The Role and Status of Women in the Soviet Union (1918 to 1953)

Master's Thesis
to be awarded the degree of
Master of Arts
in Global Studies
at the University of Graz, Austria

supervised by
ao.Univ.-Prof. Mag. Dr.phil. Anita Ziegerhofer
Institute of the Foundations of Law

Graz, November 2019
Author’s Declaration

Unless otherwise indicated in the text or references, or acknowledged above, this thesis is entirely the product of my own scholarly work. Any inaccuracies of fact or faults in reasoning are my own and accordingly I take full responsibility. This thesis has not been submitted either in whole or part, for a degree at this or any other university or institution. This is to certify that the printed version is equivalent to the submitted electronic one.

Graz, November 2019

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Signature
To my beloved mother
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<tr>
<td>Art</td>
<td>Article</td>
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<tr>
<td>CC</td>
<td>Central Committee (of the Communist Party)</td>
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<tr>
<td>ECHR</td>
<td>European Convention on Human Rights</td>
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<tr>
<td>ECtHR</td>
<td>European Court of Human Rights</td>
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<tr>
<td>Ed(s)</td>
<td>Editor(s)</td>
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<td>NEP</td>
<td>New Economic Policy</td>
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<tr>
<td>Orgburo</td>
<td>Organisational Bureau of the CC</td>
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<td>Politburo</td>
<td>Political Bureau of the CC</td>
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<tr>
<td>RSFSR</td>
<td>Russian Soviet Federated Socialist Republic</td>
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<td>SU</td>
<td>Soviet Union</td>
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<tr>
<td>UNDHR</td>
<td>Universal Declaration of Human Rights</td>
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<td>USSR</td>
<td>Union of Soviet Socialist Republic</td>
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<td>Zhenotdel</td>
<td>Zhenskyi Otdel (Women Department)</td>
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Methodology

The aim of this thesis is to address the topic from a theoretical research perspective. The purpose of this work is to look at the issue objectively, and not to interpret events assuming a Russian or Western point of view. Although the thesis is based mainly on German or English sources, I did not try to compromise the Russian side.

The most suitable approach to answering the research questions is a standard desktop analysis using published sources as qualitative data. To represent the historical context, I chose the most important turning points of the era stretching from 1917 to 1953, using the categorisation of Manfred Hildermeier, a German professor of Eastern European History at the Georg-August-University Göttingen.

The legal part is mainly based on the leading authors in the field of Soviet Constitutionalism: Reinhard Maurach, Martin Fincke und Herwig Roggemann.

In the main part of this thesis, special attention is paid to the works of Wendy Goldman and Anna Köbberling. Their passion and attention to the issues of Soviet women resulted in impressive and profound analyses.

In her book “Zwischen Liquidation und Wiedergeburt, Frauenbewegung in Russland von 1917 bis heute”, Köbberling gives an overview on the various activities of the women’s movement in Russia since the October Revolution. Most importantly, she describes the „Russian women’s movement” as a singular social movement. Her argument is that the Russian women’s movement should not be analysed by the same criteria as Western women’s movements.

Wendy Goldman in her book “Women at the Gates: Gender and Industry in Stalin’s Russia” focuses on women in family policy, women’s emancipation, and industrialisation. She gives a wide and exact context of women’s lives in this period of time, offering a full understanding of the subject.

The thesis summarises and analyses different circumstances (social issues, economic issues, ideology) of the era from 1918 to 1953 collecting the existing sources and coming to a conclusion that answers the research question.
“You will not grasp her with your mind
or cover with a common label,
for Russia is one of a kind-
believe in her, if you are able...”
(Fyodor Ivanovich Tyutchev, 1866, translated by Anatoly Liberman)

Chapter 1: Introduction

The history of women's rights in the Soviet Union appears to be embossed by paradoxes. In the 19th century, women were in total dependence of men and had almost no separate civil identity. If a woman wanted to work, to study or travel, she needed her husband's written consent. The Orthodox Church practically denied the possibility of divorce.¹ By comparison, the October Revolution broke down all the settings of the past. Through a series of decrees, the new Soviet Government, explaining its policies in ideological statements, proclaimed the full civil and political equality of women and their equal rights in economic life and marriage.²

The realities behind these proclamations were more complex. Bolsheviks attempted to portray their new state in the light of the most progressive tendencies, and women's rights became a central tool in projecting the supremacy of the new Soviet mode of life. At the same time, existing demands were largely neglected and women’s dreams and goals pressed into some ideological cookie cutter that did not empower women, but allowed them to express only what was acceptable to the ideology.

Still, whatever the new ideology permitted required a colossal transformation of popular beliefs, behaviour and values. For example, traditionally the central authority figure in a peasant family was the batiushka. He was the oldest member of the family who managed the overall family property. All his decisions about planting and harvesting, buying or selling of property were final.³ How could the role and the status of women in the Soviet ideology overcome these traditional ideas of society?

The implementation of the necessary transformation towards what was considered women’s empowerment was the task of the women’s department, called Zhenotdel, established in 1919 by the Secretariat of the Central Committee of the Bolsheviks Party. Its purpose was to include women into the party government and push for their liberation. It became one of the key drivers of the emancipatory agenda. Yet, in 1930 when women's issues were subsumed under the larger and more important campaigns for industrialisation and collectivisation, the Politburo (the Political Bureau) eliminated the Zhenotdel.

These historic developments raise a wide range of questions: What was promised to women by the Soviet Party leaders? What rights did women get after the October Revolution of 1917? What was the implication and impact of the women's movement in the Soviet Union? What role did the Zhenotdel play in its development? Could the Zhenotdel have started a bottom-up process? What kind of interaction existed between the Zhenotdel and the Soviet Party? And why was the Zhenotdel eliminated? How did the women's movement develop after the Zhenotdel’s elimination?

In order to shed some light on these questions, the present master thesis examines the role and status of women in the Soviet Union in the years between 1918 and 1953. A special emphasis will be made on the women's movement, its definition, role and impact on the history of women’s rights in the Soviet Union. It will be argued that despite the legacies of the tsarist women’s movement and the demands for an authentic empowerment, the Bolsheviks’ and later Soviet approach was essentially paternalistic. It proclaimed to pursue a progressive policy on women’s issues, but in reality it pressed women’s needs and aspirations into the patterns acceptable for ideological reasons and used women (just as it used men) to satisfy the power aspirations of the few men leading the Soviet project.

The thesis consists of six chapters: After this brief introduction (Chapter 1), Chapter 2 will give an overview of the general history of the Soviet Union from 1917 to 1953, while Chapter 3 will address the more specific question of the foundations of Marxist-Leninist legal sciences as well as the development of the early Soviet Constitutions of 1918 and 1936. Subsequently, Chapter 4 will closely examine the rights awarded to women by the Soviet constitutions, such as the equality of all citizens of the Soviet Republics regardless of sex, women.

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4 Lapidus, op. cit. note 2, 93-94.
5 Hutton, Women in Russian Society from Tsars to Yeltsin, in Rule and Noonan (eds), Russian Women in Politics and Society, 1996, 65.
race, nationality, the right to work, and the right to vote. Chapter 5, which constitutes the main chapter of this thesis, will then give a profound analysis of the women's movement and the role of the Zhenotdel. Finally, in Chapter 6, a summary will be given and conclusions will be drawn from the prior historical and legal analysis of the status of women in the Soviet Union.
Chapter 2: General History of the Soviet Union from 1917 to 1953

2.1. Revolutionary Transformations and the Origins of the Soviet State

The women’s movement in Russia had seen the light of day in the Tsarist era. In many ways, the positions held and the courses of action proposed were a reflection of the conservative, yet stable environment of this largely pre-industrial era that denied women equal rights. At the time, probably only the most ardent of revolutionaries could imagine that a socio-political system so rooted in the culture of the land could be swept away so easily.

It was World War I (1914 – 1918) that served as a trigger to the most profound transformations. When in 1915 – 1916 shortages in the coal and steel production appeared, the intensive war effort faltered and the Tsarist Empire appeared to be in a deadlock. By 1917, the war economy required more and more resources which were no longer available; breakdowns in transport caused problems in the food supply to the army and the population. In the cities, food became scarce and hunger started.

In Petrograd, the capital of the Russian Empire, on 8 March 1917 (23 February according to the Julian calendar) mostly female workers of the textile factories went on strike and demonstrated for bread. Soon male workers from the metal factories joined and increased the number of demonstrators.8 On 24 February 1917, demonstrators totalled 200,000 people. By 25 February 1917, thousands of demonstrators were opposing the troops, and the revolution had begun. The culmination came on 27 February 1917 when whole regiments of the Petrograd garrison joined to the riotous. At the same day, the Tsar gave an order to disperse the crowd. Nevertheless, the highly respected leaders of the Duma refused to obey the order, and generals announced themselves a Provisional Committee (“Government”). On 3 March 1917, Nicholas II abdicated9 and the three-hundred years rule of the Romanov dynasty came to an end.

On this fateful day, workers and soldiers in Petrograd created their own “Council”,11 and a second centre of power in the country came into existence. The “Council” consisted of the

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8 Kenez, A History of the Soviet Union from the Beginning to the End, 1999, 15.
10 Kenez, op. cit. note 8, 16.
11 In Russian „sovet“ (Soviet).
representatives delegated from all factories and military units, so-called “deputies”. Thus, the first stage of the Russian Revolution, mostly known as February Revolution, created a new political system later called “dual power”. The Council of the Workers’ and Soldiers’ Deputies served as a controlling organ although in the country the Provisional Government already represented the capital population’s interests.¹²

Women organisations of all kinds welcomed the events. However, their enthusiasm received a blow when it became clear that despite promises to respect equality independently of status, religion and nationality, the Provisional Government did not consider gender a relevant category in the preparations for the promised Constituent Assembly. As a result, the “League of Women” began to start immediate protests.¹³ They agitated for female emancipation in politics, receiving much support from all over Russia. The activities of the “League of Women” culminated in a huge demonstration on 19 March 1917 in support of the right of women to vote. Between 35,000 and 40,000 women joined forces in a colossal march from the State Duma to the Taurian Palace where the Provisional Government had its seat.¹⁴ The 20 July 1917 was celebrated as the great day when the Provisional Government adopted the election law to the Constituent Assembly in which women obtained equal voting rights.¹⁵

On 8 November 2017, the so-called October Revolution started with a manifesto of the Bolsheviks.¹⁶ They addressed the Russian citizens demanding the Government to be deposed and the Petrograd Council of Workers and Soldiers to concentrate all power in one and the same hands¹⁷ of the “Council of the People’s Commissars”, founded by the new Bolshevik Government¹⁸ and controlled by the All-Russian Congress of Soviets of the Workers’, Farmers’ and Soldiers’ Deputies and its Central Executive Committee.¹⁹ Vladimir Ulyanov (Lenin)²⁰ became the Head of the Council of the People’s Commissars.²¹

The Council of the People’s Commissars engaged in two immediate decisions: ending the

¹² Altrichter, op. cit. note 7, 10-11.
¹⁴ Ibid. 349.
¹⁵ Ibid. 350.
¹⁶ The Bolsheviks (majority), also was a faction founded by Vladimir Lenin and Alexander Bogdanov that separated from the Menshevik (minority) faction of the Marxist Russian Social Democratic Labour Party in 1903. For details, see McCauley, The Longman Companion to Russia since 1914, 1998, 165.
¹⁷ Altrichter, op. cit. note 7, 16.
¹⁸ Ibid. 22.
¹⁹ Ibid. 26.
²⁰ Lenin, Vladimir Ilich (1870-1924), For more details see McCauley, The Longman Companion to Russia since 1914, 1998, 293.
²¹ Ibid. 27.
war and addressing the issue of ownership in land. The so-called Decree on the land abolished private property in land and ordered its distribution to the farmers and workers.\textsuperscript{22} The Peace Treaty of Brest-Litovsk came into force on 3 March 1918.\textsuperscript{23}

2.2. Consolidation of Bolshevik Power

Beyond the immediate entourage of Lenin, in which his wife Nadezhda Krupskaya was the most notable woman, the Bolshevik Party came into existence as a predominantly male organisation almost entirely present in Petrograd and the central cities, rarely in the smaller and medium-sized ones and with no presence in the countryside at all. It established itself around the Central Committee and its two Bureaus. They were the “Politburo” concerning foreign, financial and economic policy issues and the “Orgburo”, aiming to set up the Bolshevik Party apparatus.\textsuperscript{24} Step by step, a hierarchically structured party bureaucracy appeared that executed the Central Committee’s wishes faithfully and stood outside the Soviet administration.\textsuperscript{25}

The Civil War triggered the establishment of the new economic policy known as “War Communism”. This system characterised by the confiscation of private businesses and industry and the compulsory requisition of grain and food from the peasants. These actions were explained by the need to feed the cities and the Red Army. The Reds warned the peasants that it was in their own interests to provide food, because if the landlords came back the peasants would be in an even more difficult situation.\textsuperscript{26}

Both the Civil War and foreign interventions hit Russia hard. Large parts of the agricultural land stood uncultivated for years, it was pointless to plough the fields when the Civil War was raging back and forth. In central Russia, the mood among farmers became more and more hostile. The requisitions of agricultural products stifled every bit of initiative and farmers were producing only for themselves.\textsuperscript{27} Workers were likewise in despair since many plants were left abandoned, there were not enough resources or energy to keep up, and of course no were salaries paid. Trading activities broke down and by 1920 private trade was

\begin{itemize}
  \item \textsuperscript{22} Rauch, Geschichte der Sowjetunion, 1987, 72.
  \item \textsuperscript{23} Ibid. 88.
  \item \textsuperscript{24} Altrichter, op. cit. note 7, 53.
  \item \textsuperscript{25} Ibid. 54.
  \item \textsuperscript{26} \url{www.britannica.com}, available at: \url{https://www.britannica.com/place/Russia/The-Civil-War-and-War-Communism-1918-21}, (01.11.2019).
  \item \textsuperscript{27} Rauch, op. cit. note 22, 144.
\end{itemize}
prohibited. After the Civil War, while the Bolshevik Party tried to reconstruct itself, a rather prominent but not too popular member of the Party took the lead. It was Iosif Stalin. In April 1922, he headed the Central Committee then as General Secretary. Before, he was a member of the Plenary under the Politburo Central Committee as well as a member of the Orgburo.

2.3. The Birth of the Soviet State

In January 1918, the third All-Russian Congress of Councils (Soviets) confirmed its commitment to establish a federal structure for the future state. The first Constitution of the Russian Socialist Federal Soviet Republic (RSFSR) was adopted in July 1918. In the Civil War, the Bolsheviks gained back some territories they had previously lost; overall the situation had not changed much. The relationships among the Republics Ukraine, Belorussia, Georgia, Azerbaijan, Armenia and the Russian Republic, forming the Federation, were governed by treaties. In this way, the appearance of these political entities’ sovereignty was preserved. In the course of 1923, however, under the new Constitution legitimately accepted by the Congress of the Soviets, the Union of the Soviet Socialist Republics (USSR) was founded in 1924.

2.4. The New Economic Policy

The so-called New Economic Policy (NEP), adopted by the Communist Party in March 1921, represented a retreat from the policies of War Communism in response to the peasant revolts on the Volga, the Kronstadt uprising, strikes by workers and the Makhno movement. The essence of NEP was a reconciliation with the peasants, the ending of forced requisitions and their replacement by an in-kind tax (later in money). The demand for consumer goods was hoped to be raised by strengthening the farmers’ purchasing power. Industrial production was expected to be raised by increased production of consumer goods

28 Ibid. 145-146.
29 Stalin, Iosif Vissarionovich (1879-1953), For more details see McCauley, The Longman Companion to Russia since 1914, 307.
30 Altrichter, op. cit. note 7, 53.
31 Ibid. 53-54.
32 Altrichter, op. cit. note 7, 133.
33 Kenez, op. cit. note 8, 57.
34 The Makhno movement was named after the anarchist Nestor Ivanovich Makhno (1888-1934).
as a stimulus. By May 1921, artisans and craftsmen were again permitted to work and to sell their products. Moscow attempted to attract foreign capital and expertise by offering concessions for sale. The famine of 1921 cost many lives and industrial prices rose faster than agrarian prices, which reduced the incentive of peasants to market their produce. In 1922-23, industrial production increased, but agriculture still lagged behind. In fact, farmers were not interested in purchasing industrially produced consumer goods and retreated more and more from the state-organised market. Instead, private trade between artisans, craftsmen, small- and medium-sized businesses developed. The long-awaited increase in agricultural production materialised only after 1926 when in 1925-26 industrial production came back to the figures of 1914.

The NEP’s effect on the situation on women was primarily that female unemployment increased. Under the newly introduced principle of khozraschet (economic accounting) state companies had to keep income above costs and thus show a profit. There was a general move toward economic efficiency. Smaller and less profitable companies were closed down, the development of heavy industry on a larger and more efficient scale was supported and hundreds of thousands of unskilled workers were dismissed. Along with other problems, the beginning of the NEP coincided with the demobilisation of the Red Army which threw many more thousands of unemployed male workers into the already shrinking labour market. These two factors caused massive female workers layoffs.

Overall, the NEP helped to consolidate the Bolsheviks’ power. Public discontent that had still been widespread in early 1921 receded. People adopted the idea of the one-party ruled country; the position of the Bolsheviks became stable. After seven years, the economy for the first time showed signs of recovery.

2.5. Stalinism

Stalinism as a new economic and political period followed the NEP. The years between 1929 and 1933 witnessed a fundamental change in the course of the Party, coupled with violent purges. Often this new policy was also called a „revolution from the top“, encompassing
three structural changes: a transition to a centrally planned economy where priority attention was given first to industry, later to the entire economy; forcible private farm collectivisation; and finally personal Stalin’s personal dictatorship that emanated from the previously oligarchic system of ruling.41

When the Bolsheviks established the policy of total collectivisation, they claimed that the Soviet people as a united nation was undergoing a great transformation. They declared that they would “construct” socialism in the countryside with the help of urban workers and communists. They would bring “victory on the grain front”, “eliminate the differences between town and countryside” and make rural illiteracy pass away.42

During the first Five-Year Plan, women were primarily seen as a huge and available labour force required for economic growth according to a long-term strategy that relied on involvement of ever more workers and capital. The slogan “To the factories!” was primarily addressed to the female labour force. Unlike the earlier emancipatory effects of joining the labour market, the Bolshevik party now placed an accent on women’s civic duty to fulfil production quotas.43

The planned economy focused on forcible industrialisation. The entire country turned into a gigantic construction site. As a result, more peasants than originally planned were drawn into the city centres. Urbanisation made it necessary to increase the expenses on consumption rather than directing resources into the production of goods.44 Under the conditions of the planned economy, the quality of work became unimportant; expensive imported machinery was left idle, the construction of plants halted and a lot of the industrial output was useless.45

The haste and force obviously cost much.46 Nonetheless, Stalin managed to make a progress towards the country’s industrialisation: the rate of growth was notable; by keeping down consumption and investing an extraordinarily large share of the national product into the production of goods, the Soviets could bring about an industrial transformation. The Soviet Union had laid the base to becoming a great industrial power. In 1932, the Soviet economy differed markedly from the one that had existed at the beginning of the industrialisation.47

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41 Hildermeier, Die Sowjetunion 1917-1991, 35.
44 Hildermeier, op. cit. note 41, 36.
45 Ibid. 36.
46 Ibid. 36.
47 Kenec, op. cit. note 8, 92.
The Soviet collective farms (kolkhozy) were the results of the policy of collectivisation. All peasants had to join the newly created kolkhozy. Those who opposed the new institution were called kulaks and expropriated. The possessions of the kulaks reverted to the kolkhozy, the kulaki themselves were violently punished.48 Kulaks represented the more skilful and entrepreneurial farmers who had managed to make a living from farm production.49 According to Stalin, however, in the long run the successful “capitalist” way of farming and the creation of a socialist economic system were incompatible.50

As a reaction to the policy of collectivisation, there was a huge wave of primarily female peasant protest and unrest in all agricultural areas of the country.51 These spontaneous expressions of the opposition against state actions were called bab'i bunt (women's riots). Women, also supported by men, met organisers of the new farms with force, refusing to give up their property, dispossess kulak families, or collectivise land.52 The Bolsheviks explained the leading role of peasant women in the protests by their general backwardness in cultural and political matters.53

Subsequently, the official policy of “liquidating the kulaks as a class” targeted approximately one million of farmer families (approximately 5-6 million people).54 It was enacted based on a secret meeting of the Politburo on 5 January 1930. Three categories were distinguished: (1) “counter-revolutionary activists” were to be deported and in the case of resistance immediately liquidated, (2) a second group was to be deported to the Northern regions of the country; (3) the rest had to re-settle to work on land that was unsuitable for agriculture.55 This “revolution from above” caused the social transformations of the industrial urban areas, which had started after the October Revolution, to come to an end. In the agrarian countryside, the corresponding system of kolkhozy replaced the traditional forms of agricultural production.56

48 Ibid. 85-86.
49 Luk, Geschichte Russlands und der Sowjetunion, Von Lenin bis Jelzin, 2000, 252.
50 Ibid. 253.
54 Hildermeier, op. cit. note 41, 38.
55 Ibid. 38.
2.6. Great Terror

The years from 1936 to 1938 came to be known as the “Great Terror”. Its first wave began in 1932-1933 with the cleansing of the party from supposed enemies.\(^{57}\) During these years, 450,000 people were excluded from the three million party members.\(^{58}\) The second wave of the “Great Terror” followed the murder of the revolutionist Sergey Kirov in 1934, directed against those Communist Party members who were accused of being sympathetic to this former party dissident.\(^{59}\)

However, the “Great Terror” affected not only the elite group of party members. A large number of ordinary citizens also suffered. From 1937 to 1938, 1,372,392 people were arrested, 682,296 out of them were murdered. By comparison, the number of the party members or membership candidates who fell victim of the terror was 116,885.\(^{60}\)

On 2 July 1937, the Politburo sent to the local administrative organs an order, containing the directive to arrest all *kulaks* and criminals immediately, and to liquidate the most hostile among them.\(^{61}\) In addition, all those whose ethnic origins were connected to states where anti-Soviet politics were expressed had to be deported to the Far North: Germans, Poles, Fins, people from the Baltic republics, Romanians, Japanese, and Koreans.\(^{62}\)

2.7. World War II

In the Second World War started by Nazi Germany, the Soviet Union obtained a slight space for manoeuvring by signing the Molotov-Ribbentrop Pact of non-aggression between Germany and USSR on 23 August 1939.\(^{63}\) Both parties to this pact assured each other absolute neutrality, even if one of the parties would be the aggressor itself.\(^{64}\) On 22 June 1941, at 4 a.m. German troops surprisingly invaded Russia.\(^{65}\) Nevertheless, in the coming years, the Soviet Union managed to mobilise so many materials and personal resources that it could not only stop the German advances, but even went on the counter-attack.\(^{66}\) In 1942, the war situation turned increasingly to the advantage of the Soviet Union. Thus, the

\(^{57}\) L\(\dot{u}\)ks, op. cit. note 49, 297.
\(^{58}\) Ibid. 297 - 298.
\(^{59}\) Ibid. 297 - 298.
\(^{60}\) Ibid. 316.
\(^{61}\) Ibid. 316.
\(^{62}\) Ibid. 316.
\(^{63}\) Kenez, op. cit. note 8, 131.
\(^{64}\) Rauch, op. cit. note 22, 322.
\(^{65}\) Ibid. 357.
\(^{66}\) Hildermeier, op. cit. note 41, 57.
pressures in the country became more relaxed. The direction of the governmental politics in culture and education became more liberal, and the interaction between the Soviet government and the Orthodox Church became as warm as never before.\textsuperscript{67}

Given data suggests that in 1941 the Soviet Union had approximately 196,7 million inhabitants; there only roughly 170,5 million left by the end of 1945. Approximately 19 million men died in the war, which also amounted to a demographic catastrophe.\textsuperscript{68} 14 million widows became heads of households and carried on their lives with their families during the war and afterwards in the reconstruction period. Only very few among the 2 million women who participated in the military actions were able to enter the post-war military careers that men enjoyed.\textsuperscript{69}

After Stalin’s death in 1953, his terrifying heritage was a key concern for the leaders and peoples of the Soviet State. The impossibility of keeping up the current political system without Stalin was plain to see. However, at that time it was difficult for ordinary Soviet people as well as for politicians to imagine a different system of government. Many years Soviet society tried to rebuild this system, to find a new way of living the old way, but none has been found.\textsuperscript{70}

\textsuperscript{67} Altrichter, op. cit. note 7, 303.
\textsuperscript{68} Hildermeier, op. cit. note 41, 58.
\textsuperscript{69} Hutton, op. cit. note 5, 72.
\textsuperscript{70} Kenez, op cit. note 8, 184.
Chapter 3: Constitutionalism and the Development of the Early Soviet Constitutions

3.1. Introduction

The legal state for women in the beginning of the Soviet Union had been normatively defined by the Soviet constitutions, formally representing the pinnacle of the Soviet legal system. To understand their specific weight and before going into the detailed wording of the conditions affecting the most central goals of the movement, let us contextualise these legal documents in two directions. The one direction is the original philosophies which were developed as “pure” philosophy by Karl Marx and Friedrich Engels in the second half of the 19th century, never expecting that their idea of the communist revolution would first begin not in one of the highly industrialised Western European countries, but in the Russian Empire being at that time comparatively backward. The second direction is the linkage of the legal substance of the first Soviet constitutions and the role of the Communist Party, formally posing as a non-state actor, but de facto handing down normative interpretations of the guiding Marxist-Leninist worldview.

3.2. Foundations of Marxist-Leninist Legal Sciences

3.2.1. The Marxist Concept of Law

The Marxist concept of law rests upon the materialist idea of human society as a complex structure emerging from the mode of production at a given time. Various types of modes of production have been dialectically progressing in the course of history, leading to the proletariat as the ultimate force to overcome the class antagonism.71 Marx wrote that the basic principals of the social, political and spiritual process of life was determined by the means of production in material life.72 And Friedrich Engels seconded that the whole superstructure of the legal and political institutions as well as of religious, philosophical, and other conceptions of each historical period could always be explained on the real basis of the last analysis being formed by the society economic structure.73 Thus, law was seen as part of the so-called superstructure (“Überbau”) built on the mode of production at the time.74

For Marx, the class character of law was veiled by fictions such as the liberal concepts of

72 For details, see Smith, Reforming the Russian Legal System, 1996, 28.
73 Ibid.
justice, rule of law and equality before the law. The idea of liberal justice, with its emphasis on private property and contract law as a means of exchange, in reality excluded the masses of workers which were economically kept dependent and without any significant property. Law was invariably derived from the state and was administered by the state through its organs to keep the class structure of society. There was no natural law with origins outside the state. According to Marx, under the contemporary mode of production the state was an organisation emanating from the ruling class (“the bourgeoisie”). In a society locked into class struggle, the bourgeoisie used the state as a means for suppressing the “proletariat”, i.e. the rising working class which was feeding the bourgeoisie itself.

Marx believed that after elimination of the class contradiction under communism, there would be never need for law, since there would be no longer a “bourgeoisie” and no need for the law to be used in order to repress or compel other classes. He assumed that law and state would disappear in the same manner that crime would disappear, being nothing more than a demonstration of class confrontation. The Marxian vision of the law, thus, showed an obvious degree of utopianism. Russian radicals were influenced by Marx during the last decades of tsarist time as well as Bolshevik leaders during early time of Soviet power.

3.2.2. Marxism-Leninism as the Ideological Foundation of the Soviet System

The ideas promulgated by Lenin (later called “Marxism-Leninism”) were the product of the absorbed and developed philosophical views of Marx and Engels, serving the requirements of the revolution in Russia. After all, Marxist-Leninist economic and political position influenced the Soviet legal system, as well as the pronouncements of the Soviet state, including the various constitutions, must be seen within the context of this ideology.

Lenin, like Marx, envisaged the eventual transition to a communist society in which the coercive instruments of state and law would no longer be necessary and would, indeed, wither away. However, Lenin insisted that a “proletarian dictatorship”, under which the law and the state were necessary to continue existing, was required during the transition from capitalism to communism. It would represent the interests of the population and not the

75 Ibid. 28.
76 Knapp, op. cit. note 71, 967.
77 Smith, op. cit. note 74, 28.
elite’s. 79

3.2.3. Stalin’s View of the Legal System

Stalin had nothing against Lenin’s theory of the “dictatorship of the proletariat”. In fact, he was happy to go even further. In his opinion, even after the bourgeoisie has been exterminated on economic and political level, the state, acting on behalf of the new ruling class, would continue to use the preferred instrument of defending socialist society against such disruptive elements as might be surviving inside the country or come from outside. 80 As it stands to reason, the socialist State was also seen as a tool for protecting society against anti-social disturbances in the criminal sense of the term. The main means of the state force remained the law. 81

By the time of the 17th Party Congress in 1934, Stalin's position had crystallised in the clearest fashion. Legal formality and stability of the laws were emphasised, contract law was restored due to rationalisation of the economic relations among rising state enterprises. When the new constitution was a draft in 1936, family law was also resurrected and strengthened. It became harder to obtain divorces, whereas abortions were prohibited. The Constitution of 1936 called for new civil and criminal law codes, accepting however the right to ownership of personal property. 82 Stalin announced legal stability to be a matter of urgency. 83 The early Soviet infatuation with the Marxist concept of the withering away of the state was soon to provide the entry for Stalin's dictatorial powers. 84

3.2.4. Conclusion

One of the paradoxes of Soviet Union constitutionalism is that after many years of propagating the Marxist concept of the withering away of the law and state, Stalin made important steps towards reinstituting a Romanist concept of the law, a professional bar, and formal courts making decisions based on compound written codes of civil and criminal law and procedure. However, the power of the state was aiming at destroying all Stalin’s

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79 Ibid. 29.
80 Knapp op. cit. note 71, 967.
81 Ibid. 967.
82 Smith, cit. note 74, 33-34.
84 Smith, cit. note 74, 33-34.
opposition and it included the widespread use of legally sanctioned terror against the Soviet people.\textsuperscript{85}

3.3. The Early Soviet Constitutions

3.3.1. Overview

Back in 1917, after the February Revolution, the Provisional Government created a special committee to establish the legal basis for its legislative acts and to provide for mechanisms to ensure judicial protection. On 11 October 1917, it issued work programme No 16 entitled “Revision of the Constitution. Guarantees of the Constitution”. Several days later on 14 October 1917, it clarified the second part of this issue by adopting a document entitled “Legal guarantee of the Constitution”. However, the October Revolution of 1917 did not allow to bring this concept to life.\textsuperscript{86}

After the October Revolution, constitutional law in the beginning of the Soviet Union unfolded in three stages: (1) the Constitution of the Russian Socialist Federal Soviet Republic (RSFSR) of 10 July 1918; (2) the first Constitution of the Soviet Union, based on the amalgamation of the RSFSR with the other Soviet republics of 6 July 1923 (entered into force on 31 January 1924, henceforth “1924 Constitution”), and (3) the second Constitution of the Soviet Union, also called the “Stalin Constitution” of 5 December 1936 (henceforth “1936 Constitution”).\textsuperscript{87} The two earlier Constitutions, unlike the Stalin Constitution, were not formally recognised by the Communist Party Politburo as the state system’s guiding centrepiece. Members of particular classes were not granted any political rights.\textsuperscript{88}

3.3.2. The RSFSR Constitution of 1918

The Constitution of 1906, which was a revision of the tsarist “Fundamental Law of the Russian Empire” of 1832, was the fundamental law of the state until 1917.\textsuperscript{89} Drawing on the „Declaration of the Rights of Labouring and Exploited Peoples”, the Fifth All-Russian Congress of Soviets adopted the first Constitution of the RSFSR on 10 July 1918.\textsuperscript{90} The twin

\textsuperscript{85} Ibid. 34.
\textsuperscript{86} Kremyanskaya, Kuznetsova, Rakitskya, Russian Constitutional Law, 2014, 4-5.
\textsuperscript{87} Maurach, Handbuch der Sowjetverfassung, 1955, 32.
\textsuperscript{88} Ibid. 32.
\textsuperscript{89} Roggemann, Die Staatsordnung der Sowjetunion, 1973, 61.
\textsuperscript{90} Fincke, Handbuch der Sowjetverfassung, Band I, 1983, 95.
The concept of the “dictatorship of the proletariat”, on the one hand, and the principle of “Soviet federalism” as the basis of “Soviet democracy”, on the other, became its foundations.\textsuperscript{91} The Constitution of 1918 was a “full” document, satisfying all demands of formal constitutionalism, according to which the republican form of government and a procedure for the organisation of representative bodies through an electoral system were established. Moreover, for the first time, workers were given political and socio-economic rights equally and regardless of race and nationality.\textsuperscript{92}

Lenin’s admonition about popular will and the need for administrative power to be centralised in the revolutionary struggle resulted in the proclamation that “the entire power, within the boundaries of the RSFSR, belongs to all the working people of Russia, united in urban and rural soviets” (Art. 2, Ch. V, Para 10). This pronouncement declined to separate powers into branches of government, as the people became the origin and the source of the power.\textsuperscript{93}

“Soviet democracy” was based on the political hierarchy of councils (“Soviets”), from local ones to representatives elected to the All-Russian Congress of Soviets (Art. 3).\textsuperscript{94} The All-Russian Congress was a huge body that met only twice per year as the Constitution provided, whereas the Executive Committee of the All-Russian Congress itself was an organisation consisting of 200 people who were considered to be the “supreme legislative, executive and controlling organ” of the Russian Soviet state (Art. 3, Ch. VII, Para 31) \textsuperscript{95} The Congress of Soviets delegated to the Executive Committee the power to take action on its behalf when it was not in session (Art. 3, Ch. VIII).\textsuperscript{96} But the Executive Committee itself was supplemented by the Council of People’s Commissars (Art. 3, Ch. VIII)\textsuperscript{97} There were only seventeen members in the Council, and its mandate included “the general management of the affairs of the Russian Socialist Federal Soviet Republic” (Art. 3, Ch. VIII, Para 37).\textsuperscript{98} The language of the Constitution clearly provided that the Council of People’s Commissars was an executive body only, tasked with carrying out the policies that the All-Russian Congress adopted, perhaps through its Executive Committee. However, the Constitution also gave the

\textsuperscript{91} Ibid. 95.
\textsuperscript{92} Kremyanskaya et al., op. cit. note 86, 5.
\textsuperscript{94} Ibid. 96-97.
\textsuperscript{95} Ibid. 96-97.
\textsuperscript{96} Ibid. 96-97.
\textsuperscript{97} Ibid. 96-97.
\textsuperscript{98} Ibid. 96-97.
Council of People’s Commissars the power to initiate policy. And while it was supposed to merely give recommendations to the Executive Committee of the All-Russian Congress for action, there was the special provision in the Constitution stating that the Council of People’s Commissars may single-handedly enact legislation in case of “measures requiring immediate execution” (Art. 3, Ch. VIII, Para 41).\(^9\) As a result, the Council acquired an official law-making capacity which was important in the turbulent times of the early revolutionary state.\(^10\)

Overall, the RSFSR Constitution of 1918 embodied the idea of class struggle within a transition period. It defined as its main goal the establishment of a powerful all-Russian Soviet state based on the urban and rural proletariat, devoted to the goal of building a classless socialist society with no need for a state.\(^11\) This programmatic goal of Art. 9 of the Constitution of 1918 represented the first attempt in the European history of constitutionalism to elevate the demand for a political revolution to a constitutional requirement. With this goal, the Constitution of 1918 also broke ranks with all preceding constitutions of the era of the liberal rule-of-law state.\(^12\)

### 3.3.3. The First Soviet Union Constitution of 1924

When the Russian Federation added new socialist republics to its state organisation and became the Soviet Union, the Constitution of 1918 was replaced. According to the Constitution of 1924, the same set of Soviet governance principles along with the same institutional structure was extended to a much larger geographic space.\(^13\)

Stalin used the opportunity of Lenin’s illness to bring about a significant strengthening of the organs of power. At the Communist Party Central Committee plenary on 26-27 March 1923, Stalin delivered the final report on the draft Constitution and thus significantly influenced the final version that was adopted on 6 July 1923 by the Central Executive Committee of the USSR.\(^14\)

The 1924 Constitution consisted of two parts: the “Declaration of Rights of Working and Exploited Peoples” which practically formed the preamble to the document, and the “Union

\(^9\) Ibid. 96-97.
\(^10\) Ibid. 96-97.
\(^11\) Roggemann, op. cit. note 89, 75.
\(^12\) Ibid. 75.
\(^13\) Scheppele op. cit. note 93, 96-97.
\(^14\) Fincke, op. cit. note 90, 96.
Treaty” comprising the substantive constitutional law to organise the state, set the Union powers, the relationship inside the Union and among the Union Republics as well as the division of competences.\textsuperscript{105} The Declaration expressed the principles of equality and voluntariness among the Union Republics of the USSR. It offered, for instance, the right to withdraw from the USSR to each Union Republic.\textsuperscript{106} Special chapters were devoted to the Soviet Supreme Court and the so-called Unified State Political Administration, better known under the acronym OGPU as the domestic police and security force. The Constitution of 1924 contained no Bill of Rights.\textsuperscript{107}

The highest bodies of state power were now the Soviet Congress of the USSR and the Central Executive Committee of the USSR; a separate chapter dealt with the Presidium of the Executive Committee of the USSR and the Council of People’s Commissars.\textsuperscript{108} The principle of Soviet federalism was expressed in the formal equality among the Union Republics and in the representation of ethnically denominated administrative territories in the newly founded second chamber of the Central Executive Committee, the so-called Council of Nationalities. The Union Council was formed in the first chamber.\textsuperscript{109}

The Constitution of 1924 was first and foremost a document of state organisation. It should be repeated that the Constitution did not contain a Bill of Rights.\textsuperscript{110} Based on the Constitution of 1924, the Union Republics adopted their own Constitutions. The Ukrainian Socialist Soviet Republic was the first and adopted its constitution on 10 May 1925; the RSFSR became the next one the next day; followed by the Belarusian Socialist Soviet Republic on 11 April 1927, and the Transcaucasian Socialist Soviet Republic on 14 April 1925.\textsuperscript{111}

\subsection{3.3.4. The Second Soviet Union Constitution of 1936}

Anticipating the worldwide victory of socialism was the way Stalin’s idea of a new Constitution emerged; for him personally it was a powerful symbol of the new era of Soviet socialism.\textsuperscript{112} On 6 February 1935, a Constitutional Commission was formed to draft the text, which had two main goals. Firstly, it aimed to democratise the electoral system by replacing

\footnotesize
\begin{enumerate}
\item[Ibid. 96.]
\item[Kremyanskaya et al., op. cit. note 86, 6.]
\item[Fincke, op. cit. note 90, 96.]
\item[Ibid. 96.]
\item[Ibid., 96-97.]
\item[Roggemann, op. cit. note 89, 81.]
\item[Ibid. 82.]
\item[Ibid. 83.]
\end{enumerate}
the old order of elections with one based on equality, and moving from closed to direct elections.\(^{113}\) Secondly, it was to define the social and economic structure of the Constitution in the sense of presenting the Constitution in line with the “present relation of class forces in the USSR” (the foundation of a new socialist industry, elimination of the kulaks, creation of the system of collective farms, socialist property adopted on the basis of the needs of Soviet society, etc.).\(^{114}\)

After a six months long internal discussion period, on 12 June 1936 the draft of the new Constitution was published as an open document to be discussed by everyone: from the workers’ assembly at every enterprise to the Republican Congress. This ritual was attended by a major part of the adult population. As a result, the Commission received 154,000 suggestions, additions and corrections.\(^{115}\) Since it was the great leader’s pet project, it was by no means surprising that it received a large wave of unconditional support.\(^{116}\) When the Constitution was finally adopted in December 1936, Soviet leaders announced it to be the world’s most democratic constitution. Western scholars and citizens have long scoffed at this claim, noting that its adoption was immediately followed by the mass repression of 1937-1938.\(^{117}\)

According to the Constitution of 1936, the number of member states of the Soviet Union increased. The enlargement came about by the admission of the three parts of the former Transcaucasian Socialist Federal Soviet Republics (Azerbaijan, Georgia, and Armenia) and the upgrading of two former autonomous republics of the RSFSR (Kazak and Kirghiz) to the rank of a Union Republic.\(^{118}\)

The Soviet Congress of the USSR as well as the Central Executive Committee were replaced by the Supreme Soviet of the Union of Soviet Socialist Republics. As before, there were two chambers in the Supreme Soviet: the Soviet of the Union and the Soviet of the Nationalities. By the Constitution, the Supreme Soviet could elect commissions. The commissions would do a major part of the Supreme Soviet's work.\(^{119}\) As under the preceding Constitution, the

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\(^{113}\) Kremyanskaya et al., op. cit. note 86, 7.

\(^{114}\) Ibid. 7.

\(^{115}\) Ibid. 7.


\(^{119}\) Kremyanskaya et al., op. cit. note 86, 8.
Presidium of the Supreme Soviet had the total authority of the Supreme Soviet between sessions as well as the right to interpret laws. The titular head of the state became the Chairman of the Presidium of the Supreme Soviet. The Council of Ministers, named before 1946 Sovnarkom, went on acting as the executive arm of the Government.\textsuperscript{120}

The Communist Party distinctly defined its role. According to Art. 126, the Party was “the vanguard of the working people in their struggle to develop the socialist system, and combining the leading core of all organisations of the working people, both public and state”. By default, this definition prohibited other parties to function in the Soviet Union.\textsuperscript{121}

Among the three Soviet Constitutions, the 1936 one stayed in force for the longest period. It was regularly updated and replaced only in 1977.\textsuperscript{122}

3.4. Conclusion

The need to consolidate power in the face of an adversary foreign environment and internal dissent were the \textit{leitmotif} of the early Soviet constitutions. It is probably an irony of history that the state which most vigorously condemned state and law as a product of class struggle decided to adopt the very same means of repression and to formally sanction them by adopting constitutions. While displaying all the trappings of constitutionalism, they were basically \textit{ex post} legitimisations of a political state that had already been forcefully established. Interestingly, the constitutions displayed little of the programmatic mission that Marxist and even Leninist ideology usually conveyed.

\textsuperscript{120}Kremyanskaya et al., op. cit. note 86, 8.
\textsuperscript{121}Ibid. 8.
\textsuperscript{122}Ibid. 8.
“What is the difference between the Soviet and U. S. constitutions? The Soviet constitution guarantees freedom of speech; the U. S constitution guarantees freedom after speech.”

Chapter 4: Fundamental Rights and Rights awarded to Women by the Soviet Constitutions

4.1. Introduction

Since the concept of fundamental rights was absolutely alien to socialist law, during the first two decades of the revolutionary state the official propaganda relegated it to the category of bourgeois law institutions. A whole generation was raised on Stalinist formulas, where people were taught that while bourgeois governments defined the freedom of each person as a guarantee for the overall freedom, the socialist governments guarantee the freedom of everyone by providing each individual with the material basis to exercise his or her freedoms.

Notwithstanding that Soviet constitutions, beginning with the 1936 Constitution, included catalogues of fundamental rights, these fundamental rights were to be applied as political instruments for protecting socialism and building communism. Ethical and moral dimensions of violating the law were eliminated in comparison to the greater importance of the economic goals of society. Many party leaders believed that they were naturally above the law due to their supreme insight into the materialistic laws of development. Fundamental rights were included into constitutions largely for propaganda purposes; individual interests were relegated to secondary importance. Fundamental rights were thus conditioned on the non-interference with building socialism. Technically, this was also realised by Soviet judicial doctrine which denied the possibility to appeal to any judicial or other agency in order to defend one's rights by referring only to the norms of the Constitution. In order to start a lawsuit, a complaint or an appeal to be accepted, even only for review, there had to be a reference to specific legislative acts. In case there was none of the appropriate reference, the Constitution became a mere decoration, helpless to protect the rights and freedoms.

125 Towe, op. cit. note 78, 1272 - 1273.
126 Ibid. 1272.
127 Vaxberg, op. cit. note 124, 111.
4.2. International Legal Framework

Within the framework of women’s rights, an approach to human rights was developed jointly by the United Nations (UN) and Soviet Union. The Soviet Union, being one of the UN founding members, agreed that the purpose and principles of the organisation would include respect for human rights and fundamental freedoms “promoting and encouraging for all without distinction as to race, sex, language, or religion” (UN Charter, Art. 1, para 3).128 The UN Charter contains other fundamental principles, including equal rights of both sexes. It also highlights that it is the obligation of all States to protect and promote women’s human rights.129 Yet, in 1948, the Soviet Union did not support the Universal Declaration of Human Rights (UDHR), abstaining along with South Africa and other close allies. Later, after accepting the UDHR in principle, the Soviet Union supported the adoption of legally binding instruments for subsequent determination of human rights obligations. However, the Soviet Union, along with other states, actively tried to limit the obligations and to introduce additional limitations affecting an individual’s exercise of human rights.130 The Soviet Union was one of those states, which were against establishing independent supervisory bodies at the international level on matters considered by a certain state as “essentially within domestic jurisdiction”.131

The first international human rights treaty drawing on the UDHR was the European Convention on Human Rights (ECHR). State parties to the ECHR are obliged under international law to guarantee a number of human rights to everyone within their jurisdiction, not only for citizens.

The ECHR is the central European human rights treaty. It guarantees civil and political human rights. Art. 1 establishes the obligation for Parties to secure the rights and freedoms in the Convention “to everyone within their jurisdiction”. The enjoyment of these rights must be respected without discrimination on any ground, including sex (Art. 14). Protocol 12 to the Convention reaffirms the principle of non-discrimination: Art. 1 reiterates that the enjoyment of rights set forth by law shall be secured without discrimination on any ground,

130 www.unanca.org, op. cit. note 128.
131 Ibid.
including sex.\textsuperscript{132}

The implementation of the ECHR is carried out with the help of the European Court of Human Rights (ECtHR) which considers cases brought against Member States. The ECtHR rules on individual or State applications alleging violations of the civil and political rights set out in the ECHR.\textsuperscript{133}

The Soviet Union ratified the ECHR and Protocols No. 1, 4, 7, 9, 10 and 11 in 1988. Its participation in the Council of Europe was highly controversial given the obvious nonconformity of its legal system with European standards of democracy and respect of human rights. Despite the controversy, the Soviet Union was admitted to the Council of Europe on the condition that it ratified the ECHR and some of its Additional Protocols and modified its domestic legal system to meet European standards.\textsuperscript{134}

### 4.3. Fundamental Rights in the Constitution of 1918

The Constitution of 1918 enumerated certain fundamental rights: freedom of speech, press, association, assembly, conscience, unions and access to knowledge, as well as equality of civil rights and the rights to asylum. The fact that men and women have equal rights was explicitly mentioned only concerning voting rights (Art. 64).\textsuperscript{135} However, equality between men and women extended also to other spheres since it was accepted as a general principle. The Family Code of 1918 reiterated this principle as well.\textsuperscript{136}

Freedom in the 1918 Constitution was understood through the prism of freedom from exploitation (Art. 3). The Constitution of 1918 was anti-feudal, anti-serfdom, and it aimed at overcoming the dependence of a person, whether man or woman, from oppressors. The Constitution of 1918 thus had a strictly ideological content: it was filled by the idea of combating exploitation. Not surprisingly, the idea of equality was not by chance the key point for that time.\textsuperscript{137}

\begin{itemize}
  \item \textsuperscript{132} www.coe.int, Gender Equality and Women’s Rights, Council of Europe Standards, 1, available at: https://rm.coe.int/090000168058feef, (01.11.2019).
  \item \textsuperscript{135} Towe, op. cit. note 78, 1252.
  \item \textsuperscript{136} Maurach, op. cit. note 87, 341.
  \item \textsuperscript{137} www.owl.ru, Zavadskaya (ed), Gendernaya Ekspertiza Rossiyskogo Zakonodatelstva (Genderexpertise of Russian legislation), 2001, available at: http://www.owl.ru/win/books/zavadskaya/2.htm, (01.11.2019.).
\end{itemize}
The 1918 Constitution’s approach had one distinguishing feature. It was that the freedoms enumerated above were neither proclaimed for human beings nor for citizens without exception. Instead, these freedoms were guaranteed only to all members of the working class.\footnote{Towe, op. cit. note 78, 1252.} In a country that proudly and confidently defined itself as a “dictatorship of the proletariat”, the definition of a worker was automatically connected, materially and ideologically, to countless privileges and benefits. The question who could be qualified as a “worker” was thus critical to peasants, housewives, employed union members, unemployed union members, and those who needed a job but had worked for food and accommodation. As it was axiomatically stated that a person’s class position ultimately set people’s consciousness, actions, and interest, the Communist Party had a real interest in defining and understanding the term “the worker” too.\footnote{Goldman, op. cit. note 6, 6.}

The 1918 Constitution also provided the earliest definition of who was allowed to enjoy the right to vote. The main criterion was that a person was engaged in “productive and socially useful labour”. This category included people engaged in domestic work as long as they enabled others to carry out productive labour. Other occupational groups defined as participants in “productive and socially useful labour” were workers and employees in industry, trade, and agriculture; peasant and Cossack farmers who did not exploit and did not use hired labour for the purpose of extracting profit; and finally, the Soviet Army or Navy soldiers.\footnote{Kimerling, Civil Rights and Social Policy in Soviet Russia 1918-1936, The Russian Review, Vol. 41, No. 1, 1982, (24-46), 30.} The \\textit{lishentsy} - the disfranchised - included those who employed hired labour to extract profit; persons having non-labour income such as getting interest from capital investments or returns from other material property; private traders and mediators; monks and clerics; employees and agents of the former police, corps of gendarmes or Okhrana; members of the royal family; mentally ill, insane persons and those who were under guardianship; and persons convicted for crimes of greed and depravity.\footnote{Ibid. 30.}

The 1918 Constitution brought women some tangible progress. The guarantee that persons of both sexes, male and female, had the right to vote and to be elected marked a distinct break from the past. The Constitution gave the franchise also to those who were engaged in “productive and socially useful labour” as housewives, feeding their hungry proletarian families. In this way, women’s rights were incrementally advanced, albeit by using the
ideological concepts of socialism, but still, an important step ahead had been made.\textsuperscript{142}

4.4. **Fundamental Rights in the Constitution of 1936**

4.4.1. **Overview**

In the Stalin Constitution, an entire chapter, comprising sixteen articles, was devoted to laying out the “Fundamental Rights and Duties of Citizens”. By 1936, Stalin could confidently claim that the “exploiter class had been eliminated” and these rights and duties safely be made equally applicable to all citizens. In addition, Chapter 1 guaranteed the right to hold and inherit certain personal property and to be paid for a work; Chapter 9 guaranteed certain procedural rights to criminal defendants, such as the right to a public trial and the “right to defence”. Chapter 11 guaranteed the secret ballot and universal suffrage irrespectively of race, nationality, sex, religion, educational or residential qualifications, social origin, property status or past activity.\textsuperscript{143} Several rights, including the right to education at public expense, religious liberty, freedom of the press, of association, assembly and street demonstrations, were repeated in language that was very similar to that used in the “Declaration of the Rights of Labouring and Exploited Peoples” of the 1918 Constitution. Duties and obligations of citizens included work, obedience to the constitution and laws, observance of labour discipline, honest fulfilment of social duties, respect for the rules of the socialist community, and universal military service for able-bodied males.\textsuperscript{144}

The relationship between the enjoyment of rights and the positive obligation to partake in society’s great task were illustrated by Art. 125 which guaranteed freedom of speech, press, assembly, street processions and demonstrations. The Article concluded by stating that: “These civil rights are ensured by placing at the disposal of the working people and their organisations printing presses, stocks of paper, public building, the streets, communications facilities and other material requisites for the exercise of these rights”.\textsuperscript{145}

4.4.2. **Equal Rights**

Art. 122 is one of two articles that provides for equality of women in “all spheres of

\textsuperscript{142} Zavadskaya, op. cit. note 137.
\textsuperscript{143} Towe, op. cit. note 78, 1252-1253.
\textsuperscript{144} Starr, op. cit. note 118, 1147.
\textsuperscript{145} Towe, op. cit. note 78, 1254.
economic, government, political and other public activity”. Women were given an equal right to work, equal payment for work, social insurance and education, rest and leisure, plus state assistance for certain family hardships.  

In reality, however, Art. 122 created the legal basis not for an equal right, but for an equal obligation: women were asked to shoulder the same burden of labour as men.  

And indeed, women in the Soviet Union engaged in the same heavy physical work as men. Legally, they were privileged only in their capacity as mothers. Otherwise, there was no biological reason accepted which would have given women a claim to special treatment.

Art. 123 in the second provision of the 1936 Constitution to be highlighted. It guaranteed equality of all citizens irrespective of their nationality or race and provided for punishment by law of those who created restrictions or granted privileges against this right. In fact, equality of citizens was not only neglected, but systematically disrespected. The brutal deportations of entire peoples, the handling of the “Jewish question” and the constant erratic changes in Stalin’s policies were the reality of life in the Soviet Union at that time.

4.4.3. Voting Rights

Art. 135 granted the universal suffrage to all citizens of eighteen years and over, thus removing all former restrictions. The vote may not be denied on account of sex, race or nationality, region, educational or residential qualifications, social origin, property status, or past activity. The only disqualified persons were the mentally deficient and those deprived of electoral rights by the courts. An equal right to vote had also soldiers and sailors in active service. The universality of the suffrage was a major breakthrough compared to the earlier tsarist and socialist law, as both excluded certain categories of persons from the suffrage.

In addition, Art. 137 guaranteed that “women have the right to elect and be elected on equal terms with men”. However, it is interesting to note that the share of women as Party elite level members never exceeded three percent from 1930 to Stalin's death in 1953. No woman ever served on the Party's key decision-making body, the Politburo, during Stalin’s
4.4.4. Right to Work

Art. 118 was a central plank of the ideological foundation of the 1936 Constitution. The right to work turned out to be an emanation of the duty to work in Art. 12. It is reminiscent of the earlier Bolshevik slogan „Those who do not work shall not eat” - in modern terminology it might be called a proletarian meritocracy. Interestingly, the right to work as an obligation on the state was not realised by creating systems of unemployment insurance or labour programmes, but by realizing a number of ideological principles and adjusting the economic goals in an ideological fashion.

The 1936 Constitution lacked a number of provisions that are commonly linked to the right to work in liberal constitutions, i.e. the freedom to choose the place of work or the freedom to change it, furthermore freedom to take up economic activity. Omitting these emanations was not an editorial oversight, but resulted from the fact that these dimensions were simply not known to the Soviet labour law. In an economy driven by a higher insight into the rules of materialistic development, it was not incumbent on the individual to choose his or her preferences. It was rather the state which was assigning the work and as well as providing vocational preparation in line with its future needs.

The right to work for women principally meant the duty to be involved in the vast economic expansion that touched off with the first Five-Years Plan in 1928. The all-out commitment to fast industrialisation process required a strengthening of the labour force. The amount of women presence in the industry and the total proportion both increased rapidly. This growth occurred in three consecutive stages that related with rising demand for labour force. The first stage took place between 1928 and 1940 exactly at the time of first two Five-Years’ Plans. Between 1928 and 1940, the total number of women in the workforce grew fivefold and their proportion increased by 15 percent, from 24 to 39 percent. A further inflow of women into the labour force due to World War II can be explained by necessity to replace

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154 Pulte/Reinartz, op. cit. note 148, 94.
155 Ibid. 33.
156 Ibid. 94-95.
157 Maurach, op. cit. note 87, 328.
men mobilised for war operations.\textsuperscript{159}

The development of protective measures regulating the conditions of female employment rested on the view that the equal treatment of women did not require the identical treatment of both sexes.\textsuperscript{160} Instead, certain protective measures were developed for women only. Protective measures were realised primarily in the field of working conditions for women. They included the prohibition of heavy work, limits on the hours women might work and a list of jobs forbidden for women to work. However, infractions of the prohibitions have been widespread especially in the Stalin era due to industrial growth and of course during World War II.\textsuperscript{161} As a compensation for the double pressures of employment and family responsibilities, the retirement age for women was five years lower than for men.\textsuperscript{162}

A second category of protective measures were measures granted to mothers rather than to women in general. Employers were forbidden to refuse jobs to pregnant and nursing women. Pregnant women were given the right to be transferred to lighter work in the later months of pregnancy. Nursing mothers were entitled to a shortened work day.\textsuperscript{163}

\textbf{4.4.5. Right to Education}

Art. 121 is one of the few provisions of the 1936 Constitution in which declaration and reality largely coincided.\textsuperscript{164} In guaranteeing the right to education, it is unequivocally positive that people in cities and in the countryside were treated equally.\textsuperscript{165} In taking up the struggle against illiteracy and succeeding in it, using the schools as channels for propaganda was a welcome side effect. Considering that approximately 60 percent of the pre-Soviet intelligentsia had been well-educated and the remaining representatives of this class could not be counted on for the Soviet project, there was a strong need to train reliable administrators and managers for the state-planned economy as well as for science, technology and last but not least for the army.\textsuperscript{166}

In the decade between 1927 and 1937, the proportion of women in higher educational

\begin{footnotesize}
\begin{enumerate}
\item[159] Ibid. 166 -167.
\item[160] Ibid. 124.
\item[161] Ibid. 125.
\item[162] Ibid. 126.
\item[163] Ibid 126.
\item[164] Maurach, op. cit. note 87, 339.
\item[165] Pulte/Reinartz, op. cit. note 148, 97.
\item[166] Maurach, op. cit. note 87, 339.
\end{enumerate}
\end{footnotesize}
institutions grew from 28 percent to 43 percent of total enrolments. Fields like industrial engineering, which had a low ratio of women in 1927, grew even more rapidly. During the war years the male mobilisation for military service radically altered the higher educational student body ratio, the overall percentage of the women reached the highest 77 percent. Their proportion declined in the post-war period to a more even 52 percent by 1955, exactly reflecting the proportion of women in the total age group.\textsuperscript{167}

The overall spirit regarding right to education is expressed in a famous quote by Nadezhda Krupsakaya: “Young women need to study not the weaving of lace, not the embroidery of handkerchiefs, not the manufacture of ladies hats or flowers ... but agronomy, animal husbandry, sanitation, technology, and so on. It is necessary for them to study those fields of production where a shortage of skilled workers threatens to have serious repercussions for the republic of workers and peasants.”\textsuperscript{168}

4.5. Conclusion

The 1936 Constitution was not only a propagandistic exercise par excellence; it managed to capture the imagination of devoted socialists worldwide.\textsuperscript{169} However, there were also serious gaps which foreshadowed the repressions of 1937-1938. Thus, the Constitution contained neither the right to \textit{habeas corpus} nor protection from \textit{ex post facto} laws, bills of attainder and double jeopardy, nor was there any due process-based procedure against the denial of liberty.\textsuperscript{170} Furthermore, a wide range of rights of the criminal suspects, such as the right to be informed of the nature of the accusation, a speedy trial, the right to be confronted with witnesses against him or her, the right to have compulsory process for obtaining witnesses in his or her favour and the right to be a witness against him or herself, were not guaranteed by the 1936 Constitution, while some of them were granted by criminal codes at that time.\textsuperscript{171}

The women’s situation in 1936, according the Constitution, presented itself as a double-edged sword. Women had free access to education and many girls, particularly in rural areas, were lifted from poverty and empowered to pursue a profession. In many important areas sex equality was gained, the most important one being the right to vote. However, the votes

\textsuperscript{167} Lapidus, op. cit. note 158, 148-150.
\textsuperscript{168} Ibid. 137.
\textsuperscript{169} Starr, op. cit. note 118, 1151-1152.
\textsuperscript{170} Towe, op. cit. note 78, 1255.
\textsuperscript{171} Towe, op. cit. note 78, 1255.
themselves were rather meaningless during Stalin’s dictatorship. Opportunities for personal growth were overshadowed by the need for an industrial expansion. On paper, the 1936 Constitution appeared to deliver the fulfilment of several goals of the socialist state, but in reality there was quite a conservative turn in Soviet society.
Chapter 5: The Women's Movement and the Role of the Zhenotdel

5.1. Introduction

This chapter will examine the role and status of women in the late tsarist period and the first decades of the Soviet Union. The women’s movement in the tsarist era had introduced a number of various, sometimes even contradictory, positions on women’s issues. When the Communist Party created the Zhenotdel, it proclaimed institutionalizing a socialist agenda on women issues (a kind of socialist feminism), but the question is whether this approach really led to the empowerment of women.

To answer this question, let us first look into the women’s status and the creation of the movement during the pre-revolutionary period. This will help to highlight the changes that have occurred after the October Revolution as well as the origins of the socialist approach to the women's issue in the Soviet Union. Also, it will demonstrate the differences in policies regarding women under Lenin and Stalin. After that, we will focus to the Zhenotdel, its work and interaction with the Communist Party.

5.2. The Emergence of the Women's Movement in Russia.

5.2.1. Women's Role in the 17th and 18th Centuries

The socialist women's movement of the revolutionary period did not come unexpectedly. It had its origins in the resistance to the quasi-absolutist system of the tsarist era in which women played an underprivileged role. At that time, discrimination of women was based both on tsarist legislation and on the influence of the Orthodox Church. The so-called domostroy or “domestic order” had its origins in the 16th century when under Ivan the Terrible first codification of secular laws, the Svod zakonov or “Body of Laws”, was adopted, as well as in the spiritual views of the Orthodox Church. Taken together, both sources of domostroy affected the Russian women’s lives throughout the 18th and well into the 19th century. The society which considered it normal that husbands could beat their wives, and women themselves accepted those beatings as a routine part of their lives, had reinforced the

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173 Ibid. 10
system of the absolute and complete female subjection to the husband - socially, religiously, and economically.\textsuperscript{174}

Before marriage, women were under the full control of their parents. According to Art. 12 \textit{Svod zakonov}, they could not be married against their will, but in reality, this was not taken into account. Even marriage only partially relieved women from parental control; instead, they depended both on their husbands and on their parents. Moreover, women had no freedom of movement because Art. 103 \textit{Svod zakonov} obliged them to follow their husbands everywhere.\textsuperscript{175}

Despite the fact that Art. 109-118 \textit{Svod zakonov} allowed women to hold property, most of them were economically dependent on their husbands. Even if a woman received a small inheritance to sustain herself, she could not enter into a profession and start earning money. Divorce was possible only in a few cases such as adultery, loss of civil rights, or if one of the spouses was more than five years missing.\textsuperscript{176} Nevertheless, the urban \textit{intelligentsiya} began to circumvent the strict family law. Fictitious marriages began to spread in the cities to free women from complete family control. This phenomenon can be called the first unorganised women’s opposition against the role that the church and the state gave them.\textsuperscript{177}

5.3. The Women's Movement in the 19th Century

5.3.1. Historical and Political Context

During the reigns of Alexander II (1855-1881), his son Alexander III (1881-1894) and of his grandson Nicholas II (1894-1917), Russia underwent great social and economic transformations. Women, for example, gained access to higher education. Nevertheless, women's participation in social and economic life still depended on their origin and status. The standard of living for middle-class women, however, improved. Since the majority of the country's population was peasants and despite the abolition of serfdom by Alexander II, many women’s life was still the same as their ancestors.\textsuperscript{178}

\textsuperscript{174} Denisova, in Mukhina (ed), Rural Women in the Soviet Union and Post-Soviet Russia, 2010, 103.
\textsuperscript{175} Köbberling, op. cit. note 172, 11.
\textsuperscript{176} Ibid. 11.
\textsuperscript{177} Ibid. 12.
\textsuperscript{178} Clements, A History of Women in Russia from Earliest Times to the Present, 2012, 112.
5.3.2 Women's Movements before 1905

The novel “What is to be done?” written by Nikolay Chernyshevskii in 1863 marked the birth of the women’s movement.179 This novel influenced the Russian young upper-class of the 1860s and 1870s and especially those who saw the traditional patriarchal family as a key obstacle to their self-development. Vera Pavlovna, the main female character of the story, reflects the development of a sensitive woman who is trapped in an obscurantist family and whose fictitious marriage is a chance for her to escape the reality. In Chernyshevskii’s work the central force was to imagine life in which women could have the same rights to live their life as men. Self-confident and socially conscious, Vera Pavlovna seemed to embody all the characteristics of the “new woman” of the 1860s.180

In the second half of the 19th century, the women’s movement consisted of three main groups: moderates, nihilists, and radicals. All members of these three groups belonged almost exclusively to the small layer of Moscow and St. Petersburg intelligentsia.181

Moderates tried to find legal and peaceful solutions within the framework of the current Russian social system. They did not want to ruin its basic assumptions, wished to change the system or some parts of it, but refrained from suggesting its total renovation and reorganisation. Their liberal views and gradual goals were peaceful. What they wanted was the legal reform of the women’s status; in particular, they wanted to change women’s economic and educational positions.182

The term “nihilist” appeared in Turgenev's “Fathers and Sons” (1861), having summed up the idea of human equality without distinction among race, sex, religion of the person. Nihilist women approached the problem of their rights as women with an outlook basically different from that of the moderates. The moderates wanted to change the world partially, whereas the nihilists wanted to change the world as a whole. The nihilists insisted on the total liberation from the yoke of the traditional family, freedom of mating, sexual equality - in short, personal emancipation.183

The nihilists as a society gave birth to a number of radical groups which aimed to overthrow the Tsar’s regime. Vera Zasulich was a famous radical who in 1878 attempted to kill the

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180 McDermid/Hillyar, Midwives of the Revolution, Female Bolsheviks and women workers in 1917, 20.
181 Kobberring, op. cit. note 172, 13.
183 Ibid. 100-101.
police chief of St. Petersburg, General Trepov. Sofia Perovskaya, who was another partaker of the radicals. She played a considerable role in the radical movement of that time and was a key actor in the assassination of Alexander II. In the radical circles, a great number of women were active. However, revolutionary goals were dominating over the goal of the women’s liberation. When in 1881 Alexander II was killed and when everyone could understand that Alexander III would become the next Tsar, the radical movement lost strength significantly.\textsuperscript{184}

5.3.3. Women's Movement in the Time Period from 1905 to 1917

Within the final years of the tsarist reign, two separate women’s movements appeared almost simultaneously. They were the women's suffrage movement and the socialist one. Both had a pre-history starting in the 1890's, but they were hardly known to each other until 1905.\textsuperscript{185} The women’s suffrage movement sought general suffrage, a right to education and better labour and safety rules. Like the moderates from 1860, they did not question tsarist rule. Anna Filosofova was a key figure in this group.\textsuperscript{186} She devoted many years to uniting all Russian women's clubs and tried to affiliate them to a feminist international organisation. Presiding over the Russia's Women's Congress of 1908 became one of her major achievements.\textsuperscript{187} Besides that, Anna Filosofova was one of the founders of the first Russian Higher Courses for Women, the Bestuyhev Courses (higher education institution) and the shelters for abused and abandoned women and children.\textsuperscript{188}

In addition, Filosofova was one of the founding members Russian Women's Mutual Philanthropic Society. The head of Russian Women's Mutual Philanthropic Society was another prominent woman of that time, one of the organizers of the Russia's Women's Congress of 1908 Anna Shabanova.\textsuperscript{189} In 1895, she took part in founding the Mutual Philanthropic Society. In 1905, she established the Society’s Electoral Department that was involved in the issues of the women's suffrage.\textsuperscript{190}

\textsuperscript{184} Köbberling, op. cit. note 172, 14-15.
\textsuperscript{185} Stites, op. cit. note 182, 191.
\textsuperscript{186} Köbberling, op. cit. note 172, 16.
\textsuperscript{187} Stites, op. cit. note 182, 193.
\textsuperscript{189} Ibid. 23.
\textsuperscript{190} Stites, op. cit. note 182, 194.
The socialist women's movement was inspired by August Bebel. He was the first Marxist who opened the women’s question within Marxist theory to a larger audience. In his book “Woman and Socialism” (1879)\textsuperscript{191} the idea of a women's suffrage was considered bourgeois and ineffective. His followers were certain that no reformist group could produce any changes. According to Bebel, only revolution could transform Tsarist Russia; other strategies he believed to be fruitless.\textsuperscript{192} In the socialist movement’s view, resolving the class antagonism was a precondition for liberating women. The key argument in this Marxist position was that the workers’ class as the most progressive society class needs to liberate itself and is called upon to fight for a socialist future in which there would be no exploitation and inequality.\textsuperscript{193} Women would thus be liberated as part of the workers’ class.

On the First Russia's Women's Congress of 1908 in St. Petersburg it became obvious that the two movements were not ready for collaboration. The Marxist-oriented Alexandra Kollontai\textsuperscript{194} propagated class struggle without a special role for women and advocated the elimination of gender inequalities based on the socialist transformation of society alone. The women’s suffrage movement, by comparison, focused exclusively on the right to vote.\textsuperscript{195}

According to Kollontai's autobiography, the voting wing opposed the participation of Bolshevik movement in the Congress. They denied both grounds of separatism and collaboration with the bourgeoisie. Nevertheless, Kollontai continued her preparations for the congress despite their reluctance. She worked among a wide range of workers such as cardboard, textile, tobacco, rubber, footwear and domestic workers.\textsuperscript{196} As a result, 75 socialist women, the majority of which were factory workers, took part in the Congress. Overall, there was a total of 750 women of bourgeois origin: professionals and wives from so-called high society families.\textsuperscript{197}

After the Revolution of 1905 the need of the women’s participation in politics increased, especially after the so-called “Bloody Sunday” (22 January 1905). The uprisings of the people led to political concession and the right to create political associations was
guaranteed. In the same year, the “Union for Equal Rights for Women” was founded, and until 1917 this Union stayed the most important constituent part of the „League for Equal Rights for Women“. The main goal of the Union was to fight for women’s rights, especially for the right to vote. However, despite the efforts of the new suffrage reforms of 1905 women did not achieve the desired result.

Even the First World War in 1914 did not unite the women's movement groups which were opposing each other. Under the leadership of Alexandra Kollontai, the Bolshevist women’s movement propagated the immediate end of the war explaining that it only served the interests of the ruling class. Moderate groups mobilised in order to support the Motherland in wartime. From 1 to 5 August 1917, a Women Military Congress took place in Moscow. Participants hoped that by supporting the war they could change their role in society.

5.4. The Bolsheviks’ Approach to the Women’s Issue

Both the Marxist and the Soviet Bolshevik ideologies stood firmly and committed themselves unequivocally to the social, political and economic emancipation of women. They intended to change the low position of women in traditional hierarchies within their families and in society as a whole, to free them from the necessity to stay either with a father or with a husband, having no opportunity to stay on their own. The industrialisation had already undermined the women’s economic dependence on male breadwinners, and according to the Bolsheviks' views the advances of socialism would infinitely expand, communalise and humanise the lives of women. They would become mentally and physically free, their lives would never again revolve unremittingly around household drudgery alone. Women would be freed from her low position in the traditional society. They would enter a new world in which they would get involved into politics, social an cultural life notwithstanding their background and unlike their cousins from privileged groups who in fact held the state of superior courtesans.

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198 Godel, op. cit. note 195, 298.
199 Ibid. 298.
200 Köbberling, op. cit. note 172, 17.
201 Pietrow-Ennker, op. cit, note 13, 348.
202 Köbberling, op. cit. note 172, 21.
204 Ibid. 662.
Lenin included the woman question into his political and ideological platform.\textsuperscript{205} In one famous quote, he declared: “The female section of the proletarian army is of particularly great significance … the success of a revolution depends on the extent to which women take part in it”.\textsuperscript{206} His position was influenced by Marxist theory and the Russian tradition of emphasizing the role of a woman as a mother. His wife Nadezhda Krupskaya apparently shared his views and expressed them in her 1901 essay “\textit{Mat’-rabortnitsa}” (The Working-Mother). Her focus on women as workers and mothers became the core of the position on women by the Bolshevik Party.\textsuperscript{207}

Krupskaya's beliefs were based on her experiences of agitation of workers in St. Petersburg in the 1890s, as well as upon the existing Marxist view on the woman question. She constructed a simple but effective illustration of the female part of life in the factories, dwelling heavily upon the suffering working mother, as a rule pregnant and without any maternity support.\textsuperscript{208} In the bright future under socialism, working people would enjoy conditions that were just the opposite: they would work in clean, well-ventilated factories. Society would care for the weak stratum of population as old and sick people, so that nobody would be forced to seek charity. Krupskaya acknowledged existing male prejudices and criticised those workers who argued that politics should remain a “male affair”.\textsuperscript{209}

Alexandra Kollontai went a bit further, as Krupsakya, in her understanding of women’s role, she accepted the concept of the worker-mother but discussed also women's consciousness and self-sense in her theory of the “new woman” who was a more complex person than just a working mother.\textsuperscript{210} She scolded both Russian and foreign bourgeois feminism. She claimed that there are more interested in winning voting rights for women of the upper class than in any general liberation of women. Kollontai was probably the Bolsheviks’ most passionate and powerful supporter of a separate female organisation, but her ideas were continually dismissed as a harmful “right deviation towards feminism”, an unjustified attack in view of her continuous polemics with the bourgeois feminists of the time.\textsuperscript{211}

On motherhood, Kollontai held: “Motherhood must be safeguarded not only in the interest

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\begin{itemize}
  \item \textsuperscript{205} Noonan, op. cit. note. 192, 79.
  \item \textsuperscript{207} Noonan, op. cit. note 192, 79.
  \item \textsuperscript{208} Heitlinger, op. cit. note 196, 42-43.
  \item \textsuperscript{209} Ibid. 42-43.
  \item \textsuperscript{210} Noonan, op. cit. note. 192, 79.
  \item \textsuperscript{211} Ibid. 42-43.
\end{itemize}
of women, but even more so to meet the difficulties of the national economy in its transformation into a workers system: it is necessary to save women’s strength from being wasted on the family in order to employ it more reasonably for the benefit of the collective; it is necessary to preserve their health in order to guarantee a steady stream of fit workers for the Workers’ Republic in the future.”

The ideological precepts were clear, but in practice it was not easy for Bolsheviks to deal with the women’s issue. Their approach focused on female workers who formed the proletariat of “recent levy”. Members of this social layer were considered as the most culturally and politically backward sector of the working class, inactive in the face of the oppression, and women themselves acted as a brake, slowing down the progress of the working-class movement. Bolshevik literature also reflected extensively women’s special position describing it as the most oppressed sector among exploited masses as a whole, and the most oppressed part of the working class in particular. Being subject to the dual oppression of household drudgery and wage slavery, women workers were discriminated against both on the job and in the family. They had not enough social and political rights to resist this pressure. Thus, there were theoretically two rationales for the special approach of the Party toward women. On the one hand, the Bolsheviks felt a threat to the revolution movement that was posed by the political backwardness of women’s issue; on the other hand, they recognised that they needed to make a special effort to raise women from their doubly oppressed status.

“Raising” women out of the oppression was thus not meant to empower them to decide upon their fate independently, but to grant them a role in the grand project of construction the communist social order. Arguably, a major stream of the existing women’s movements could not find itself in this approach. However, for those whose convictions were of a radical brand, the Bolsheviks promised to fulfil their aspirations.

Who were those radical feminists who aligned with the Bolsheviks? The first group of the female Bolsheviks came from the intelligentsiya. These were the ones, often assigned to women's departments in the provinces, dedicated, hard-working, idealistic revolutionaries, spreading “the ideas” among the “dark masses” with the same zeal as their predecessors in

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212 Lapidus, op. cit. note 158, 61.
213 Hayden, op. cit. note 38, 151.
214 Ibid. 151.
215 Ibid. 151.
the 1870s and 1880s. The second group, so-called “communists’ wives”, comprised revolutionaries, usually married to Bolsheviks, standing in their own right, the successive heads of any All-Russian Women's Department. Others were just high-ranking officials’ wives, to whom revolutionary ideas did not matter much, but they wanted to stay belonging to the ruling elite. When NEP began, they were increasingly engaged in a glamorous lifestyle, providing events and receptions, organizing poetry evenings, going to the theatre and enjoying delicious food and beverages at the restaurants. The third category of female activists included women from the factory floor, rural Soviet Party schools’ female graduates, having fulfilled perhaps the most difficult jobs. The Party mechanisms supposed to help them organizing the female peasant masses. However, women's leaders stayed on the side and alone in reality. To be ignored in many cases for them was much safer, since often they were simply harassed by male Party officials.

5.5. The Zhenotdel

5.5.1. Introduction

The Bolshevik movement was strong in propagating female liberation, and there is indeed much to be mentioned about this approach in light of female lives in tsarist Russia. But when it came to articulating a positive vision, even more one that would actually take into account the diverse interests of women, the Bolsheviks’ position was much less clear-cut. This is surprising because many proponents of moderate positions were bourgeois in background and by definition outside acceptable categories. Indeed, most supporters of moderate women’s rights positions were likely fighting against the Bolsheviks in the civil war, to be subsequently crushed as an organised voice and were often liquidated physically. Therefore, only the radical voices in the women’s movement, aligned with the Bolsheviks, stood ready to help formulate a coherent policy. However, how coherent and authentic the institutionalised form of the radical women’s movement within the socialist revolution was is actually a matter that requires detailed examination.

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217 Brovkin, Russia After Lenin, Politics, Culture and Society, 2005, 149-150.
218 Ibid. 149-150.
219 Ibid. 149-150.
5.5.2. Origins and Aim of the Zhenotdel

Based on a series of small conferences dedicated to women’s rights in the immediate post-revolutionary months, in November 1918 the first All-Russian Congress of Working Women was held.\textsuperscript{220} The Congress followed by the creation of the Commission for Agitation and Propaganda among Working Women; both agencies were reorganised already in 1919, and became the platform for the Women's Department of the Central Committee Secretariat (henceforth “Zhenotdel”) under the guidance of Inessa Armand.\textsuperscript{221} One of her most famous quotes is “If women’s liberation is unthinkable without communism, then communism is unthinkable without women’s liberation.”\textsuperscript{222}

The Zhenotdel’s local departments constituted Party committees at all levels of hierarchy. They were staffed by female volunteers recruited among Party members whose main task was a popularisation of the Party policy among the yet unorganised women in factories, plants and villages, involving them into public sphere.\textsuperscript{223}

After heading the Zhenotdel from 1918 to 1920, Armand began working for the Second Communist International Congress where she defended ideas of social equality between men and women. She was searching for ways in which everyday life routine and family relations in Russia could be reconstructed; she claimed that the new stage in Russia required the necessary resources to liberate women. In a suffering society trying to survive, the implementation of facilities that could free women from daily housework seemed a difficult task.\textsuperscript{224} Armand was followed by Alexandra Kollontai who occupied the post of head of the Zhenotdel from 1920 to 1921.

The main aim of the Zhenotdel was to politicise female workers both in rural and urban areas, to increase the numbers of women entering public life through membership in the Communist Party, trade unions and other public organisations. The agency also promoted the development of the infrastructure supporting women in such endeavor, such as nurseries and public dining facilities.\textsuperscript{225}

The Zhenotdel struggled to broaden the definition of the working class by highlighting the

\textsuperscript{220} Lapidus, op. cit. note 158, 63.
\textsuperscript{221} Ibid. 63.
\textsuperscript{223} Lapidus, op. cit. note 158, 63.
\textsuperscript{224} Haan/Daskalova/Louifi, A Biographical Dictionary of Women's Movements and Feminisms, Central, Eastern, and South Eastern Europe, 19th and 20th Centuries, 2006, 34.
\textsuperscript{225} Corcoran-Nantes, Lost Voices, Central Asian Women confronting transition, 2005, 49.
main problems women faced: unemployment, prostitution, low-waged work, and illiteracy. Although the Central Committee supported the Zhenotdel in every attempt, the department’s activists still could not avoid conflicts with uneducated male rank-and-file Party members, whose attitude towards women was substantially similar to the illiberal views of previous generations of peasants. Another line of the constant conflict covered the question how to organise women in the unions. Despite all the difficulties, however, the Zhenotdel represented a genuine “proletarian women's movement” of that time.226

5.5.3. Areas of Activity

The Zhenotdel started to act in a political situation in which radical changes in the political rhetoric and legislation promoted the idea of “free” women, but in fact they made them more vulnerable and insecure. In 1918, the Bolshevik government issued the first Family Law. The decree on Civil Registration of Death, Births, and Marriages declared marriage a civil union based on mutual consent which promised a transformation of the family. A husband and a wife were legally autonomous, and the wife was declared to have full freedom of movement, including the rights to work without her husband's permission. Divorce was granted on the base of the mutual consent or according to only one spouse’s application. In any case, male spouses and their families were responsible for alimony and child support.227

In practice, however, the formal law was not very effective in providing help to women. Records in some areas indicate that men applied for divorce much more frequently than women; ex-wives de facto were abandoned without any support, and men had little reason to fear that child support and alimony laws would be enforced.228 In 1920, the Bolshevik government issued a decree permitting abortions.229 This decree was passed not to give women any right to reproductive freedom, but to give officials a tool to alleviate health problems and extreme deprivation caused by the revolution and followed brief civil war. The access to safe medical abortions was left under men’s control.230

In this tumultuous time, the Zhenotdel focused its attention on political communication which, however, directly depended on the spread of literacy and quickly indicated the area

226 Goldman, op. cit. note 6, 33.
228 Ibid. 159.
229 Ibid. 155.
230 Ibid. 156.
of the Zhenotdel’s greatest efforts. One way of increasing female literacy for the Zhenotdel (and therefore for the Party) was widening the circle of women by the use of Party journals. A growing array of periodicals was issued especially for a female audience and peasant correspondents. “Rabotnitsa” (The female worker), the pre-war Party journal for female workers, resumed publication under Soviet auspices, and under Krupskaya’s editorship the periodical “Kommunistka” (The female communist) was launched, both serving as theoretical organs of the Zhenotdel. The major function of such journals was to emphasise the necessity of female emancipation in the course of establishing socialism.

The Zhenotdel also mobilised female support during the Civil War. Women were involved into various activities in health services and operations against widespread epidemic diseases. Women were appointed in political divisions of the Red Army, led negotiations, served in Saturday and Sunday workers’ brigades and supplied aid to members of families of the Red Army soldiers and homeless children.

In many respects, the Zhenotdel functioned as a female auxiliary army of the Party; it created a sexual division of labour in new circumstances. During the Civil War, women were recruited for paramilitary service and served as nurses. The food supplies became the most urgent task for them in the conditions of famine. World War I and Civil War as well as revolutionary upheaval had created large numbers of homeless and orphaned children, to take care of whom was also a function of the Zhenotdel.

The Zhenotdel was also responsible for the task of eliminating the problems of illegal prostitution and abortions. To legalise both it worked with the Commissariats of Justice and Social Welfare. Abortion was viewed as a health problem; it was not about individual women’s right. Women obtained the right to free abortions in state hospitals, penalties for people performing abortions in private practice for money were retained. However, women were not encouraged to make abortions. Prostitution and the use of prostitution were described as a “crime against the bonds of comradeship and solidarity”. However, the Zhenotdel proposed no legal penalties for this “crime”. Instead, the Zhenotdel intended to attack the root causes of prostitution by improving conditions of life and work of a woman. Among all, the Zhenotdel proved the need for a broad educational campaign directed against

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231 Lapidus, op. cit. note 158, 64.
232 Ibid. 65.
233 Hayden, op. cit. note 38, 159.
234 Ibid. 143.
235 Hayden, op. cit. note 38, 160.
the “remnants of bourgeois morality”.\footnote{Ibid. 160.}

The Zhenotdel watched over thorough enforcement of the legal protection of female and child labour within the principle of labour conscription. It asserted that women could not do much for society without improving their own state of work and life. Zhenotdel deputies were represented in the government entities which administered labour conscription, and they were instructed to report about every revealed case of the violation of laws or instances of abuse of female and child labour.\footnote{Ibid. 162.} Kollontai who followed Armand as head of the Zhenotdel, emphasised that female labour must be used properly, taking into account women's role as mothers. She insisted that women must not be separated from their families for the job or they should not be given jobs injurious to their health. Kollontai flatly stated that all the laws protecting female labour and the rights of mothers must be strictly observed.\footnote{Ibid, 162.}

5.5.4. Early Ambitions and the Party Guideline

Kollontai, who had become People’s Commissar in 1917, went on to explain that the primary function of the Zhenotdel was not to popularise the guideline of the Party among women, but to introduce the new state principles based on the interests of women. Kollontai stated that if women were obliged to make a significant contribution to society, then first she must be freed from the household routine. Furthermore, defending the interests of mothers and children served to strengthen the use of female labour in the national economy. Lenin was not amused, viewing the Zhenotdel only as the Party representative among a female audience, but Kollontai turned this formula into its opposite: the Zhenotdel, according to her, was the representative of women’s interests within the Party itself and the institutions of the Soviet state. Kollontai’s programme was formally adopted by the Zhenotdel in December 1920, but it never entered into force.\footnote{Ibid, 162.}

As the early ideas about the Zhenotdel were inseparably linked to Kollontai, let us shed some light on her role within the male-dominated Communist Party of the early years, especially the abrupt end of her position at the Zhenotdel. Kollontai had originally supported the Menshevik fraction, but switched to the Bolsheviks in 1915 in support of Lenin. After the
October Revolution, she became the first female People’s Commissar, responsible for Social Affairs, but resigned in 1918 in objection against the peace treaty of Brest-Litovsk. During the NEP, she found herself increasingly in contradiction with the party line and joined the “Left Opposition” against Lenin.\textsuperscript{240} Kollontai advocated a stronger involvement of (male and female) workers into the Party decision-making process and called for the introduction of democratic principles. Nevertheless, even under her approach any idea or initiative should undergo scrutiny to make sure that the Party line would be observed.\textsuperscript{241} Kollontai also objected to the practice of appointing instead of electing Party offices and advocated for transparency in the internal decision-making processes. In 1920, she followed Ines Armand as head of the Zhenotdel, but left already in 1921, as her positions were increasingly criticised. In 1922, she was removed from domestic policy-making altogether by appointing her Ambassador of the Soviet Union to Norway.\textsuperscript{242}

Although the Zhenotdel was thus officially supported by the Party, the entrenched anti-feminism of local party and union organisations, on the one hand, and ideological sensitivity to pressure from women's activists, on the other one, challenged the Party to quickly denounce “separatism” throughout the 1920s. The Zhenotdel found itself in rocky waters.\textsuperscript{243}

5.5.5. The Zhenotdel in the NEP

With the introduction of the NEP the challenge the Zhenotdel faced was the fast development of widespread female unemployment. By the fact that the majority of women workers were unskilled, they were the first to be fired. The Zhenotdel therefore organised meetings of women to explain them the skills required for the different trades trying to find the ways of raising the level of their skills.\textsuperscript{244} In addition, the Zhenotdel gathered unemployed women workers into workshops called artel where they tended to sewing or knitting articles of clothing for sale. As a result, of growing female unemployment the problems of social welfare became worse. The volume of the state support for children's homes, maternity homes, day nurseries, and other social services for women significantly decreased, as the state tried to economise its own expenditures.\textsuperscript{245}

\begin{footnotesize}
\begin{enumerate}
\item Kührerling, op. cit. note 172, 47.
\item Ibid. 48.
\item Ibid. 49.
\item Goldman, op. cit. note 52, 54.
\item Hayden, op. cit. note 38, 164.
\item Ibid. 164.
\end{enumerate}
\end{footnotesize}
5.5.6.  The Zhenotdel and the First Five-Years Plan

The presentation of the first Five-Years Plan in 1927-1928 encouraged new hopes for transforming the lives of women, particularly in the urban settings. Women activists were joined by city planners, writers and architects in creating an image of a brave new world built along socialist ideals. Krupskaya in particular supported ideas about the necessity of constructing urban housing systems for workers of the new generation which would incorporate common dining halls, day-care centres and laundries.\(^\text{246}\)

Peasants unlike urban citizens, however, were still far from this utopia. While millions were driven to the cities, those who stayed in the countryside witnessed the total destruction of the old regime and the state taking complete control over everyday lives. The level of participation by women in the collective farms was highly variable. After an estimated 18, 5 million of migrants, most of them men, had left rural areas for the cities in a single decade, by 1939, women formed the majority of the agricultural workforce throughout the USSR.\(^\text{247}\)

Over 20 million women made up 58 percent of the rural workers. In the collective farms, however, women worked fewer days in the year and shorter hours than men did. The reason of this difference between male and female working time was to balance women’s heavy involvement in subsistence farming and domestic labour which made their total working time considerably longer than that of men. Thus, both the payment level and the working status acquired by women in the collective farms were severely limited. The female unwaged work in private agriculture subsidiaries, as it was known, which resulted in the sum, equivalent of almost half the average kolkhoz family's income, had little recognition or no prestige.\(^\text{248}\)

5.5.7.  Elimination of the Zhenotdel

According to the dominant male view, the “woman question” had been solved by 1930. Men mobilised women in pursuit of modernisation and industrialisation. It was the moment when women lost their own voice.\(^\text{249}\) This general attitude was foreshadowed by criticisms against the Zhenotdel which started to be heard as early as 1928 when the first Zhenotdel offices outside the capital cities were closed. The reason put forward was that their work had proved

\(^{246}\) Goldman, op. cit. note 52, 53.


\(^{248}\) Ibid., 13-14.

to be inefficient and that it duplicated the task of the “agitprop” departments of the Party. In January 1930, the Party journal „Pravda“ published an article that was highly critical of the Zhenotdel. 250 Everyone understood that this publication was not by chance, but meant to be a very serious signal that a change of policy was to be expected. The article stated that the life situation of women had not been significantly changed. The Zhenotdel had failed to bring females into Party membership, and there was no visible female leadership in the plants, unions, cooperatives and collective farms. It had also failed to gain the hearts and minds of women in the countryside and might therefore as well be liquidated. 251

Interestingly, even Krupskaia joined the chorus of the critics. Although she had fallen silent on women’s issues after 1927 (being under strong pressure herself after Lenin’s death), 252 she argued that the overall level of political interests among women had increased markedly. While earlier women loved to debate „women problems“, they were now interested in politics as such. She held that liquidation of the Zhenotdel was in line even with the „Directives for the Communist Women’s Movement“ because its goal was never to represent separate women’s interests, but to involve women in the Party. This goal had supposedly been achieved in 1930. 253

The true reasons for the initiative to shut down the Zhenotdel are not known, but there is a variety of factors which all played their part. Perhaps the main reason was that the Zhenotdel was too independent and that it focused too much on real-life problems instead of raising the political awareness of women. Additionally, Stalin did not like to run any risks with women who were too active and critical. From his point of view, criticizing the life situation of women could easily turn into criticism of the socialist system as a whole. Finally, there was probably some truth in the claim that the Zhenotdel did not actively enough propagate the goals of the collectivisation policy in the countryside. 254

5.5.8. Soviet Women after the Dissolution of the Zhenotdel

After the dissolution of the Zhenotdel, so-called zhensektory (women’s sections) or zhensovety (women’s councils) were created in the agitation and propaganda departments of

250 Köbberling, op. cit. note 172, 42.
251 Ibid. 42.
252 Ibid. 42.
253 Ibid. 43.
254 Ibid. 43.
the Communist Party. The direct mission of these short-lived organisations was to re-educate women in the spirit of Stalin's economic program. Indeed, the only women's organisation that survived after the Stalin period was the Soviet Women's Committee (the successor of Stalin's Anti-Fascist Committee). The duty of the Committee was to combat international fascism and persuade the world that in the Soviet Union communist women were emancipated.255

After 1930, the Soviet government did not ignore women. The International Women's Day (8 March) has been known as the foremost symbol that women were feted and celebrated in the USSR. In the 1930s “socialist realism” was adopted as the cultural policy and women's heroic efforts were chronicled in books, art, and films. In addition, various social movements took root which were supported by the state.256 In 1935-1936, housewives who had earlier engaged in the zhensovety were now actively involved in a conservative movement called obshchestvennitsy, devoting themselves to active participation in public life.257 Another strand was women engaging in types of sport that were earlier dominated by men, e.g. sailing or motorsport.258

In parallel, a conservative turn took root which produced the “cult of the socialist family” and found its expression in the tightening of marriage laws. Stalin’s accentuation on the socialist family re-defined the role of women in the family and the social changes of the early Soviet stage were aborted.259 The new Family Code that entered into force on 26 May 1936 pursued two goals: supporting demographic growth and stabilizing the family as a guarantor of the social order.260 It became exceedingly difficult to obtain a legal abortion save for exceptional cases indicated by medical circumstances. The fee for obtaining a divorce was significantly increased. Alimony payments were increased to create an incentive for fathers to stay with their families. To support women in their child-bearing function, a social network for women was established that offered generous social support to pregnant women.261

A much more fundamental shift in family law came with Stalin’s Family Edict of 1944. The

256 Köbberling, op. cit. note 172, 56.
257 Ibid. 55.
258 Ibid. 55.
259 Noonan, op. cit. note 192, 80.
260 Köbberling, op. cit. note 172, 52.
261 Ibid. 52.
disastrous mortality rate in the 1930s and 1940s triggered the idea to compel women to have children in order to raise the birth rate in the country. Stalin's Family Edict cancelled the earlier legal protections of women in unregistered *de facto* marriages to obtain protection in alimony and child support. Unregistered marriages were labelled as illegitimate unions. Mothers were prohibited from seeking support from their children’s fathers, and fathers were forbidden to support their illegitimate children. The new law also made divorce a very complicated procedure subject to paying large fees and going through a two-step legal process.262

However, after Stalin’s death there was a restoration of some rights. Abortions were once again legalised and divorces were made easier to obtain. The state offered social support services in order to help women to combine work and family. The system of day-care centres was expanded, and with help of subsidies, mothers could support their families. The Soviet “superwoman” remained as a predominate image, and the myth of all-embracing women’s equality in rights with men was faithfully encouraged by soviets.263

5.6. Conclusions

The rich and challenging history of the pre-revolutionary women’s movement in Russia was eliminated by the SU in three sequential steps. In 1917, the women’s movement was taken over by the Communist Party, but continued its existence in the Zhenotdel structure, run by loyal female Party members. In 1930, the Party declared the women’s issue to be an inseparable part of the general policy of the Party, giving it *de facto* into the hands of men. Shortly thereafter, the organisational basis was dissolved.264

The result of the Zhenotdel’s work is hard to estimate in quantitative terms. There was still a very insignificant number of Party members in remote regions of the country by the end of the decade. According to the statistics of 1927, three-fourth of villages did not contribute to any Party activity at all, and although the rural Party members’ number had increased from 200,000 to 300,000 between 1922 and 1927, there were still only 25 Party members for every 10,000 peasants. For a large number of peasants, new order of Bolshevism was associated with not only atheism, but also with sexual freedom, and the eradication of the family mode.

262 McBride Stetson, op. cit. note 227.
264 Köbberling, op. cit. not 172, 43-44.
In this respect, the Zhenotdel, representing the official Soviet culture, was deeply at odds with conservative values of the rural society.\textsuperscript{265}

It is understood, that the Zhenotdel brought into Russian society much that was benevolent and very innovative. Among the main efforts by this institution were the campaign to increase literacy among women, to take measures to improve health care situation for mothers and children in the whole country, and efforts to protect women’s rights in Muslim regions.\textsuperscript{266}

The Zhenotdel’s programme, emphasizing the implementation of real improvements in women’s everyday lives, was very sophisticated for that time and foreshadowed many aspects of today’s movements of women’s liberation. Since the Zhenotdel worked on behalf of the ruling Party, its protagonists were not seen as being connected to any kind of real women’s movement and consequently held in little esteem. Although the Zhenotdel eventually derived its strength from the Soviet Party, and despite some disobedience and conflicts within the institution itself during the 1920s, it played a primary role in fulfilling the Party’s mandate to influence women across the country.\textsuperscript{267}

\textsuperscript{265} Lapidus, op. cit. note 158, 67-68.
\textsuperscript{266} Hayden, op. cit. note 38, 173.
\textsuperscript{267} Ibid. 173.
Chapter 6: Overall Conclusions

At the end of the tsarist era, among the progressive elements of society there was a unanimous concern about the role of women and a strong desire to “liberate” them. A broad women’s movement had developed, and it presented diverse strategies from incremental change within the system to revolutionary upheaval. However, “women’s liberation” was the only common denominator between the various social forces. After the October Revolution settled, the “women’s question” emerged even more forcefully, now requiring answers to the question how the emancipation of women in society would be positively regulated.

One of the central questions was whether in the new type of state any regulations would be required at all and how they should be realised. Against the background of the ideology-based expectation of the withering away of state and law, Soviet constitutions emerged and gradually established the traditions of a specific Soviet constitutionalism. It is probably an irony of history that the political movement, which most vigorously condemned state and law as the product of class struggle, decided to adopt the very same means of repression and to formally sanction them by adopting constitutions.

After an initial wavering whether Soviet constitutions would require fundamental rights at all and how they should be conceptualised, Stalin’s campaign for a socialist constitution in 1936 brought about the classical socialist concept of fundamental rights as participatory rights, granted to individuals to enable them to fully take part in the project of building socialism. Viewing fundamental rights as a shield against the government and as a tool for protecting diverse interests in articulating political positions was completely alien to the thinking of the Communist Party. Therefore, despite the many positive steps towards establishing equality between women in men, the constitutions did not support diversity in the women’s movement. Many positions held by pre-revolutionary women organisations were considered bourgeois and not deserving in protection.

Parallel to the doubtful achievements in Soviet constitutionalism, there was a visible conservative turn in Soviet society. Despite the legacies of the tsarist women movement and the demands for an authentic empowerment, the Bolsheviks’ and later Soviet approach was essentially paternalistic. It proclaimed to pursue a progressive policy on women’s behalf, but in reality, it pressed women’s needs and aspirations into the patterns acceptable for ideological reasons and used women (just as it used men) to satisfy the power aspirations of
the few men leading the Soviet project.

Against this background, the establishment of the Zhenotdel seems a remarkable breakthrough for the rights of women. However, in reality, it reflected the same contradictions that could be observed in the general political sphere. It goes to the credit of Alexandra Kollontai as the Zhenotdel’s head that she sincerely believed that the primary function of the Zhenotdel was not to popularise the general line of the Party among women, but to introduce into the building of the new state principles based on the interests of women. However, her position most remarkably missed the realities of the Soviet system under Stalin. Essentially, there was no interest in any individual fate, whether male or female, as the only result that counted was the involvement of the individual into industrialisation and the war effort. For the Soviet leaders, the only result that counted was how well the Zhenotdel achieved its goals in re-educating women and drawing them into economically useful labour. In this respect, the Zhenotdel had the most impossible task: addressing traditional women in the countryside, supporting collectivisation and turning women into a resource of the war economy.

Looking at the experience of civil war, collectivisation and repressions, it is hardly possible to speak of a specific status of women and women’s human rights overall. Women, men, even children in reality held an equal status – the status of slaves. Moreover, it is this legacy of the Soviet Union that deforms the societal relations in Russia until today.
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