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Soviet Divorce Laws and the Role of the Russian Family

I. INTRODUCTION

The Soviet attitude toward marriage and the family has undergone fundamental change since the October Revolution. Although communist rhetoric favors complete freedom to divorce, practical experience has indicated that this cannot be reconciled with the necessity of the family unit to a stable society. While writings of Marx and Engels did not explicitly explain the family's purpose in the overall scheme of communism, their ideology did envision the role and structure of the family unit as encompassing unrestricted freedom to marry and divorce. However, in the 1920s, practical realities of building socialism under conditions of economic backwardness forced Soviet Russia to reevaluate the societal role of marriage and the family. The family unit was rehabilitated by Stalin in the 1930s and given a certain amount of protection and encouragement. Tension between ideology and practicality continues to the present time, however, and the current Soviet regime faces the difficulty of retaining the theory of freedom to divorce while using laws and courts to discourage it. This paper first provides a historical summary of Soviet Russia's treatment of the family with an emphasis on the shifting policies towards marriage and divorce since the Bolshevik revolution, then analyzes a 1980 U.S.S.R. Supreme Court decree that indicates the judiciary's current position regarding marriage and divorce and reflects continuing Soviet concern over the problem of divorce. Finally, future implications and problems of a stable marriage and divorce policy and suggestions for reasonable resolution between communist ideology and societal realities are explored.

II. HISTORICAL BACKGROUND

A. *Theoretical Analysis*

To understand the Soviet dilemma, doctrinal sources behind the Marxist commitment to freedom of marriage and divorce must be considered. Furthermore, it is necessary to trace the realities of Russia's attempt to build a socialist state since

practical problems prompted the Soviet leaders to ignore, but not repudiate, Marx's theory concerning the family unit.

Marxist theory clearly rejects the family structure as it exists under capitalism. Nevertheless, it only vaguely outlines the family status and function under socialism and communism.¹ Engels traced the development of the relationship between men and women through four major forms: unrestricted sexual freedom and promiscuity, group marriage, monogamous family, and a futuristic type of relationship under communism. Most of Engels' analysis centered on the monogamous marriage, particularly in the context of the bourgeois marriage. In keeping with principles of dialectical materialism, the monogamous marriage was seen as dictated by the emergence of private property and the consequent need for identifiable parentage when determining inheritance.

By the time of Engels' writing—the period of capitalism and dominance of the bourgeoisie—monetary and property concerns dominated bourgeois marriages, in which the wife was just another piece of property to be exploited by the husband. Engels viewed bourgeois marriage as *de facto* prostitution, in which the woman “only differs from the courtesan in that she does not let out her body on piece-work as a wage worker, but sells it once and for all into slavery.”²

By contrast, Engels viewed the proletarian marriage as based on love, and spousal equality, due to the lack of any family property. However, he further stated that poverty resulting from exploitation under capitalism would create problems that would tear the proletarian family apart. Engels' theory and analysis fit nicely with the Marxist thesis that economic factors determine social relationships. However, his simplification distorts reality. Interpersonal relationships also affect economic relations.³

Under the communist theory, based on the withering away of the state, abolition of private property, and the end of social class divisions, relationships are to be free from economic factors

1. F. ENGELS, *THE ORIGIN OF THE FAMILY, PRIVATE PROPERTY, AND THE STATE IN THE LIGHT OF THE RESEARCH OF LEWIS H. MORGAN* (1942). Engels wrote *Origin of the Family* in 1884 after Marx's death but included Marx's extracts on the subject. Lewis Morgan was an American evolutionary anthropologist (1818-1881) whose works, which were the basis for Engels' work, were later largely discredited. See R. LOWIE, *THE HISTORY OF ETHNOLOGICAL THEORY* (1937); R. LOWIE, *PRIMITIVE SOCIETY* (1947).

2. F. ENGELS, *supra* note 1, at 63.

3. See H. GEIGER, *THE FAMILY IN SOVIET RUSSIA* 24-40 (1968).

in order to be based on true love. However, the ultimate fate of the family unit was left vague, perhaps intentionally, to avoid any charge of utopianism.⁴ While vagueness characterized Marx's and Engels' writings on the communist society, it created problems after the revolution succeeded in an economically and socially backward Russia.

Although most of Engels' theories were somewhat vague, he did make certain aspects of his theory very clear. For example, spouses were to be equal. Children were to be reared and educated on a communal basis; presumably, parents and children would not live together. Relations between sexes were to be a purely private matter.⁵ Love would be exclusive, but not everlasting; marriage would continue only as long as love did.⁶

B. *The First Period Following the Revolution: 1917-1926*

Partially because of ambiguity in communist doctrine, opinions concerning the family's role differed dramatically during the early period of Bolshevik society. Some, like German Social Democrat Karl Kautsky, felt that the family would not disappear, and party measures should not be taken to eliminate it.⁷

4. What we can now conjecture about the way in which sexual relations will be ordered after the impending overthrow of capitalist production is mainly of a negative character, limited for the most part to what will disappear. But what will there be new? That will be answered when a new generation has grown up: a generation of men who never in their lives have known what it is to buy a woman's surrender with money or any other social instrument of power; a generation of women who have never known what it is to give themselves to a man from any other considerations than real love, or to refuse to give themselves to their lover from fear of economic consequences. When these people are in the world, they will care precious little what anybody today thinks they ought to do; they will make their own practice and their corresponding public opinion about the practice of each individual—and that will be the end of it.

F. ENGELS, *supra* note 1, at 73.

5. "It will transform the relations between the sexes into a purely private matter which concerns only the persons involved and into which society has no occasion to intervene." F. Engels, *Principles of Communism*, reprinted in *THE COMMUNIST MANIFESTO* at 80 (P. Sweezy trans. 1968).

6. But the intense emotion of individual sex-love varies much in duration from one individual to another, especially among men, and if affection definitely comes to an end or is supplanted by a new passionate love, separation is a benefit for both partners as well as for society—only people will then be spared having to wade through the useless mire of a divorce case.

F. ENGELS, *supra* note 1, at 73. August Babel seconded these sentiments. "If incompatibility, disenchantment, or repulsion set in between two persons who have come together, morality commands that the unnatural, and therefore immoral, bond be dissolved." A. BABEL, *WOMAN UNDER SOCIALISM* 344 (1904).

7. H. GEIGER, *supra* note 3, at 44.

Bolshevik feminist Alexandra Kollontai disagreed. She argued that the family would disappear in the future, that this disappearance should begin immediately, and that party members should be at the forefront of elimination efforts.⁸

Kollontai's views initially prevailed as was evidenced by the decree of December 18, 1917. According to this decree, marriage was to be established on the basis of equality and mutual agreement of spouses; there would be no forced marriages. Dissolving marriage was also simplified. The marriage could be terminated by mutual agreement, unilateral desire of one spouse, or desertion.⁹ The only significant requirement of the 1918 Russian Family Code was that a marriage be registered to establish legal rights and duties of spouses during its pendency.¹⁰ By 1926 even this minimal requirement ceased. Factions opposing the discrimination against de facto, unregistered relationships managed to have the registration provision dropped from the new Family Code. Article 12 of the Family Code of 1926 did attempt to define the degree of cohabitation necessary to establish a de facto marriage, but it was not very successful.¹¹

Ironically, despite the pressure of Marxist theory towards minimal constraints on marriage and divorce, in the 1926 Code, a community property law was reinstated for practical reasons. Such laws were previously considered unnecessary because of the equality of the sexes.

Social and economic realities in the Soviet Union during the 1920s most likely caused this change. Neither Marx nor Engels expected the revolution to occur in a backward country; it was supposed to initially happen in industrialized countries. But when Lenin succeeded in Russia, he was not going to return power to the bourgeoisie so Russia could correctly pass through

8. Kollontai, *Communism and the Family*, reprinted in *CHANGING ATTITUDES IN SOVIET RUSSIA: THE FAMILY* (R. Schlesinger trans. 1949).

9. Bolas, *No-Fault Divorce: Born in the Soviet Union?*, 14 J. FAM. L. 31, 34 (1975).

10. Gorecki, *Communist Family Patterns: Law as an Implement of Change*, 1972 U. ILL. L.F. 121, 123.

11. Article 12 provided:

Evidence of cohabitation in marriage in the event that a marriage has not been registered shall be for a court: the fact of cohabitation, the existence in connection with this cohabitation of a common establishment, and the declaration to third persons in personal correspondence or other documents of material relationships, as well as mutual material support, common rearing of children, etc., depending on the circumstances.

J. HAZARD & M. WEISBERG, *CASES AND READINGS ON SOVIET LAW* 379 (1950).

the capitalist stage of development.¹² Nevertheless, economic backwardness created unexpected problems in the development of the communist family.

The Soviet economy made it virtually impossible to change the status of women. In theory, spousal equality was to occur by freeing women from housework drudgery. Free child care and cheap meals at numerous public restaurants were to be provided. Freed from the home, women would be able to join the labor force on an equal basis with men, thus eliminating financial inequality between the sexes and the corollary need for the community property concept. Unfortunately, Soviet society never got past the first hurdle. Financial resources were unavailable to provide the child care centers and restaurants envisioned, and existing facilities were understaffed and unpleasant.

Even had these services been available, the Soviet industrial sector was incapable of absorbing women into the labor force. The 1920's was a period of general unemployment. Even when women did find work outside the home, failure of promised services and male reluctance to help with household chores made the liberation from the household increasingly burdensome upon marriages. Failure to integrate women into the work force, coupled with easy divorce and no child care facilities, frequently left divorced women destitute with children to support.¹³ These conditions help explain the reinstatement of the community property concept.

The 1926 reform only touched the surface of the growing discontent with the post-revolution marriage and divorce laws. Although public opinion in the Soviet Union is difficult to ascertain even today, there was evidently much discontent about the easy availability of divorce in early Soviet Russia.¹⁴ Women had not been liberated as was intended. Attacks on the family and talk of relationships being a matter of concern only to the par-

12. Indeed, Lenin had made his decision long before when he split with the Mensheviks over the theory of the vanguard party. Lenin's voluntarism, in contrast to the determinism of Marx, gave him faith that history could be rushed through party leadership.

13. Bolas, *supra* note 9, at 31.

14. Massell, *Law as an Instrument of Revolutionary Change in a Traditional Milieu: The Case of Soviet Central Asia*, 2 *LAW & SOC'Y REV.* 179 (1968), provides a complete discussion of the early Soviet efforts to change society in Central Asia. The article documents results (including promiscuity), reactions and failures which forced reevaluation by 1929. B. CLEMENTS, *BOLSHEVIK FEMINIST* 55-56, 235 (1979), suggests that there is some question as to whether the party membership and leadership really accepted Engels' ideas on family issues.

ticipants gave rise to serious conditions of sexual promiscuity, though perhaps exaggerated by Western critics at the time.¹⁵

C. *The Second Period: 1927-1943*

Sexual promiscuity would have been less of a concern had it not been for the growing number of homeless youths it produced. This group became an increasing societal problem in the 1930s. Adoption, eliminated earlier, was reinstated in 1926 because society lacked the facilities needed to rear the expanding numbers of children. Still, the number of these "homeless ones" (*bezprizorniki*) continued to increase at an alarming rate as economic conditions and family breakdowns fostered child abandonment. Abandoned children frequently organized into criminal gangs causing considerable social unrest.

Anton S. Markenko had considerable success from 1920 to 1935, working with homeless children and establishing camps featuring strict discipline and regimen.¹⁶ In 1937 he wrote *A Book for Parents*, which indicated a shift in the Soviet attitude towards the family.¹⁷ Presumably with Stalin's blessing, Markenko wrote that the family should be a collective unit to train children for life in Soviet society.¹⁸

This basic theoretical reorientation was reflected by the 1936 divorce law. Under this law, divorces were to be recorded in the local registry office and notation was to be made on the spouses' internal passports. Significantly, both spouses were required to appear at registration to facilitate settlement of questions about children and common property. The purpose of these new laws was to deal with "frivolous attitudes toward the family and family obligations."¹⁹ Probably most effective in deterring divorce was the introduction of a graduated fee schedule for successive divorces. First and second divorces cost 50 rubles

15. Gorecki, *supra* note 10, at 124.

16. The need for a stable family life for the proper development of the child and a stable society is a concept that is not unique to the Soviet system. Hafen, *The Constitutional Status of Marriage, Kinship, and Sexual Privacy—Balancing the Individual and Social Interests*, 81 MICH. L. REV. 463 (1983), explores the relationship of the family and its erosion to the stability of the American republic and the development of its youth. Divorce and the family are, obviously, matters that attract a good deal of attention in the United States and Russia, as well as in many other societies.

17. H. GEIGER, *supra* note 3, at 89.

18. *Id.* at 90.

19. J. HAZARD & I. SHAPIRO, *THE SOVIET LEGAL SYSTEM* pt. 3, at 101 (1962).

and 150 rubles, respectively, and subsequent divorces cost 300 rubles each.²⁰

D. *The Third Period: 1944-1964*

The next major change in Soviet divorce law came in 1944. The most notable modification was that the fees introduced in 1936 were greatly increased. At the court's discretion, one or both spouses had to pay 500 to 2,000 rubles to obtain a divorce. In addition, the parties had to publish an announcement of the divorce action before proceedings began.²¹

In addition, Soviet courts were assigned to deal with divorce proceedings. Legal proceedings were designed to impress upon the spouses the seriousness of divorce, but it also made divorce more cumbersome. Under the new law, parties had to prove grounds for divorce, although such grounds were leniently interpreted. In addition, applicants had to appear before two separate courts before a divorce could be finalized. Courts of first instance were only required to delve into spousal motivations for divorce and attempt to reconcile differences. If reconciliation proved impossible, the case moved to a higher court where divorce could be granted.²²

The policy shift in the Soviet position on divorce, which led to 1944 revisions, was partially caused by the graduating seriousness of practical problems discussed above. Stalin and others became convinced that strong families were necessary to deal with the hooliganism of the Soviet youths. In addition, some commentators suggest that stricter divorce requirements were popular and that Stalin needed to placate the masses during his ruthless and unpopular drive to consolidate and maintain power. Finally, strengthening the family became equated with increasing the birth rate to provide the manpower necessary to industrialize Russia and ultimately protect her from her enemies—Hitler's Germany, and then the United States.

E. *Current Principles of Soviet Divorce Law: 1965-1979*

The 1960's brought a good deal of dissatisfaction with the 1944 divorce system, which many felt should be simplified.²³ Di-

20. J. HAZARD & M. WEISBERG, *supra* note 11, at 391.

21. *Id.* at 391-92.

22. Gorecki, *supra* note 10, at 127-28.

23. Prudkova, *New Soviet Family Law*, 50 A.B.A. J. 363 (1964).

orce procedures were modified first in 1965, when the requirement for published notification in the newspaper prior to the divorce action was abolished. Furthermore, the two-tiered court system was replaced by district people's courts, which were given original jurisdiction, and provincial courts, which were given appellate jurisdiction.²⁴

The passage of an entirely new family code in 1968 further changed the divorce process. The 1968 amendments are codified in Article 14 of *Fundamental Principles of Legislation of the U.S.S.R. and Union Republics on Marriage and the Family*.²⁵ The main reform was the provision that an uncontested divorce could be granted by the office where marriages and divorces were registered (ZAGS). Until 1968, courts had functioned as little more than a register in uncontested divorce cases. Now, in uncontested cases, provided there are no children from the marriage, spouses can either jointly or singly bring an action before a ZAGS so long as the petition states grounds for divorce. Although the ZAGS office is not legally entitled to question these grounds, in practice they do. The ZAGS procedure is, however, subject to a mandatory three-month waiting period between filing for and being granted a divorce.²⁶

In theory, a court divorce proceeding can be quicker, since there is no three-month mandatory waiting period, but the court has the power to postpone the action for up to six months to encourage reconciliation. The fee schedule is much more modest, ranging from 50 kopecks (about 80 cents) to 200 rubles (about (\$300.00), depending on a couple's ability to pay.²⁷ Absent valid reasons, which the court must state in the record, both spouses must be present in court. To grant a divorce with one spouse absent can be judicial error.²⁸

To protect expectant mothers, the new law forbids bringing a divorce action while a wife is pregnant and for one year after birth.²⁹

The only ground for divorce stated in the *Fundamental Principles* of 1968 is that "[f]urther joint life of the spouses and

24. 49 VEDEMOSTI VERKHNOGO SOVETA Item 725 (1965).

25. Reprinted in *THE SOVIET LEGAL SYSTEM* 451, 455 (W. Butler trans. 1978).

26. Y. LURYI, *SOVIET FAMILY LAW* 56 (1980).

27. *Id.* at 54.

28. *Id.* at 57.

29. *Id.* at 55.

preservation of family is impossible."³⁰ More definite grounds have been omitted from the statute in the interest of flexibility, but some significant grounds must be shown. The plenary session of the Supreme Court of the U.S.S.R. in 1969 made clear that temporary or frivolous disputes were not valid grounds for divorce.³¹ In practice, the validity of certain grounds has become established. Drunkenness and infidelity are frequently cited as valid reasons. In fact, when incompatibility is given as a reason, infidelity is often the real cause, but the wife is usually ashamed to admit it.³² The existence of another, "common law," family has long been considered a valid reason.³³ One valid ground uniquely tied to the socialist system is the desire of one spouse to give children a religious upbringing. The objection of the other spouse justifies divorce to insure that children are raised on the principles of communist morality.³⁴

Divorce becomes final upon registration with the ZAGS office.³⁵ At first this had to be done within three years after divorce was granted, but in 1973 the U.S.S.R. Supreme Court stated that there was to be no limitation period. Before the divorce is registered, however, parties can petition the court for a waiver of the decision.

Present-day Soviet divorce law is still defined by the 1968 Family Code. Notwithstanding the liberalization of Soviet divorce laws in the 1968 Code, there has been dissatisfaction with the manner in which the laws have been implemented.³⁶

III. THE 1980 U.S.S.R. SUPREME COURT DECREE ON JUDICIAL PRACTICE INVOLVING DISSOLUTION OF MARRIAGE

In 1980, the plenum of the Supreme Court of the Soviet Union issued a decree on the subject of divorce.³⁷ This decree,

30. THE SOVIET LEGAL SYSTEM, *supra* note 25, at 455.

31. *Obzor Praktiki Sudov R.S.F.S.R. po Delam o Rastrozhenii Braka*, 1972 *Biulleten' Verkhного Suda* No. 10 at 2.

32. *Divorce: Is It Becoming Too Common?*, 34 *CURRENT DIG. SOVIET PRESS*, No. 28, 1982, at 12.

33. *Nasirov v. Nasirov*, 6 *Biulleten' Verkhного Suda S.S.S.R.* 38 (1962).

34. Y. LURYI, *supra* note 26, at 60.

35. *Id.* at 62.

36. See Stobolov, *Applying the Legislation on Marriage and the Family*, *SOVIET LAW & GOV'T*, Summer 1973, at 77.

37. This material is drawn from Decree No. 9 of the plenum of the Supreme Court, November 28, 1980, U.S.S.R., 1 *Biulleten' Verkhного Suda S.S.S.R.* 12 (1981) [hereinafter Decree No. 9].

like all decrees concerning family law, was binding on lower courts³⁸ and therefore a significant development in Soviet divorce law. However, it appears to only fine tune existing law rather than make sweeping changes and is therefore more significant for what it fails to say than for what it says. It does indicate, however, that divorce procedures continue to be a problem for Soviet society.

A. Reconciliation

The main thrust of the divorce decree encourages reconciliation:

Courts should bear in mind that temporary discord in the family, conflicts between spouses due to random factors and the reluctance of one or both spouses to continue the marriage (not confirmed by serious arguments) cannot be considered sufficient grounds for its dissolution. Only when the court finds that the further joint life of the spouses and preservation of the family have become impossible, that the family has totally disintegrated, is it entitled to satisfy the plea to dissolve the marriage.³⁹

The decree also specifies documents to be submitted with the complaint and requires a court to determine spousal attitudes towards the marriage and to promote reconciliation before granting a divorce decree.⁴⁰

B. Postponement

Soviet courts have often been criticized for granting divorces too quickly and for not using their postponement pow-

38. Power to interpret legislation in the Soviet Union is theoretically reserved exclusively to legislative bodies and lies beyond judicial authority. Nevertheless, the U.S.S.R. Supreme Court is expressly authorized to give directives to other courts on application of laws. See V. GSOVSKI, *SOVIET CIVIL LAW* 843-45 (1948); E. JOHNSON, *AN INTRODUCTION TO THE SOVIET LEGAL SYSTEM* 83-85 (1969). The U.S.S.R. Supreme Court gives directives in response to specific appeals. Because the court is not held to a "case or controversy" requirement, and because it is responsible for overseeing lower courts' functions, it can conclude that lower courts do not understand a particular law. It then issues a detailed, binding directive on the application of a law, often generalizing from the experience of lower courts. Y. LURYI, *supra* note 26, at 7. However, a court decision is only binding in that case. In other words, contrary to the common law system, it has no precedential value.

39. Decree No. 9 ¶ 12, at 14-15.

40. *Id.* ¶¶ 9-10, at 14.

ers.⁴¹ The 1980 decree notifies the lower courts of their power and duty to postpone a divorce case for up to six months and to insure subsequent postponement in order to facilitate reconciliation.⁴² Postponement decisions are not appealable.⁴³

C. Lower Court Responsibilities

The 1980 decree serves notice on lower courts that decisions not to postpone may be subject to scrutiny from higher courts, and that their final decisions must contain certain findings. For example, the court is obligated to discover spousal discord and motives underlying the divorce action.⁴⁴ The court must set forth its findings, along with its reconciliation attempts, in the final decision.⁴⁵ In addition, courts are to seek the assistance of public organizations in taking corrective measures to help settle family disputes.⁴⁶

D. Effect of the Decree

In addition to emphasizing reconciliation, the decree addresses technical problems in interpreting the 1968 law. But the 1980 directive added little to previous divorce law, although it did reemphasize policies already existing within that law. This indicates dissatisfaction with liberalized divorce laws and an effort to remedy divorce procedures that are too simplified.

IV. CONCLUSION

The Soviet government faces a dilemma involving tension between communist social theory and the realities of a stable society. Communist theory clearly favors the ready availability of divorce. Lenin stated, "one cannot be a democrat and a socialist without demanding freedom of divorce . . ."⁴⁷ However,

41. *Otlozhenie Razbiratel'stie Dela o Rastrozhenii Braka*, 9 *Sovetskaya Iustitsiya* 23 (1981), also focuses on this issue. A case is cited where a couple was granted a divorce, but reconciled and remarried within a short period of time. It seems unlikely that this is a typical case, but the Soviet press and Supreme Court seem convinced that the lower courts are not doing enough to reconcile couples who are seeking divorces.

42. Decree No. 9 ¶ 11, p. 14.

43. *Id.*

44. *Id.* ¶ 12, at 14.

45. *Id.* ¶ 18, at 16.

46. *Id.* ¶ 2, at 13.

47. 30 V. LENIN, *COMPLETE WORKS* 125 (B. Isaacs & J. Fineberg trans. 1967).

the government is convinced that a direct correlation exists between an increasing divorce rate and a declining birth rate:

Statistical investigations demonstrate a strong relationship between the divorce and birth rates. The larger the number of divorces, the lower the birth rate. In fact, there are two relationships here: the larger the number of divorces, the lower is the assurance of family stability, the weaker the efforts to have children, and the lower the birth rate. But the smaller the number of children, the simpler it is to decide to get divorced, and the easier it is to do so.⁴⁸

Further, the experience of the 1920s and 1930s taught the government that a strong family unit is necessary to prevent teenage crime and to train youngsters to be good socialist citizens.

The course of Soviet divorce law since 1935 has shifted between simplifying the divorce procedure for ideological reasons, as in 1968, and making it more difficult in order to discourage divorce, as in 1944 and 1980. Requiring the court to take affirmative measures to reconcile spouses by postponing proceedings and to keep detailed and accurate records to facilitate review, in part, assumes that a significant number of divorces are being granted when no one really wants them, a rather unlikely proposition.

Past emphasis on reconciliation has led courts to refuse to grant divorces, forcing reconciliation. The Soviet press has vehemently criticized this approach and rightly so. It merely leads to foresaking the judicial process for informal divorce by desertion. Attempting to reduce divorce by regulating court procedure is as unrealistic in the Soviet Union as it would be elsewhere. Such regulations focus on symptoms instead of underlying causes of divorce.

Soviet society is, of course, not the only society where family and marital institutions are experiencing significant tensions.⁴⁹ In some ways it appears to be part of the general problem of industrialization. The classical Marxist writers, however, saw in industrialization the potential for a new relationship between the sexes. Industrialization was to provide social services

48. Perevedentsev, *Marriage and the Family*, SOVIET LAW & GOV'T, Fall 1974, at 96.

49. See Hafen, *supra* note 16; Hafen, *Children's Liberation and the New Egalitarianism: Some Reservations About Abandoning Youth to Their "Rights,"* 1976 B.Y.U. L. REV. 605.

needed to free women from household drudgery and thus allow them to achieve economic equality and financial independence.

It may be that the Soviet Union is now in an economic position to create facilities which would free the wife from housework and would permit children to be raised communally, but there is little current discussion of this option, as opposed to the frequently expressed concern over the divorce rate.⁵⁰ Beginning in the late 1950s the policies and actions of Stalin came under attack. The present regime, however, remains tied to the policy of family preservation which Stalin wrought in the 1930s, a policy with little support in Marxist doctrine.

For all of the lip-service paid to Marxist theory, the Russian leadership jettisoned this vision long ago. Economic conditions combined with the unequal position of the sexes in modern Russia, and the perception that the family is necessary to a stable Soviet society, guarantee that the family unit will remain, at least to some degree, a state-supported social unit in modern Soviet Russia.

Michael D. Berger

50. *See Divorce: Is It Becoming Too Common?*, 34 CURRENT DIG. SOVIET PRESS, No. 28, 1982, at 12.