

# MARRIAGE IN POST-SOVIET RUSSIA: TRADITIONAL PRECEPTS AND INNOVATIVE EXPERIMENTS

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**Rezumat:** *Căsătoria în Rusia post-sovietică: Principii tradiționale și experimente inovatoare*

*Acest articol prezintă preceptele tradiționale rusești și experimente inovatoare în domeniul căsătoriei de-a lungul ultimilor 25 de ani. Autorul este sigur că, în ciuda tuturor experimentelor în domeniul relațiilor conjugale și de familie, din perioada de sfârșit a regimului sovietic, precum și în cea post-sovietică, toate eforturile guvernului sovietic de a controla comportamentul marital al populației au fost sortite eșecului. După încetarea intervenției statului în viața privată a oamenilor, situația maritală și relațiile de familie în Rusia au evoluat la nivelul celor din țările Europei de Vest.*

**Abstract:** *This article presents the Russian traditional precepts and innovative experiments in the area of marriage during the last quarter of the century. The author is sure that despite all the experiments in the sphere of marital and family relations throughout the late Soviet as well as post-Soviet period, all the efforts of the Soviet government to control the marital behavior of the individuals crashed. After government interference in the private lives of people ended, the marital and family situation in Russia evolved into something very much like that in the countries of Western Europe.*

**Résumé:** *Le mariage dans la Russie post-soviétique: Principes traditionnels et expériences innovatrices*

*L'article ci-joint présente les préceptes traditionnels et les expériences innovatrices dans le domaine du mariage le long des derniers 25 ans. L'auteur est sûr que, malgré toutes les expériences dans le domaine des relations conjugales et de famille, de la période finale du régime soviétique, ainsi que de celle post-soviétique, tous les efforts du gouvernement soviétique de contrôler le comportement matrimonial de la population essuyèrent un échec. Après la fin de l'intervention de l'État dans la vie privée des personnes, la situation matrimoniale et les relations de famille en Russie évoluèrent au niveau de celles des pays de l'Europe d'Ouest.*

**Keywords:** *Marriage, marital relations, gender asymmetry, women, marital law, reproductive behavior*

The serious changes that were taking hold of Russian society through the 1990s (the fall of the Soviet Union in 1991, the formation of a new legislative foundation for Russia) did not bypass the realm of family relations. There were three sources of change affecting the family: natural transformation of the demographic model, an end to tight government control (the sort of external regulation that came from being called in by the local party committee) and the socio-economic difficulties of the transitional period.

Between 1989 and 1993, the number of new marriages fell by almost a quarter (while the number of divorces increased by 14 percent).<sup>1</sup> The statistical low point came in 1998.<sup>2</sup> This decline touched all age groups but was particularly marked among the young, in as much as it was tied to changes in the model of demographic behaviour. Registered marriages declined both in absolute and relative terms. In other words, a retreat from universal marriage had begun. Young people preferred to live together, sharing a common household, but were in no hurry to register their status with government organs, making the number of such cohabitations difficult to ascertain. The 1994 “microcensus” established that 6.5 percent of men and 6.7 percent of women lived in unregistered marital unions, although the real figures were obviously higher.

By the beginning of the 1990s, unregistered cohabitation had indisputably become an acceptable social norm. A public opinion survey conducted in 1994 shows that 66 percent of men and 51 percent of women involved in such a relationship were loyal to their unregistered “marriage.” At the same time, the majority of older people (63 percent) continued to take a negative view of unofficial marriages, while among respondents younger than 25, only 18 percent held such a view.<sup>3</sup> Only three years later, in 1997, new data showed that tolerance toward unregistered marriage had grown even more: only 6 percent of those 16-50 years of age and 21 percent of those older than 50 condemned such unions.<sup>4</sup>

The increase in unregistered marital unions and out-of-wedlock births that took place during the 1990s could signify a tendency to conceptually separate the institutions of marriage and family (such a tendency can be seen not only in Russia, but has been noted even earlier in most Western countries). It must be noted that this tendency is tied to a more cautious attitude toward the regulation of individual marital rights. (Until the social upheaval of the 1990s, Russia was more socially

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<sup>1</sup> *О положении семей в Российской Федерации* [On the state of family in the Russian Federation], Moscow, 1994, p. 17.

<sup>2</sup> *Население России 1999* [The population of Russia 1999], отв. ред. Вишнеvский А. Г., Moscow, 2000, p. 47.

<sup>3</sup> *Население России 1998* [The population of Russia 1998], отв. ред. Вишнеvский А. Г., Moscow, 1999, p. 30.

<sup>4</sup> V. Bodrova, *Russian Attitudes on Sex and Youth*, in “Choices”, Vol. no. 25, 1996, p. 9.

homogeneous; with the growing distinction between “the rich” and “the poor,” the issue of material loss in the case of divorce became an obstacle to legal and official marital union – another factor behind the decline in marriage.) Young people also began to take a much more rational view of establishing a family,<sup>5</sup> postponing the registration of a marriage and the birth of children until they were older and more financially secure. Other factors behind the decline in marriage were the stress associated with social crisis: loss or change of employment, housing problems, overexertion at work, etc.<sup>6</sup> Certain features of the “marriage market” of the 1990s also played a role in the decline of marriage: the ratio of men to women in certain age groups – a ratio unfavourable to women who wanted a husband – increased competition for husbands and expanded the opportunities for men to enter a second marriage.<sup>7</sup> The de-institutionalization of marriage was also hastened by the end of artificial government stimulus to marry: sanctions against those who divorce became a thing of the past and the advantages of family status began to disappear.<sup>8</sup> The sexual revolution also had an impact – although much later than it had in the West: the availability of IUDs and birth control pills, as well as the spread of non-governmental health clinics, in which an undesired pregnancy could be terminated painlessly and without peril to health, furthered the rise in number of extramarital affairs and cohabitation between partners who were in no hurry to register their marriages at ZAGS.

The sexual revolution also had an effect on the age at which couples entered into marriage. In 1993 the age at first marriage ceased to decline, and beginning in 1994 began to gradually rise.<sup>9</sup> The spread of unregistered marriages led not only to a decline in the percentage of unions that were officially registered, but to a rise in the average age of those entering into a “legal marriage.” If previously the age at which sexual activity was first entered into correlated closely with the age at which people married, and the trends in earlier sexual activity were matched by trends in earlier marriage, now the interval between these two events was beginning to grow significantly. Earlier, such landmarks as the beginning of regular sexual activity, marriage and the birth of the first child all took place within a fairly short period of time, from one to three years. This was the model on which Russians were traditionally brought up (the first sexual partner became the chosen partner for an entire, or at least the better part of a lifetime, children were produced immediately after marriage, literally allowing the birth date of the first child to be predicted based

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<sup>5</sup> Т. А. Гурко, *Трансформация института современной семьи* [Transformation of the institution of the contemporary family], in “СОЦИС», 1995, № 10, p. 96.

<sup>6</sup> *Ibid.*, p. 98.

<sup>7</sup> *О положении семей в Российской Федерации* [On the state of the family in the Russian Federation], Moscow, 1994, p. 17.

<sup>8</sup> Т. А. Гурко, *op. cit.*, p. 99.

<sup>9</sup> *Население России 1999* [The population of Russia 1999], отв. ред. Вишневский А. Г., p. 49.

on the date of the wedding ceremony). For young people in the 1990s, sexual relations, marriage, and the birth and upbringing of children began to evolve into increasingly independent values, not as closely connected to one another as they had been for previous generations, even that of their parents.<sup>10</sup>

Early sexual activity was no longer linked to large numbers of unplanned pregnancies and “necessary” weddings. Additionally, despite the overall decline in births that began in 1989 (both in and out of wedlock), by the beginning of the 1990s, out-of-wedlock births (which had become an acceptable social norm) rose sharply. As a result, in 1998 an overall increase in the number of births was achieved only thanks to out-of-wedlock births, which had increased by 8.4 percent in that year.<sup>11</sup> Furthermore, less than half of all children born out of wedlock are currently officially recognized by their fathers, the mothers of out-of-wedlock children often have more than one, and those giving birth to these children in contemporary Russia are most often not teenagers or women over 30, but women in the prime reproductive age group (20-34).<sup>12</sup> This points to the possibility that often it is not single mothers bearing these children, but women in unofficial (unregistered) families.

Due to the higher average marriage age, the birth rate fell particularly sharply among those younger than 25. The birth rate for women older than 30 has even risen in recent years.<sup>13</sup> The proportion of children born out of wedlock, as a percentage of total births, continues to steadily rise: 10.6 percent in 1970, 10.8 percent in 1980, 12 percent in 1985, 14.6 percent in 1990, 16 percent in 1991, 17.2 percent in 1992, 18.2 percent in 1993 and 28 percent in 1999.<sup>14</sup> This represents a tripling in the incidence of out-of-wedlock birth since 1970 and a doubling since the end of the 1980s: the hard government stand on marriage and the family had evidently been a deterrent to out-of-wedlock birth in the past.

As for divorce, the rate in Russia continues to be high. The absolute number of divorces in recent years, however, has somewhat declined, tied to the decline in registered marriages, as the dissolution of unregistered unions is not reflected in official data. The proportion of marriages that are not first marriages remains fairly high: in 1997 28.5 percent for men and 27.6 percent for women. Among all “marriages” (official and unofficial), there has also been a significant increase in the share of second or subsequent “marriages” that go unregistered, which represent a larger share than

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<sup>10</sup> *Население России 2000* [The population of Russia 2000], отв. ред. Вишнеvский А. Г., Moscow, 2001, p. 31.

<sup>11</sup> *Население России 1999* [The population of Russia 1999], отв. ред. Вишнеvский А. Г., p. 61.

<sup>12</sup> *Население России 2000* [The population of Russia 2000], отв. ред. Вишнеvский А. Г., p. 46.

<sup>13</sup> *Население России 1998* [The population of Russia 1998], отв. ред. Вишнеvский А. Г., p. 35.

<sup>14</sup> *Российский статистический ежегодник. 1994* [The Russian statistics yearly. 1994]. Госкомстат России Moscow, 1994, p. 46; *Население России 2000* [The population of Russia 2000] отв. ред. Вишнеvский А. Г., p. 44.

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unregistered first “marriages.” By the end of the 1990s, unofficial first marriages represented 2.9 percent of total first unions, while 30.5 percent of second “marriages” remained unregistered. Among third unions the figure was 41.7 percent.<sup>15</sup>

The worsening demographic situation in Russia in the 1990s has caused concern on the part of the government and a variety of social institutions. Issues associated with marriage and family have also received increasing attention in the media and scientific literature.

Opponents of the current socio-economic restructuring in Russia (the Communists, in particular) have tried more than once to link the decline in marriage and birth to the social changes going on in the country. Objective demographic research, however, does not support this.<sup>16</sup> There is a demographic indicator for marriage as a percentage of potential marriages (the actual number of marriages as a percentage of the theoretical maximum possible number). It factors in the structure of the population by sex, age, marital status and the accepted system of age combinations of potential husbands and wives. The trend of this indicator — 22.4 percent in 1958-59, 19.2 percent in 1969-70, 17.7 percent in 1978-79, 14.3 percent in 1988-89, 9.7 percent in 1993-94 — clearly demonstrates that the decline in marriage began long before the socio-economic reforms of the 1990s, although these reforms clearly were reflected in the acceleration of this process.<sup>17</sup>

The declining birth rate elicited a variety of proposed solutions to the complex demographic situation that had taken hold. Among these, some rather exotic proposals were advanced. In 1996, a faction within the Liberal Democratic Party of Russia (LDPR), the leader of which is the notorious Vladimir Zhirinovskiy, drafted federal legislation intended to fundamentally change and expand the Russian Federation’s Code of Laws on the Family. In essence, the changes centred on the granting of polygamous families equal legal status with monogamous ones, as well as the regulation of polygamous relations. The authors of the bill believed that such innovations would increase the chances for unmarried women to have a family and would legalize the status of mistresses of married men, which, in the opinion of the authors, would lead to an increase in the birth rate.<sup>18</sup> As with the other outlandish proposals by the LDPR, this bill was not passed by the Duma\*. It should be noted, however, that one of the republics of the Russian Federation, Ingushetia (where a

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<sup>15</sup> *Население России 1999* [The population of Russia 1999], отв. ред. Вишневский А. Г., p. 51.

<sup>16</sup> According to the calculations of the demographer V. Medkov, the economic crisis and decline in living standards are “responsible” for not more than 8-10 percent of the reduction in births and decline in overall population. In “Izvestia”, July, 20, 2000.

<sup>17</sup> *Социальная энциклопедия* [The encyclopedia of society], ред. Горкин А. П. и др., Moscow, 2000, p. 48.

<sup>18</sup> “Izvestiia”, September, 13, 1996.

\* The lower house of the Federal Assembly (Parliament) of Russia.

great majority of the population is Muslim), passed a law allowing polygamy.

In the 1990s Russia saw a marked increase in the role of religion in society.<sup>19</sup> The church began to openly express its views on a variety of socially significant issues and tried to influence society. In 2000, the Council of Bishops passed *The Russian Orthodox Church's Basic Teachings on Society*. This document formulates the position of the church on many issues, including marriage and family. In the section devoted to questions of personal, familial and societal morality it says, "the church has never disparaged marriage,"<sup>20</sup> and that a Christian marriage represents the eternal unity of the spouses in Christ.<sup>21</sup> The church, the document underscores, insists on life-long faithfulness in marriage and the indissolubility of Orthodox marriage.<sup>22</sup>

Under circumstances of rapid change, some priests attempted to proclaim civilly registered marriage "illegal," demanding that parishioners cease this practice, forbidding those not wed by the church to take part in Communion, and putting secular marriage on a par with debauchery. Nevertheless in December of 1998 the Holy Synod of the Russian Orthodox Church instructed priests applying such practices that the church, while emphasizing the necessity of church betrothal, respects secular marriage. This was reiterated in the *Basic Teachings* as well.<sup>23</sup>

Today the vast majority of registered marriages are not church marriages, but civil ones. Only civil marriages are officially recognized. It is true that the government no longer creates obstacles to religious weddings, but as before, they hold no force of law. For this reason church wedding (which has become quite common) is usually conducted after registration of a marriage at ZAGS. After the civil ceremony, the newlyweds proceed to church, often drawn by the beauty of the ritual and the desire to "uphold tradition." In Soviet times, such opportunities practically did not exist.

The dissolution of a church marriage is rather complicated and the church recognizes only very limited grounds for divorce.<sup>24</sup> As in the past, the church continues to frown upon remarriage, although after a legal divorce most priests will not prevent the innocent party from entering into a new marriage. The church allows the side responsible for initiating the divorce a second marriage within the church

<sup>19</sup> For more on this, see Olga Kazmina, *Freedom of Religion in Post-Soviet Russia*, in "Journal of Interdisciplinary Studies", 2001, Vol. 13, No 1/2.

<sup>20</sup> *Основы социальной концепции Русской Православной Церкви* [The Russian Orthodox Church's basic teachings on society], in "Информационный бюллетень. Отдел внешних церковных связей Московского патриархата", 2000, No. 8, p. 56.

<sup>21</sup> *Ibid.*, p. 57.

<sup>22</sup> *Ibid.*, p. 60.

<sup>23</sup> *Ibid.*, p. 59.

<sup>24</sup> *Ibid.*, p. 61.

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only after repentance and the doing of penance.<sup>25</sup> A third marriage is allowed only under extraordinary circumstances, and the period of penance is extended.<sup>26</sup> As in ancient times, Orthodox ideology insists that sexual relations are only possible within marriage, declaring extramarital or premarital sex to be debauchery.<sup>27</sup>

The Russian Orthodox Church, thus, encourages its members to follow traditional norms of marital relations. The degree to which their teachings have been followed, however, is another matter. The contemporary situation (the spread of premarital affairs, unregistered couples living together as husband and wife, the high divorce rate) testify to the fact that the appeals of the church have not been widely heeded. Although the majority of the population considers itself to be religious, there are few who are deeply involved in the church. Those who consider themselves Orthodox now rather lightly and superficially do penance and mouth words of repentance for what they have done (in the case of divorce) just in order to receive formal blessing for the next marriage.

Views on what is and is not permissible in contemporary Russian society are reflected not only in the document described above, which was approved by the highest levels of the church hierarchy, but in legal documents of secular origin. In December 1995, in connection with reform of family and civil law, the State Duma passed a new Code of Laws on the Family (which came into effect in March of 1996). Some of the institutions governed previously by the Code of Laws on the Family were now placed under the purview of the Civil Code. In the Soviet era, family relations had been regulated by a special body of family laws (at a time when in most countries this was the prerogative of civil law). This arrangement was designed to underscore the idea that under socialism, questions of property did not play an important role in family relations.<sup>28</sup> From 1926, Soviet marital law featured the unwavering principle of commonality of possessions acquired during marriage, while property acquired before marriage was considered to be separate (marital contracts stipulating any special arrangements for dividing property acquired during marriage were not recognized). Beginning in the 1990s such a principle ceased to correspond to changing realities. Therefore, the changes undertaken in the 1995 code were oriented, wherever possible, toward changing the obligatory norms of disposition, giving spouses the opportunity to themselves determine the nature of their legal relationship through various agreements.<sup>29</sup> In comparison with the Soviet-era codes, the new family code allowed spouses (as well as other members

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<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*, p. 62.

<sup>27</sup> *Ibid.*, p. 65-66.

<sup>28</sup> М. В. Антокольская, *Лекции по семейному праву* [Lectures on family law], Moscow, 1995, p. 8.

<sup>29</sup> *Ibid.*, p. 29.

of the family) many more rights of self-regulation in settling disputes.<sup>30</sup> The authors of the new code rejected as well the sorts of extra-legal ideological and moral judgements that were typical of Soviet laws.

The new code (as its predecessor) underscored the voluntary nature of marriage. The minimum age for marriage remained at 18 (with an allowance for the lowering of this threshold to 16 at the request of the couple in certain cases, and even lower under extraordinary circumstances). A previously-existing marriage, a close blood relationship between the couple and mental incompetence due to mental illness continued to be grounds for ineligibility for marriage.<sup>31</sup> Application to marry had to be submitted a month in advance of the event. Under certain circumstances this month-long period could be reduced or extended (but not by more than a month). Under extreme circumstances (pregnancy, the birth of a child, a life-threatening condition in one of the betrothed) the marriage could even be registered on the very day of initial application.<sup>32</sup>

For the first time a provision was included in the code stating that — if desired and agreed upon by the betrothed — government and municipal medical facilities were required to perform medical and genetic tests on the couple free of charge. The results of the tests were considered confidential, and the results of one partner's test could only be released to the other with the permission of the first. If, however, one of the parties entering into marriage hides from the other the fact that he or she is infected with venereal disease (a sign that the government was still attempting to interfere in the private lives of its citizens where questions of populating the country were involved!), or HIV, the other party had the right to ask a court to declare the marriage null.<sup>33</sup> If one of the spouses turns out to be responsible for infecting the other with HIV, then the guilty party could be criminally liable and sentenced to incarceration for up to five years.<sup>34</sup>

In light of the new socio-economic and political situation in the country, the code takes a new approach to the relative property rights of married couples. As before, property held by each spouse before marriage is regarded as an individual possession. Property acquired during marriage, however, can now be divided in a variety of ways. In keeping with legal procedures, such property is considered jointly held. But in addition to legal procedure, the new code allows for the possibility of dividing this property on the basis of a marital agreement spelling out the fate of

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<sup>30</sup> Л. М. Пчелинцева, *Комментарий к Семейному кодексу Российской Федерации* [Commentary to the Russian Federation code of laws on the family], Moscow, 1999, p. 16.

<sup>31</sup> *Семейный кодекс Российской Федерации* [The Russian Federation code of laws on the family], Moscow, 1996, p. 8.

<sup>32</sup> *Ibid.*, p. 7.

<sup>33</sup> *Ibid.*, p. 8.

<sup>34</sup> Л. М. Пчелинцева, *op. cit.*, p. 63.



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property in case of divorce.<sup>35</sup>

The new code also introduces changes in the divorce process. The changes are based on the precept that if marriage is a free and voluntary union, then its dissolution should also be free.<sup>36</sup> The State finally gave up its active interference in the preservation of marriages. While the divorce process through ZAGS, according to the new code, was not significantly changed (it is still possible under the same set of circumstances as before, but could now be completed within a month of application instead of three months),<sup>37</sup> the process of divorcing through a court of law has undergone significant modification. As before, a court divorce is required when minor children are involved (whether or not both spouses agree to the divorce) or when only one of the spouses agrees to the divorce (whether or not there are children). In cases where both spouses agreed to the divorce but children are involved, the sole purpose of the court proceedings is protection of the interests of the children; in contrast with the practices of previous years, there is no effort to determine the motivations behind the divorce. In cases where one spouse opposes divorce, the judge, after hearing arguments from the party in favour of divorce, is empowered to delay hearing the case, setting a time frame of up to three months during which the spouses may attempt to reconcile. At the end of this period, if reconciliation has not occurred, the judge is required to divorce the couple.<sup>38</sup> The judge no longer has the right to refuse to dissolve the marriage.

Detailed information about the state of marriage and family in the country will be provided by the upcoming Russian census, slated for October of 2002. The sociological surveys being conducted in the period leading up to the census have shown that women living in unregistered relationships are planning to designate their status as “married,” while men living in similar arrangements will designate their status as “unmarried” — a phenomenon that reflects the greater dependence of women on the model of social expectations surrounding marital behavior (as in the past, to remain unmarried is not so much shameful as something that puts women in the position of being viewed as pitiable and unfortunate).

It is evident that the young continue to lend relative significance to marital ties in starting a family, although there appears to be a great deal of variety in their views on the nature of marriage and in their models for the mutual roles of the spouses or partners. There still exists the traditional model of marriage corresponding to historically established roles: the man as breadwinner, the wife as “keeper of the family hearth.” (During the Soviet period a gender order based on the concept of the

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<sup>35</sup> *Семейный кодекс Российской Федерации* [Code of laws on the family], p. 17-22.

<sup>36</sup> А. Ф. Изварина, *Семейное право* [Family law], Rostov-on-the-Don, 1998, p. 9.

<sup>37</sup> *Семейный кодекс Российской Федерации* [Code of laws on the family], p. 9.

<sup>38</sup> *Ibid.*, p. 10-11.

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“working mother” held precedence, one in which women, the equals of men in the workplace, performed all the traditional functions of the “good wife” in the home—maintaining an environment of cosiness, taking care of all housework and raising the children.) Over recent years, a modernized model has become more widespread, one in which both spouses carry equal, or nearly equal, responsibility both for providing family income and for running the household and raising the children. Such marriages turn out to be less durable, as the family roles of the husband and wife are interchangeable and each spouse understands that he or she is able to live without his or her partner. These marriages, therefore, are held together only as long as mutual respect, love, sexual and emotional-psychological attachment between the couple endure.<sup>39</sup>

New varieties of gender contracts have appeared in Russian families. There now exists the successful husband-breadwinner, able to free his non-working wife from the cares of running a household (with housework being taken care of by servants and childrearing mostly handled by a nanny or governess). Under such circumstances, some wives have become business partners and colleagues to their husbands — others fall into complete material and psychological dependence on them. The durability of such marriages (in both scenarios) again turn out to rely on factors that are difficult to measure statistically — on the strength of feelings between the couple. Finally, it is now not uncommon to find marriages in which the main breadwinner is the woman, with the household run by both spouses. The stability of such marriages rests again on emotional-psychological factors — the tolerance of the wife and husband toward such a non-traditional arrangement.

Upon examining the changes that have taken place, the conclusion can be reached that at the turn of the century and millennium, Russia (following Western Europe) exhibits a tendency toward transition from officially registered marriage to unregistered relationships and simple cohabitation. This trend is particularly evident among the younger generation. The age at which the young enter into their first officially registered marriage has increased significantly. Evidently this can be explained by a lack of belief among the young in the idea of marriage as a life-long union and by their wish to avoid creating problems during divorce and the division of property.<sup>40</sup> In summary, it can be established that, despite all the experiments in the sphere of marital and family relations throughout the Soviet period and the efforts of the Soviet government to tightly control the marital behaviour of its citizens, after government interference in the private lives of people ended, the marital and family situation in Russia evolved into something very much like that in the countries of Western Europe.

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<sup>39</sup> *Социальная энциклопедия* [The Encyclopedia of Society], ред. Горкин А. П. и др., p. 46.

<sup>40</sup> *Ibid.*, p. 49.