

# Legislatively Guaranteed Equality

BY RIMMA KALISTRATOVA

**A**t the dawn of the socialist revolution in Russia, Vladimir Lenin wrote: "If women are not drawn into public service... into political life, if women are not torn out of their stupefying house and kitchen environment, it will be *impossible* to guarantee real freedom, it will be *impossible* to build even democracy, let alone socialism."

Earlier, in 1908, the Russian magazine *Vestnik Vospitaniya* noted that it would take at least 280 years to wipe out illiteracy among Russian women, because 99 percent of them were illiterate and out of every 1,000 women only 11 had education beyond the primary level. Before the 1917 October Revolution, the overwhelming majority of women had no options other than being a housewife. Elena Fleischitz was the first Russian woman to get a legal education abroad. On returning home, her attempts to get a job as a lawyer were widely and vehemently opposed by the Senate and the lawyers' organizations. After the revolution, women such as Fleischitz were able to realize their talents and professional abilities in full measure. Elena Fleischitz herself became a professor, actively participated in the legislature, and promoted the education of young people.

Socialism has proclaimed and created economic and social conditions for a new status of woman in and outside the family. Today more than 90 percent of Soviet women either work in the economy or attend educational institutions. The number of exclusively male or exclusively female trades and professions has markedly dwindled. Co-education, working side-by-side, and cooperation on behalf of the community have begun to change the psychol-

ogy and the stereotypes of both men and women. In each of the 15 Union Republics of the USSR new relations between women and men are developing (even in those where just 70 years ago our grandmothers could be given away, exchanged for cattle, or sold). But much more remains to be done in this area.

The changing of age-old traditions, and the profound reorganization of family relations resulting from the growing economic independence of women, have created problems that touch on the vital interests and needs of women.

The policy of the Soviet state in this field is to use the economic opportunities of our country, and the development of civic consciousness, to fully ensure the equal rights of men and women ushered in by the 1917 October Revolution.

## Constitutionally Guaranteed Equality

Article 35 of the USSR Constitution, adopted in 1977, reads:

*Women and men have equal rights in the USSR. Exercise of these rights is ensured by according women equal access with men to education and vocational and professional training, equal opportunities in employment, remuneration and promotion, and in social and political, and cultural activity, and by special labour and health protection measures for women....*

Today women fully realize equal opportunities with men in achieving education and getting professional training. Moreover, working women have reached the educational level of men and are rising above it.

However, these



positive educational and vocational developments have proved harmful in the case of marriage. Well-educated women are sometimes too fastidious in choosing a husband. Considerable difficulties may also appear in families when the husband lags behind his wife, causing himself, his wife, and children to feel uneasy. With the changed role of women in Soviet society, the "head of the family" notion has lost its former meaning. By tradition, we still attribute the leading role in the family to the man; but more and more often experience disproves the traditional leadership role of the man in the family, and legal standards envisage equal participation of the husband and the wife in all family affairs.

It should be emphasized that the absence of "the head of the family" term in our laws is connected not only with women's economic and legal equality, but also with historic demographic factors. For instance, just after the Second World War, there were approximately 20,000,000 more women than men in the USSR, and this had a profound effect on gender relations.

This gender imbalance may to a certain extent explain the passive role of the husband in a family. Having shouldered responsibility for everything at home, the wife lavishes care and attention on her husband. Children then adopted this pattern of behaviour in the family. Hence the belief that the wife ought to bear the entire responsibility in the family is the one now being adopted by young people, even though there is no longer any demographic justification for it. In it lies the basis of actual inequality early in life. Girls attain education through essentially greater effort, because they must also perform their regular and time-consuming household duties.

In this situation it is very important for everyone in Soviet society to recognize that the high educational level available to women will actually cost them less if household work is carried out by all members of the family on an equal footing, if household appliances are used more extensively, and if everyday services are improved.

### Female Labour

Most Soviet women between the ages of 16 and 54 work in production. Others in this age group do not work in production,



either because they have many children and choose to devote time to their upbringing or because of their poor health. These options have become possible thanks to the emancipation of women, specifically arising from those social reforms that guarantee the equal right of men and women to work and to receive equal remuneration for the same amount of work. The growing number of women among engineers and other technical workers is a major index of qualitative change in the use of female labour and the enhanced development of women's creative potential. Female labour is a subject of particular legal regulation: dealt with by special issues in the Fundamental Labour Legislation of the USSR and the Union Republics and in the Labour Code of Union Republics.

For instance, discrimination against women either in employment or in payment for work is illegal. To refuse employment or cut salaries to expectant and nursing mothers is prohibited; in a number of Union Republics refusal to employ expectant mothers is a criminal offence. Expectant and nursing mothers cannot be dismissed by the Administration for any reason except the closure of the office or enterprise where those women work. It is prohibited to use female labour in hard toil, unhealthy trades, underground jobs, and night shifts. In particular, expectant

and nursing mothers and the mothers whose children are younger than one year of age cannot be employed on night shifts, overtime work, or sent on business trips.

### Maternity Protection

The wide use of female labour has brought about some positive as well as negative tendencies. The equal participation of women both in working and social activity is a positive tendency. Negative tendencies include women's lagging behind men in professional development because of time taken out for child bearing and rearing, the use of female labour at unskilled jobs, and the feminization of some jobs. The main difficulty is a conflict between the role of a woman worker in production and her role at home. Not every woman copes well with both roles offered to her by contemporary life. Some women lose out in their careers or professional skill. Others, whose careers are successful, neglect their family duties. Hence women report unhappiness, feelings that they have not fully used their talents and abilities and that they have no peace of mind. Increasing divorce rates and falling birth rates indicate similar problems.

It is possible to offer more time to working women who have children by reducing their work day without cuts in

payment. Under new Soviet laws, women can work by special schedule, with much time devoted to home affairs, and with maximum use of convenient and flexible schedules. However, our ability to implement these practices depends on the progress of our current reorganization (*perestroika*), on our transition to higher labour productivity, on the optimal forms of organizing the labour process, and on overcoming the current stereotyped viewpoint of some administrators who regard working mothers as an irritation because the law guarantees them many privileges.

Expectant mothers have the right to easier jobs, while retaining average earnings of their former office. A nursing mother whose baby is not yet one year old has the right to additional intervals for nursing: every three hours, for half an hour at a time. These intervals are included in work days and are paid in accordance with the average earnings of those women. A variety of legislated options are available to women: to improve their professional skills with work being discontinued and average earnings retained; to use a flexible working schedule; to work at home; to choose the working hours suitable to themselves, for instance, to work 5 or 6, not 8 hours a day, for two, three, not five days a week. However, research carried out by the Research Centre of the All-Union Central Council of Trade Unions, has shown that in reality working mothers seldom use the privileges legislatively granted to them. Today every collective of working people has an opportunity to express an opinion on this subject, to dismiss those administrators who do not properly understand the social role of motherhood, and to have other administrators instead.

Many Soviet lawyers believe that we have to enhance the guarantees of really creating every opportunity for working women to combine work in production and their motherly duties.

### **Marriage and Family Law**

In Soviet times the family as a social cell, has made spectacular progress, from the union of a man and a woman in which the female was subordinate, to a socio-psychological union based on the principles of mutual understanding and care. Some national republics are ahead of

others in this field, actively encouraged by family law. Its principles are: equality for husband and wife in dealing with all problems concerning personal or property rights, the protection of the family by the state, and maternity protection and encouragement. Here again, women with children have a number of privileges. For instance, in accordance with Article 14 of the Fundamental Legislation of the USSR and Union Republics on Marriage and the Family, the husband has no right to begin a divorce without the consent of the wife when she is expecting a baby and throughout the year following childbirth.

However, outstanding problems in the field of marriage and family remain. Among them are the still-functioning laws of Adat, Shariat, and the commandments of the Koran, by which a woman is treated merely as property. For this reason, such feudal treatment of teenage girls and young women in several Union Republics is punishable by criminal laws. Nonetheless, in some Central Asian republics these occurrences still arise from time-to-time. One such republic is Uzbekistan, despite the fact that women account for half of the professionals with a specialized secondary or higher education. The other is Tajikistan, where women account for more than 40 percent of this population group. It is difficult to eliminate age-old traditions and customs, although the economic reasons for the oppression of women by men have been done away with.

Here is another example: the statutory procedure for the establishment of the paternity of a child born out of wedlock is humiliating to women. What is more, application by them to a court of law is sometimes utterly hopeless. Soviet society has wanted reforms in this field for a long time now. Unfortunately, our lawmakers still have no time to tackle some problems, this one among them. Why?

### **Women in Higher Government Offices**

One of the major reasons for the inertia of law-makers is the small number of women in responsible government offices. In 1986 there were 147,900,000 women in the USSR, that is, 53 percent of the population. However, in the Soviet Parliament — the Supreme Soviet of the USSR — women made up only a little more than a third of the members. Even in

local government bodies (Soviets of People's Deputies), women account merely for half of the membership. The percentage of women in the total number of leading officials in industry, for instance, is also far from truly representative of the share of female labour in the national economy: 8 to 11 percent of leading officials are women, while they comprise approximately 51 percent of the total workforce. Obviously, it is more difficult to get top office at a governmental as well as a social level for a woman than for a man.

Nevertheless, many Soviet women have the intellectual and psychological qualities necessary to be leaders: energetic social activity, concern for civic duty, a talent for maintaining contacts, a capacity for foresight, administration, organization, and management. Furthermore, these talents and abilities develop in practical work. However, in the past, particularly during the period of stagnation, the consequences of which are still being eradicated today, women did not have the opportunity either for practical work or to develop an interest in managerial duties.

When women did begin working in socially-useful production, the system of male leadership had reigned supreme for centuries. Moreover, women had to brave tradition, prejudice, and the stereotypes of public opinion to overcome psychological barriers, and to cope with the tremendous workload at home. Considering these factors, the reasons for women's lagging behind men in terms of career, and particularly the holding of government office, will be readily apparent.

Today the process of actively advancing women into leading offices has already begun, though the pace remains slow. Let us hope that this pace will accelerate in the near future — the current revolutionary situation in our country also demands it. In its first years, the inaugural Soviet government managed to save most of the women of vast Russia from backwardness, humiliation and primitivism, often against their own will. Our current task is much easier. Socially active and educated women will certainly want to get some key posts in order to make their contribution to the development of socialism in the USSR.

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