FROM PUBLIC TO PRIVATE: USSR SUPREME COURT
ADOPTION RULINGS 1942-1964
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Abstract

This paper examines adoption case rulings of the Supreme Court of the USSR from World War II until the fall of Khrushchev. It argues that throughout these twenty years of Soviet history, Supreme Court justices consistently kept children's interests in the forefront of their decisions in adoption contests, paying little attention to ideological considerations. Though ideology and state-driven policies informed much of Soviet judicial practice, they seem to have had little influence on family law at the highest court levels. Surprisingly, justices adhered to criteria for custody decisions that were part and parcel of family law practice in the West: they honored biological connections above all and, when biological ties were unavoidably or lawfully broken, they ruled in favor of situations that appeared to address the children's "best interests." Court rulings defined the latter in varying ways, but they rarely invoked a household's ideological suitability.

Summary Introduction

The Bolshevik regime outlawed adoption in 1918, but adoption re-entered the legal code in 1926. Though the basic adoption laws of the Soviet Union remained unchanged until 1968 — and even then kept much of their original essence — the nature of adoption shifted profoundly from a stopgap policy in the struggle against massive child homelessness (besprizornost') to an alternative means for creating stable families. Soviet adoption laws and their practice evolved in tandem with the historical development of the USSR: revolution, civil war, industrialization and collectivization, the purges, the Second World War, and de-Stalinization all made their mark. But most striking is the civil judiciary's evolving commitment to get things right: that is, to arrange custodial and financial matters so as to address the best interests of children. Though this precisely reflected the letter of the law, which stated plainly, "Adoption is permitted exclusively in the interests of children," it is still noteworthy that judges, legal experts, and child welfare workers often pursued the spirit of the law.
as well. Their enthusiasm attests to the existence of a viable legal culture in Soviet society -- at least when it came to family practice that did not threaten political and ideological imperatives.6

Until the 1960s, Western scholarship primarily dismissed the Soviet legal system as another arm of the monolithic, totalitarian state. With his 1963 work, Justice in the U.S.S.R.: An Interpretation of Soviet Law, Harold Berman attempted to revise this simplistic view. While admitting that the law usually bowed to doctrine and politics, Berman demonstrated that there was in fact more to Soviet law than initially met the eye: it was not historically constant, it was capable of reform, and its practice did not always adhere to official socialist precepts.7 Though legal sources therefore hold tremendous potential for Soviet social history, historians have not yet tapped the records from actual judicial practice in the USSR. A review of adoption decisions, for example, confirms Berman's general impression. Specifically, it puts private lives on public view, reveals legal conceptions of the Soviet family, and highlights the gaps and convergences between socialist theory and judicial practice.

This essay evaluates the civil judiciary's understanding of what constituted a child's best interests through the prism of higher-court rulings on adoption cases. It draws primarily on descriptions of the adoption contests that came under review by the Supreme Court of the USSR (Verkhovnyi Sud SSSR) from 1942, early in the Soviet Union's participation in World War II, until 1964, the fall of Khrushchev.8 I have chosen this particular period for several reasons. First, Soviet family law did not begin to take shape as a systematic discipline until just before the war.9 Second, contests over adoption during those twenty-two years were particularly thorny as a result of wartime upheavals; it took the war to spawn custodial battles complicated enough to reach the Soviet Union's highest courts on a regular basis. Third, this period merits analysis because it spanned three distinctly separate eras of Soviet history: one marked by relative liberalization (1942-45), one that saw a renewed clampdown on society (1946-53), and a final one characterized by Stalin's death and Khrushchev's thaw (1953-64). Finally, adoption came into its own during the war. Between 1941 and 1945, some 200,000 children in the Russian Federation alone were adopted.10

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8I examined all published decisions in cases for the years 1942-1964 in the Supreme Court of the USSR, and 1961-1964 for the Russian Supreme Court.

9On family law's re-emergence at this time, see Sharlet, "Stalinism and Soviet Legal Culture," pp. 175-176.

Supreme Court decisions appeared fairly regularly in the publications Sovetskaia iustitsiia (Soviet Justice), Sudebnaia praktika Verkhovnogo Suda SSSR (The Legal Practice of the Supreme Court of the USSR), Biulleten' Verkhovnogo Suda SSSR (The Bulletin of the Supreme Court of the USSR), and Biulleten' Verkhovnogo Suda RSFSR (The Bulletin of the Supreme Court of the RSFSR). These journals reconstructed the rulings and the grounds on which they were based at every step of the judicial ladder. Narratives in the legal journals reveal the details of each case, how and why the lower courts ruled as they did, and the higher court's (stated) objections to prior decisions.

Higher-court rulings do not, of course, necessarily reflect the broader themes that might emerge from a discussion of people's court (narodnyi sud), or district (kraevoi) and regional (oblastnoi) appellate court decisions. To assess the character of lower-court decisions by referring only to the ones that came under higher-court review is tantamount to making generalizations about human behavior based on people who visit psychiatrists; the higher courts only ruled on cases that already evinced irregularities. But because the Soviet legal system did not rely on legal precedence for its rulings, when judges made their decisions, knowledge of prior settlements was not necessary. Rather, it was up to them to interpret the civil law as they saw fit. It was the judges at upper levels of the judiciary to whose rulings and decrees legal scholars had ready access, and it was these judges who answered more directly to political authorities. When an improper or undesirable decision fell under higher-court scrutiny, Supreme Court judges made sure to bring lower courts into line. Although decisions could be contradictory and inconsistent, they nevertheless defined and redefined what was understood at the time as a child's welfare. The way that higher courts in the USSR handled adoption controversies thus supplies us with unusual insights into the workings of the Soviet legal system, the mentality of Soviet jurists, the interpretation of Soviet family law, and the historical evolution of the Soviet family.

Collective child raising was part and parcel of the communist family program at the time of the revolution. Radical theorists envisioned a society where the state would assume the full load of caring for children. Not only was this in accord with communist ideology's hostility toward nuclear families, it quelled the revolutionaries' fear that the ignorance and prejudices of peasant and other "petit-bourgeois" parents would corrupt children and imbue them with anti-Soviet and religious

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11I have not been able to see lower-court transcripts. According to my July 8, 1996 meeting with Nikolai S. Romanenko, the deputy chief (zamesitel' predsedatel'ia) of Moscow's municipal civil court, transcripts from civil cases involving juveniles are destroyed as soon as the children involved reach majority age.


propaganda. But, making a virtue out of necessity, the state soon retreated from these radical visions, coming to rely more and more on private, rather than public responsibility for children.\textsuperscript{14} In place of the broad network of collectives envisioned by radicals, communist Russia depended on public schools, propaganda, pageantry, and pioneer organizations to influence and shape the coming generations. Children, however, would be brought up by their own parents and in their own homes.

Individual care, by definition, relied on biological ties. According to the law, parents had the right to raise their own children. Only in cases when children had been abandoned, orphaned, legally relinquished, or biological parents had proved themselves unfit, would the courts intervene to place children in state or adoptive hands -- and, theoretically, only when adoption served the child's interests. But how those interests would be interpreted in practice was up to three bodies: the guardianship and wardship agencies (organy opeki i popechitel'stvu) that carried out the initial investigations of circumstances of adopters and adoptees and then made their recommendations, the soviets of workers' deputies who finalized adoptions, and, in contested procedures, the courts who ruled on custodial matters. For the most part, at least at the upper judicial levels, rulings seem to have been guided by the desire to put children in the best of all possible situations. Despite initial instructions that called only for "satisfactory support, labor training, and suitable preparation for socially useful labor activities," particularly after the war, love, security, and happiness figured both implicitly and explicitly.\textsuperscript{15}

That is not to say that judicial authorities discarded ideology completely, nor is it to suggest that they did not interfere in private lives. Nevertheless, in contrast to what we might expect, it appears from the vantage point of adoption rulings that the civil judiciary of the Supreme Court tended above all to honor privacy: biological connections, what they often referred to as "maternal love,"\textsuperscript{16} and domestic situations that kept children safe and sound. If a biological family was no longer viable and an adoption had taken place legally, the Supreme Court would honor it as well. Parents' party membership or their adherence to the socialist canon usually remained besides the point. In other words, Soviet family law at the judiciary's highest level did not deviate significantly from family practice in so-called "bourgeois" states.\textsuperscript{17}

\textsuperscript{14}On this retreat, see Wendy Z. Goldman, \textit{Women, the State and Revolution: Soviet Family Policy and Social Life, 1917-1936} (Cambridge: Cambridge University Press, 1993).

\textsuperscript{15}June 12, 1926 instructions to all departments of education. Published in \textit{Ob usnovlenii detei i podrostkov} (Moscow: Izdanie Detkomissii VTSIK, 1926), p. 62.

\textsuperscript{16}This phrase appeared in several custody battles, especially in regard to young children. See, for example, \textit{Sudebnaia praktilka Verkhovnogo Suda SSSR} no. 6 (1944): 31; no. 4 (1948): 26; no. 4 (1954): 29-30.

\textsuperscript{17}On comparable international standards, see \textit{Comparative Analysis of Adoption Laws} (New York: United Nations Department of Economic and Social Affairs, 1956).
When Grisha Vainshtein and his grandmother, M.L. Blitshtein, were fleeing from the city of Odessa at the beginning of the invasion of the Soviet Union, they became separated from Grisha’s mother and other family members during a German bombardment. The grandmother tried to care for the child in the Uzbekistan city to which they were evacuated, but dire poverty caused her to send him to an NKVD children’s receiving station, from which he was transferred to a children’s home (detskii dom). Listed incorrectly as a full orphan and assigned the (very un-Jewish) surname of Tartanov, Grisha was adopted by a man named Polvanov. In May 1943, when Grisha was five, his grandmother sued for his return. The court denied her custody on the grounds that she alone was unable to raise the child. Polvanov, on the other hand, had “created good conditions for his upbringing (vospitanie).” When Blitshtein appealed the decision to the Uzbekistan regional court, it seconded its support for the adoption.

The Collegium for Civil Cases (Sudebnaia kollegiia po grazhdanskim delam) of the Supreme Court of the USSR reconsidered the ruling in July 1945. In its opinion, the fact that the child had been placed in an institution during the circumstances of wartime, a period when his grandmother herself required governmental assistance, was crucial to the case. Since Blitshtein’s situation had changed for the better and her family had been reunited, there were no grounds for rejecting her lawsuit. The court noted how, despite a receiving station document asserting that Grisha had a mother somewhere and a father at the front, the children’s home had designated him an orphan. By placing Grisha up for adoption, the children’s home had violated article 54 of the Uzbekistan KZoBSO, which stated that a child could not be adopted without the consent of his parent(s) or guardian(s). Since there were no data confirming his parents’ deaths and Grisha had been under his grandmother’s guardianship, his adoption could not be legal.

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19 Though the records did not make this explicit, I am assuming that Grisha’s mother was not included in this group.


The Supreme Court ruling in Blitshtein v. Polvanov is typical of higher-court decisions in adoption contests. In spite of earlier rulings that cited the “good conditions” in which Polvanov could raise the child, the Supreme Court decided in favor of reuniting a biological family, even though it was separated by a full generation. Not only did it overturn Grisha’s adoption on the grounds that the law had been broken, it took Blitshtein’s war-induced hardships into explicit account. Although there was ample room for the Supreme Court to ruminate over the home in which Grisha would have received a stronger communist vospitanie, nowhere do we see reference to this issue.

Also missing is any consideration of the respective material conditions in each household. This omission actually reflected specific legal and instructional guidelines, as well as what appears to have been a steady commitment from central state and judicial authorities to eliciting children’s true interests. When adoption was first legalized, directions from the People’s Commissariat of Enlightenment (Narkompros) underlined how “under no circumstances” was the term “interests” to be understood as material alone. This was reasserted continually over the next 50 years. Several times over, the Supreme Court reaffirmed this principle about custody cases in general. For example, in 1947 a Supreme Court ruling established that the courts must listen to informed evidence about what constitutes a child’s interests when ruling on custody cases. Judicial evidence alone would not do; individuals “well acquainted with the particularities of the child’s psyche” needed to investigate and make their recommendations. In 1949 the Supreme Court again emphasized that material conditions should not assume “decisive significance” when judicial bodies were ruling on child custody cases; children’s broader interests were to be kept in the foreground. The meaning of a child’s interests underwent further explication on June 10, 1950 when the Ministry of Enlightenment of the RSFSR reiterated that interests were not to be understood in the material sense. Generally speaking, such repeated injunctions from central administrative and judicial authorities to interpret a child’s interests broadly imply that financial wherewithal often influenced custodial decisions at lower levels.

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22 See Ob usynovlenii detei i podrostkov, p. 62; Ia. A. Perel’ and A. A. Liubimova, editors, Bor’ba s detskoj besprizoros’tu, vyp. 4 (Moscow/Leningrad: Gosudarstvennoe uchebno-pedagogicheskoе izdatel’stvo, 1932), p. 124.
24 Cited in Pergament, Praktika Verkhovnogo Suda SSSR, p. 38.
26 Spravochnik po voprosam okhrany detstva (Uchpedgiz, 1951), p. 135, cited in Posse, “Osnovnye voprosy usynovleniia,” p. 243. These instructions mentioned how guardianship and wardship agencies should focus on finding situations which secured for children the normal conditions for their development, their proper ideological vospitanie, and their preparation for socially useful activities. Though soviets and child welfare agencies may have focused on ideology when deciding whether to finalize an adoption, this focus is conspicuously absent in Supreme Court decisions.
The ruling in favor of Blitshtein also illustrates another aspect of Soviet legal practice: the way the Supreme Court afforded unusual precedence to biological relationships. This appears to have stemmed from the sense that not only would a child's biological parents and relatives provide the most consistent care, but that they had a responsibility for the maintenance of their progeny. The focus on biology addressed children's interests in that it served to reunite children with parents who had cared enough to take custodial matters to the courts. Even prior to the war, in 1939, when the NKVD and the criminal courts were making a mockery of the concept of "rule of law," the Supreme Court made four separate decisions affirming the predominant right of biological parents to raise their children. As the following cases suggest, ideological considerations could make little difference when issues revolved around custodial rights. In the first instance, the Supreme Court overturned a Ukrainian Supreme Court decision granting custody to the grandfather of a child who had been placed in his care following the mother's prolonged and, apparently, incurable mental illness. So long as there was no evidence attesting to the father's abuse of his rights or failure to fulfill his obligations, he had the right to raise his own child. In the second, the Supreme Court reversed a Ukrainian Supreme Court ruling that permitted a girl to remain with the aunt who had cared for her for more than seven years. According to the Supreme Court of the USSR, the mother's financial desperation following a divorce had necessitated the transfer of custody, but now that the mother was ready to assume her obligations, she was within her parental rights. The next two decisions in 1939 challenged rulings by the Supreme Court in Armenia. In the first, the Supreme Court of the USSR upheld the principle of both parents' inherent rights, questioning a ruling favoring maternal custody on the grounds that the father's home situation had never been investigated for comparative purposes. The second ruling took a child away from her maternal grandmother and gave the child to the father, despite the fact that the grandmother was grieving over her daughter's (the child's mother's) recent death. Finally, in 1940, another Supreme Court decision affirmed that there were no grounds for denying custody to biological parents in the absence of evidence of abuse or a failure to fulfill parental obligations.

But, as we saw with Blitshtein v. Polvanov, it was the Second World War that really put court priorities to the test. As a rule, biology, inasmuch as it appeared synonymous with a child's best interests, continued to govern the tenor of Supreme Court decisions. To help stave off custody battles between individuals who had taken in presumed orphans and surviving parents, in April 1943 the Council of People's Commissariats (Sovnarkom) confirmed instructions saying that legal adoption...
without parental consent could only take place when documentation had been provided about the parents' deaths. In 1945 the People's Commissariat of Enlightenment issued additional guidelines to departments of education (otdel narodnogo obrazovaniia) throughout the Russian Federation which advised department representatives to use caution when making recommendations about the adoption of children without express parental consent. When a case involved a child whose parent lived separately and did not carry out parental obligations, the People's Commissariat advised levying a suit in court in order to deprive that parent of rights before putting the child up for adoption. All of these measures were designed to protect parental rights, reunite biological families, and reduce challenges to postwar adoptions.

Higher-court decisions reflected these principles, even to the point of the Supreme Court invalidating in 1944 the adoption of a young boy in Tadzhikistan so that he could live with his stepmother on the grounds that his biological father had wanted her to raise him. The contest began when F.K. Makarenko sued A.V. Nedoborov in people's court for the return of her stepson. Nedoborov had taken Vitalii, who had been born in 1938, from a children's receiving station and adopted him in April 1943 without parental consent. A people's court in the city of Stalinabad gave Makarenko renewed custody in June 1943, but the Collegium of the regional court reversed this decision almost immediately. At a second hearing, another people's court ruled that Vitalii should stay with the adoptive parent. But the Collegium for Civil Cases of the Supreme Court of the USSR intervened and came out in favor of the stepmother's suit. It based its decision on the fact that Vitalii had been temporarily placed in the receiving station as a result of the mobilization of his father to the Red Army and his stepmother to agricultural labor. From a document submitted in the name of a Communist Party secretary of the Tadzhikistan Central Committee, it became clear that Vitalii's father "categorically" objected to the boy's placement with Nedoborov and his wife. Instead, he wanted to see him under Makarenko's care. Based on this evidence, along with the fact that the adoption itself had violated the law requiring parental consent, the Supreme Court called Vitalii's adoption invalid and supported the first people's court ruling which granted custody to Makarenko.

Here again we see an example of the Supreme Court doing its best to preserve the biological family, even when this meant annulling the adoption of a child in a two-parent household to favor

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33 Kolibab, "Usilit' okhrannu prav roditelei i usynovitelei," p. 36.
35 Though Nedoborov's wife was not named in the suit, the narrative makes it clear that a couple was involved.
his placement with a single stepparent. Though the Communist Party made an appearance here— in the form of testimony representing the wishes of Vitalii’s father— ideology still played no overt role. The Supreme Court summed up its decision in this way: "Parents have the right to demand the transfer to themselves of an unlawfully adopted child."37

In another case, a Red Army soldier, I.I. Orel, sued for his son Leonid’s return. Orel testified that he had left his three small children in his wife’s care, but when the family was evacuated to Tashkent, they were poverty stricken and she fell seriously ill. Because she had no breast milk for their infant Leonid, who was born in 1942, she placed him in a children’s home. From there he was adopted without the father’s consent by the Krinzberg family. Courts in Tashkent repeatedly considered this case, until in March 1946 the Tashkent regional Collegium for Civil Cases abrogated the adoption and ruled on the plaintiff’s behalf. At that point, however, the Collegium for Civil Cases of the Ukrainian Supreme Court found for the Krinzbergs.

When the Supreme Court of the USSR heard the case in September 1946, it confirmed the fact that Leonid’s adoption had been illegal. The Supreme Court explicitly discounted testimony about the terrible material circumstances in which Leonid had been found prior to his adoption, though it had been central to the Uzbekistan Supreme Court’s ruling. In the Soviet Supreme Court’s opinion, the war was to blame, not the Orel family. There was simply no evidence that anything other than poverty had occasioned Leonid’s mother to place him in a home. Because, at the time of the suit, “the conditions of the parents’ life appeared completely normal, the Supreme Court ruled that there were “no grounds to assume that the return of the child to his parents will not secure his interests.”38

In 1940, Ts.G. Fridval’d and her husband left their two-year-old daughter, Mariia, with her grandparents in the Ukrainian city of Strii na Vostok. When Strii was occupied by the Germans, Mariia’s grandparents and other relatives were killed, and the child was taken in by the Leshtits couple. After Strii was reclaimed by the Soviets, Fridval’d sued for the return of her child. A regional court found in her favor in June 1945, but the Ukrainian Collegium for Civil Cases overturned the ruling one month later. The Ukrainian Collegium asserted both that there was no proof that Fridval’d was the mother, and that, because the Leshtits household provided good conditions for the child’s vospitanie, it was not in Mariia’s interests to transfer custody.

The Supreme Court of the USSR ruled differently in January 1946. In its opinion, the Ukrainian Collegium should have realized that conditions in the new family were not relevant; Mariia had wound up with them “accidentally” (sluchaino) due to the rest of the family’s demise at the “hands of the fascists.” So long as there was no evidence to suggest that the mother could not...

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37 Sudebnaia praktika Verkhovnogo Suda SSSR no. 9 (1944): 25.
38 Sudebnaia praktika Verkhovnogo Suda SSSR no. 9 (1946): 5-6.
provide for her — and in fact testimony on Fridval’d’s behalf was quite positive — there were no grounds “to deprive a child of her birth (rodnaia) mother.”

Aside from the court’s reference to how Mariia’s family died at the “hands of the fascists,” as in other summaries of court decisions, this ruling is unusually free of standard Soviet cliches and socialist rhetoric. Instead, we observe the Supreme Court’s apparently sincere desire to right prior wrongs and to see justice done whenever possible. To be sure, fairness did not govern all Soviet legal practice; ideology had a place at many legal tables. And illegality reigned for the millions of political prisoners in labor camps. At the very moment the civil judiciary was seriously contemplating the futures of Mariia, Vitalii, and Leonid, the fathers of hundreds of thousands of Soviet children were being deported to Siberian wastelands for the “crime” of not having died at fascist hands. But rather than negating what little good may have come of the judicial system, the horrors committed in the name of Soviet criminal law actually make the civil judiciary’s efforts all the more poignant and meaningful. Compassion for the victims of the German occupation is not articulated in the legal decisions, but it clearly informs the judges’ decisions and their reactions to the stories of family separations, losses of communication, and the kind of bureaucratic snafus that would list a Vainshtein as a Tartanov, or place a child with living parents up for adoption.

That is not to say that all Supreme Court decisions on adoption contests ignored politics. Yet, as we shall see, the exception to some degree proves the rule. In 1940 a Jew whose wife had already been killed in German-occupied Lithuania, gave their three-year-old daughter Shelli to a Catholic man, P.A. Mikshta, in the hope that the child could be saved. The father perished during the occupation, but the girl’s biological aunt (her father’s sister), Anna Margolis, survived the war and in 1945 unsuccessfully sued for custody in what had been newly dubbed the Lithuanian Soviet Socialist Republic. But not long after, the legal guardian informed Anna Margolis that he and his family were leaving for Poland. Margolis requested that the Commissariat of Enlightenment in Lithuania temporarily give custody of Shelli to another relative, V.S. Gliazer, who lived in Moscow. Shelli was sent to him, but, for reasons that are unclear, an entirely different couple, the Kavins, wound up adopting the girl legally. In 1946 Mikshta received a judgment for Shelli’s

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40 According to Sharlet, “the great bulk of the cases [heard in Soviet courts] are actually concerned with such mundane matters as family, housing, labor, inter-enterprise, and personal property disputes, along with a much smaller number of garden variety criminal cases.” From Sharlet, “Stalinism and Soviet Legal Culture.” p. 156. Another source estimated that 85% of cases heard in the Soviet Union centered around civil matters. See Barry and Berman, “The Jurists,” p. 301.
41 The decision says plainly “in order to save her from the ruin which threatened the entire Jewish population.” Sudebnaia praktika Verkhovnogo Suda SSSR no. 9 (1946): 3.
42 The narrative does not explain why Margolis did not attempt to get custody for herself.
return from a Lithuanian people's court. Two weeks later, the Lithuanian Supreme Court reaffirmed the transfer of custody.

At this point the Supreme Court of the USSR intervened. It began by citing article 44 of the KZoBSO which required that adoptions take place exclusively in a child's interests. By preemptorily granting custody to Mikshta, the Lithuanian courts had failed to determine in which household Shelli was better off. Though she was already nine years old, the courts had not even solicited her opinion on the matter. According to their findings, Mikshta had been raising Shelli “in the religious spirit,” sending her to a Catholic, rather than a Soviet school. The Kavins, for their part, had not only placed Shelli in a Soviet music school, but were “materially secure,” possessed a “good apartment,” and appeared to be “cultured people.” In the words of an inspector from the regional department of education, Shelli Margolis had found “a real family” (rodnaia sem’ia). A technicality also marred the Lithuanian courts’ decisions: the case should have been heard by the courts in the defendants’, not the plaintiff’s area of jurisdiction. Most significantly, going further back, the Supreme Court determined that Anna Margolis’s initial suit had not even received a fair hearing. Although Margolis had formally requested a stay, the court had ignored her request and heard the case in her absence. Consequently, the Collegium for Civil Cases of the Supreme Court of the USSR overturned all prior decisions and called for a new hearing in the Russian Supreme Court.

The Collegium’s treatment of this case differs enough from the earlier custodial decisions to warrant a closer look. For the first time, instead of considering biological connections alone, the court addressed the issue of the child’s vospitanie. As we have seen, in the court’s view, Shelli was better off with the Kavins than with the practicing Catholic, Mikshta. The Supreme Court also violated one of the law’s most basic maxims involved in determining child custody cases, that of not permitting material circumstances to sway an opinion. Breaching those guidelines, the Supreme Court emphasized that the Kavins’ nice apartment and financial security added to their appeal as adoptive parents.

But we have to look at three other aspects of the decision to understand the court’s thinking about Shelli’s placement. In the first place, Anna Margolis was an aunt, not a parent or grandparent. And, for some reason, she had recommended Glazier, not herself, as Shelli’s guardians when Mikshta left for Poland. Secondly, though the court favored the environment in the Kavin household, it nonetheless did not name them as Shelli’s rightful parents. Instead, it declared all prior decisions invalid because of Anna Margolis’s failure to have her day in court. Perhaps the opportunity for a fair hearing of her case for her niece’s custody would render the other judgments moot. Finally, we must remember that Lithuania, after nearly forty years, had once again been placed under Russian

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43 Technically, this was inaccurate; the law only specified that authorities had to seek the consent of children over the age of ten to an adoption.
44 The emphasis here is mine. Sudebnaia praktika Verkhovnogo Suda SSSR no. 9 (1946): 3-4.
rule. It seems to me that issues of jurisdiction and political control, reflected in the judgment to have the Russian Supreme Court retry the case, also affected the Collegium’s decision. After all, Lithuanian courts had not only acted improperly by hearing the first case without Margolis’s presence, but had ruled to bring Shelli back from the nice Soviet family in Moscow to the Catholic foster father in the new (reluctant) Soviet republic.

The emphasis on biological relationships continued in the postwar period. Supreme Court decisions after 1945 also adhered to the notion that close biological links, when they existed, took precedence over all other relationships. Courts in Tbilisi, for example, upheld the adoption of a toddler who had been left with his grandmother in 1937 after his mother, Akhverdova-Kvitashvili, had been exiled (vyslana) from the city. When the grandmother fell ill in 1939, Temuri was taken in and adopted by the Nikolashvili couple without the mother’s knowledge. Akhverdova-Kvitashvili returned, first suing for the right to see her son and sometime after, for resumption of custody. When the case reached the Collegium for Civil Cases of the Georgian Supreme Court in 1947, the court strangely ruled that Akhverdova-Kvitashvili could identify herself as Temuri’s mother and she could visit him in his new home, but she could not have him back. It would take a separate suit calling for the adoption’s invalidation for her to regain custody.

The General Procurator of the Supreme Court of the USSR argued in 1948 that this decision was both contradictory and in violation of the child’s interests. To begin with, the mother had never been deprived of parental rights. Second, in violation of the law, the adoption had taken place without her consent. Third, the Georgian court had not considered the way the custody battle between his adoptive parents and biological mother could affect Temuri “negatively.” Finally, the fact that Akhverdova-Kvitashvili had shown parental concern since her return to Tbilisi four years ago pointed the way to a more proper decision. After all, Temuri knew her as his mother. Consequently, Georgian courts needed to think in terms of the child’s interests, taking into consideration that he “requires maternal care and maternal love.”45

The natural rights of biological parents and relatives to raise their own children informed most custodial decisions in the United States and European states as well. As a 1956 United Nations report on adoption put it, “The right of a natural parent to the custody and control of his own child is recognized in all countries. Adoption . . . is therefore an extraordinary procedure – one which will only be resorted to if special circumstances are present.”46 Adherence to this principle in the Soviet Union, however, lay at sharp odds with the Revolution’s professed antipathy to ties of blood and family, and its dedication to the social collective. Though such radicalism faded quickly, ideology on behalf of blood (understandably) never emerged to provide a Marxist foundation for

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46 Comparative Analysis of Adoption Laws, p. 1.
these judgments. Indeed, when it chose, the state could issue guidelines that ignored biology entirely. For example, a drive to increase parental responsibility for children was accompanied by a March 1934 People’s Commissariat of Justice (Narkomiust) decree that children in institutions could be put up for adoption when their parents evinced no concern for them. In such cases, the parents did not even need to be deprived of parental rights. On July 11, 1934, the People’s Commissariats of Justice and Enlightenment jointly issued a key ruling specifying the circumstances under which parental rights could be disregarded. In addition to bypassing parental consent when the parents had been deprived of rights in the courts and when they fell under guardianship because of mental illness, officials could waive consent when a child was in an institution and the parents had failed to provide information about themselves or their whereabouts for more than one year. In other words, biological relationships had a year-long statute of limitations. Given what lay in store for Soviet citizens over the next few years, these parameters could serve to ravage permanently families beset by economic turmoil, arrests, and incarceration, just as they could provide for children who were victims of deliberate parental neglect.

Also contradicting the principle of honoring biological relationships was a July 1944 decree of the Supreme Soviet which, in the name of stabilizing marital unions, prohibited unmarried fathers from appearing on their children’s birth certificate. The decree forbidding designation of paternity on birth records when a child had been born out of wedlock created its own set of predicaments. For one, it left unwed mothers to face the stigma and financial responsibilities of single parenthood. For another, in a sharp reversal of one of the revolution’s more radical concepts, it reintroduced illegitimacy as a legal and cultural category. One tactic that women used to circumvent the law and stigma was having their parents adopt these illegitimate children. In 1950 the Russian Ministry of Enlightenment tried to halt this practice by issuing instructions to its various departments that

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50 Softening the blow was a simultaneous decree giving single mothers the right to place their children in state care for an indefinite period of time at full state expense without losing their parental rights. So long as the mother evinced interest in the child’s development, the child could not be given up for adoption. Nevertheless, a case involving the adoption of an institutionalized infant without the mother’s consent that reached the Supreme Court demonstrates that this right was not always honored. See Biulleten’ Verkhovnogo Suda SSSR no. 3 (1971): 12-13; Bernstein, “The Evolution of Soviet Adoption Law.”
adoption by a child’s biological grandparents was permissible only in cases when the grandparents would truly serve as the child’s parents.51

Just as the Supreme Soviet decree made pregnancy and child-raising an unmarried woman’s sole legal responsibility and liberated men from taking responsibility for children they had fathered with single women, it left many biological fathers in the awkward position of contemplating the adoption of their own children so as to secure legal rights and obligations. The situation was exacerbated by additional administrative and financial obstacles placed in the way of securing a divorce in 1944. Rather than face the prospect of a long, complicated procedure and a hefty fee, many estranged married couples simply separated without securing a legal divorce. But when men entered new, stable relationships, they were left to figure out what to do with children they had fathered out of wedlock and were supporting and raising in their new relationships. By law, they had no legal ties with the children because they were not married to the children’s mothers.52

To reconcile conflicting priorities which both wanted to see men take responsibility for their offspring and at the same time discourage illegitimacy and divorce, state and judicial authorities facilitated adoptions by biological fathers. For example, in 1945 the People’s Commissariat of Enlightenment instructed that there were no grounds for denying a child’s father the right to adopt so long as the adoption was in the child’s interests and the legal requirements for an adoption were met.53 Still trying in 1953 to solve the intractable problem of how to deal with all those biological fathers who wished to adopt their own children, Narkompros’s successor, the Ministry of Enlightenment, recommended that adoptions of illegitimate children could take place so long as the mother’s consent had been secured and the adoptive father planned to live with and raise the child.54 The Supreme Court of the USSR complicated the adoption question in 1957, decreeing that stepchildren could not inherit from their stepparents unless they had been formally adopted.55 This, of course, included children whose biological fathers were not married to their mothers at the time of their birth. Further clarification came in a May 1960 letter that had been issued jointly by the Ministries of Justice and Enlightenment. To cope with the issue of separated wives who were not

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51 One source cited a 1955 case involving a couple who attempted to adopt their grandchild in order to mask the fact that their daughter had given birth out of wedlock. It was ruled that so long as the mother was functioning as the child’s mother, the child could not be adopted. See Posse, “Osnovnye voprosy usynovlenija,” pp. 249, 252.

52 For example, in 1954 the Communist Party’s regional executive committee (raipolkom) in the Sverdlov region of Leningrad allowed a boy’s biological father to adopt him, even though he was not married to the boy’s mother at the time of the boy’s birth. The committee put this through because marriage between the child’s biological parents had been impossible, due to the woman’s impending divorce. Posse, “Osnovnye voprosy usynovlenija,” p. 247.


pleased to see their husbands claiming legal and financial responsibility for other women's children, the Ministries ruled that married men needed their wives' consent in order to adopt, even if the couple did not live together.\textsuperscript{56}

In a related vein, the courts also had to contend with fathers who were not biologically related to their adopted children. Several postwar cases involving divorced stepparents (usually stepfathers) who regretted the financial responsibility that accompanied the adoption of their spouses' children reached the Collegium for Civil Cases of the Supreme Court of the USSR and, in the process, tested the definition of a child's interest. The Supreme Court's attitude toward these attempts to overturn adoptions remained fairly consistent: in its view, the dissolution of a marriage was not tantamount to the annulment of an adoption. An adoption could be abrogated when it did not serve a child's interests, but not because a marriage had ended. With this policy, the Supreme Court strove to protect not only a child's financial future, but psychological well-being.

The first major case of this nature was heard in 1949, when the Supreme Court ruled on a man (identified only as "T") in Kharkov who had married a woman in 1941 and adopted her son Igor the following year. "T" filed both for divorce and the adoption's annulment in 1948, only to confront judicial authorities who argued that the procedures were completely unrelated.\textsuperscript{57} One year later, the Supreme Court of the USSR overturned a Georgian Supreme Court ruling that invalidated -- at the father's request -- a Moscow woman's adoption of her stepson. The court ordered a change of venue from the father's residence in Georgia to Russia, as well as explicit consideration of the conditions in each household.\textsuperscript{58}

The Collegium for Civil Cases of the Supreme Court of the USSR also took exception to a March 1950 Russian Supreme Court ruling that permitted F.F. Kapust to invalidate the adoption of his daughter, Liudmila, on the grounds that it had taken place in his absence and without his consent. The Procurator of the USSR protested that this decision had been made heedless of the "concrete circumstances of the case and without a critical and comprehensive analysis and appraisal of the available evidence."\textsuperscript{59} Apparently, Kapust's wife had taken the orphan from a children's home during the war, in January 1943, when Kapust was missing at the front. But when Kapust's whereabouts became known, his wife wrote to him and told him of Liudmila. Kapust returned home in the summer of 1943, at which time he wrote out a request for the adoption on the basis of which, according to a witness from child welfare, the adoption went through in January 1944. Kapust also wrote "tender" letters home, all of which evinced a paternal relationship with the child. Moreover,

\begin{footnotes}
\item Makarova, "K voprosu ob usynovlenii," p. 74, citing Kodeks zakonov o brake, sem'e i opeke RSFSR (Moscow, 1961), pp. 116-121. The wisdom of this was challenged by several Soviet legal experts.
\item Sudebniaia praktika Verkhovnogo Suda SSSR no. 7 (July 1949): 31-32.
\item Sudebniaia praktika Verkhovnogo Suda SSSR no. 3 (March 1950): 38-39.
\item Sudebniaia praktika Verkhovnogo Suda SSSR no. 11 (November 1950): 42.
\end{footnotes}
for a full year after the marriage had ended — until December 1946 — Kapust sent Liudmila and his former wife 700 rubles a month. He made no attempt to overturn the adoption until 1949. According to the Supreme Court, since the child knew Kapust as her father, invalidation of the adoption would result in a “great trauma” and violate her interests.60

In March 1954 a man named Galitsyn sued to abrogate the adoption of his stepdaughter Emma. Though a people’s court denied the suit, the court of Kharkov found in Galitsyn’s favor on the grounds that, because Galitsyn had not personally submitted an adoption request, Emma had been adopted without his knowledge and consent. The Supreme Court disagreed. It cited evidence of Galitsyn’s relationship with Emma, including personal correspondence and how Emma had used Galitsyn’s surname and patronymic when she registered at school. In its view, Galitsyn would have continued to regard Emma as his daughter if the marriage had not ended.61

While biology guided custody battles, in keeping with the precept about adoption first and foremost serving a child’s interest, the courts relied on both biological and relational links when it came to making judgments of support (aliment). The 1944 decree reviving illegitimacy as a legal category freed men from financial responsibility for their children born out of wedlock. Nonetheless, the courts could find creative solutions to circumvent this restriction. For example, in 1958 a Supreme Court decision implied that the actual fact of paternity was less paramount than the child’s birth during the time of a lawful marriage. The case began in 1956, when N.S. Mogilevtsev from Estonia successfully contested his designation as the father of his former wife’s child. Though a lower court had garnered one-quarter of his wages for child support, the Estonian Supreme Court overturned this ruling on the grounds that the man was not the actual father and had never adopted the child. But the Collegium for Civil Cases of the Supreme Court of the USSR ruled that the real issue here was that the child had been born within a registered marriage, and that the paternity designation had never been contested until financial obligations were levied. Therefore, actual father or not, Mogilevtsev was liable.62

Yet the court could also invoke strict biological relationships. In 1952 the Supreme Court ruled that maintenance payments for a child hinged on whether the child had indeed been legally adopted.

60 Sudebnaia praktika Verkhovnogo Suda SSSR no. 11 (November 1950): 42-43.
61 Sudebnaia praktika Verkhovnogo Suda SSSR no. 2 (1956): 37-38. For another decision of this sort, see Sudebnaia praktika Verkhovnogo Suda SSSR no. 8 (August 1951): 30-31. A similar case came before the Russian Supreme Court in 1964, when an adoptive father who had divorced his wife four years after the adoption tried to abrogate his adoptive status on the grounds that the proceedings had taken place without his consent. The first courts to hear the case granted the plaintiff’s request, but the Russian Supreme Court overturned their rulings. Though the plaintiff’s signature was indeed absent from the adoption request (as he claimed), not only had the child nonetheless been given his surname, but there was no record of the plaintiff’s objections to the adoption and he had even paid child support to the adoptive mother for nine months after their divorce. Thus the evidence attested to the plaintiff’s tacit consent. Biulleten’ Verkhovnogo Suda RSFSR no. 10 (1964): 8-9.
Though several Russian courts had both denied a man's request to have his paternity of a child overturned and obligated him to support the child, the Supreme Court questioned these rulings, since the lower courts had not established whether an adoption had taken place. If the man had failed to adopt the child, he was not liable to pay support.\(^{63}\)

One way to safeguard children's interests was by finding for maintenance even after an adoption had been abrogated. The state reserved for itself the right to hold parents and adopters liable for the cost of maintaining their children in institutions.\(^{64}\) Until 1950, when the Supreme Court made a landmark ruling declaring that from the moment of adoption all ties between the adoptee and biological parents were severed,\(^{65}\) the wish to leave an adopted child in the best possible custodial and financial positions could involve calling on biological families to do their share for children they had brought into the world.\(^{66}\) As late as 1949 the Russian Supreme Court ruled that a (legal) birth father could be liable for an adopted child's support if for some reason or another the adoptive parent required financial assistance. Just five months short of the 1950 ruling declaring a cessation of all birth ties between adopted children and their biological families, the Supreme Court seconded this, ruling that although adopters were normally liable for their children's support, when it had been proven that an adoptive parent was not in a position to support the child, the court could seek support from the birth parent.\(^{67}\)

Even after the oft-cited 1950 Supreme Court decision, courts could still hold the biological parents of adopted children responsible for their maintenance. The Supreme Court itself, in regard to a Ukrainian case involving a birth mother who was suing to keep her biological daughter's share of a

\(^{63}\)Sudebnaia praktika Verkhovnogo Suda SSSR no. 11 (November 1952): 26-27.
\(^{64}\)For example, the Russian Supreme Court in 1960 ruled that parents could be held liable for the support of their institutionalized children. Sovetskaia iustitsiia no. 10 (May 1961): 28.
\(^{65}\)In this case, a Saratov regional court had held an adopted girl's birth father liable for child support. The Russian Supreme Court overturned the ruling on the grounds that the birth father only retained liability if the adoptive father could not provide for the child. The Supreme Court intervened to declare that family legislation entailed the severance of all biological relations at the moment of an adoption. In Sudebnaia praktika Verkhovnogo Suda SSSR no. 12 (December 1950): 6-7.
\(^{66}\)In 1926, a committee of the People's Commissariat of Justice held an adopted child's biological father liable for child support on the grounds that adoption must not serve to harm a child's financial situation. Ezhenedel'nik sovetskoj iustitsii no. 7 (1926): 224; A. Genkin, S. Kishkin, and A. Rodnianskii, Kodeks zakonov o brakе, сем'е i opeke s postateino-sistematizirvannymi materialami (Moscow: luridicheskoe izdatel'stvo NKlu RSFSR, 1929), p. 117. A 1936 Russian Supreme Court decision sustained a similar ruling by a Rostov-on-the-Don lower court that held a man responsible for his biological daughter's support even after she had been adopted by her stepfather. The USSR Supreme Court did not directly second the ruling, but it did so tacitly when it directed the lower court to review its decision, this time basing it on the stepfather's actual financial situation. Sovetskaia iustitsiia no. 7 (March 1936): 16. One year later, the same court ruled that adoptees could indeed still inherit from their birth parents. In this particular case, an adult female who had been adopted as a young child by her stepfather sued in a Moscow court to have another man established legally as her biological father. The Supreme Court confirmed her right to inherit property from the biological father, should his relationship to her be proved. Sovetskaia iustitsiia no. 4 (February 28, 1937): 51.
\(^{67}\)Both decisions are cited in Aleksandra I. Pergament, Alimentnye obiazatel'sta po sovetskому pravyu (Moscow: Gosizdat, 1951), p. 51.
pension that was coming from the deceased father's factory, ruled in 1951 that adopted children had a right to their biological parents' pensions. In the court's opinion, although birth parents were not personally liable to support their children who had been adopted by others, institutional support to these children should be continued. In 1956, the USSR Soviet of Ministers made a compatible ruling, instructing that adopted children retained the right to their biological parents' pensions even after an adoption had been finalized.

In 1957 the Supreme Court of the Russian Federation violated the new policy by declaring that adoptees retained the right to inherit from their deceased birth parents. It continued to uphold biological links when in 1961 it overruled a Stavropol' regional court which had itself overturned lower-court rulings permitting Viktor Meshcheriakov, who had been adopted when he was four years old, to inherit from his biological great-grandmother. The Stavropol' court maintained that legal relations had been totally dissolved between Viktor and his great-grandmother, but the Russian Supreme Court disagreed, arguing that since an adoptee had no legal relations other than the adoptive parents, the adoptee retained the right to inherit from biological family members other than his parents. While this clearly contradicted the decision of the Supreme Court of the USSR, the ruling could nevertheless be justified as addressing the child's best interests.

Though the age of "state children" was long past, the courts could also still make rulings in favor of public over private parenting. These, however, were marked exceptions. In 1954, the Supreme Court ruled that the fifteen-year-old Georgian teenager, Stalina Smyshliaeva, would be better off in an orphanage for the children of deceased army and navy officers than with her biological mother. But this was an unusual situation. Stalina and her mother had been evacuated to Novosibirsk when the war began, learning in 1942 that her father, a military officer, had died at the front. Stalina remained with her uncle -- now her legal guardian -- and paternal grandmother when Smyshliaeva left in 1944 to visit her own mother in Briansk. In 1949, the uncle began living with a woman named Ievskaia, who continued to care for Stalina after she and the uncle separated. Stalina's mother, who had moved to Alma-Ata and remarried, did not fetch her daughter until late 1952. But Ievskaia traveled to Alma-Ata five months later and, without permission from Stalina's mother, brought the girl back to Novosibirsk.

In April 1953 Stalina's mother sued in a Novosibirsk court for her daughter's return. She won her case, and had the decision affirmed by the regional court in the summer of 1953. But the

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68 Sudebnaia praktika Verkhovnogo Suda SSSR no. 9 (September 1951): 39-40.
69 Ibid. in Kliachko, Usynovlenie po sovetskomu pravu, p. 44.
71 Sovietskaia iustitsiia no. 10 (May 1961): 27. For a reference to this ruling as improper, see Mal'tsman, "Sporny e voprosy usynovleniia," p. 129. The absence of legal relations between anyone but the adoptee and adopters met much criticism from family law specialists. The Family Code promulgated in 1968 reflected the legal profession's desire to see adoptees equal in all rights and obligations to biological children.
Russian Procurator objected to the resolution, and in turn, the Collegium for Civil Cases of the
Russian Supreme Court ruled that Stalina should remain with Ievskaia. The General Procurator of
the Soviet Union, however, protested. He maintained that Ievskaia was an unsuitable guardian who
had no legal rights to the girl. At the same time, Smyshliaev’s neglect of Stalina for eight years
ruled her out, especially as Stalina had expressed a desire not to live with her. The Supreme Court
of the USSR agreed, deciding that Stalina’s interests would best be served by having her live in the
home for officers’ children. 72

Rather than give biology its due, the Supreme Court came out here in favor of a state
institution for Stalina. But the court’s decision was not governed by some lingering belief in the
benefits of public parenting. On the contrary: by the early 1950s, most Soviet experts acknowledged
that families provided the best means for raising children. 73 In Stalina’s case, though, the court was
dealing with a young woman just three years short of legal maturity, who had a clear — and no
doubt justified — objection to her biological parent. While the reasons for the court’s dismissal of
Ievskaia’s desire for custody were not articulated, the fact that Stalina had been receiving a pension
of 1,000 rubles each month may have convinced the court that Ievskaia’s motives were mercenary,
not parental.

Supreme Court decisions afford us an unusual glimpse into the private lives of Soviet citizens.
Not only do we see their (complicated) domestic situations, but we also see human actors who are
surprisingly familiar — deadbeat fathers, infertile couples, neglected children, broken families, and
litigious individuals. Soviet citizens clearly turned to the civil judiciary to settle their personal
problems. Their dilemmas, as well as their faith in the courts, paint us a picture of an extremely
multidimensional society that, judging by the descriptions of their situations, often remained
oblivious to official ideology and politics. Instead of steadfast party members and a cowed populace,
we simply see men and women who were trying to raise children in the face of tragic separations.
The displacement, suffering, loss, and confusion that mark each case I have detailed here must be
multiplied thousands of times over if we are to imagine private life in the Soviet Union during and
after World War II.

72Sudebnaia praktika Verkhovnogo Suda SSSR no. 6 (1954): 31-32.
73More and more typical were remarks like those of the lawyer Aleksandra Pergament in 1949: while social
vospitanie remained vital for a growing child, it was also necessary “to be in a family, where [the child] is surrounded
by parental love, affection and care.” Pergament, “Nekotorye voprosy usynovleniia,” p. 21. See also the legal scholar
Evgeniia Posse, who noted how adoption satisfied the “natural” desire of citizens who wanted to raise a child, allowing
that children could strengthen and fulfill a couple’s marriage. Posse, “Osnovnye voprosy usynovleniia,” p. 244. By
1980 there was no longer even lip service to socialized child rearing: “there’s not one children’s institution, even the
most perfect, that will be able to give [a child] as much love and warmth as can a family.” See Mikhail A. Ivanov
In 1963 the Supreme Court of the Russian Federation announced that the legal practice of family law was rife with errors that harmed children's interests and violated their rights. Consequently, the court reaffirmed the principles which were to animate future decisions. First, the court stressed how parents had the right to bring up their own children in the Soviet Union: "the personal upbringing of their children is one of the most important rights of Soviet citizens guaranteed by law." The Russian Supreme Court reasserted the grounds on which parents could be deprived of their rights, suggesting that some courts were too quick to take this extraordinary measure and often improperly invoked this penalty against parents whose inability to care for their children stemmed from circumstances beyond their control (ot nikh ne zavisitashchim). Second, the Russian Supreme Court felt the need to emphasize again the fact that one party's better material situation should not be a decisive factor when ruling on custodial decisions. More important was "clarification of the moral trait of the parents or other individuals who were laying claim to the vospitanie of a child." To be sure, child welfare authorities at all levels of the adoption process could have interpreted "moral" in an ideological sense, but there was room for discretion. Third, the court charged lower judicial bodies with making decisions that affected children without consulting qualified representatives from guardianship and wardship agencies. They also failed to involve social organizations -- e.g., trade unions, residential committees, workplaces, parental groups -- that could enhance the understanding of a case as well as perhaps exert influence on the concerned parties. Finally, the court came out against soliciting a child's opinion during courtroom proceedings; these were better left to discussions in chambers or with representatives from guardianship and wardship agencies.\(^74\)

On one hand, the fact that the Russian Supreme Court pointed out the shortcomings of lower courts reveals to us that the actual practice of family law remained far from perfect. Indeed, we have already seen several cases where its own rulings warranted intervention from the Supreme Court of the USSR. On the other hand, the Russian Supreme Court's stated understanding of children's interests was right in keeping with the standards set by the higher court, especially in the way it by and large remained free of ideology and conformed to generally accepted standards of children's welfare. Though the declaration spoke of parents' "duty and obligation" to raise their children "in the spirit of the moral code of a builder of communist society,"\(^75\) in its actual recommendations, not once did the Russian Supreme Court invoke political assessments when determining family fitness.

Judging by the arbitrary, often contradictory nature of many lower-court decisions, Supreme Court justices had their hands full. The courts had to face the real-life effects of the Stalinist state's most stringent family policies. Astonishingly, though the Supreme Court decisions discussed here

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\(^75\) _Biuleten' Verkhovnogo Suda RSFSR_ no. 10 (1963): 4.
spanned more than twenty years of Soviet history, they remained remarkably consistent, keeping children’s interests in the forefront of all discussions and almost always leaving ideological considerations out of the picture. Contrary to what we might expect, Supreme Court judges worried instead about situations that could cause a “great trauma” or affect a child “negatively.” To be sure, there was much room for abuse of family law principles because of vindictive, ill-informed, and dishonest judges. It would also be naive to imagine that guardianship and wardship agencies, local soviets of workers’ deputies, and courts did not take ideological issues into consideration when they were weighing custodial questions. Nevertheless, a framework was in place to safeguard children’s welfare in the most sensible, careful, and judicious manner possible. My review of the disposition of Soviet adoption cases suggests that, at least when it came to the Supreme Court of the USSR, that framework was much more than a Potemkinesque front.\footnote{At the height of the late Stalin period, in 1950, of 61 consultants to the Russian Supreme Court, less than half were party and Komsomol members (24 and 6 respectively). The remaining 31 consultants were classified as nonparty. From Tsentral’nyi Gosudarstvennyi Arkhiv, fond 428 of the Verkhovnyi Sud RSFSR, opis’ 3, delo 182 entitled “Dokumenty obobshchenii sudebnoi praktiki rassmotreniia Verkhovnym Sudom RSFSR ugrolovikh i grazhdanskikh del za 1 kvartal 1950 g., list’ 8.}