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# Introduction

Marriage - it is legally of the free and voluntary union of men and women, aimed at creating a family and the generates reciprocal rights and duties. It is based on the feeling of love, true friendship and respect for the moral principles of construction of the family.

The legal framework of marriage is in its registration. In accordance with the law, only marriages registered in the prescribed manner, gives rise to rights and responsibilities of spouses. Marriage is a civil registry states, local governments (in rural areas).

Marriage can not be registered by any other authority. In this case it does not create rights and obligations linked with the emergence of the law of marriage. Believers consider it necessary to perform a religious rite of marriage. But this rite has no legal significance.

The wedding in the church can not replace the registration of marriage. In the interest of registration of marriage as a state and society, and citizens. Marriage provides a necessary compliance with the conditions of his detention, is also in order to protect personal and property rights and interests of spouses and children of the marriage.

Certificate "marriage" confirms the registration of marriage. Marriage is at the end of one month after the filing by persons wishing to marry a statement to the authority of registrar.

But it should be noted that the law set conditions for marriage and the obstacles to its conclusion. Compliance with the conditions of marriage is necessary for a marriage to become legal force. Condition of registration of marriage is the mutual consent of the parties entering into marriage, and they reach marriageable age. Mutual consent of the parties entering into a marriage destined to the very essence of marriage is voluntary and free union of a man and a woman.

# De facto marriage

As you known, since 1996 in our country the new Family code operates. And practically right after its acceptances a number of the works analyzing its basic norms, including concerning conditions and a marriage order has been published. It is necessary to carry to such works, first, works of theoretical character: M.V.Antokolskaja, A.M. Nechaeva, L.M.Pchelintseva. All of them are devoted a modern Russian family law and were that theoretical base on which research of conditions and a marriage order has been constructed. Feature of some these works is also that in them is available: a material and the historic-legal character, considering evolution of a domestic family law. Especially successfully, in our opinion, it has been made A.M. Nechaeva which has devoted the whole chapter of the research to consideration of evolution of the domestic family legislation. Secondly, a number of Comments of the new Russian family legislation, different the good; The scientific approach. Thirdly, researches: the family legislation in which are considered a number of problem questions. It is necessary to carry T.V.Kashanina's works to them and A.V. Kashanin, O.J.Kosovaja, E.A.Katkova, G.J.Fedoseyev, O.V.Hyshiktuev. It is necessary to carry N.A.Semiderkin's who was engaged researches to works of applied character, basically, consideration of evolution of a domestic family law. In problems of transformation of a family law are engaged А.Ю. Konkov, O.G.Kurilenko, M.K.Tsaturova.

Brachno-family relations as one of the most significant spheres of functioning of a society were studied by many researchers, being object of steadfast attention of experts of some sciences as in our country, and abroad. Researches of a family, marriage, and birth rate are conducted in sociology, psychology, demography, ethnography and other social studies. Many of classics of sociology considered a family as a part of social structure, considering it as the factor of processes studied by them, but did not investigate marriage and family institutes purposefully. Proceedings of founders of the sociological theory O.Kont, G.Spenser, E.Djurkgejm, M.Veber, K.Marx, anyhow describing and explaining forms of a public life, should fix not passing value of the family-household organisation of life. From the middle of XIX century theoretical problems of a family are in sight of anthropologists and ethnographers. During the same time of L. Morgan, observing a social system of the American Indians, their family life, has created new branch of sociology – a science about a family. It by right consider as the founder of this science. For the analysis of family-marriage relations in works of M.Kovalevsky, F.Le Ple, F.Engelsa have great value.

Now the family sociology concerns the category of special sociological theories. Its allocation in independent branch of sociological knowledge has occurred in 60-80th of XX century To second half XX century the considerable empirical material on the family problematic, demanding theoretical judgment and generalisation has been saved up. Works of foreign authors E.Giddens, U.Gud, D.Popenoe are of interest, etc. Abroad from the middle of 70th serious attempts to creation of the special sociological theory of a family are undertaken.

Among researchers of a family up to 1960th the family theory dominated functions. For the first time family functions were divided by P.Sorokin, it is the outstanding representative of a functionalism, analyzing a family from the point of view of its functions or social requirements to which it serves. It studies not only family evolution, but also its statistics, functions, typology, external and internal communications. By scientists of the twentieth century family transformations have started to be investigated. Two theoretic-methodological approaches to family studying were at the moment generated. The family current state is considered by one researchers from a position of crisis of a monogamous family (A.I.Antonov, V.M.Medkov, And. V.Artjuhov, etc.), others – from a position of transformation of family structures (S.I.Golod, T.A.Gurko, And. R.Mikheyev, etc.). Formation of sociology of a family in our country is connected with a name of A. G.Harchev. Its concept of a family formulated within the limits of a structurally functional paradigm, dominated prior to the beginning of 90th of XX century Change of a political situation in Russia promoted revision of the basic paradigms within the limits of sociology.

For our research the works considering various aspects of "de facto marriage" as the form of family-marriage relations, first of all, are important. For domestic sociology the certain blank in studying of not registered communications between men and women as during the Soviet period they were considered as time, alien to the Soviet society to the phenomenon, remained from the past is characteristic. However now attempts of researches of the problematic connected with distribution of illegitimate relations are already made. Here it is possible to note T.A.Bogdanova and A.S.Schukin, S.I.Golod, T.A.Dolbik-Vorobej's works. Among the researchers directly studying not registered relations, it is necessary to note V.Kartsev, S.Chujkina, E.Vovk, A.B.Sinelnikov, M.Bosanats, O.J.Kosovaja, A.A.Kletsin And. R.Mikheyev in which works problems of not registered unions and illegitimate birth rate in Russia are most full consecrated. Also among works of researchers of family-marriage relations first of all it is necessary to note researches of group of the Khabarovsk sociologists led by the professor N. M.Baykov. The analysis of the scientific literature testifies that the social institute of a family is deeply enough studied from the various parties. "De facto marriage" phenomenon in our society extends more and more, however completely is not studied yet and reserves weight of questions, demanding definition of its place in modern family system. Behind a side of accurate understanding there is a question, what value "civil marriage" has for the most social institute of a family.

# Degree of a readiness of a problem

Studying of values and valuable orientations, including family and extrafamily, methods of their measurement, the factors influencing their formation, possible consequences of prevalence in a society of those or other values and valuable orientations concerns a number of the major directions of sociology, social psychology and philosophy.

The first sociologists who have mentioned a valuable problematic were M.Veber and E.Djurktejm which have proved necessity of studying of values a sociological science and have brought the important contribution to understanding of a society as value-standard system. However only the American sociologists U.Thomas and F.Znanetsky have carried out for the first time empirical research of valuable orientations the beginning of this century, having applied a method of the analysis of documents.

In 1970th the American sociologist M.Rokich has developed a technique of measurement of the valuable orientations, subsequently received wide application in researches of foreign and domestic sociologists. In our country a number of sociological researches of valuable orientations with use of the modified classification of values of M.Rokicha has been spent V.A.Jadov.

Throughout last decades in many countries of the world, and, in particular, from the end of 1960th in Russia, problems of formation of family and extra family valuable orientations were actively investigated. In the early seventies scientists of the Moscow state university of M.V.Lomonosov under the direction of A.I.Antonov have started development of methods of definition of a parity of orientations to a family and extra family activity in selective field sociological interrogations.

And children in a context of the concept of crisis of birth rate, a family and family values the first works A.I.Antonov and V.A.Borisov' are devoted a problem of social measurement of values of a family, 25-year-old experience of such researches has been generalised in work "family Microsociology (methodology of research of structures and processes)" where features of application of methods of interrogation, supervision and the konteit-analysis to family studying, various methods of research of life cycle of a family, methods of sociological research of family behaviour have been in detail considered. The analysis of merits and demerits of the sociological methods used in sociology of a family presented by the author, allows to define among them those which application for the purpose of revealing of degree of prevalence of family and extra family valuable orientations raises probability of finding-out of true valuable preferences of respondents.

According to L. У and M.L.Goffman, use of those sociological methods which mean application of verbal ways of revealing of valuable orientations, promote reception of stereotypic answers that leads to decrease in reliability of the necessary information. In this connection the given scientists suggest to use more actively nonverbal methods (for example, drawings and photos), and also to develop special tests on revealing of family and extra family valuable orientations.

Special attempt of the deep scientific analysis of a problem of a parity of two types of valuable orientations (family and extra family), detection of the reasons of domination in system of valuable orientations of the modern person of orientations to self-realisation in professional sphere, on achievement of the high social status has undertaken Н. G.Markovskaja - the representative of a school of thought of crisis of values of a life ".

Techniques of allocation of groups of the respondents who focused and have been not focused on a family, and also the factors influencing formation of family and extrafamily valuable orientations, have been considered in works V.N.Arhangelsky, V.B.Olshansky, Ю. P.Siks, etc.

Among works of the American scientists it is necessary to note researches of 1990th A. R.Hohshild revealing of the reasons of prevalence of extra family valuable orientations in structure of the person of Americans was which purpose. Thus the author actively used methods of the simple and included supervision, the analysis of documents and the deep interview which combination has allowed to raise reliability of the received results.

Decrease in value of family results in more and more wide circulation among the population of extra family valuable orientations, ways of self-realisation in all spheres of ability to live, excepting the family. It is expressed also that now the growing number of people feels requirement for values replacing family value and objects. The reasons of occurrence of the given requirement and ways of its satisfaction were considered in the works by A.A.Popov, V.I.Maksimenkov, L.Hozjainova, and also E.Bek, M.Bouen's foreign researchers, X. Бриджер., E.Kejn, E.Ketcher, L.Okonevski, L.Sajmon, spouses Salmon, S.Smith, B.Fogl and others.

Thus, works of many scientists are devoted the analysis of family and extra family valuable orientations. Nevertheless, the methodology of research of a parity of family and extra family valuable orientations, in our opinion, has not received sufficient illumination neither in domestic, nor in the foreign sociological literature. Works in which attempt of studying of a parity of family and extra family valuable orientations in structure of the person of individuals becomes, and also the all-round analysis of the sociological methods which application should ensure a solid data is carried out, are still enough rare.

# Methods of measurement of family and extra family valuable orientations

Use of a method of the analysis of documents at studying of family and extra family valuable orientations allows to avoid almost completely negative influence of protective motives on interpretation of the received data. Applying a konteet-analysis method, the sociologist works with already "ready" documents (photos, pictures, letters, autobiographies) which have been created without participation of the scientist. Influence of the researcher using a method of the content-analysis, on character of the received information is shown only at a choice of this or that way of selection of documents and interpretation of the data.

The supervision method also opens the big possibilities for studying of features of mutual relations of members of the family, those valuable orientations which define the basic directions of their activity. At simple (disconnect) supervision influence of the sociologist on behaviour of members of a family minimum. In this sense the given kind of supervision can be compared to a method of the analysis of documents: in either case the scientist does not accept almost any participation in creation of a subject of interpretation of a research material.

The included supervision allows the scientist to plunge into house atmosphere, unique for each concrete family. The researcher has possibility to be present at all more or less important events of home life to fix features of mutual relations of members of a family, to observe of a daily routine of parents and children. A lack of the given kind of supervision is certain influence, rendered by its presence on character of family interactions.

Advantage of a method of interrogation as one of the sociological methods, allowing to estimate degree of prevalence of family and extra family valuable orientations, consists that it is less labour-consuming in comparison with methods of the analysis of documents and supervision, and also that it is convenient for using in mass sociological researches on enough big samples. Application of a method of interrogation appears the most effective in a combination to such methods, as deep interview, supervision, the analysis of documents, various projective technicians: it allows modifying the received answers to questionnaire questions, having studied the information received in the various ways.

Use of a method of stories of the life, being one of versions of a method of interrogation, allows the scientist to reveal the factors which have influenced formation of those or other valuable orientations of the individual, to learn about those "significant others" which have played the important role his lives.

The method of "semantic differential", C.Osgud created in 1952, long enough time is applied to measurement of valuable orientations, including family and extra family. Techniques SD directed on finding-out of degree of distinction in an estimation defined understood, of objects by one person or a group of persons, according to A.I.Antonova, involves "... The ability to remove self-checking I to neutralise activization of protective motivation of the person, arising at any interrogation".

Essentially raises efficiency of use of method SD at studying of the relation of respondents to family and extra family values comparison of offered values with each other with application of a considerable quantity of scales, and also estimation on the same scales ' "distracting" concepts and objects. To define, what of vital values are preferred by examinees, with such concepts, as "business of all my life", "the most important comparison of considered values helps with my life", "sense of my life", "the most insignificant (insignificant) in my life". Application of similar procedure will help to find out, what values are the most significant for respondents.

The method of designing of images which has applied Н, G.Markovskaja, opens new possibilities of studying of family and extra family valuable orientations. The associative perception and expression interrogated various aspects of home life, professional and any other activity helps the researcher to receive the bright, sated images of the given phenomena, precisely to define, how, negatively or positively, they influence the concrete person. A lack of a method of designing of images is the certain probability of inclusion in consciousness of respondents of protective mechanisms and attempts to be limited to the statement of socially approved opinions about the interesting sociologist objects. Also use of the given method assumes presence at interrogated well developed associative thinking which potential respondents possess not all.

Thus, the analysis of the basic sociological methods of measurement of family and extra family valuable orientations has shown that at research carrying out on the given subjects it is necessary to combine some various methods as it considerably will raise probability of neutralisation of action various mechanisms and, hence, will give possibility to scientists to consider all aspects of valuable orientations of the respondent, to reveal an orientation of the person, to find out factors under which influence its system of values is formed, and also to receive the fullest, exact information on preference the individual of family or extra family valuable orientations.

# Sociological methods as the tool of research of a phenomenon of a civil marriage in the Russian society

Marriage as a family basis underwent various changes, developing together with a society in legal, moral and social aspects. Today the marriage institute - set social (legal, cultural) norms, duties and the rights regulating the relations of spouses - in system of modern social institutes faces realities of new time and is characterised by new tendencies, thereby involving the increasing interest of researchers of sociologists. The complex of theoretic-methodological approaches and sociological methods allows to come nearer to intrinsic understanding of the arisen problem which is shown both on individual levels of human life.

One of the basic tendencies characterising the majority of the countries of the world including to Russia, level decrease family which is in many respects caused by following social facts is: mass unemployment, and as consequence, - mixture of traditional cast; development of market relations, rationalisation of all spheres of a society, and as consequence, - increase in a role of money in a society; exit of the woman from a family on a labour market, easing of economic dependence on men, growth of claims to the future spouse, so, complication of search of the partner; change of the relation to professional employment of women, etc. Such social preconditions which have objectively arisen at the given stage of development of a society, allow to ascertain that it is much easier to modern person to live in a modern industrial society of the western type without a family. In such conditions the probability of distribution of different forms of co-habitation, including civil increases, i.e. Not registered, marriage.

In Russia these tendencies not so wide, and traditional representations about family way are strong enough. According to the sociological interrogation spent by Fund of public opinion in 2003. The patriarchal model while remains enough attractive in public consciousness, 55 % of respondents consider that the family should have a chapter, and third is assured that it should be the man. Indifference to the one who will be the leader of a family the man or the woman have expressed only 15 % interrogated. In public opinion still norm is the traditional family, but at individual level the behaviour can show. For the first time the answer to a question on a marriage condition included in forms of census of 2002 as a variant - I consist in not registered marriage

Analyzing existing tendencies, it is possible to ascertain that the civil marriage becomes a social phenomenon, probably, for the present not on the scale of all Russia. In the Russian Federation among women the most intensively not registered marriage unions are formed at the youngest age: 16-20 years. By 26 years the indicator essentially decreases also the least value has in an interval between 30-33 years. The basic carrier of a phenomenon of a civil marriage is the youth, including students.

The majority of researchers notice that change in sphere of brachno-family relations is traced not only on instrument level, but also at level of transformation of system of values. A direction of this transformation - from patriarchal (traditional) model of a family to a variety of family forms, from domination of the external social control - to mainly interfamily, individual ways of the decision of problems. Co-habitation arises not because people ignore official marriage, it, more likely, - a consequence of transition from traditional, patriarchal relations to modern, based on equality of the rights and partnership of floors, convergence interfamily, and in general social roles of men and women. Easing, shaking of patriarchal foundations, strengthening of individualist values not necessarily conduct to decline of institutes of marriage and a family. But these institutes vary, and at the heart of changes values of the XX-th century lie: Expansion of a freedom in choosing for the man and for the woman both in family, and in social area, equality of spouses-partners, the big possibilities for contacts between generations and for self-realisation.

Specificity of a problem of a civil marriage of a society consists in its display at individual level. According to the theory of a social exchange (J. Khomans, P.Blau, D.Tibo, G.Kelli) the social behaviour is considered as personal contact between two individuals in which compensation or loss define their behaviour. That is, as the person entering the relations of an exchange with other person, will expect that incomes of each of them will be proportional to expenses - the more incomes, the it is more expenses. One of starting positions of the theory of a social exchange is that diverse kinds of compensations are necessary for people, receive which they can, only co-operating with other people. Social approval, respect, the status, and also the practical help can be compensation in the course of social interaction.

In our case as an example of such compensation it is possible to result care, liking display, sexual relations etc. Thus on the foreground leaves the argument stated in favour of a civil marriage, consisting that at short-reception of compensations, increase in expenses and reduction of incomes, co-habitation stops, without bearing behind itself any consequences from the legal point of view. The importance of this or that compensation or loss depends on its value for the concrete individual.

The people entering meaning in a civil marriage, receive more benefits from such form of mutual relations, than from the registered marriage. And these benefits are valuable to them in their system of values. One of problems of the given research is opening of the reasons of why people enter a civil marriage. What those significant values for the individual which it can and gets thus making the family.

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# Conclusion

"De facto marriage" has entered into our life promptly and has taken roots so naturally as if it is a question of any technical novelty, and at all about the phenomenon mentioning the major public institute – a family. The concept "de facto marriage" has appeared in Russia in XIX century among a part of the advanced intelligency as alternative to church marriage which in consciousness of the majority of the population was is unique the lawful. After branch of church from the state unique legitimate marriage in Russia becomes official, state, i.e. de facto marriage. However the population part still began to name de facto marriage informal marriage relations. There was a phenomenon of Russian "de facto marriage". In essence "de facto marriage" in Russia is a co-habitation of the people, doing not wish to connect itself the matrimonial both parental rights and duties.

Now in a modern society "de facto marriage" has got the certain legitimacy, with the given relations already to surprise nobody, moreover, many justify its existence. Nevertheless, disputes concerning civil marriages do not cease also the relation to them far not the unequivocal.

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