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# Recasting the vision: The resurrection of the family

What I eat and drink, how I sleep and dress is my private affair, and my private affair also is my intercourse with a person of the opposite sex.<sup>1</sup>

*August Bebel, 1879*

It is necessary to put an end to the anarchist view of marriage and childbirth as an exclusively private affair.<sup>2</sup>

*P. A. Krasikov, Deputy Chairman of the Supreme Court, 1936*

The prohibition on abortion in June 1936 was accompanied by a campaign to discredit and destroy the libertarian ideas that shaped social policy throughout the 1920s. After the ratification of the 1926 Family Code, the problems posed by divorce, alimony, family instability, and *besprizornost'* continued to mount. The process of forced collectivization created fresh streams of homeless, starving children, and rapid industrialization subjected the family to new and terrible strains. As women poured into the wage labor force at the end of the first Five Year Plan, the press drew increasing attention to a new phenomenon of "unsupervised and neglected" children (*beznadzornost'*). By 1935, the state had begun to crack down heavily on juvenile crime and the children of the streets. In 1936, jurists repudiated many of their earlier ideas, and in a clear ideological shift, demanded the strengthening and stabilization of the family. Couching the new policies in a populist appeal for social order, the Party aban-

<sup>1</sup> August Bebel, *Women under Socialism* (New York, 1910): 467.

<sup>2</sup> "Rabotniki Iustitsii Aktivno Uchastvuie v Obsuzhdenii Zakonoproekta," *Sotsialisticheskaia iustitsiia*, 18 (1936): p. 3. Hereafter cited as *SIu*.

doned its earlier vision of social relations in favor of a new reliance on mass repression. The “withering-away” doctrine, once central to the socialist understanding of the family, law, and the state, was anathemized.

### Alimony and divorce

The new Code on Marriage, the Family, and Guardianship became law in January 1927. Proponents of the new Code had argued that the law should reflect life, but within a year it was strikingly apparent that life also reflected the law. The new Code had an immediate impact on the divorce rate throughout the country. The number of divorces, already very great, increased between 1926 and 1927 in the European part of the USSR, from 1.6 to 2.7 per 1,000 people. The rural areas showed an increase in the divorce rate from 1.4 to 2.0, and in the towns, the rate doubled from 2.9 to 5.8.<sup>3</sup> In the towns of the Central Industrial region, which included Moscow, the divorce rate more than doubled (3.0 to 7.2), and in the towns of the Leningrad region (*oblast*), it almost tripled (3.3 to 9.0). In Moscow, the numbers jumped from 6.1 to 9.3; in Tver from 4.8 to 7.6, Iaroslavl, 4.0 to 7.8, and Leningrad, 3.6 to 9.8. And towns that had had lower divorce rates showed even greater increases: from 1.9 to 6.2 in Saratov, 1.9 to 6.3 in Samara, 1.9 to 4.6 in Ivanovo-Vosnesensk, and 1.8 to 7.8 in Voronezh. In Leningrad there were 265 divorces per 1,000 marriages in 1926 and 657 in 1927. In Moscow, the numbers jumped from 477 to 741. Thus by 1927, two-thirds of all marriages ended in divorce in Leningrad, and in Moscow, three-quarters.<sup>4</sup> The divorce rate continued to rise in Moscow, reaching 10.1 in 1929, with almost four-fifths of all marriages ending in divorce (see Table 19).

In 1927, about 20% of all men and 17% of women entering

<sup>3</sup> S. N. Prokopovich, *Narodnoe khoziaistvo SSSR*, Vol. 1 (Izdatel'stvo imeni Chekhova, New York, 1952): 74.

<sup>4</sup> *Estestvennoe dvizhenie naseleniia RSFSR za 1926 god* (Moscow, 1928): LIV; M. Kaplun, “Brachnost' naseleniia RSFSR,” *Statisticheskoe obozrenie* (1929): 95–97. S. Ia. Vol'fson, *Sotsiologiia braka i sem'i* (Minsk, 1929): 410, notes that the divorce rate showed similar increases in Belorussia and the other republics.

Table 19. *Marriage and divorce in Leningrad and Moscow, 1918–1929 (per 1,000 population)*

	Moscow			Leningrad		
	Marriage	Divorce	Divorces/ 100 Marriages	Marriage	Divorce	Divorces/ 100 Marriages
1918	7.5	2.1	28	14.4	—	—
1919	17.4	3.4	19	19.5	—	—
1920	19.1	3.7	19	27.7	1.9	7
1921	16.9	5.1	30	20.9	2.4	11
1922	15.3	3.5	23	14.9	2.3	15
1923	16.1	3.8	24	14.9	3.4	23
1924	14.9	4.5	30	12.4	3.2	26
1925	13.6	5.6	41	13.2	3.1	23
1926	12.7	6.0	47	13.6	3.6	26
1927	12.6	9.3	74	15.0	9.8	65
1928	12.7	9.6	76	16.5	—	—
1929	12.9	10.1	78	16.2	—	—

Source: S. N. Prokopovich, *Narodnoe khoziaistvo SSSR*, Vol. 1 (Izdatel'stvo Imeni Chekhova, New York, 1952): 66, 75.

marriage in the towns had already been divorced. In the countryside, the figures were slightly lower but still considerable – 11% of men and 9% of women. The sociologist S. Ia. Vol'fson termed the situation “sexual anarchy,” noting that many men took advantage of the new Code to marry one woman after another in a dizzying merry-go-round of serial relations.<sup>5</sup> By the end of 1927, the phenomenon was widespread enough to prompt the Supreme Court to rule that any man who registered a marriage for the sole purpose of sexual relations and then divorced was liable to criminal prosecution.<sup>6</sup>

The increase in divorce and the confusion in social relations was captured in a popular joke told in Moscow in the mid-1930s:

A man comes to court and is asked to pay alimony (one-third of his income) to his ex-wife.

“I can't, I'm already paying that to another ex-wife,” he said.

<sup>5</sup> Kaplun, p. 91; Vol'fson, *Sotsiologiia braka i sem'i*, p. 380.

<sup>6</sup> “Raz”iasnenie Plenuma Verkhovnogo Suda RSFSR,” *Ezhenedel'nik sovetskoi iustitsii*, 12 (1928): 383. Hereafter cited as *ESU*.

“Well, you must pay a second ‘third’,” said the judge.  
“I can’t, I’m already paying that too,” the man replied.  
“Well, then you must pay a third ‘third’.”  
“I can’t, I’m paying that too.”  
“What do you mean,” asked the judge, “You are paying all your wages to former wives? Then what are you living on?”  
“I’m living on the alimony my wife is getting from five other men,” the man replied.<sup>7</sup>

In reality, however, the redistribution of wealth was not nearly so effective or amusing. The new Family Code provided a simplified divorce procedure but the difficulties faced by divorced women remained essentially the same. Although women were filtering back into the workforce throughout the 1920s, in most branches of industry the percentage of women workers barely exceeded prewar levels. The number of creches and daycare centers was still pitifully small. In 1926–1927 there were only 1,629 preschools serving 85,349 children. If seasonal and rural facilities were included in these numbers the state still only served about 150,000 children out of a population of 10 million. Vol’fson explained, “This means that the state still carries only the most insignificant percent of the burden of caring for preschool children. The remainder falls to the family.”<sup>8</sup>

Moreover, although certain provisions of the new Code offered additional protection to women, others exacerbated women’s problems. Transferring divorce from the courts to ZAGS simplified the procedure and lightened the courts’ case-loads, but it simultaneously extended and complicated the process of suing for alimony or child support. Under the 1918 Code, the judge set the monetary award immediately after he heard the divorce case. But beginning in 1927, either spouse could register a divorce in ZAGS without the consent or even the knowledge of the partner. If no notation was made concerning support, the needy spouse, most often the woman, was forced to file a separate suit. The new Code thus introduced a time lag, which many women could ill afford, between the divorce and the award. The procedure was particularly disadvantageous to women who were uneducated, unaware of their rights, or ignorant of court and administrative procedures.<sup>9</sup>

<sup>7</sup> Ella Winter, *Red Virtue* (New York, 1933): 145.

<sup>8</sup> Vol’fson, *Sotsiologiya braka i sem’i*, pp. 386, 389.

<sup>9</sup> N. S. Dad’iants, *Iski ob alimentakh* (Moscow, 1927): 9.

The new Code also limited the term of support, permitting only one year of alimony to a disabled spouse, and six months to the unemployed. This provision affected support awards set before 1926 as well: If a man had already paid alimony for more than six months or a year, a judge had the power to cancel his future payments.<sup>10</sup> Two commentators critically observed that this retroactive provision “neglects the phenomenon of our contemporary unstable life: women who remain in a desperate position.” They noted, “The woman, in the course of a long married life, helped her husband by her ‘worries’ to create his good ‘position.’ But thanks to married life she has earned many disabilities (frequent abortions, many illnesses, syphilis, and so on). What sort of position is this woman in? Are her interests protected by the new Code? Of course not.”<sup>11</sup>

Yet despite the time limits on alimony, the new Code prompted many women, especially those in de facto marriages, to bring suit for support after divorce or abandonment. Studies showed an increase of about one-third in the number of support suits. In the Siberian region (*krai*) in 1926, there were 17,815 cases involving support, representing 9% of all civil cases. In the first six months of 1927, there were 11,579 cases or 10% of civil cases. Projecting the number of cases over the entire year, there would have been more than 23,000 support suits in 1927: a 30% increase over 1926. The study showed that of 179 cases brought to people’s court in the district (*okrug*) of Novosibirsk, an area that covered two towns and three villages, the overwhelming majority (79%) concerned child support. Of the remainder, 10% consisted of elderly parents suing their adult children for support. Only 7% involved alimony.

Most of the plaintiffs in the towns and the villages of Novosibirsk *okrug* were women. In the towns, 75% of the plaintiffs were either unemployed workers, housewives, or invalids, a surprisingly high percentage in light of the limited number of suits for personal support. In the countryside, 75% of the plaintiffs were *bedniachki* (poor peasants), and 7% were *batrachki* (landless laborers). The plaintiffs, primarily women, were clearly in finan-

<sup>10</sup> *Ibid.*, p. 5; L. I. Fishman, “Po Povodu Novogo Kodeksa Zakonov o Brake,” *Pravo i zhizn’*, 3 (1927): 7–8.

<sup>11</sup> S. S. Bronstein, S. S. Konstantinovskaia, “Imushchestvennie Vzaimootnosheniia Mezhdru Suprugami,” *Pravo i zhizn’*, 6–7 (1927): 72.

cially desperate straits. The defendants were slightly better off. In the towns, almost half (45%) were white-collar workers (*sluzhashchie*), about one-quarter were blue-collar workers, and one-fifth, craftsmen (*kustarniki*). Only a tiny fraction were unemployed. In the countryside, 25% of the defendants were *bedniaks* and about 40% were *seredniaks* (middle peasants). Very few prosperous peasants were involved in support suits. In both the urban and rural cases, the men tended to be just above their female partners on the social scale. The class discrepancies were not large enough, however, to resolve the financial problems the defendants faced in paying alimony or child support, for even *sluzhashchie* and *seredniaks* had trouble making monthly payments.

The study also highlighted the problems created by the transfer of divorce from the courts to ZAGS. Most suits took longer than a month to resolve and some dragged on for six months or more. Alimony and support suits were supposed to be resolved quickly so that a woman without income would be able to support herself and her children, but the courts were slow and the lag time between the divorce and the award was significant.<sup>12</sup>

Child support awards throughout the country were small, especially in the countryside. In Viatka province, for example, the plaintiffs were mostly peasants, and the district (*uezd*) court awarded about 4 rubles or less a month. As in the Siberian *krai*, the cases took longer than they should. One case dragged on so long that the plaintiff finally wrote, "I have become reconciled to my position." There were other problems as well. Judges frequently did not specify the amount of the award, but automatically decreed: "Collect from the defendant a living wage according to the rates of the statistical bureau." They failed to investigate the financial backgrounds of the contending parties and made no effort to locate fathers in paternity suits.<sup>13</sup> Both the Siberian and the Viatka studies charged that alimony and support cases were undermined by red tape, poor preparation, needless delays, and "formalistic" rulings.

<sup>12</sup> *Obzor praktiki narodnykh i okruznykh sudov Sibirskogo kraia po primeneniui kodeksa zakonov o brake, sem'e i opeke* (1928): 1–5.

<sup>13</sup> Krinkin, "Dela alimentnye," *ESU*, 49–50 (1928): 1245–1246; G. Uvarov, "O Passivnosti Suda v Razreshenii Alimentnykh Del," *Rabochii sud*, 17–18 (1929): 1165.

The main obstacle to collecting alimony, however, was not the cumbersome court process, but the defendant's refusal to pay. The Viatka study showed that more than 90% of men refused to pay voluntarily.<sup>14</sup> The procedure for collecting alimony from a reluctant defendant was fairly simple, although corruption, bumbling, and popular ignorance of the law often led to endless complications and delays. If the spouses agreed in ZAGS to an alimony or child support award, and the man then refused to pay, the woman could get a court order to collect. In the absence of a support agreement, she could file suit. In either case, a bailiff, provided with a list of debtors, was empowered to collect the money.<sup>15</sup> But in actuality, the bailiffs, overloaded with alimony cases, were slow to search for missing or delinquent defendants. Men changed their jobs and addresses in an effort to avoid payment. One fellow changed his job so often within two years that he had to get a new passport: There was no more room to stamp his place of employment.<sup>16</sup> Bailiffs sometimes sent women to their ex-husbands' workplaces to collect their money. Unsure about their rights and unaccustomed to dealing with bureaucracies, women were easily put off by employers or bookkeepers, who were known to "misplace" court orders and to "forget" to deduct the awards from defendants' salaries. In some cases, the bailiff only sent a routine summons ordering a defendant to pay and took no further action on the case. Some bailiffs simply mailed the court order to the defendant's workplace, an action that usually produced no results.<sup>17</sup> In any case, thousands of women anxiously awaited awards that never came.

Moreover, punitive measures were rarely applied to men who refused to pay child support. Although the Criminal Code established that "malicious" refusal to pay was punishable by six months in prison or a fine of up to 300 rubles, the Supreme Court ruled in 1927 that nonpayment of alimony or child support could only be considered "malicious" if the defendant had

<sup>14</sup> Krinkin, "Dela Alimentnye," p. 1246.

<sup>15</sup> Dad'iants, *Iski ob alimentakh*, pp. 9, 21.

<sup>16</sup> P. Liublinskii, "Uklonenie ot Platezha Alimentov (st. 158)," *Sotsialisticheskaia zakonnost'*, 10 (1936): 36. Hereafter cited as SZ.

<sup>17</sup> N. Zaks, "Zamechaniia po Prakticheskoi Rabote," *Proletarskii sud*, 2 (1926): 5; "O Posobnikakh Zlostnym Neplatel'shchikam Alimentov," *Pravda* (May 28, 1936): 2.

the means to pay but refused.<sup>18</sup> Given the very real difficulties workers and peasants had in meeting their payments, women had limited legal recourse.

As a result of the delays and difficulties impeding the payment of alimony and child support, the VTsIK and SNK decreed in 1928 that people who were responsible for support had to inform the bailiff and their employers of any change in address, employment, or earnings. Failure to report these changes was a criminal offense. Several months later, the Commissariat of Internal Affairs (NKVD) sent a circular to its *krai, oblast'*, and provincial departments demanding closer attention to divorces and support arrangements involving children. The local organs were instructed to transfer automatically to the courts all cases in which support was contested. The NKVD instructed the local ZAGS to inform parents of their financial responsibilities to their children and to ensure that child support was clearly established where warranted.<sup>19</sup> These instructions, an early administrative attempt to emphasize family responsibility, were the direct result of the problems created by transferring divorce from the courts to the ZAGS.

Problems persisted – indeed intensified – into the early 1930s. Although men continued to flout the court orders, convictions for nonpayment actually dropped between 1932 and 1934. And even when convictions were obtained, sentences were light. Most men received sentences of compulsory labor, usually for a term of six months, to be served in their own place of work. In practice, this amounted to little more than a fine. A significant percentage received “probational compulsory labor,” a virtual synonym for acquittal.<sup>20</sup>

The case of Anna Nikitina, a 28-year-old factory worker typified the situation. In 1934, after her husband Nikitin disappeared, Anna supported two young children and her elderly

<sup>18</sup> “Raz”iasnenie Plenuma Verkhovnogo Suda RSFSR,” *ESlu*, 8 (1927): 240; V. V. Sokolov, *Prava zhenshchiny po sovetskim zakonom* (Moscow, 1928): 63.

<sup>19</sup> “V Sovnarkome RSFSR,” *ESlu*, 18 (1928): 555; “Ofitsial’naia Chast’,” *ESlu*, 33 (1928): 923. Brandenburgskii strongly supported the idea of forcing a person who owed alimony to register a change of residence or salary. See his “Zhizn’ Pred”iavliaet Svoi Trebovaniia,” *ESlu*, 28 (1928): 666.

<sup>20</sup> Liublinskii, pp. 32, 34.

mother on her earnings of 150 to 200 rubles a month. When social workers finally located Nikitin, Anna brought suit. The court ordered him to pay 38 rubles a month, and Nikitin quickly moved to the countryside. The bailiff sent a court order to his new residence only to discover that he had moved again, this time to a nearby state farm (*sovkhos*.) The bailiff then sent a new order to the *sovkhos* director, but without success: Anna still received no money. Within the next six months, the court authorities sent a series of orders and inquiries to the director and the procurators at the *raion* (district) and *oblast'* levels. As a result of this paper barrage, Anna received 266 rubles, which cancelled Nikitin's debt of the past nine months. Anna then returned to court and successfully petitioned the judge to raise her award to 70 rubles a month. Once again, Nikitin stopped payment, prompting a new flurry of court orders. Meanwhile, Anna's children were going hungry. Finally, after the *sovkhos* director was threatened with a suit, Nikitin reluctantly sent another lump-sum payment that bore no relation to the new amount ordered by the judge. Another summons to the *oblast'* procurator elicited the response that Nikitin's residence was now unknown, although documents revealed that he continued to work and live at the *sovkhos*. A suit was then filed against the *sovkhos* director. Fully two years after she first appeared in court, Anna awaited trial of both her husband and his employer. Her children were still suffering the loss of income.<sup>21</sup>

Nikitin's success in circumventing the judge's rulings, his collusion with his employer, the court's ineffectiveness, Anna's frustration, and the children's misery reflected a pattern repeated in thousands of cases each year. In 1934, 200,000 cases of alimony passed through the people's courts.<sup>22</sup> The problems enforcing the awards engendered a growing discontent among women and court employees alike.

### **The persistence of Besprizornost'**

The seemingly intractable problem of *besprizornost'* had forced a steady retreat from the policy of state child rearing, culminating

<sup>21</sup> *Ibid.*, pp. 37–38.   <sup>22</sup> *Ibid.*, p. 32.

in the 1926 decree that legalized adoption. The decree provided some relief for the overcrowded children's homes, but it did not put an end to *besprizornost'*. Even as the economy recovered its prewar strength, homeless and neglected children continued to haunt the streets. As the social links between *besprizornost'*, single mothers, divorce, and male irresponsibility emerged more clearly, state agencies placed an ever greater emphasis on family responsibility. More than any other social factor, *besprizornost'* was responsible for the shift.

In 1927 there were approximately 190,000 children in state institutions, and between 95,000 and 125,000 on the streets.<sup>23</sup> Orphans from poor or landless peasant families, *batrak* children who worked as herders in the summer, children of large, impoverished families and of single mothers, neglected children, run-aways from the children's homes, could all be found on the streets.<sup>24</sup> The Fifth All-Russian Congress of the Department of People's Education (ONO) noted that the current sources of homelessness and juvenile crime were no longer famine and hunger, but "the breakup of the old life and the continuing absence of any stable form of new life."<sup>25</sup> The horrors of famine gradually yielded to the less dramatic consequences of poverty and family disintegration as the main sources of *besprizornost'*.

The All-Union Meeting on *Besprizornost'*, held in April 1927, affirmed that *besprizornost'* still had a "mass character" because of "economic and life conditions." The meeting's final resolutions reflected the prevailing policy toward the *besprizorniki*, stressing the need for preventive measures, including "strengthening the responsibility of parents for the care of their children"; clearing

<sup>23</sup> For the lower estimate, see TsGAOR fond 5207, op.1, delo 336, pp. 41, 46. A higher estimate is cited in TsGAOR fond 5207, op. 1. delo 392, p. 18 and "Orientirovochnyi Trekhletnii Plan Bor'by s Detskoi Besprizornost'iu," in *Sbornik deistvuiushchikh zakoneni i respriazhenii pravitel'stva Soiuzu SSR i pravitel'stva RSFSR, postanovlenii Detkomissii pri VTsIK i vedomstvennykh raspriazhenii* (Moscow, 1929): 28. Hereafter cited as *Sbornik 1929*.

<sup>24</sup> Fond 5207, op. 1, delo 326, p. 45; I. Daniushevskii, "Kak Preduprezhdai' Detskiu Besprizornosti," in S. S. Tizanov, M. S. Epshtein, eds., *Gosudarstvo i obshchestvennost' v bor'be s detskoi besprizornost'iu* (Moscow, Leningrad, 1927): 10.

<sup>25</sup> "O Bor'be s Detskoi Besprizornost'iu," in Tizanov, Epshtein, eds., p. 40.

the streets of *besprizorniki*; and preparing them to work by establishing workshops and job training programs in the children's homes.<sup>26</sup> The emphasis on prevention revealed a heightened awareness of the ties between *besprizornost'* and family disintegration, as well as a stronger commitment to preserving the family unit.

In June 1927, the VTsIK and SNK launched an ambitious three-year plan aimed at the final eradication of *besprizornost'*. Following the resolutions passed at the All-Union Meeting on *Besprizornost'* two months earlier, the plan stressed job training, the transfer of teenage inmates to productive work, increased help for single mothers, and jobs for unemployed teenagers. The plan provided 80 rubles a year to every workshop that employed a teenager; it increased the number of children of pre-school age to be sent to paid foster care; and it set up dormitories for single mothers. It instructed local executive committees to work out additional economic incentives to encourage adoptions by peasants.

The plan aggressively sought to reduce the number of children in state institutions. It set a goal of 68,000 children, mainly teenagers, to be sent out of the homes between 1927 and 1929: 22,000 would go to peasant families, 25,000 to factories and workshops, and 21,000 to their parents, who would receive financial assistance. The plan established several measures to help single mothers preserve their families, including temporary government aid. Stressing paid foster care and family assistance, the plan revealed the implicit official assumption that the family could care for children more effectively than the state.<sup>27</sup>

According to local reports, the plan successfully reduced the number of children on the streets. The numbers dropped from an estimated 125,000 to less than 10,000 by October 1928. Yet a letter from the Detkomissiiia noted that local officials tended to

<sup>26</sup> "O Metodakh Bor'by s Detskoi Besprizornost'iu," in *Sbornik 1929*, p. 40; Z. Sh. Karamysheva, "Pedagogicheskie Problemy Sotsial'no-Pravovoi Okhrany Nesovershennoletnykh v RSFSR, 1917–1932," Candidate of Pedagogical Science, Nauchno-Issledovatel'skii Institut Obshei Pedagogiki Akademii Pedagogicheskikh Nauk SSSR (Moscow, 1976): 45.

<sup>27</sup> "O Plane Bor'by s Detskoi Besprizornost'iu," in *Sbornik 1929*, pp. 20–25. *Sistimaticheskoe sobranie zakonov RSFSR*, I, (Moscow, 1929): 635–638.

exaggerate the decreases, claiming unlikely reductions from 1,500 to 720 street children in Kursk province, 2,000 to 450 in Orlov, and 12,000 to 4,000 in the North Caucasus.<sup>28</sup> Although reliable figures are not available, the estimates indicated huge transfers, involving thousands of children, from the streets to the children's homes, and from the homes to workplaces, families, and foster care. Given the persistence of juvenile unemployment in the late 1920s and the limits on the number of teenagers that could have been absorbed by factories or cooperatives, most of the *besprizorniki* must have been sent to peasant families or returned to impoverished relatives.

As the center stepped up the pressure to get children off the streets, the covert war between the central authorities and the localities intensified. In April 1928, the Central Committee of the Party strictly instructed the local central committees to clear the streets of *besprizorniki* and to ensure that the children did not return to their old haunts. Yet in 1930, according to information from the Detkomissiia, the children's homes were still "in an extraordinarily difficult position," because local officials continued to interpret the instructions from the center as license to close the homes. They moved homes into unfit buildings, from one town to another, and from towns to rural areas. The Detkomissiia noted that many homes were in unsanitary places, and the allocations for feeding, teaching, and caring for the children were "totally insufficient."<sup>29</sup>

The policy of peasant adoption proved a poor substitute for well-funded children's homes. There were numerous complaints: that the families exploited the children and did not permit them to attend school; that the state provided no follow-up supervision; and that the sums provided for the children's upkeep were too small.<sup>30</sup> Children adopted by prosperous peasant households in search of additional labor were "exploited in the most unscrupulous manner." Some children ran away and be-

<sup>28</sup> TsGAOR, fond 5207, op. 1, delo 392, pp. 18–21.

<sup>29</sup> "Postanovlenie VKP (b)," and "Po Dokladu Detkomissii pri VTsIK i NKProsa RSFSR o Khode Raboty po Bor'be s Detskoi Besprizornost'iu," in *Sbornik deistvuiushchikh zakoneniĭ i rasporiazhenii pravitel'stva SSSR i pravitel'stva RSFSR, postanovlenii Detkomissii pri VTsIK i vedomstvennykh rasporiazhenii* (Moscow, 1932): 5–6. Hereafter cited as *Sbornik 1932*.

<sup>30</sup> TsGAOR, fond 5207, op. 1, delo 392, pp. 32–37.

came *batraks*; others wandered into the towns. One court member noted that a number of angry and victimized *besprizorniki* in his district had brought suit for compensation for their labor in the *dvor*. The court recognized the validity of their claims but was forced to adhere to the 1926 adoption decree that had denied adoptees the right to wages or *vydel* (movable property). In light of these cases, the court member urged the government to rescind the law on adoption.<sup>31</sup>

Yet the critics of peasant adoption had little effect on the direction of policy. With the revival of the economy, officials began promoting adoption by urban dwellers. Invalids, workers, *sluzhashchie*, pensioners, craftsmen, cooperative members, *artely*, and even students were encouraged to take children from the homes. Urban residents were guaranteed a lump sum of 50 to 100 rubles, monthly payments of 8 to 15 rubles, a 10 percent rebate on rent, and other tax privileges to help defray the costs of raising a child. The children were not to be sent out to work before the age of twelve.<sup>32</sup> The rules governing urban adoption (or patronage, as it was called) closely followed the earlier model developed for peasant adoption. Families or individuals in need of extra income were urged to apply, and every effort was made to provide them strong monetary incentives.

Throughout the late twenties, policy clearly favored the family as an inexpensive alternative to state care. In contrast to the 1926 Family Code, which sought to narrow the circle of family responsibility, Brandenburgskii proposed at the November 1928 VTsIK that legal responsibility for children be extended to step-parents if the natural parents died or were unable to provide adequate care. Given the large number of divorces and remarriages, his proposal would affect a significant number of families. He also moved that if a child's parents or guardian died and left an inheritance, the beneficiary be compelled to support the remaining children. In both motions, the VTsIK sought to diminish the responsibility of the state by broadening the definition of "family" and its obligations.<sup>33</sup>

<sup>31</sup> Statsenko, "Peredacha Vospitannikov Detskikh Domov v Krest'ianskie Sem'i," *ESU*, 31 (1929): 732.

<sup>32</sup> M. Popov, *Detskaia besprizornost' i patronirovanie* (Izдание Oblastnoi Detkomissii Ivanovskoi Promyshlennoi Oblasti, 1929): 17–20.

<sup>33</sup> *III sessiia Vserossiiskogo Tsentral'nogo Iсполnitel'nogo Komiteta, XIII sozyva. Biulleten' No. 17* (1928): 1–2. For a case involving stepparents

Earlier arguments had championed the superiority of the state over the family in raising children, but now every effort was made to encourage parents to keep their children from becoming wards of the state. A circular from the Commissariats of Health and Justice in 1927 explained that mothers who abandoned their children should not necessarily be deprived of parental rights insofar as the children's homes were already severely overcrowded. Governmental aid to needy mothers was deemed preferable to putting infants and children in state homes, which were plagued by high death rates. If a mother was unable to provide care, the baby should be placed with a foster family, who would be aided for its effort. The circular demanded that the criminal penalties for abandoning a child be increased, and that parents pay for children who were placed in state facilities. It noted that the courts should join the struggle against *besprizornost'* by actively searching for fathers who refused to pay alimony and child support. The Commissariat of Health directed its Department of Maternity and Infancy (OMM) to organize a large number of juridical consulting offices to inform women of their legal rights. In May 1927, the Supreme Court decreed that parents who abandoned their children near the children's homes were subject to criminal prosecution; and in May 1930, similar sanctions were threatened against parents who abandoned their children in OMM clinics after taking them there for treatment.<sup>34</sup>

Employing a mixture of inducements and threats, officials made every effort to reduce the financial burden of the state, to compel parents to support their children, and to preserve family ties. Although the emphasis fell largely on short-term, preventative measures, paternal and family responsibility were beginning to emerge as important issues. Yet thus far the measures were all administrative in nature: practical in orientation, they developed directly from concrete needs to lessen overcrowding in the children's homes, to reduce the infant death rate, and to solve the problem of *besprizornost'*. They were not accompanied by a mass ideological campaign to resurrect traditional family bonds. Social workers, judges, and other officials were involved in daily

and children, see E. Kazanskii, "K Novym Izmeneniiam Kodeksa Zakonov o Brake, Sem'e i Opeke," *ESlu*, 35 (1928): 954.

<sup>34</sup> Ia. A. Perel', ed., *Okhrana zhenshchiny-materi v ugolovnom zakone* (Moscow, Leningrad, 1932): 18, 19–20.

efforts to patch up the family, but they still shared an official commitment to its eventual "withering away." Their position was neatly articulated by the sociologist S. Ia. Vol'fson in a major work published in 1929. Vol'fson wrote that the state was currently forced to use the family as "an auxiliary social formation," even as it was divesting the family of its social functions. The state was thus caught in a "position of compromise" due to "the need to use this social cell."<sup>35</sup>

### **Women and wage labor**

In 1928, the Party leadership embarked on a massive effort to collectivize agriculture and industrialize the economy. Within the next ten years, the country underwent a wrenching transformation as millions of peasant men and women flooded the cities and new industrial centers to enter the wage labor force. Between 1928 and 1937, 6.6 million women entered the workforce in industry and service.<sup>36</sup> The social relations that had characterized NEP changed dramatically and irreversibly.

Initially, however, the drive for industrialization had little effect on women's share and position in the workforce. The first Five Year Plan (FYP) was launched in 1927 – 1928, and although it opened new prospects for men immediately, it offered fewer opportunities to women. Up to 1930, women still constituted roughly the same portion (28%) of the labor force as in 1923. Their share of factory jobs actually fell between 1929 and 1930. The drop reflected the plan's overwhelming emphasis on developing heavy industry, where women were poorly represented.<sup>37</sup> In the metal industry, for example, women had by 1931 not yet recouped the share of the labor force they held in 1920.<sup>38</sup> Throughout the better part of the first FYP, women remained segregated in the traditional female industries: Their share of jobs in electrical stations, mining and fuel, metallurgy, and ma-

<sup>35</sup> Vol'fson, *Sotsiologiia braka i sem'i*, pp. 444, 445, 379, 376, 443.

<sup>36</sup> P. M. Chirkov, *Reshenie zhenskogo voprosa v SSSR (1917–1937)* (Izdatel'stvo "Mysl", Moscow, 1978): 124–125.

<sup>37</sup> B. Marsheva, "Zhenskii trud v 1931 godu," *Voprosy truda*, 1 (1931): 31, 32, 33.

<sup>38</sup> G. Serebrennikov, "Zhenskii Trud v SSSR za 15 Let," *Voprosy truda*, 11–12 (1932): 60.

chine production held steady below 8% at the beginning of 1930. They continued to dominate industries such as textiles, sewing, clothing, rubber, and matches.<sup>39</sup> One strong advocate for women's employment noted with disappointment that despite the growing need for skilled and unskilled labor in 1929, women were moving into the labor force "at a snail's pace."<sup>40</sup>

Several economists voiced concern that the first FYP worked to the disadvantage of women. One worried that the emphasis on heavy industry would undermine women's share in production. Critical of the plan's priorities, she argued that "the stable position of women's labor is possible only under a general storming ascent of *all* our industry."<sup>41</sup> Other economists noted with apprehension that Gosplan's (state planning commission) formula to link wages to productivity would have a negative impact on women, who were concentrated in the more backward, less productive sectors. Another proposed that the surplus generated by increased investments and productivity in heavy industry be distributed fairly among all workers, not just the highly skilled in priority industries.<sup>42</sup>

These radical critiques of the favored pattern of industrialization had little effect on planning. And in any case, they were soon rendered superfluous by the mass influx of women into every industry in the fall of 1930. This "turning point" in policy was not the result of the Party's concern for women's interests, but rather, the growing and insistent need for new sources of labor.<sup>43</sup> As reserves of urban male workers were depleted, the Party turned to the wives and daughter of workers, an untapped source of labor that could meet the shortage without placing additional strains on housing and the food supply. In October 1930, the TsIK announced "the complete elimination of unem-

<sup>39</sup> Marшева, "Zhenskii trud v 1931 godu," p. 33; I. Berlin, Ia. Mebel', "Strukturnye Sdviigi v Naselenii i Proletariate," *Voprosy truda*, 11–12 (1932): 21.

<sup>40</sup> Marшева, "Zhenskii trud v 1931 godu," p. 32.

<sup>41</sup> B. Marшева, "Problema Zhenskogo Truda v Sovremennykh Usloviakh," *Voprosy truda*, 2 (1929): 40.

<sup>42</sup> F. Vinnik, "O Planirovanii Zarabotnoi Platy," *Voprosy truda*, 1 (1929): 49–50; F. Bulkin, "Leningradskie Soiuzy i Zarabotnaia Plata v Piatiletke," *Trud*, No. 240, 1928.

<sup>43</sup> Solomon Schwarz notes that a "turning point" occurred in fall 1930, see *Labor in the Soviet Union* (Praeger, New York, 1951): 66.

ployment in the Soviet Union.”<sup>44</sup> By the end of 1931, women’s share of industrial jobs showed its first appreciable increase since 1923, as 422,900 new women entered industry, almost three times the number of the two previous years combined.<sup>45</sup>

Moreover, for the first time since the civil war, women began entering male-dominated industries in significant numbers. Women’s share of heavy industry, which had declined steadily between 1923 and 1930, now showed an increase. In the eighteen months between January 1930 and July 1931, the percentage of women holding jobs in heavy industry leaped suddenly from 22% to 42%. And while women’s share of both heavy and light industry expanded, their growth in the former was more rapid, from 14% to 24%, but only 51% to 58% in the latter.<sup>46</sup> Women made unprecedented gains in the male-dominated sectors of construction, railroads, mining, metallurgy, and machine production.

The inroads women made in 1930–1931 continued through the second Five Year Plan, which relied heavily on female labor. In the first half of 1932, more than half of the new workers were women. They made up 44% of the country’s new construction workers and fully 80% of the new industrial workers.<sup>47</sup> Between 1932 and 1937, 4,047,000 new workers entered the labor force; 3,350,000 (82%) of them were women.<sup>48</sup> By 1932, women had become one of the most important sources of labor in the drive to industrialize.

The increasing reliance on women had a significant impact on the composition of the labor force. In 1930, 28% of workers in large-scale industry were women, in 1937, 42%. In the large industrial centers, women composed an even greater fraction of the labor force: In Leningrad, 49% of all workers in large-scale industry were women. By 1937, there were 9,357,000 women in all branches of the economy (35%). Women composed 40% of

<sup>44</sup> *Rabochii klass – vedushchaia sila v stroitel'stve sotsialisticheskogo obshchestva, 1927–1937 gg.*, Vol. 3 (Izdatel'stvo Nauka, Moscow, 1984): 224.

<sup>45</sup> B. Khasik, “Vovlechenie Zhenshchin v Tsenzovoi Promyshlennost' SSSR v 1931,” *Voprosy truda*, 2 (1932): 47.

<sup>46</sup> Serebrennikov, pp. 63, 63; Khasik, p. 48.

<sup>47</sup> Serebrennikov, p. 64.

<sup>48</sup> Schwarz, p. 72.

the workers in industry, 21% in construction, 34% in commerce, 72% in health services, and 57% in education.<sup>49</sup> Thus by the end of the second FYP women were heavily represented in every branch of industry, including those previously dominated by men. Their numbers were split almost equally between light and heavy industry: Of 9.4 million women employed by the national economy, almost half (4.3 million) worked in heavy industry, construction, and transport.<sup>50</sup>

The entrance of women into the labor force also had a substantial effect on the family. Initially, the new women workers came mainly (64%) from the towns: the unemployed, and the wives, sisters, and daughters of workers. As they entered the workforce, the birthrate dropped and family size decreased from 4.26 in 1927 to 3.8 in 1935. The combination of smaller families and the increase in the number of female wageworkers decreased dependency ratios within the family: from 2.46 dependents for every provider in 1927 to 1.59 by 1935.<sup>51</sup> The dependency on men that had crippled women's chances for independence in the NEP years largely vanished. The statistics seemed to indicate the dawning of a new era for women. For the first time since 1920, the promise of women's liberation appeared to have a solid material foundation.

Party leaders and planners began again to give serious attention to the socialization of household labor. Child care and socialized dining, deferred in the 1920s, became pressing necessities. In December 1931, the Central Committee dusted off Lenin's old fulminations against housework and took on "the task of transforming forms of individual consumption to social feeding."<sup>52</sup> One economist enthusiastically predicted that the second FYP would "achieve 100% socialization of the basic aspects of daily life."<sup>53</sup> The number of childcare facilities expanded rapidly: creches for infants increased twentyfold be-

<sup>49</sup> *Sovetskie zhenshchiny i profsoiuzy* (Proizdat, Moscow, 1984): 50; Schwarz, p. 72.

<sup>50</sup> *Sovetskie zhenshchiny i profsoiuzy*, p. 50.

<sup>51</sup> Schwarz, p. 145.

<sup>52</sup> Central Committee decree quoted by V. Val'ter, "Obshchestvennoe Pitanie – Vazhneishee Zveno v Bor'be za Profinplan," *Voprosy truda*, 11–12 (1931): 85.

<sup>53</sup> Serebrennikov, p. 67.

tween 1928 and 1934 from 257,000 to 5,143,400, and daycare centers increased by a factor of 12, going from 2,132 centers in 1927–1928 to 25,700 in 1934–1935, serving 1,181,255 children.<sup>54</sup> Childcare facilities were hastily organized in factories, *kolkhozes*, *sovkhozes*, cooperatives, and homes.

The expansion of the childcare network was directly tied to the need to involve women in production. When SNK targeted women as a critical source of untapped labor in December 1930, it directed Gosplan to develop a proposal to meet the daycare needs of working women as well as those expected to enter the labor force for the first time. Four months later, in April 1931, SNK approved Gosplan's proposal, adding that space was to be set aside in all newly constructed houses for creches and daycare. The Commissariats of Enlightenment and Health were instructed to organize parents into voluntary daycare cooperatives at home and at work. *Sovkhozes* and *kolkhozes* were ordered to set up creches. A circular from the Commissariat of Health noted that child care in the towns should be geared to shift work in order to "aid the active participation of women workers in production, social life, and study." In the countryside, seasonal, permanent, and movable field creches were organized. A decree of the All-Union Soviet of Housing Cooperatives in April 1931 noted the need to create creches, children's centers, communal laundries, and dining rooms in cooperative houses. It specified that 20% of the kitchens in cooperative houses be set aside for communal dining rooms. Housing cooperatives were instructed to set up sixteen-hour-a-day childcare centers, to hire personnel, and to staff kitchens to prepare food for their residents. The cost of staffing daycare and dining facilities would be met by deductions of 10% from each person's rent payment and by long term loans from the Commissariat of Labor. Housewives were encouraged to enroll in special courses to prepare them for wage work in communal kitchens, daycare centers, and laundries.<sup>55</sup>

For a brief moment, it appeared as if the social vision of the 1920s had finally come to life, revived by an enormous transfusion of state spending for social services. The unemployment of

<sup>54</sup> *Zhenshchina v SSSR* (Moscow, 1936): 124, 127.

<sup>55</sup> Ia. Perel, A. A. Liubimova, eds., *Okhrana materinstva i mladenchestva* (Moscow, Leningrad, 1932): 24, 25, 27, 31–32.

NEP, so crippling to women in its economic and social effects, disappeared. The material conditions for the “withering away” of the family and the liberation of women appeared ever more favorable. One women activist earnestly wrote, “In order to involve these millions of new women workers in socialist construction, it is necessary to reconstruct life on a socialist basis, freeing women from housework and the responsibility for children.”<sup>56</sup> Her comments reflected the new climate of the times.

Town planners enthusiastically sketched new towns and living centers. One proposal designed single-occupancy, movable living units resembling giant capsules, to be used by the “liberated” members of former families. Frederick Starr notes that in the huge new industrial towns “communalization by necessity was already in practice,” largely because of a lack of facilities. In his estimation, utopian planners “were quite reasonable in concluding that the family had indeed become an institution of the past,” given the rapid increase in female employment, the decreasing fertility of urban women, and the centrifugal pressures of labor mobility on family life. Planners argued that the socialization of housework was more economical and efficient: The costs would be offset by the new, increased productivity of women.<sup>57</sup>

Krupskaia spoke of the need to “help people live humanly.” Keeping women’s needs at the forefront, she cautioned that the economy was only one area in which socialism would be built. She stressed the need to create “the material conditions for collective life” and “for the liberation of women from household slavery.”<sup>58</sup> Stalin broadcast the benefits of collectivization in an appeal to women, and countless rural activists picked up his words. By destroying the patriarchal household as the primary unit of production, collectivization offered a radical restructuring of rural life that would free women from centuries of oppression. Mechanization, increased productivity, individual

<sup>56</sup> Ibid., p. 11.

<sup>57</sup> S. Frederick Starr, “Visionary Town Planning during the Cultural Revolution,” in Sheila Fitzpatrick, ed., *Cultural Revolution in Russia, 1928–1931* (Indiana University Press, Bloomington, 1984): 208, 231, 232.

<sup>58</sup> N. K. Krupskaia, *O bytovykh voprosakh. Sbornik statei* (Moscow, Leningrad, 1930): 3–6.

wages or credits, and the socialization of household labor created a new material basis for women's liberation in the countryside. At last, the rural and urban family would "wither away."

Yet the new enthusiasm for women's liberation sparked by the radical transformation of the economy was short-lived. Although unemployment disappeared, the number of daycare facilities increased, and opportunities for education and job training expanded, the promise of female independence was never fulfilled. The strategies for accumulation that shaped the first and second FYPs left women nearly as dependent on the family unit in 1937 as they had been a decade earlier. Dependency ratios decreased with women's entrance into the workforce, but actual dependency on the family unit did not. Between 1928 and 1932, real wages fell by a shocking 49%. As a result, real income per capita did not increase as more members of the family went to work, but actually decreased to 51% of the 1928 level.<sup>59</sup> In other words, two workers were now employed for the cost of one. Two incomes were now necessary where one had once sufficed. If the male "family wage" had reinforced the family unit by ensuring women's dependence on men, the precipitous fall in wages had a similar effect: Individuals relied on the pooled contributions of family members to ensure a decent standard of living. The family, as E. O. Kabo had critically noted in 1924, continued to serve the crucial functions of income distribution and consumption equalization.

The situation improved little during the second FYP. The level of real wages dropped each year between 1928 and 1931, stabilized between 1932 and 1933, registered a slight gain in 1933, dropped again in 1934 and 1935, and remained stable through 1937. Solomon Schwarz argues that living standards could not have dropped much further after 1931 without "a complete disintegration of economic life." In 1937, the real earnings of workers were still far below the level of 1928.<sup>60</sup>

Women's entrance into the labor force may have had less to do with new opportunities than with a desperate need to offset the falling income of the family. Planners may have consciously engi-

<sup>59</sup> Naum Jasny, *Soviet Industrialization, 1928–1952* (University of Chicago Press, Chicago, 1961): 447.

<sup>60</sup> Schwarz, pp. 160–163.

needed a drop in real wages to mobilize reserves of female labor in the urban family.<sup>61</sup> Although more work needs to be done on the relationship between wages and the recruitment of female labor, one point is clear. Wage policy did not encourage the “withering away” of the family, but rather relied on the family unit as an effective means of labor exploitation. In a period openly defined by the intensification of accumulation within every industry and every factory, it was the institution of the family that enabled the state to realize the surplus from the labor of two workers for the price of one.

### Enforcing social order

The entrance of millions of women into the workforce marked a turning point not only in labor policy, but in social policy as well. The upheavals of the first and second FYPs created massive social disorder throughout the country. Huge numbers of peasants were violently uprooted from their villages and sent to forced labor camps. Starving, homeless children, reeling from the brutalities of collectivization and famine, flooded the cities. Between 1932 and 1934, 29,903,000 people arrived in Soviet towns as 23,947,000 departed.<sup>62</sup> Waves of people rolled in and receded, placing unprecedented demands on housing and other social services. Beneath the slogans of planned socialist construction lay a bustling Dickensian netherworld of drunkenness, crime, and speculation that thrived amid the wretched, overcrowded housing, broken families, and poverty in the cities and towns.

The mass exit of mothers from the home left millions of children without supervision during the hours after school. Living in crowded, squalid communal apartments, children escaped to the streets where they mingled with the *besprizorniki*, who quickly initiated them into the arts of petty crime. The phenomenon of *beznadzornost'* began to receive greater attention as militia men,

<sup>61</sup> Schwarz implies that this was the case, arguing that planners were conscious of the effect of the fall in real wages on women's desire to enter the labor force. See p. 66.

<sup>62</sup> *Narodnoe khoziaistvo SSSR* (Moscow, Leningrad, 1932): 401, 405.

judges, educators, and social workers encountered the consequences of poverty and neglect.

The children rounded up from the streets by the authorities told personal tales of broken families, drunken fathers, divorce, and immiseration. They described neighborhoods where the line between the working class and the criminal world was blurred. Mothers sent their children out to beg; older thieves trained street children to pick pockets.<sup>63</sup> "Home" was frequently "a hearth of drunkenness and dissolution,"<sup>64</sup> a crowded corner of a room shared by many people. One 13-year-old, arrested numerous times for theft, brazenly explained, "My father works as a janitor. Where? I don't know. He is never home and I mostly hang out on the streets and in the bazaar. I don't study or work. I rob apartments." Another 13-year-old arrested for mugging said, "My mother is an invalid. She lives on a pension. I am a thief and I am simply accustomed to this way of life." A young teenager said, "I haven't lived with my father for about two months because he married someone else. After the death of my mother, life was very hard and I decided to leave the house. I live where I can and steal in order to eat." Yet another 13-year-old explained, "I am forced to steal because my brother Pavel threw me out of the house and I have nowhere to live and no other way to exist."<sup>65</sup>

Children arrested by the militia in Moscow in 1931, for example, represented this mix of the orphaned and the neglected. Between January and July, the militia rounded up 4,654 children, and sent them to four receiving stations in Moscow *oblast*. The children were split almost equally between *besprizorniki* and *beznadzorniki*. The vast majority were boys, between 10 and 14 years of age. About half came from working-class families, and approximately one-third from the peasantry. Over half (55%) were runaways from the children's homes. Most of the children had been on the streets for only a short time: about 40% for less than a month, and a quarter, for less than six months. About 30% had been on the streets for more than a year. More than a third of the children said they lived on the streets because they

<sup>63</sup> M. Vinogradov, "Aktual'nost' Zakona 7 Aprelia," *SIu*, 19 (1935): 11.

<sup>64</sup> V. Tadevosian, "God Zakona 7 Aprelia 1935 g.," *SZ*, 4 (1936): 9.

<sup>65</sup> Strelkov, "Praktika Narsuda Vostochnoi Sibiri po Delam o Pres-tupleniakh Nesovershennoletnikh," *SIu*, 26 (1935): 8, 9.

were unhappy in the children's homes; slightly more than a quarter cited troubled family circumstances.<sup>66</sup>

According to another study, 59% of teenagers convicted for crimes for the first time lived with their families. Of those with a history of criminal activity, 44% lived with their families, while 47% were *besprizorniki*. In Kiev, the statistics were similar: 59% of teenagers arrested had at least one parent; 41% were orphans. Here, more than half came from peasant backgrounds.<sup>67</sup>

The phenomenon of *beznadzornost'* was recognized as early as 1927 when the Commissariat of Enlightenment (NKPro) adopted measures against unsupervised children and street hooligans. Targeting the workers' districts, factory settlements, and rural areas as the greatest problem sites, the commissariat urged social organizations to develop after-school activities for children and discussion groups on child rearing for parents. But ever-harsher measures were enacted against street children, *besprizorniki* and *beznadzorniki*, through the early 1930s. In 1931, the militia, ordered to keep the streets of the cities clear, rounded children up in huge dragnets and dispatched them to receiving stations and the local Commissions on the Affairs of Minors (Komones.) Two large sweeps of Moscow that summer briefly cleared the streets, but the children soon filtered back. The receiving stations, converted into temporary quarters for children awaiting placement in children's home, were terribly overcrowded. The homes already held more children than they could possibly support. They logically refused to accept any more. In the Danilovskii monastery, converted to a receiving station, 300 children were living in an area of 300 square meters. The children slept, side by side, on a damp, muddy floor. A social worker at the monastery admitted, "It is a prison regime. There is no political or educational work and no job training." According to the Moscow Department of People's Education (MONO), there were 240 receiving stations in the *oblast'*, holding 17,274 children. Officials were stymied in their efforts to find permanent lodging for them. The children's homes were in disrepair, lacking dishes, tables, stools, benches, and beds. In the

<sup>66</sup> TsGAOR, fond 5207, op. 1, delo 487.

<sup>67</sup> B. Utevskii, "Nesovershennoletnie i Molodye Retsivisty," *Siu*, 20 (1935): 3; Starovoitov, "Oblastnaia Prokuratura Kievshchiny v Bor'be s Detskoii Besprizornost'iu i Prestupnost'iu," *SZ*, 4 (1936): 11.

Lenin home, children slept two and three to a bed and ate five to ten from one bowl. In another home, half the children had no shoes. The sanitary conditions in many of the homes were deplorable.<sup>68</sup>

After the sweeps of Moscow in the summer of 1931, MONO officials, desperate to relieve overcrowding in the receiving stations, sent about 1,000 children to the Commissariat of Justice. In an eerie portent of the future, the criminal justice system assumed the work that the social service agencies could not handle. By the end of September, a report from the Moscow Soviet noted that there were approximately 2,000 children on the streets. In October, another sweep showed that number to be too small: It netted 2,811 children, 400 of whom were sent to the Commissariat of Justice to be prosecuted for criminal activities. About half of the children rounded up by the militia were between 8 and 16 years old; about one-third, 16 or older. Many had arrived from Siberia and the Ukraine, refugees from collectivization and forced resettlement. A social worker in the Danilevskii monastery noted with sharp bureaucratic impatience, "We must have a daily purge of the streets of Moscow. We must take children who steal and who continually pass through the Commissions away from their parents. This is necessary if we are to eliminate the hooligans and ruffians who demoralize the children's homes. And in order to do all this, we must have a receiving station that works continuously."<sup>69</sup>

In February 1933, the Moscow Executive Committee and Soviet instructed the militia not to permit any child vendors, beggars, acrobats, singers, or shoe shiners on the streets, around the markets, or in the railroad stations. Such children were to be promptly rounded up and dispatched to the proper agencies. The militia was to enforce "correct social order" in the streets and other public places. Public fighting, loitering, and aimless wandering, especially in the vicinity of the railroad stations, markets, movies, and clubs, was strictly forbidden. Adults who used children to beg or sell goods were liable to a fine of 100 rubles or thirty days of compulsory labor.<sup>70</sup>

Although the militia easily rounded the children up, the same

<sup>68</sup> TsGAOR, fond 5207, op. 1, delo 487.   <sup>69</sup> *Ibid.*

<sup>70</sup> TsGAOR, fond 5207, op. 1, delo 547.

old obstacles to housing and caring for them remained. The Commission on Juvenile Crime (Komones) had nowhere to send the children and no way to enforce order. In March 1935, a special meeting was held with representatives from Komones, the Commissariat of Enlightenment, the Komsomol, and the courts. The significance of the meeting was underscored by the prominence of its chairman, A. Ia. Vyshinskii, the newly appointed procurator-general of the USSR (and after Genrikh Iagoda, the head of the NKVD, the only major legal official with All-Union credentials.)<sup>71</sup> Faishevskii, the head of Moscow Komones, offered a gloomy report. The commissions were overloaded with cases and unable to cope effectively with juvenile crime and recidivism. Komones continued to act as a "revolving door" for *besprizorniki* and juvenile offenders. The *raion* Komones, operating with no more than two or three employees, were badly understaffed. The problems of the 1920s – understaffing, a shortage of funds, weak links with other social and juridical organizations, and limits on child placements – remained unresolved.

Faishevskii complained that Komones had no "material base to fight crime." Despite a steady barrage of letters from the local commissions to the children's homes, efforts to place children often proved futile. Moreover, the children's homes were loathe to accept children with parents. Places in the corrective facilities run by the NKVD were limited. Recent statistics from Komones showed the use of the same ineffective methods applied through the 1920s. Only 4% of juvenile offenders were placed in children's homes. The vast majority simply received a warning or a talk.<sup>72</sup> Streetwise teenagers knew that the commissions did not have the power to enforce punishment more exacting than a lecture on morality, and they behaved accordingly. The bottom line, in Faishevskii's view, was that there was no place to send the young people who passed through Komones.<sup>73</sup>

<sup>71</sup> See Eugene Huskey, *Russian Lawyers and the Soviet State. The Origins and Development of the Soviet Bar* (Princeton University Press, Princeton, N.J., 1986): 185 on Vyshinskii's rise. Arkady Vaksberg, *Stalin's Prosecutor. The Life of Andrei Vyshinsky* (Grove Weidenfeld, New York, 1991): 62–71.

<sup>72</sup> V., "Soveshchanie po Bor'be s Detskoii Prestupnost'iu," *Za sotsialisticheskuiu zakonnost'*, 4 (1935): 42.

<sup>73</sup> V. K. "O Detskoii Prestupnosti," *Siu*, 13 (1935): 11–12.

Vyshinskii agreed with Faishevskii. He spoke harshly against the lax behavior of the militia, the absence of special institutions for difficult children, and adults who used children for criminal purposes. He noted that Komones was unable to cope with "the noted growth of juvenile crime." In his view, both Komones and the legislation on juvenile crime were outdated. Announcing a plan to create a special branch of the All-Union Procuracy devoted to juvenile crime, Vyshinskii argued that Komones be eliminated and replaced by the courts, the militia, and the procuracy.<sup>74</sup> Vyshinskii's suggestion ran directly counter to the juridical beliefs of the 1920s and early 1930s pioneered by Pashukanis and his adherents. Whereas jurists had previously sought to limit the role of the courts and the law in social life, the dissolution of Komones would have the opposite effect: strengthening the courts and the procuracy by extending their jurisdiction.

In April 1935, Vyshinskii's push to broaden the jurisdiction of the courts over juvenile crime achieved partial success. In a new law, SNK granted the courts sweeping new powers: All children above the age of 12 who committed theft, violence, bodily harm, mutilation, attempted murder, or murder were removed from the jurisdiction of Komones and transferred to criminal court to be tried as adults. If found guilty, they were to be sentenced to adult penalties.<sup>75</sup> Anyone who organized children for the purposes of prostitution, beggary, or speculation was liable to a prison term of no less than five years. One commentator noted approvingly that the new law would "destroy the chain of irresponsibility and lack of supervision surrounding teenage criminals."<sup>76</sup>

The April law immediately resulted in a tidal wave of arrests and trials. Huge numbers of teenagers were arrested, mainly for

<sup>74</sup> V., "Soveshchanie po Bor'be s Detskoi Prestupnost'iu," p. 42.

<sup>75</sup> *Sbornik deistvuiushchikh uzakonenii i rasporyazhenii partii i pravitel'stva, postanovlenii detkomissii VTsIK i vedomstvennykh rasporyazhenii po likvidatsii detskoj besprizornosti i beznadzornosti*, Vypusk IV (Moscow, 1936): 102. Hereafter cited as *Sbornik 1936*. See also, John Hazard, "The Child under Soviet Law," *University of Chicago Law Review*, 5, no. 3 (1938): 424-445.

<sup>76</sup> Orlov, "Bor'ba s Prestupnost'iu Nesovershennoletnikh," *SIu*, 26 (1935): 6.

petty theft, and sentenced to prison. Most were between the ages of 12 and 15. F. M. Nakhimson, the head of the Leningrad provincial court, noted that 70% of the teenagers arrested in six *oblasts* after the April law were younger than 15.<sup>77</sup> In East Siberian *krai*, about half were under 15; in Leningrad *oblast*, the number was near 60%. Most of the teenagers were arrested for theft or hooliganism rather than more serious crimes like murder or rape. In Kiev, 78% were arrested for theft, 14% for hooliganism, and 8% for rape and more serious crimes. In Leningrad *oblast'*, 85% were convicted for theft, and in East Siberian *krai*, 70% for theft and 25% for hooliganism.<sup>78</sup>

In the Siberian town of Tomsk, typical arrests included a 13-year-old boy from a working-class family whose father was ill and unable to work. While the boy was temporarily living on the street, he met two runaways from a labor colony and the three began to steal. Another 13-year-old was arrested for picking the pocket of an elderly man. A 12-year-old whose father was a stevedore and mother a street sweeper was arrested for stealing produce from an *artel* of the blind.<sup>79</sup> In one tragic case, an impoverished woman worker, abandoned by her husband without support, sent her 11-year-old son to steal firewood and dig up leftover potatoes in a nearby *kolkhoz* field. Although the case was eventually dismissed, she was initially prosecuted for theft.<sup>80</sup> In most cases, the children came from broken families, living on the bare margins of survival. They were arrested for petty crimes against property.

One month later, in May 1935, Vyshinskii's triumph was complete. His recommendations at the meeting on juvenile crime two months earlier were implemented in full. Sovnarkom and the Central Committee abolished Komones and transferred re-

<sup>77</sup> "V Gosudarstvennom Institute Ugolovnoi Politiki," *Slu*, 31 (1935): 18.

<sup>78</sup> Strelkov, "Praktika Narsudov Vostochnoi Sibiri Po Delam o Prestupleniakh Nesovershennoletnikh," p. 8; Orlov, "Bor'ba s Prestupnost'iu Nesovershennoletnikh," p. 6; Starovoitov, "Oblastnaia Prokuratura Kievshchiny v Bor'be s Detskoii Besprizornost'iu i Prestupnost'iu," p. 11.

<sup>79</sup> Kazachkov, "Kak v Tomske Sumeli Izvratit' Postanovlenie Pravitel'stva 7 Aprelia 1935 g.," *Slu*, 29 (1935): 8.

<sup>80</sup> V. O. "V Bor'be za Likvidatsiiu Beznadzornosti i Besprizornosti Detei," *Slu*, 27 (1935): 9.

sponsibility for all juvenile crime to the procuracy and the courts. Their decree charged that *besprizornost'* was not the result of poverty, but rather, "the poor work of the local Soviet, Party, professional, and Komsomol organizations." It claimed that the majority of children's homes were poorly organized, that there was insufficient attention to the "criminal element" among children, that street children were not dispatched quickly enough to homes, and that parents were sanctioning juvenile hooliganism, thievery, debauchery, and vagrancy. The children's homes were once again instructed to send all children over the age of 14 to technical schools, factories, *sovkhazes*, *kolkhozes*, or machine tractor stations. The heads of these enterprises were directed to accept "unconditionally" all children and to provide them with wages and housing. The chairman of the town or village Soviet was given direct responsibility for the orphans in his district; he would be personally liable for any children that remained on the streets. The militia was told to respond strictly to street hooliganism, public fighting, or any interference with passersby. Children's homes, no matter how overcrowded, no longer had the right to deny needy children admittance. Parents were made liable for 200 ruble fines and damages for juvenile hooliganism or mischief committed by their children.<sup>81</sup> If parents failed to supervise their children, the state had the right to remove the child and place him or her in a children's home at parental expense. All republic, regional, and local procurators were instructed to appoint special procurators for juvenile cases.<sup>82</sup>

Jurists and criminologists now targeted family disintegration as the primary source of juvenile crime. Claiming that crime was no longer motivated by poverty or social conditions, officials sought to make parents responsible for their children's behavior by establishing repressive measures to enforce responsibility. V. Tadevosian, the USSR deputy procurator for juvenile affairs, righteously announced that in the Soviet Union, "where life has become better and gayer, where the material and cultural level of the workers is raised to new heights – in such a country there is no basis and cannot be a basis for *besprizornost'* and crime." "Material need and poverty are no longer the basic reasons for

<sup>81</sup> *Sbornik 1936*, pp. 7–11.

<sup>82</sup> V. Tadevosian, "Voprosy Protsessa po Delam Nesovershennoletnikh," *SZ*, 10 (1936): 19.

crime," he declared.<sup>83</sup> Another criminologist admonished sternly, "One of the basic reasons for juvenile crime – *besprizornost'* and *beznadzornost'* – is the lack of responsibility among parents and guardians for the upbringing of their children . . . and frequently, the direct instigation of children by adults to thievery, beggary, and dissolution." Parents were hauled into court along with their children and sentenced to prison. One drunken father was sentenced to five years for abandoning his son and ignoring the boy's petty thievery. In another case, in which a Party member's son was caught stealing, the court promptly informed his cell of his "indifferent attitude toward his child."<sup>84</sup>

Tadevosian linked women's entrance into the labor force with *beznadzornost'* and called for the constant supervision of teenagers in organized after-school activities. "Hanging around in the streets," in his view, was one of the major causes of juvenile crime. Citing a study of juvenile offenders in Moscow and Leningrad, he argued that 90% "spent time in an unorganized way," loitering in courtyards, markets, and the streets.<sup>85</sup> Nakhimson, citing the same study, reiterated that juvenile crime was not the result of poverty.<sup>86</sup> Ia. Berman, chairman of the Supreme Court, wrote a lead article in *Sotsialisticheskaia iustitsiia* castigating the courts for ignoring parental irresponsibility and the needs of children. He linked the neglect of children to the courts' loose attitude toward alimony cases, claiming that fully 80 percent of court awards were never paid. Berman called for increased penalties for parental negligence and more vigorous prosecution of adults who involved children in crime. He ominously declared, "The threat of repression, the threat of punishment and its proper application should be strong supplementary weapons in the Party's struggle for the elimination of the survivals of the old capitalist society."<sup>87</sup>

Leading jurists denounced Komones and its parent organiza-

<sup>83</sup> V. Tadevosian, "God Zakona 7 Aprelia 1935 g.," p. 7; Tadevosian, "Prestupnaia Sreda i Pravonarusheniia Nesovershennoletnikh," *SIU*, 31 (1935): 11.

<sup>84</sup> V. G. "V Bor'be za Likvidatsiiu Beznadzornosti i Besprizornosti Detei," p. 9.

<sup>85</sup> Tadevosian, "Prestupnaia Sreda i Pravonarusheniia Nesovershennoletnikh," pp. 9–10.

<sup>86</sup> "V Gosudarstvennom Institute Ugolovnoi Politiki," p. 18.

<sup>87</sup> Ia. Berman, "Sud na Okhrane Detei," *SIU*, 23 (1935): 1–2.

tion, the Commissariat of Enlightenment, for their "liberal, jelly-like attitude toward juvenile crime," for their "putrid view that children must not be punished." Tadevosian strictly instructed the courts about their new role in trying juvenile cases. The pedagogical methods of Komones, he explained, were based on "the hypocritical principles of the liberal bourgeoisie."<sup>88</sup> Komones's work with juveniles was "useless," "an endless study of social life and toothless admonitions to children and parents." Under no conditions were the people's courts to repeat the mistakes of Komones by sentencing juveniles to "pedagogical measures." They were to obey the April law and sentence the children as adults.<sup>89</sup>

Despite Tadevosian's harsh injunction to replace pedagogy with punishment, judges frequently balked at sentencing minors as adults. Schooled in the progressive pedagogical climate of the 1920s, many wondered, "How can we punish children?" Consequently, they often sentenced juvenile offenders to short or probational terms. Tadevosian took an especially harsh line toward these "liberal opportunist 'defenders' of children," charging that they "discredited the courts and revived the practices of Komones."<sup>90</sup>

Yet the judges were hampered in their mandate to carry out the April law not only by their humane "Komones-like" reservations, but by many of the same problems that had stymied Komones in the first place. Short of sending children to prison, the April law did little to expand the judges' options. Judges frequently remanded juvenile offenders to parents who worked full time, lived in communal apartments, and were clearly unable to keep their children off the streets.<sup>91</sup> There were simply not enough children's homes, labor colonies, reform schools, and corrective institutions to fill the need. The *kollektors*, designed as temporary waystations for teenagers after sentencing, quickly became prisons. And while the May law stated that par-

<sup>88</sup> Tadevosian, "Voprosy Protsessa po Delam Nesovershennoletnikh," pp. 19–21.

<sup>89</sup> V. Tadevosian, "Bor'ba s Prestupleniiami Nesovershennoletnikh," *SZ*, 11 (1935): 4.

<sup>90</sup> Tadevosian, "Bor'ba s Prestupleniiami Nesovershennoletnikh," p. 6; Mashkovskaia, "O Metodakh Bor'by s Detskoi Prestupnost'iu," *SZ*, 4 (1936): 15.

<sup>91</sup> Mashkovskaia, pp. 15, 16.

ents should pay for their children's internment in a state facility, the vast majority of parents of juvenile offenders simply could not afford the 250 rubles per month it cost to maintain a child in such a facility.<sup>92</sup> In some areas, judges sentenced up to half of juvenile offenders to "probational deprivation of freedom," a sentence that had no consequences whatsoever.<sup>93</sup>

The April and May laws marked the final leg of a long retreat from socialized upbringing, yet they also represented a qualitatively new approach to *besprizornost'* and juvenile crime. Frustrated by Komones's revolving door, fearful of the new, potentially explosive mix of *besprizornost'* and *beznadzornost'*, and impatient with the financial drain imposed by the children's homes, the Party had by 1935 finally discovered an inexpensive institution with a seemingly limitless capacity for homeless children and juvenile delinquents: prison camps. In a sharp break with the pedagogical and rehabilitative ideals of the revolution, the Party designated the family, along with the militia, the courts, and the procuracy, to enforce social order on the streets. Far from withering away, the family was becoming an indispensable unit in the state's control of its citizenry.

### The crackdown on men

The growing use of repression against *besprizornost'*, juvenile crime, and parental irresponsibility, was linked to a strong campaign on the issue of alimony. Newspapers and journals publicly shamed men who took advantage of women, Party officials called for stricter penalties for nonpayment of alimony, and jurists exposed court procedures as overly bureaucratic, formalistic, and detrimental to the interests of women and children. In an extraordinary burst of attention to the alimony problem, researchers undertook several detailed studies of the people's courts, demonstrating in no uncertain terms that women's complaints throughout the 1920s and early 1930s were amply justified.<sup>94</sup>

<sup>92</sup> Bezrukova, "Bor'ba s Detskoi Prestupnost'iu v Leningrade," *SZ*, 4 (1936): 14, 15.

<sup>93</sup> V. Tadevosian, "God zakona 7 Aprelia 1935 g.," *SZ*, 4 (1936): 10.

<sup>94</sup> See for example, Ingeľ, "Praktika Orekhovo-Zuevskogo Narsuda po Alimentnym Delam," *Sfu*, 32 (1935): 12–13. Alimony made up a sig-

In Zapadnyi oblast', the courts heard 11,485 cases of alimony in 1935, roughly 20 percent of all civil cases. About 65 percent (7,465) of the alimony cases involved suits for child support. Almost one-third of these were filed by mothers returning to court because their husbands refused to pay. In more than one-quarter of the alimony cases, the study found that the judges made awards based on superficial knowledge of the financial standing of the defendant and the plaintiff. Many awards were too small to support a child, and worse, cases took a long time to be processed: More than half took a month or more, while some dragged on for almost a year. After the judge rendered a decision, the waiting period continued as the judge transferred the order to the bailiff.<sup>95</sup>

Another study, undertaken by the representatives of OMM, showed that the court orders were frequently lost by accountants in workplaces or even stolen by the defendants. In the factory Red Profintern, the finance department was unable to determine how many of its workers were subject to salary deductions for alimony. They rarely had the ex-wives' correct addresses and frequently withheld less than the full sum from the defendants' wages.<sup>96</sup> A study of the Moscow courts in 1933 noted that prosecutors considered alimony cases too "petty" to merit attention and were often guilty of "bureaucratic heartlessness." Here too about one-quarter of the court decisions were never carried out, clerks at the workplace lost the lists, and few sanctions were enacted against nonpayment.<sup>97</sup>

The problems women faced in the mid-thirties were quite similar to those of a decade earlier. Yet by 1935, jurists attached a new "political significance" to alimony. The study on Zapadnyi oblast' harshly concluded: "The shocking attitudes of the people's courts must be quickly eliminated. Once more it is necessary to warn the courts that every manifestation of bureaucratism and

nificant fraction of the cases considered by the local courts. In 1935 in Orekhova-Zuevskii raion, for example, an area with many women textile workers, there were 5,000 alimony cases constituting fully one-third of all cases considered by the people's courts that year.

<sup>95</sup> Gromov, "Sudebnaia Praktika po Alimentnym Delam Trebuet Reshitel'noi Perestroiki," *Slu*, 12 (1936): 8.

<sup>96</sup> *Ibid.*

<sup>97</sup> L. Otmar-Shtein, "Bol'she Aktivnosti i Energii v Bor'be za Interesy Detei," *Slu*, 9 (1935): 12-13.

red tape, lack of attention to the interests of mothers and children . . . will be decisively stopped and considered proof of a lack of discipline and undervaluation of the political significance of alimony cases." The Moscow study recommended that workplace accountants who delayed or interfered with the correct and speedy deduction of alimony be criminally liable.<sup>98</sup>

Beginning in 1934, pressures mounted on the courts to eliminate red tape and to prosecute nonpayers. In May, the All-Union Procurator sent angry letters to the local procurators charging that their approach to alimony cases was characterized by "inappropriate indulgence and spinelessness."<sup>99</sup> A year later, in June 1935, the Commissariat of Justice sent out a circular urging prosecutors to review alimony cases carefully. It solemnly warned, "A liberal policy toward people who do not pay alimony and indulgence toward them by the workers of justice is completely insupportable."<sup>100</sup>

Hostility toward men who refused to pay alimony was increasingly expressed in public. *Sotsialisticheskaiia iustitsiia* published the name of a Party secretary in Sverdlovsk *oblast'* who had abandoned his wife and three children in 1933 and then ignored the court order to support them. The journal condemned his "heartless bureaucratic attitude toward children."<sup>101</sup> Numerous other articles denounced men in important positions by name for similar offenses.<sup>102</sup> One writer urged that men who used and abandoned women, treated them with contempt, or subjected them to public humiliation be tried for "sexual hooliganism." In a radically feminist redefinition of criminal behavior, he argued that men who showed "contempt for the personhood of women" be criminally liable. Male promiscuity, in his view, was a form of "sexual hooliganism" because it denied women their

<sup>98</sup> Gromov, p. 8. Otmar-Shtein, p. 12.

<sup>99</sup> S. Fainblit, "Dela Alimentnye," *Za sotsialisticheskuiu zakonnost'*, 12 (1934): 36. See also N. Lagovier, "Prokurorskii Nadzor po Alimentnym Delam," *SZ*, 5 (1936).

<sup>100</sup> "Tsyrukuliary NKIU," *SIu*, 20 (1935): 25.

<sup>101</sup> "Signal' s Mect," *SIu*, 32 (1935): 17.

<sup>102</sup> Livshits, "Rebenok – v Tsentre Vnimaniia Sovetskoi Obshchestvennosti," *SIu*, 24 (1935): 8; I. Rostovskii, "Na Bor'bu s Narushiteliami Prav Materi i Rebenka, s Dezorganizatorami Sem'i," *SIu*, 26 (1936): 16; "20 Mesiachnaia Volokita," *Pravda* (January 8, 1935): 4; "V Zashchity Prav Materi i Rebenka," *SIu*, 12 (1935): 16.

“human dignity” by treating them solely as “bed partners.” “Means of compulsion” were available for men who did not respond to cultural persuasion and education.<sup>103</sup>

Although there is no evidence that this proposal was ever considered seriously, a Commissariat of Justice committee, headed by Krylenko, developed and presented a plan to SNK to increase the punishment for nonpayment of alimony from six months of compulsory labor to a year in prison, to mark the alimony obligation in the defendant’s passport, and to hold the administration at the defendant’s workplace answerable for nonpayment.<sup>104</sup> In a debate over the plan at the Institute of Criminal Policy, F. E. Niurina, the Deputy Procurator of the RSFSR, supported the suggested changes, arguing that “the current legislation is extraordinarily convenient for individuals who maliciously refuse to pay alimony.” She noted that there were more than 200,000 court cases of nonpayment in 1934 alone. Vyshinskii, ever the enthusiastic proponent of punitive solutions, added that only “threats of severe punishment” could change social behavior. “We must strike the shirkers on their hides,” he declared. “We must show that Soviet power is not fooling around.” Other jurists disagreed, arguing that it was pointless to raise the penalty from compulsory labor to a prison term, because an imprisoned father could do very little to support his wife and children. Others suggested revoking the provision in the 1926 Family Code that permitted divorce without mutual consent. One jurist observed that the most effective measure against the nonpayment of alimony was to limit the number of times an individual could divorce.<sup>105</sup> Several suggestions were reminiscent of the proposals made by women and peasants in the debates of 1925–1926.<sup>106</sup>

The Supreme Court, influenced by the increasingly repressive climate, ruled in July 1935 that parents who maliciously neglected their children should be sentenced to prison.<sup>107</sup> In March 1936, the Presidium of the Supreme Court sent a letter to

<sup>103</sup> K. Pletnikov, “Na Zashchitu Zhenshchiny ot Izdevatel’stva,” *SZ*, 11 (1935): 29–30.

<sup>104</sup> Livshits, “Rebenok – v Tsentre Vnimaniiia Sovetskoi Obshchestvennosti,” p. 8.

<sup>105</sup> “Izmenenie Zakonov ob Alimentakh,” *Siu*, 29 (1935): 20.

<sup>106</sup> See Chapter 6 on the debate over the 1926 Code.

<sup>107</sup> “Postanovlenie Prezidiuma Verkhshuda RSFSR ot 11 iulia 1935 g. o Mere Nakazaniia po ch. 2, st. 158 UK v Sviasi s Delom po Obvi-

the courts demanding that they compile quarterly reports reviewing the status of all alimony cases and the competence of the judges and bailiffs. It requested the NKVD to ensure that ZAGS sent its paternity declarations and information on contested divorces to the courts. The NKVD was charged with finding those men who did not pay alimony and bringing them to court. The courts were told to take a second look at all alimony and paternity cases in which the mother was denied an award. Workplaces were to review systematically court orders to guarantee that the proper sum was being deducted from the defendant's wages.<sup>108</sup>

### The June 1936 law

The campaign against male irresponsibility culminated several months later in an explosion of profamily propaganda surrounding a draft of a new law. It was designed to increase the penalties for nonpayment of alimony, make divorce more difficult, prohibit abortion, and expand the number of childcare facilities. Published on the front page of *Pravda* on May 26 and widely distributed in pamphlet form, the new legislation promised to "struggle with a frivolous attitude toward the family and family responsibility."<sup>109</sup>

The proposed law prohibited abortion unless the woman's health was endangered. Doctors who performed the operation could be sentenced to two years in prison, nonmedical abortionists to more than three years. Anyone who forced a woman to get an abortion was subject to two years in prison. Women themselves were liable to social censure for the first offense, and to a 300 ruble fine for the second. The new law also granted an increase in the insurance stipend for birth, and doubled the monthly payment to employed mothers of infants from 5 to 10 rubles a month. It provided similar supports for uninsured working mothers, and it granted almost four months of preg-

neniiu Kashtanova i dr.," *Slu*, 23 (1935): 6–7; "Rech' Zam. Prokurora Respubliki T. Niurinoi," same issue, pp. 2–5.

<sup>108</sup> "Sudebnaia Praktika," *Slu*, 19 (1936): 23.

<sup>109</sup> *Proekt Postanovleniia TsIK i SNK Soiuzna SSR o zapreshchenii abortov, uvelichenii material'noi pomoshchi rozhenitsam, ustanovlenii gosudarstvennoi pomoshchi mnogosemeinyim, rasshirenii seti rodil'nykh domov, detskikh iaslei, detskikh sadov, usilenii ugovnogo nakazaniia za neplatezh alimентов i o nekotorykh izmeneniakh v zakonodatel'stve o razvodakh* (1936).

nancy leave to *sluzhashchie* as well as workers. It established criminal penalties for employers who refused to hire a pregnant woman or lowered her pay, and it allowed a pregnant woman to perform less strenuous work at her former salary level. To every mother with seven children or more, it granted 2,000 rubles for five years for every child born thereafter. Mothers with eleven children were to receive 5,000 rubles per additional child for one year and 3,000 rubles for the next four years. The draft further expanded the number of maternity clinics, daycare centers, creches, and milk kitchens.

In addition to its pronatalist measures, the draft ended the ubiquitous practice of postcard divorce, requiring both spouses to appear in ZAGS and have the divorce noted in their passports. It increased the cost of divorce to 50 rubles for the first divorce, 150 rubles for the second, and 300 rubles for the third. It set minimum levels of child support at one-third of the defendant's salary for one child, 50 percent for two children, and 60 percent for three or more. It also increased the penalty for nonpayment to up to two years in prison.

Unlike the debates over the 1926 Code, discussion of the draft lasted less than a month and was carefully orchestrated from above. The "discussion," punctuated by paeans of praise for the Party for permitting open debate, contrasted sharply with the debate in 1925–1926, which was marked by an absence of self-congratulation and an abundance of sharp, spirited exchange. Krylenko, for example, righteously intoned, "Only a government deeply believing in unity with the people and the rectitude and correctness of the measures it suggests could allow itself this route of direct involvement of the masses in legislative work." His comments were typical of the many who prefaced every declaration with elaborate praise for Stalin and the Party.<sup>110</sup>

The actual "debate" among jurists and Party leaders was stilted and confined to carefully worded pronouncements in favor of the proposed law. The people who had distinguished themselves by their openness, passion, and wit in the 1920s, now fearfully hastened to repeat formulaic phrases that came from above. They constructed contorted explanations of the differences between the "bourgeois" and "socialist" prohibition of

<sup>110</sup> *Na shirokoe obsuzhdenie trudiashchikhsia* (Moscow, 1936): 4. See other articles in this collection for similar comments.

abortion. An early article by Lenin opposing Malthus was unearthed to provide the necessary quotations. The jurist A. Lisitsyn explained that abortion was no longer needed in the Soviet Union because conditions were so propitious for raising children. Tadevosian, too, noted socialism's great economic advances over capitalism and wondered with false incredulity, "Is it possible to suggest that workers could refuse to have children? There is no basis for such a suggestion."<sup>111</sup>

Officials lectured on the joys of children, parental and patriotic pride, upward mobility, and the happiness of the worker-mother. The rocketing rate of abortion and the plummeting birthrate received scarcely a mention. In a rare reference to the birthrate, Sol'ts noted, "Our life becomes more gay, more happy, rich and satisfactory. But the appetite, as they say, comes with the meal. Our demands grow from day to day. We need new fighters – they built this life. We need people." Sol'ts explained to Soviet women that motherhood, "a great and honorable duty," was not only their "private affair, but an affair of great social significance." In a shameful retreat from his earlier sensitivity to women's hardships, he praised "the great happiness of maternity" and insisted that women deserved strict punishment for abortion.<sup>112</sup>

Krylenko observed that the abortion law had two purposes: "to protect the health" of women and "to safeguard the rearing of a strong and healthy younger generation." Reprovingly, he told women, "The basic mistake in every case is made by those women who consider 'freedom of abortion' as one of their civil rights." And Krasikov, deputy chairman of the Supreme Court, scaled the pinnacle of hypocrisy with his suggestion that poverty and cramped housing could no longer justify abortion because the maternity stipends and daycare centers allotted by the new law could rightfully be viewed as salary increases and an extension of housing space. Deputy Procurator Niurina spoke of Stakhanovite work in the area of motherhood; Vyshinskii, Berman, Vinokurov, and other jurists expressed similar opinions.<sup>113</sup>

<sup>111</sup> "Obsuzhdaet Zakonoproekt," *Stu*, 17 (1936): 2, 3.

<sup>112</sup> *Ibid.*, p. 4.

<sup>113</sup> See the discussion among jurists in "Rabotniki Iustitsii! Aktivno Uchastvuite v Obsuzhdenii Zakonoproekta," *Stu*, 18 (1936): 1–4 for views similar to Krylenko's.

Tadevosian was among the few jurists who took issue with the new law. Although he publicly opposed abortion, he spoke out against making it a criminal offense, arguing that educational measures against abortion were sufficient. More important, he claimed that the state should not “compel a woman to bear children by ‘force.’” Abortion could only be curtailed by increasing the standard of living and the availability of child care. He alone honestly acknowledged that the housing shortage limited women’s ability to have large families. As deputy procurator of juvenile affairs, Tadevosian was acutely aware that unwanted and neglected children abounded and that forbidding abortion would only swell their numbers.<sup>114</sup>

Discussion of the new law was slightly freer among workers, peasants, housewives, students, and other groups holding less important social positions. Although their contribution had little or no impact on the ultimate adoption of the legislation, many critical letters were printed in *Pravda* alongside the more propagandistic pieces favoring the legislation. Predictably, a good number of letters extolled the happiness of large families. The workers from Trekhgornia textile factory, for example, sent a letter describing the discussions over the proposed law on the shop floor. Their letter, fairly typical in its cozy, joking tone, read: “Comrades hurried to congratulate the carpenter Semechkin, the father of eight children. But he is not alone. Vorobeva had seven children. And there are many in the factory who have five or six. They say, ‘Don’t worry, we’re still catching up.’”<sup>115</sup> Many women testified to the horrors of abortion and the personal joys of motherhood. They wrote how abortion had ruined their health, how happy they were to have refused abortion, how terrible life was before the Revolution, and how wonderful it was to raise children in Soviet society.<sup>116</sup>

Yet women also debated whether it was possible to be the mother of a large family and still contribute to social and politi-

<sup>114</sup> *Ibid.*, pp. 2, 3.

<sup>115</sup> “Trekhgorka Golosuet,” *Pravda* (May 27, 1936): 2.

<sup>116</sup> See for example, “Ia Mat’ Chetyrekh Detei,” “Odobriaiu Zapreshchenie Abortov,” “Kak Ia Stala Invalidom,” “I Za I Protiv,” *Pravda* (May 27, 1936): 2; “Istoriia Abortov,” “Predlozheniia Kalininskikh Tkachikh” (May 28, 1936): 2; “Berite Primer s Menia,” (May 29, 1936): 4; “Govorit Sovetskaia Mat’” (May 30, 1936): 4; “Otvét Nine Ershovoi” (May 31, 1936): 3.

cal life. Although a few letters argued that it was possible to do both, others contended that abortion was necessary if women were to study, work, and take an equal place in society with men. Many women described the painful conflicts between work and motherhood in highly familiar, modern terms.<sup>117</sup> One young woman wrote that students needed the right to abortion: "Only those who do not know the condition of student life can declare that it is possible to combine maternity and studies in the institute without problems. It is especially impossible when husband and wife live at different ends of town in different dormitories."<sup>118</sup> Twenty-one students from the Moscow Energy Institute wrote that "women lose their full freedom" if forced to give birth against their will.<sup>119</sup> Women workers suggested that abortion should be available to women with large families, limited incomes, or crowded apartments. Another letter proposed that single women have access to abortion because a child might limit their chances to marry and build productive lives. And one young woman boldly essayed that when the country had laundries, daycare, ready-made children's clothes, and decent shoes, then "it will be possible to think about larger families."<sup>120</sup> Taken together, the letters suggested that there was considerable support for legal abortion for women with large families, students, single women, poor women, women in crowded apartments, and women with important posts; in short for almost any Soviet woman who found herself with an unwanted pregnancy.

Although many women disagreed with the prohibition of abortion, they strongly supported the more stringent measures on divorce and alimony and the expansion of childcare facilities. The women of Trekhgornia textile factory suggested that men who refused to pay alimony "should be forced to dig canals and build houses"; alimony payment would be deducted from their

<sup>117</sup> See *Pravda*, "Zhenshchina-Obshchestvennitsa" (June 5, 1936): 4; "Mnenie Znatnoi Traktoristki" (June 7, 1936): 3; "Neskol'ko Predlozhenii k Zakonoproektu o Zapreshchenii Abortov" (June 16, 1936): 4.

<sup>118</sup> "Studentke-Materi Nuzhny L'goty" *Pravda* (June 6, 1936): 4.

<sup>119</sup> "Chto Tolkaet Zhenshchinu na Abort" *Pravda* (June 1, 1936): 4.

<sup>120</sup> See *Pravda*, "Uchityvat' Ne Tol'ko Zdorov'e no i Semeinoe Polozhenie" (June 4, 1936): 3; "Ogranichit' Prava Aborta," "Kak Obespechit' Vzyskanie Alimentov" (June 1, 1936): 4; "Chto Meshaet Obzavestis' Sem'ei" (June 30, 1936): 4.

wages for compulsory labor. Two women technicians wrote, "The father who does not want to fulfill his paternal responsibilities is a destroyer of the family." Other letters suggested that the fees for divorce should be even higher than those proposed, and that divorce should be returned from ZAGS to the courts.<sup>121</sup> Women approved the idea of strengthening the family if it meant increasing the responsibility of men toward their wives and children.

In a park in Red Presnaia in Moscow, a district with a long history of working-class militancy, a woman worker in a public discussion of the 1936 law, yelled out, "Destroy all the men and everything will be in order."<sup>122</sup> The state drew upon this deep fount of bitterness to justify the resurrection of the family. The 1936 law offered women a tacit bargain: It broadened both state and male responsibility for the family, but in exchange it demanded that women assume the double burden of work and motherhood. The idea that the state would assume the functions of the family was abandoned. The new bargain was possible precisely because of women's painful experiences – in the 1920s and in the new Soviet industrial revolution – with the disintegration of the family. Although it satisfied certain social needs, it also marked the beginning of the state's abdication of social responsibility and the double burden that Soviet women bear today. Ultimately, this bargain, which has comfortably accommodated both men and the state, has left women with the lion's share of responsibility for work, shopping, housework, and child care.

<sup>121</sup> See *Pravda*, "Trekhogorka Golosuet," and "Polnoe Zapreshchenie Aborta – Nepravil'no" (May 27, 1936): 2; "O Posobnikakh Zlostnym Neplatel'shchikam Alimentov" (May 28, 1936): 2; "Kak Dolzhen Proiskhodit' Razvod" (June 8, 1936): 3.

<sup>122</sup> Livshits, "Rebenok – V Tsentre Vnimaniia Sovetskoi Obshchestvennosti," p. 8.