

Soviet Union "Law Code on Marriage" and "Law Code on Motherhood"¹

Under Lenin's leadership, the new soviet government promised women more prominent roles in government, greater economic equality, expanded legal rights in marriage, and more educational opportunities. Under Joseph Stalin, however, these earlier socialist initiatives redefining women's rights shifted back to policies based on more traditional values that excluded women from the political sphere. Stalin placed more emphasis on women's roles as wives and mothers. The following law code from 1926 outlines the legal rights and responsibilities in marriage for both men and women in the USSR. The next document outlines soviet law in respect to state aid to women with children in 1944. Russia was not alone in granting medals for motherhood in the interwar period; the governments of Germany, Italy, and France did so as well.

RIGHTS AND DUTIES OF HUSBAND AND WIFE

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

8. On the registration of a marriage between a person who is a citizen of the R.S.F.S.R. and a person who is a foreign citizen, each party retains his or her respective citizenship. Change in citizenship of such persons may be effected in the simplified manner provided for by the Union laws....

9. Both husband and wife enjoy full liberty in the choice of their respective trades and occupations. The manner in which their joint household is conducted is determined by the mutual agreement of the two contracting parties. A change of residence by either husband or wife does not oblige the other marriage partner to follow the former.

10. Property which belonged to either husband or wife prior to their marriage remains the separate property of each of them. Property acquired by husband and wife during continuance of their marriage is regarded as their joint property. The share belonging to either husband or wife shall, in case of dispute, be determined by the court.

¹ Source: "The Soviet Code on Marriage and Divorce, the Family, and Guardianship, decrees of the All-Russian Central Executive Committee, 19 November 1926" and "The Soviet Family Law of 8 July 1944, decree of the Presidium of the Supreme Soviet of the USSR" in *The Family in the U.S.S.R.*, ed. Rudolf Schlesinger (London: Rutledge, 1949); reprinted in *Women, the Family, and Freedom: The Debate in Documents: 1880-1950*, vol. 2, ed. Susan Groag Bell and Karen M. Offen (Stanford: Stanford University Press, 1983), 400-401, 407-411.

Note. - The rights of either husband or wife in regard to the use of land and in regard to property used in common and forming part of a peasant household are defined by Sections 66 and 67 of the Land Code and by the enactments published to supplement the same.

11. Section 10 of the present code extends also to the property of persons married de facto though not registered, provided such persons recognize their mutual status of husband and wife, or their marital relationship is established as a fact by a court on the basis of the actual conditions under which they live.

12. Proof of joint cohabitation is sufficient for the court to establish marital cohabitation in cases where the marriage has not been registered, provided that in addition to proof of joint cohabitation proof of a common household be adduced and that statements have been made to third persons either in personal correspondence or in other documents tending to prove the existence of marital relations, taking also into consideration such circumstances as the presence or absence of mutual material support, joint raising of children, and the like.

13. The husband and wife may enter into any contractual relations with each other regarding property provided they are lawful. Agreements between husband and wife intended to restrict the property rights of the wife or of the husband are invalid and are not binding on third parties or on the husband or wife, who may at any time refuse to carry them out.

14. When either husband or wife is in need and unable to work he or she is entitled to receive alimony from the other conjugal partner, if the court finds that the latter is able to support the former. A husband or wife in need of support but able to work is likewise entitled to alimony during the period of his or her unemployment.

15. The right of a husband or wife in need and unable to work to receive alimony from the other conjugal partner continues even after the dissolution of the marriage until there has been a change in the conditions which according to Section 14 of the present code serve as a basis for the receipt of alimony, but not for a period exceeding one year from the time of the dissolution of the marriage. The amount of alimony to be paid to a needy unemployed husband or wife in case of dissolution of the marriage is fixed by the court for a period not exceeding six months and shall not exceed the corresponding amount of Social Insurance relief.

16. The right to receive alimony both during marriage and after its dissolution extends also to persons who are married de facto, though not registered, provided they fall within the purview of Sections 11 and 12 of the present code.

17. A marriage is dissolved by the death of one of the parties to it or by a declaration of the presumptive death of either the husband or the wife through a notary public or court....

18. During the lifetime of both parties to a marriage the marriage may be dissolved either by the mutual consent of both parties to it or upon the ex parte application of either of them.

19. During the lifetime of both parties, the dissolution of a marriage (divorce) may be registered at the Civil Registrar's Office, whether the marriage was registered or unregistered, provided that in the latter case it had been established as a fact by the court in accordance with Section 12 of the present code.

20. The fact that a marriage has been dissolved may also be established by a court, if the divorce was not registered.

Motherhood for the Fatherland

Source: "The Soviet Family Law of 8 July 1944, decree of the Praesidium of the Supreme Soviet of the U.S.S.R."; reprinted and trans. in *The Family in the U.S.S.R.*, pp. 367-72; reprinted in *Women, the Family, and Freedom: The Debate in Documents*, ed. Susan Groag Bell and Karen M. Offen, (Stanford, CA: Stanford University Press, 1983), vol. 1, 1750-1880, pp. 407-11.

Decree of the Presidium of the Supreme Soviet of the U.S.S.R. on increase of State aid to pregnant women, mothers with many children and unmarried mothers; on strengthening measures for the protection of motherhood and childhood; on the establishment of the title "Heroine Mother"; and on the institution of the order "Motherhood Glory" and the "Motherhood Medal"

Care for children and mothers and the strengthening of the family have always been among the most important tasks of the Soviet State. In safeguarding the interests of mother and child, the State is rendering great material aid to pregnant women and mothers for the support and upbringing of their children. During and after the War, when many families face more considerable material difficulties, a further extension of State aid measures is necessary.

With a view to increasing the material assistance to pregnant women, mothers with many children, and unmarried mothers, and to encouraging large families and providing increased protection for motherhood and childhood the Presidium of the Supreme Soviet of the U.S.S.R. Decrees:

SECTION I

ON THE INCREASE OF STATE AID TO MOTHERS WITH MANY CHILDREN AND UNMARRIED MOTHERS

It is Decreed:

Article 1

That in place of the existing regulation which gives State aid to mothers with six children at the birth of the seventh and of each subsequent child, State assistance shall be given to mothers (either with husbands or widowed) who have two children, on the birth of the third and of each subsequent child.

Article 2

In assessing the amount of State assistance to mothers with many children, those children who perished or disappeared without trace on the fronts of the Patriotic War are included.

Article 3

To establish State assistance to single (unmarried) mothers for support and upbringing of children born after the publication of the present Decree, in the following amounts:

100 rubles monthly for 1 child

150 rubles monthly for 2 children

200 rubles monthly for 1 child

State assistance to unmarried mothers is paid until the children reach 12 years of age.

Unmarried mothers with 3 or more children receive the State assistance laid down in the present article, in addition to the regular assistance to mothers with many children which is received in accordance with article 2 of the present Decree.

When an unmarried mother marries, the right to assistance laid down in the present article is retained by her.

Article 4

If an unmarried mother wishes to place a child to which she has given birth in a children's institution for its upbringing, the children's institution is obliged to accept the child, to support and bring it up entirely at the expense of the State.

The mother of the child has the right to remove her child from the children's institution and to bring it up herself. While the child is in the children's institution, State assistance for the child is not paid.

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SECTION II

ON THE INCREASE OF PRIVILEGES FOR PREGNANT WOMEN AND MOTHERS AND ON MEASURES TO EXTEND THE NETWORK OF INSTITUTIONS FOR THE PROTECTION OF MOTHERHOOD AND CHILDHOOD

Article 6

To increase the leave of absence for pregnancy and childbirth for women workers and women office employees from 63 calendar days to 77 calendar days, establishing the length of the leave of absence at 35 calendar days before the birth and 42 calendar days after the birth, assistance to be given during this period at the expense of the State to the amount previously laid down. In cases of difficult births or the birth of twins, leave of absence after birth is increased to 56 calendar days.

To instruct the directors of factories and offices to provide pregnant women with their regular leave of absence, at a suitable time in relation to the leave of absence for pregnancy and birth.

Article 7

Pregnant women from the 4th month of pregnancy not to be put on overtime work in factories and offices, and women with children at the breast not to be put on nightwork during the period the child is breast-fed.

Article 8

To double the normal ration of supplementary food for pregnant women, beginning with the 6th month of pregnancy, and for nursing mothers for four months of the nursing period.

Article 9

To instruct the directors of factories and offices to give aid to pregnant women and nursing mothers in the form of supplementary foodstuffs from their auxiliary farms.

Article 10

To reduce by 50 per cent the fees for places in cr ches and kindergartens for:
Parents with 3 children and earning up to 400 rubles a month.
Parents with 4 children and earning up to 600 rubles a month.
Parents with 5 or more children irrespective of earnings.

Article 11

To instruct the Council of People's Commissars of the U.S.S.R.:

(a) To confirm the plan for the organization in Republics and Regions of additional Homes for Mother and Child and also of special rest homes for unmarried women needing them and for weakened nursing mothers, the women resting there to be given work in them according to their strength.

(b) To confirm the plan for extending the network of children's institutions under the People's Commissariats and departments, with a view to covering fully all children needing such institutions; to provide for extension of the network of children's consulting centres and milk kitchens, organization of cr ches for breast-fed children, of evening

groups in the kindergartens and maternity institutions in the districts liberated from the German invaders.

(c) To provide for the compulsory organization in factories and offices employing women on a mass scale of cr ches, kindergartens, rooms for the feeding of breast-fed children, and personal hygiene rooms for women. (d) To instruct the People's Commissariats to include in their plans of industrial construction the building of children's institutions (cr ches, kindergartens, Mother and Child Rooms), calculated to cover fully all the children of the women workers and office employees of the given enterprise who require such services.

(e) To confirm measures for the considerable expansion of the production of children's clothing, footwear, sanitary and hygienic articles for children, and other articles required by children both for children's institutions and for sale to the population, and measures also for the extension of the network of children's clothing factories and of the network of Mother and Child shops.

SECTION III ON THE INSTITUTION OF THE "MOTHERHOOD MEDAL" AND THE ORDER "MOTHERHOOD GLORY." AND ESTABLISHMENT OF THE TITLE OF HONOUR "HEROINE MOTHER"

Article 12

To institute a "Motherhood Medal" - 1st and 2nd class - for award to mothers who have given birth to and brought up:

5 children 2nd class medal

6 children 1st class medal

Article 13

To establish the Order "Motherhood Glory" - 1st, 2nd and 3rd class - for award to mothers who have given birth to and brought up:

7 children 3rd class

8 children 2nd class

9 children 1st class

Article 14

To establish that mothers who have given birth to and brought up 10 children shall receive the title of honour "Heroine Mother" with award of the Order Heroine Mother and certificate of the Presidium of the Supreme Soviet of the U.S.S.R.

SECTION IV
ON TAXES ON BACHELORS, SINGLE CITIZENS, AND CITIZENS OF THE U.S.S.R
WITH SMALL FAMILIES

Article 16

As a modification of the Decree of the Presidium of the Supreme Soviet of the U.S.S.R. dated November 21, 1941, "On taxes on bachelors, single and childless citizens of the U.S.S.R.," to establish that a tax is paid by citizens - men between the ages of 20 and 50 years, and women between the ages of 20 and 45 years - having no children and citizens having 1 or 2 children.

Questions:

What were the rights and responsibilities of women in the Soviet Union as outlined by these codes?

What did the Soviet government hope to accomplish by passing these law codes? What concerns did they hope to address, what goals did they hope to accomplish?

Compare the legal status and political role of women in the USSR with the status of women in Western Europe and the US in the same period. How and why are they similar? Different?