of Stalin's victims.”⁶² One significant aspect of this utopian project was the recognition of factual marriage, which emerged not only as a practical legal solution to the problem of single motherhood and neglected children, but also an attempt by an activist state to make social and sexual relations more equal. Perhaps the most radical effect of giving a legal name to “casual connections” was to

⁶²Richard Stites, *Revolutionary Dreams: Utopian Vision and Experimental Life in the Russian Revolution* (New York: Oxford University Press, 1989), 4, 9.

encourage public discourse about the subtle differences between casual, semi-casual, and un-casual sex.⁶³ The creation of a legal category and its attendant rights publicly to accommodate an otherwise personal arrangement between two people stemmed from a utopian impulse to merge personal and public life seamlessly into one transparent whole. As James C. Scott has argued, “seeing like a state” involves making simplifications rather like abridged maps. State simplifications for the sake of legibility “did not successfully represent the actual activity of the society they depicted, nor were they intended to ... they were maps that, when allied with state power, would enable much of the reality they depicted to be remade.”⁶⁴ Visibility figured prominently in Soviet ideology and popular culture, which associated transparency with moral purity, openness, and democracy, even finding literal expression in the material environment in the form of glass architecture.⁶⁵ Thus, the Stalin-era attempt to extend the rights of marriage to unregistered couples—and in so doing creating a public name for formerly nameless private sexual unions—can be seen not only as a way of making illegible reality legible, but also as a blueprint of the yet-to-be-realized utopian future.

In seeking on one hand the equality of all citizens regardless of sex, and on the other hand striving to erode the separation between society and the state, early Soviet leaders embarked on a dual utopian project that was sustained for much of the Stalin era. Bolshevik leaders understood the equality of women to require a new definition of family, one that was divorced from questions of property, illegitimacy, and sexual double standards. The one way in which unregistered unions were recognized by the first Soviet family code of 1918 was in connection with children, since children’s rights were based on the fact of parenthood and therefore safeguarded regardless of whether the marriage was registered. By replacing old notions of family that centered on registered marriage with a new definition of family that privileged biological, blood relation, early Soviet leaders opened the door for the recognition of unregistered unions after the revolution. The subsequent 1926 code was notable for being the last major Soviet family law introduced to protect *women* as a distinct population; from that point forward, the Soviet state focused its energies on the protection of families. By the mid-1930s, women were no longer understood as disadvantaged individuals reliant on the assistance of a paternalistic state. Instead, women became embodiments of issues and anxieties related to the family, and as such their needs were increasingly seen as inextricably bound with those of children and families. Thus the utopian

⁶³“Casual connections” (*sluchainye svyazi*) was a dismissive euphemism used to describe unregistered, factual marriages. See, for example, GARF f. 9491, op. 1, d. 404, l. 142.

⁶⁴James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, Yale Agrarian Studies (New Haven, CT: Yale University Press, 1998), 3.

⁶⁵Julia Bekman Chadaga, “Light in Captivity: Spectacular Glass and Soviet Power in the 1920s and 1930s,” *Slavic Review* 66, no. 1 (Spring 2007): 84.

project of radical sexual and social equality took the form of opening the category of marriage rather than eschewing marriage entirely, finding ways to adapt some of the ethos of free love to the socioeconomic demands of poor mothers and homeless children.

These changes in Soviet marriage, divorce, and alimony policy highlighted tensions between morality and the law, contributing to the synthesis of an informal family values system. Born in the context of early Soviet political culture, Soviet family values privileged those citizens deemed to be useful to the Soviet project of building socialism. This differential system of valuation according to economic and social productiveness flew in the face of the democratic claims of homogeneous citizenship. Embedded in Soviet family values were conservative impulses that resisted radical change, but both were channeled through the party-state itself. “Many women were eager to have the party intervene in their personal lives,” Fitzpatrick has argued, suggesting that the use of denunciation in “marital warfare” was characteristically a weapon of women and an innovation of the postwar period, when women expected Soviet party-state support in conflicts with “absconding husbands and lovers.”⁶⁶ While some scholars of popular opinion in the Stalin era have suggested that women were less likely than men to voice dissident political opinions because their attention was focused more on the family, this essay has argued that women’s writing protested laws governing their domestic lives, participating in Soviet political discourse.⁶⁷ Much of this writing, including the letters cited above, has not been published, perhaps explaining this gap in the historical record. By studying these archival materials and by broadening the focus to include the prewar period, this essay has demonstrated the ways in which women’s opinions about alimony in the Stalin era echoed controversies about unregistered marriage that dated back to the first Soviet family law of 1918.

Thus, the success of one utopian vision of family life—in which the separation between state and society led to greater transparency and state involvement in the personal lives of its citizens—was implicated in the failure of the other utopian dream of radical sexual and social equality. As Michael Warner has argued, “marriage sanctifies some couples at the expense of others ... Marriage, in short, discriminates.”⁶⁸ In the attempt to render single mothers eligible for alimony payments from their children’s fathers, Soviet authorities opened up the category of marriage to those who had not registered their unions. Unregistered marriage in the Soviet Union threatened the exclusivity of those in normative marriages in a way that appeared to destabilize the family. The anxiety generated by this threat

⁶⁶Fitzpatrick, *Tear off the Masks!*, 260.

⁶⁷See, for example, Sarah Davies, *Popular Opinion in Stalin’s Russia: Terror, Propaganda, and Dissent, 1934–1941* (New York: Cambridge University Press, 1997).

⁶⁸Michael Warner, *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life* (New York: Free Press, 1999), 82.

was evident in prewar letters of protest from women opposing Soviet alimony law, as well as in women speaking out against the bad behavior of party members in the postwar period. In a society of scarcity, women were keenly aware of the fact that the impossible task of making ends meet would fall to them. Without adequate dining rooms, nurseries, kindergartens, and other public industries, housework and child care remained, by and large, the individual, unpaid work of women. When state measures fell short, women relied on an ancient system for mutual aid: the family, a highly contested category shaped by the citizens whose letters of protest contributed to Soviet legal culture in the Stalin era.

This essay has shown that opposing ideas about sex and the family synthesized in the Stalin era, and it will conclude by suggesting that this process influenced the formation of gender politics in the Soviet sphere of influence after 1945. Substantial changes in Soviet family policy in 1918, 1926, 1936, and 1944 demonstrated that the new role of the family under socialism was subject to debate in the form of public discussions that engaged citizens across the Soviet Union. By 1944, as the Red Army moved west, setting the stage for the political transformation of postwar eastern Europe, the definition of family was changing dramatically on the home front in ways that would persist long after Stalin's death. As Deborah Field has argued, the Khrushchev period ascribed even greater importance to notions of communist morality originally forged in the Stalin years.⁶⁹ Furthermore, the system of family values endorsed by the Soviet Union contributed to the legal culture of the new socialist republics, as women throughout the eastern bloc became a special object of state policy.⁷⁰ Donna Harsch has argued that women's domestic interests "contributed significantly to the fall of Communism in the GDR [German Democratic Republic]," demonstrating that "domestic structures—the family's material and emotional labors, gender relations, consumption needs, and private desires—shape society and economic relations as fundamentally as vice versa."⁷¹ The official and unofficial attitudes toward sex, gender, and the family central to state socialism in central and eastern Europe had their roots in the tension between the utopian sexuality and conservative morality that shaped family life in the Stalin-era Soviet Union.

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⁶⁹Deborah A. Field, "Irreconcilable Differences: Divorce and Conceptions of Private Life in the Khrushchev Era," *Russian Review* 57 (1998): 601.

⁷⁰Susan Gal and Gail Kligman, *Reproducing Gender: Politics, Publics, and Everyday Life after Socialism* (Princeton, NJ: Princeton University Press, 2000), 5.

⁷¹Donna Harsch, *Revenge of the Domestic: Women, the Family, and Communism in the German Democratic Republic* (Princeton, NJ: Princeton University Press, 2007), 2, 10–11.