Chapter One

Theoretical Framework and the Role of State Organs in the Soviet Political System
The constitution can be defined as a set of norms and principles for the governance of a body politic. It is a document, which is the embodiment of norms of functioning as well as the form of the institutions of a political society. In other words, a constitution comprises of a series of devices through which independent normative principles are given institutional support within the political community. The evolution of the constitution of the post-Soviet Russia has enabled the shaping of a set of institutions that play quite a significant role in the functioning of the political system. As Russia underwent troubled transitions, the institutional design of its nascent democracy became a subject of intense debate, bargaining and subsequently bitter struggle between different groups of post-communist elite.

The adoption of the Russian constitution in 1993 led to the establishment and reshaping of certain genuine institutions. The spate of events in the process of constitution making has necessarily resulted in the institutional transformation. Russia's contemporary political order is the product of a series of radical changes in the institutional framework of the Soviet and Russian state since the late 1980's. A detailed analysis of the political events affecting the evolution of institutions will be undertaken in the following chapters. Presently, we intend to concentrate on themes such as the meaning of institution, functions of institutions, institutionalism,
theories of institutionalism and institutional change. Before undertaking an analysis of the evolution of institutions in post-Soviet Russia, it is very much important to have a broader conceptual framework of 'institution' with its various dimensions. A broader conceptual framework will enable us to link it with Soviet and post-Soviet realities. A conceptual backdrop will also help us to have a proper perspective of evolution of Russian political institutions as distinguished from many other countries. Hence, it becomes logical for us to begin our enquiry with a proper conceptual framework in perspective. The purpose of the first chapter is to have such a framework.

The present chapter is sub-divided into two broad sections where the first section, organised under a group of sub-themes gives a conceptual framework for the study of 'institutions' in general. The second section of the chapter necessarily relates it to Soviet conditions. In order to comprehend the evolution of institutions in the post-Soviet Russia, it would be helpful to start with the role of political institutions in the Soviet period in brief.

I. THE THEORETICAL FRAMEWORK

(i) Meaning of the Institution

Institutions are viewed as collections of interrelated rules and routines that define appropriate, rational action in the larger context of
norms and values. An institution is a verbal symbol, which describes a cluster of social usage. It is another word for procedure, convention or arrangement. Institutions fix the confines of and impose form on the activities of the human beings. They may be rigid or flexible in their structures, exacting or lenient in their demands but alike they constitute standards of conformity from which an individual may depart only at his peril. About every urge of mankind an institution grows up and the expression of every taste and capacity is crowded into an institutional mould.

The study of political institutions is central to the identity of the discipline of political science. Harry Eckstein, the political theorist, pointed out that political science emerged as a separate autonomous field of study divorced from philosophy, political economy and even sociology (which) may have created a tendency in it to emphasize the study of formal-legal arrangements. If there is any subject matter at all that political scientists can claim exclusively of their own, a subject matter that does not require

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1 Although there are basic disagreements in the contemporary debates on the meaning of political institutions, there seems to be a general agreement that political institutions are "the rules of game". While the question 'what should be included in the concept of rules'? (formal or informal rules) still remains, political institutions in a narrower sense, can be defined as "formal arrangements for aggregating individuals and regulating their behaviour through the use of explicit rules and decision processes", enforced by an actor or set of actors formally recognised as possessing such power. See Bo Rothstein, "Political Institutions: An Overview" in Robert E. Goodin and Hans-Dieter Klingemann, A New Handbook of Political Science (New York: Oxford University Press, 1996), pp.133-166.

2 See Encyclopaedia of Social Sciences, MacMillan, vol.VIII, p.84.

3 See ibid., p.86.
acquisition of the analytical tools of sister fields and that sustains their claim to autonomous existence, it is of course, formal-legal structure.⁴

Herman Finer, possibly the doyen of institutional approach, defines a constitution as the system of fundamental political institutions. Political institutions are 'instrumentalities' for the governance of the state. The state is a human grouping in which a certain power relationship rules between its individual and associated constituents. This power relationship is embodied in political institutions.⁵ The study of political institutions also provides an opportunity for reintegrating the empirical study of politics with the analysis of political values. Political institutions express particular choices about how political relationships ought to be shaped, they are in the nature of continuing injunctions to members of a society that they should try to conduct themselves in specific ways when engaged in the pursuit of political ends. This is defining political institutions as necessarily containing a normative element.

(ii) Functions of the Institution

The main function of an institution is to set a pattern of behaviour and to fix a zone of tolerance for an activity or a complement of activities.⁶

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⁵ Finer (1932), quoted in ibid, p.45.
⁶ *Encyclopaedia...*, n.2, p.86.
A number of institutions may combine and compete to impose character upon and give direction to the mass of human endeavour. The state claims primary obedience and imposes a crude order upon the doings of mankind through the framework of institutions.

The very flexibility of an institution makes it a creature of social stress and strain. In a stable or slowly changing society it fits rather neatly into the cultural pattern. As necessity changes, tradition and inertia may stand in the way of the performance of the new duties. But the elements of stability may be powerless to prevent the conversion of an institution to a service for which it was never intended. Institutions, by its new design, may assume new character and play a new role in the social order. An institution may even fall into the hands of an enemy and be used to defeat its reputed purpose.

Thus, it is important that institutions be conceptualized in a way that allows some degree of flexibility in adherence to practices and roles. Institutions need not be viewed as static or deterministic. They function under certain set of rules in the constitutional framework. But they are also subject to human intervention as circumstances fluctuate and change. The legitimate authority of one institution in relation to other is not entirely assured or immutable. Further institutions, are at times, the deliberate design of certain political actors.
(iii) Institutionalism and Theories of Institutionalism

Any understanding of the concept of institution would be insufficient unless one analyses the concept of institutionalism and the new theories concerning institutions. "Institutionalism" is a unified body of thought relating to institutions. "New Institutionalism" is a term that now appears with growing frequency in the discipline of political science. During 1960s and 1970s with the behavioural revolution, three schools of thought relating to institutionalism developed. These are historical institutionalism, rational choice institutionalism and sociological institutionalism. All these theories relating to the concept of institution aimed at elucidating the role of institutions in the determination of social and political outcomes.

The 'historical institutionalism' school accepted the contention that conflict among the rival groups for scarce resources lies at the heart of politics. Although the exponents of the historical institutionalism built on an older tradition in political science that assigned importance to formal political institutions, they developed a more expansive conception both of

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7 There is considerable confusion about just what 'new institutionalism' is, 'how it differs from other approaches and what sort of promise or problems it displays'. It does not constitute a unified body of thought, in stead three different analytical approaches, each of which called itself a 'new institutionalism' have appeared over the past fifteen years. These three schools of thought are: historical institutionalism, rational choice institutionalism and sociological institutionalism.

which institutions matter and how they matter.\textsuperscript{9} This led many historical institutionalists to look more closely at the state, seen no longer as a neutral broker among competing interests, but as a complex of institutions capable of structuring the character and outcomes of group conflict. The historical institutionalists defined institutions as the formal and the informal procedures, routines, norms and conventions embedded in the organizational structure of the polity or the political economy. They can range from the rules of a constitutional order or the standard operating procedures of bureaucracy to the conventions governing trade union behaviour or bank-firm relations. In general, they associate institutions with organizations and the rules or the conventions promulgated by formal organization.

Another theory of institutionalism called rational choice institutionalism developed at the same time as historical institutionalism but in relative isolation from it.\textsuperscript{10} Rational choice institutionalism arose from the study of American Congressional behaviour. By and large this theory focuses on explaining how the rules of Congress affect the behaviour of the legislator with an emphasis on the Congressional Committee System. Rational choice institutionalists employ a characteristic set of behavioural

\textsuperscript{9} For a detailed analysis of historical institutionalism school, see Harry Eckstein and David Apter, eds., \textit{Comparative Politics} (Glenoe Free, 1963).

\textsuperscript{10} See Hall and Taylor, n.8, p.942.
assumptions. They posit that the relevant actors have a fixed set of preferences or tastes and they behave entirely instrumentally so as to maximize the attainment of these preferences.\textsuperscript{11} Secondly, they see politics as a series of collective action dilemmas. Thirdly, the rational choice institutionalism emphasizes the role of strategic interaction in the determination of political outcomes and the establishment of new institutions.

The ‘Rational Institutionalists’ explain the emergence and existence of institution according to the values those functions have for the actors affected by the institution. The actors create the institution in order to realize certain values, which are conceptualized in terms of gains from co-operation. Thus, the process of institutional creation usually revolves around voluntary agreement by the relevant actors and, if the institution is subject to a process of competitive selection, it survives primarily because it provides more benefits to the relevant actors than alternative institutional forms.\textsuperscript{12}

Independent from political science, a third theory of institution has been developing in sociology. The sociological institutionalists tend to

\textsuperscript{11} See Kenneth Shepsle and Barry Weingast, "The Institutional Foundations of Committee Power", *American Political Science Review*, vol.81, March 1987, pp.85-104.

\textsuperscript{12} Analyses focussing on political institutions tend to emphasize the importance of voluntary agreement in political field, i.e. the choice of institutions like parliamentary or presidential. Economic institutions put more emphasis on competitive selection. However, the interplay of political and economic institutions can hardly be ignored.
define institutions much more broadly than political scientists do. Not only do they include formal rules, procedures, norms but also symbol systems, cognitive scripts, and moral prescriptions which guide human action.\(^{13}\) Such a definition of institution breaks down the conceptual divide between institution and culture. The two shade into each other.\(^{14}\)

Institutions (political or otherwise), thus have once again come to the fore in the political studies.\(^{15}\) Besides the intellectual currents within the discipline, there have been developments within the external world, which remind us of the importance of institutions. The breakdown of the American hegemony towards the end of post world war II with emergence of regional blocs, has led to an increased focus, among the international scholars on the various international regimes and institutions. The breakdown of the state socialism across Central and Eastern Europe with the end of the Cold War led to a flurry of political scientific interest in the sort of constitutions one might write and the constitutions one might try to impose, in a world in which the mediating institutions of civil society and the internal checks and balances have so systematically been destroyed. The curtailment of state sovereignty in Western Europe, with the


\(^{14}\) Hall and Taylor, n.8, p.946.

emergence of the European Community as an autonomous agent with serious power over its constituent members, have created renewed interest among political scientists concerning the proper design of federal institutions.

The larger disciplinary focus of political science upon the causes and the consequences of political power struggles impart a peculiar cast to political science's institutionalism, both old and new. The existence of institutions makes certain things easier to do and other things harder to do. Holding position within or control over institutions gives some people greater capacity to work their will upon the world, at the expense of others lacking access to such institutionalized power resources. There is wide diversity within and across disciplines in what they construe as 'institutions' and 'why'. When we are looking at contract law, parliamentary committees or presidency or whatever, what the institution is (in that setting), is traditionally tied up with what it does and why it is there. From a functionalist stance, an institution is nothing more than a stable, valued, recurring pattern of behavior. Broadly, the spheres of institution can be classified as follows:

- "the sphere of institution of family and kinship" which "focuses on the regulation of procreative and biological relations between individuals in a society and on the socialization of new members of each generation";

- "the sphere of education" which extending the former "deals with the
socialization of the young into adults and the differential transmission of the cultural heritage of a society from generation to generation";

- "the sphere of economics", which "regulates the production, distribution and consumption of goods and services within any society";

- "the sphere of politics" which "deals with the control of the use of force within a society and the maintenance of internal and external peace of the boundaries of the society, as well as control of the mobilization of resources for the implementation, and the articulation and the setting up of certain goals for the collectivity";

- "the sphere of cultural institutions" which "deals with the provision of conditions which facilitates the creation and conservation of cultural (religious, scientific and artistic) artifacts and with their differential distribution among the various groups of a society"; and

- "the sphere of stratification, which "regulates the differential distribution of positions, rewards and resources and the access to them by the various individuals and groups within a society."\(^{16}\)

  A central defining feature of institutionalization across all these spheres is the stable, recurring, repetitive, patterned nature of the behaviour that occurs within institutions and because of them institutionalism has been characterized as the process by which organizations and processes acquire value and stability.\(^{17}\) In an institutionalized setting, behaviour is more stable and predictable. Much of the ordinary political bargaining and exchange is possible against the backdrop of the stability provided by more deeply nested institutionalised rules, ranging from informal norms of congressional behaviour and committee structures to the constitution itself.

\(^{16}\) Shmuel Eisentadt, "quoted in Goodin, n.15, p.22.

(iv) Institutional Change

Institutions, though relatively stable, are not eternal and immutable.\(^{18}\) Institutions are not natural, but man-made. At the same time they have a nature like longevity. The key factor associated with institution is that of ‘stability’. Sometimes institutions just emerge accidentally in unintended ways, in response to some historical accident or another, sometimes they just evolve naturally in unintended ways according to some deeper logic of their own.\(^{19}\) Too much tinkering with institutions, an excessive effort to design and redesign them in order to make them turbulence proof and fit for their mission will almost certainly have the unintended effect of both undermining trust and committing the authors of such innovations to ever more and ever hastier readjustments. Too rapid and too comprehensive institutional reforms may easily overlay the support of those affected by them.\(^{20}\)

Thus, the reforms of the mid-eighties initiated by Gorbachev seem to have relied on a reformist way out that he and his supporters believed was compatible with the overall institutional structure of the Soviet Union. He introduced, under vague labels such as “Perestroika and Glasnost”\(^{21}\)

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\(^{18}\) See Goodin, n.15, p.24.

\(^{19}\) Ibid., p.28.

\(^{20}\) Ibid., p.215.

\(^{21}\) Perestroika or restructuring became popular in Soviet lexicon since 1985, the year Gorbachev came to power. The term was used by Gorbachev as early as 1978 in an article published in *Ekonomischeskaya Gazeta* in the context of the need for some specific psychological restructuring. By December 1984, Gorbachev extended the term Perestroika, to the economic management as a whole. Radical reconstruction of the Soviet political structure was the most tangible achievement of Perestroika and it had serious repercussions on the existing institutions.
supposedly marginal institutional alteration and alternatives which, however, in actuality turned out to be veritably explosives.\textsuperscript{22} Instead of instigating new optimism, trust and loyalty, he seems to have caused panic in the economic and political elite at home and among the Soviet Union’s allies abroad. And, instead of improving the mode of co-ordination of Soviet political economy, the reforms created ever greater turbulence and stagnation, exacerbated by the implied admission that the system was suffering from serious faults. Thus, it can be concluded that not only breakdown can provoke survival strategies but miscalculated, though well-intentioned, rescue operations can accelerate breakdown.\textsuperscript{23} Under certain situations, the greatest damage one can inflict upon an institutional system is by an attempted large scale repair operation performed in public.

II ROLE OF STATE ORGANS IN THE SOVIET POLITICAL SYSTEM

Every political system has its roots in history and ideology. A country’s institutions and behavioural patterns can be seen as the products of social and economic development. Every historic event leaves sediments, its legacy and the political system is composed of such sediments and crystallizations.\textsuperscript{24} In the case of a revolutionary regime such as that of Soviet Union, the political institutions' behavioural traits and aspirations at any particular time portray what may be called the

\textsuperscript{22} See Goodin, n.15, p.221.

\textsuperscript{23} See ibid.

ideological history of the system. We shall, therefore, be unable to understand Soviet government unless we are acquainted, however sketchily, with the society out of which it developed and the ideological legacy of such a society. So great was the stress placed upon the interrelation of theory and practice in the Soviet state that an understanding of its operative constitutional order would lack coherence without due attention to avowed theory.

- The interrelation of Theory and Practice: Marxism as the Exclusive Ideology

The only theory considered safe and scientific is the Marxian explanation of socio-political phenomena, first expounded by Marx and Engels and subsequently applied and developed by Lenin and Stalin. This theory, variously called as Marxism, Leninism, Marxism-Leninism, Stalinism, is compact and all encompassing. This theory was proclaimed the Weltanschauung or world view of the party and the alleged foundation upon which the new Soviet society had been built.25

Marxism alone is held to have offered a scientific explanation of the state by underlining the historicity of the institution. Since the state arose from the need to hold class antagonisms in check and its very existence is seen as proof that the class antagonisms can not be objectively reconciled, the state is regarded as an organ of class domination, an organ of

oppression of one class by another.\textsuperscript{26} Therefore, throughout the ages, the essence of the state has been violence, and its purpose, the protection of the interests of the ruling class, the creation of an order which legalises and perpetuates this oppression by moderating the collisions between classes. What is said above about the state is held equally applicable to law, since it is a fundamental position of soviet theory that state and law are inseparable and can not be studied apart and that law is nothing without an apparatus capable of forcing the observance of legal norms. Law is, therefore, based on society. It is rooted in the material conditions of life and, like the state, is part of the superstructure over the economic base that conditions its very existence, its substance, form and development.

The first proletarian state in the USSR is said to have come into being in accordance with this first principle of the Marxian political theory.

The Soviet state arose on the ruins of the bourgeois democratic state form, which followed Tsarism in Russia when the old state apparatus was supplanted by its proletarian counterpart, and the Soviets with their central congresses took the place of the local assemblies and of the pre-Parliament and Constituent Assembly. The Soviet state was described as an entirely new state. The essence and purpose of this new state was to achieve the

\textsuperscript{26} Frederik Engels, \textit{The Origin of the Family, Private Property and the State}, in Marx & Engels, \textit{Collected Works}, p.156.
ultimate goal of definitive communism, as visualised by Marx in the *Critique of Gotha Programme*:

In a higher phase of communist society after the enslaving sub-ordination of individuals under division of labour and therewith also the antithesis between mental and physical labour has vanished; after labour, from a mere means of life, has itself become the prime necessity of life; after the productive forces have also increased with the all-round development of the individual, and all the springs of co-operative wealth flow more abundantly – only then can the narrow horizon of bourgeois right be fully left behind and society inscribe on its banners: *from each according to his ability, to each according to his needs.*

In the Soviet parlance, constitution was the instrumentality for achieving this goal of socialism. In the view of Soviet jurisprudence, constitutions were but juridical expressions of the actual correlation of social forces in the state. A true constitution was said to be a reflection of reality. Where there was divergence between constitution and balance of social forces in a state, the constitution was considered as a mere fiction.

Inseparably connected with the state, the development of the constitution followed that of the state, and alterations in the socio-political environment were reflected in periodic amendments to the constitution. Thus, the constitution was kept up to date as a juridical mirror of changing reality.

It was officially claimed that all the Soviet constitutions represented major

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27 Quoted in Towster, n.25, p.11.

28 Lenin, in keeping with the fundamental Marxian approach to all socio-political phenomena, thought that the essence of a constitution lay in the fact that the fundamental laws of the state expressed the actual co-relation of forces in the class struggle. A constitution, accordingly, is a fiction when law and reality are apart; not a fiction when they meet, see Lenin, *Collected Works*, vol. XIV, p.18.

29 See Towster, n.25, p.19.
changes in the life of the state and corresponded to fundamental transformations in the correlation of forces therein.

The constitution in Soviet Union had been variously designated as Soviet, socialist, federal proletarian, democratic and international.30 These designations deriving from the declarations of state theory—described the fundamental purposes of the Soviet polity. They also stemmed from the basic characteristics of the Soviet constitutional order—the federal territorial administrative structure, the Soviet governmental form, the socialist nature of the economy, the avowed position of dominance of the proletariat in the state termed proletarian dictatorship – and the role of the Communist Party therein.

It is impossible to understand the politics in a liberal democracy without going into the defining principles which legitimate their political institutions and processes. In the background of Marxist theory, similar claim could also be made in case of the Soviet Political system. It would be logical therefore to examine here the Soviet notion of 'communism', 'developed socialism' and other concepts of socialist state for a clear understanding of the way political institutions developed in Russia.

For the Marxists, class relations are based on property relationships. After the revolution, the dictatorship of the proletariat ensured the domination of the working class through the party over the dispossessed

30 See ibid.
bourgeoisie and aristocracy. The consensual view of Soviet society was based on the notion that social and political conflict derived from the ownership relations which gave rise to classes and their antagonism. In 1936, the Stalin constitution was promulgated. It proclaimed direct election to the Soviets (or parliament), secret ballot and the enfranchisement of all social classes.\(^{31}\) There was, of course, no freedom for the organization of the political parties; parties could only rest on a class basis and as there were no antagonistic classes in Soviet Russia, there could be no basis for the multiplicity of parties.

The state, in the sense of an institution of legitimate coercion and military power, still existed. The USSR required a state to protect and extend socialist power. According to Stalin's theory there was friendly collaboration between three main social groups: intelligentsia, working class and peasantry. This did not mean that there was complete harmony. There were still areas of strife—such conflict, however, could be contained within the parameters of Soviet state system; they were non-antagonistic ones which could only be resolved by a fundamental change in the social order. While conflict existed on a world scale between the USSR and the

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\(^{31}\) The first two constitutions of Russia and Soviet Union promulgated respectively in 1917 and 1924 did not make a provision of across the board direct elections to all categories of people. They also imposed certain degree of class inspired restrictions on the remnants of erstwhile bourgeoisie and aristocracy, i.e. these classes were excluded from the exercise of voting rights. These peculiar provisions of the constitutions emanated from the fundamentals of 'Dictatorship of Proletariat' which defined the Soviet theory of state between 1917 and 1936.
leading capitalist state, internally the social order and the social relations as a whole were viewed as basically harmonious. Soviet political institutions were constructed on these assumptions.32

Having discussed the Soviet conception of 'constitution' and state socialism, we shall now turn to a description of the actual structure of the Soviet society and the political processes that were at work. Here we will outline the formal institution of Communist Party which played a leading political role. The socialist system judged democracy through a new criterion which was related to the needs and interests of the all round development of the individual and to ensuring that each member of society acted as a free individual and was a master of his destiny. The quality and the level of the institution and norms of democracy were determined by the way in which they promoted the development of all forms of social activity.33 Political leadership or guidance was considered an important factor in the development and the functioning of the political system of socialism as a system of a genuine democracy and it was internally inherent in the system. It is important to note that in socialist society, political guidance was exercised within the existing political structure through certain definite political institutions.34 The sum total of interacting


34 The term political institution refers to political bodies, organisations and other democratic political establishments and their totalities which represent political bonds that differ in their character and scope.
fundamental political institutions, together with the object of political guidance, formed the political system of the socialist society. Each of the political institutions in the system of political guidance fulfilled a different function. In the socialist political system this function was fulfilled by its three main components:

a) the organisational – that is the system of political organisation and institutions (the political organisation of society);

b) the ideological – the system of political ideas and attitudes (political ideology);

c) the normative – the system of social norms operating in the society.

Since our main focus is on outlining the political institutions of Soviet system and the ideological & normative aspects have already been touched upon earlier, we will deal with the first one, i.e. the organisational aspect of the Soviet system.

(i) Party Structure

Beyond question, the most important institution in the Soviet Union was the Communist Party, (CPSU). Founded by Lenin in 1903, the party remained at the heart of the Soviet system. It was the principal agent of

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35 See Kerimov, n.33, p.53.

36 Following their successful seizure of power, the Bolsheviki renamed themselves "The Russian Communist Party" in 1918, but in 1952 they took the title 'The Communist Party of the Soviet Union' (CPSU) which remained the party's name till the disintegration of the Soviet Union.
Soviet political society. Virtually every political activity was controlled by the party. The party was omnipresent in the society and was charged with the task of leading the Soviet people to the utopian goal of communism. Described in Article 6 of the 1977 Soviet constitution as "the leading and guiding force of the Soviet society and the nucleus of its political system", the CPSU had no parallel in western societies.37

In practice, there were four aspects to the party’s role in the politico-administrative system – decision making, verification, implementation and staffing. The party’s decision-making role was exercised at all levels of the party from national organisations to the local enterprise. It consisted of party bodies, which discussed and resolved all of the most important questions affecting the area with which each particular party body was concerned. The politburo at the national level discussed issues concerning the USSR as a whole while the local organizations basically concerned themselves with local issues. The party as a coherent entity was clearly of fundamental importance in the decision making process.

The second aspect of the party's role in the administrative structure was that of implementation. Initially the party was meant to give broad direction to policy and verify that the policy was implemented. Reflecting the chaotic times of the early years of Soviet power, institutional ambiguities

and the expansive views of their own roles possessed by many party leaders, it became natural for the party bodies to become directly involved in the implementation of decisions.

The third aspect of party activity was the verification of implementation. This too stemmed from party leaders' distrust of the reliability and loyalty of those officially in the administrative structure whose task it was to implement the decision made by the leadership. Party organisations at all levels were therefore instructed as one of their continuing concerns, to ensure that those decisions were invariably carried out. The major means whereby this was to be achieved was through the activity of the party members who were subject to party discipline in the implementing organs.

The fourth aspect of the party's role in the administrative structure was staffing. Through the system of nomenclatura, the party had the capacity to fill, by appointment, all responsible positions in state and other structures. This meant that the identity of all leading personnel (both administrative and legislative) in the state sphere was decided in party fora. All leading state officers as well as many people filling the ordinary positions, were all party members and subject to party discipline. The control thus exercised over staffing decisions was a primary mechanism for the projection of party control at all levels of the state structure, and was the principal means through which the party exercised its other functions.
The party was thus organically involved in all aspects of the politico-administrative process: decision making, verification of implementation, actual implementation and staffing. The party played these roles at all levels of the political structure from the national to the local, and was clearly a central component of the administrative system. In this sense the party was very different from the parties in the liberal democratic systems.

The institutional structure of the Soviet state consisted of a pyramidal hierarchy of Soviets covering the whole country. The central and leading bodies of this apparatus were the USSR Supreme Soviet, the Congress of People's Deputies, the Presidium of the USSR Supreme Soviet and the USSR Council of Ministers. These bodies had their republican counterparts in the union and the autonomous republics; and within these republics the state system was completed by the local soviets, which carried on the administration at various territorial levels, the Krai, Oblast, Okrug, Raion, city and village soviets.

The USSR state system was a unitary structure in which the administrative units participated not with particular rights and different interests but in accordance with a strictly graduated scale of subordination. As one soviet author has put it:

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Local soviets do not naturally possess the right of deciding general state issues, such issues come with the competence of the higher organs of state power and state administration. On the other hand, neither is the competence of the individual links of the system of local soviets the same: the higher local soviets possess wider competence compared with the lower ones; the scale of their activity and the compass of the matters they decide are wider than those of the lower soviets; the lower soviets are under the control of and accountable to the higher ones and work under their direction. A higher soviet is empowered to annul the enactment of lower soviets. 39

The basic organisational principle of both the Communist Party and the Soviet state apparatus was said to be "democratic centralism". This is contrasted with the so-called bureaucratic centralism attributed to bourgeois societies, in which allegedly, orders are passed down from the centre without the preliminary sounding of opinion below. 40 Democratic centralism was claimed to be the main organisational principle of Soviet political system. The Soviets in the USSR were organised on a uniform basis and they made the entire political system look like a pyramid, consisting of well-knit hierarchy from top to bottom. 41 It was said to be a happy synthesis of two seemingly opposite, but in fact complementary concepts - 'democracy' and 'centralism'. While the element of centralism was reflected by all party members owing complete and "undivided allegiance" to the programme of the party as well as "the subordination of all party organs to their respective


40 See ibid., p.33.

superiors" and "iron discipline", the democratic element, on the other hand, was shown by "the election of all party organs from the lowest ranks upto the leadership and in the collegiality of leaders". In its application to the state apparatus, democratic centralism was officially defined in the following terms:

a) All organs of state power at the centre and in the localities were elected by the people;

b) Deputies were accountable to the people.

c) Electors were granted the right to recall deputies.

d) The leading organs of the state administration were formed by the representative organs; at the centre, the Council of Ministers by the Supreme Soviet; in the localities, the executive committees by local Soviets;

e) All organs of state power and organs of state administration formed a single system, based on the strictest subordination of lower organs to the direction and control of higher ones.

f) Enactments of higher organs were binding on lower organs. Democratic centralism, applied thus, wielded the entire Soviet system into a single monolith. However, in practice, it did create a complicated pattern of hierarchy of control and function, a problem which bedevilled Soviet system since its very inception.

Having discussed the CPSU, with democratic centralism as its core

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42 Ibid., p.37.
44 See S.K. Jha, n.41, p.39.
principle which was the ultimate power base in the Soviet Union, we may now turn to the other fundamental institutions of the government, the legislature, the executive and the judiciary. Here two things should be kept in mind. First, though great power was undoubtedly vested in the government, it alongwith everything else in the Soviet Union was kept firmly under the control of the party. Second, the letter of the Soviet law was seldom reflected in actual procedure. The structure and the powers of the government as represented in the Soviet constitution were often contradicted by practice.\textsuperscript{45} In other words, the constitutional provisions could not play their intended role in the Soviet political system.

(ii) Soviet Federalism

Before we take up the brief description of the fundamental institutions of the government, it is worthwhile to begin our consideration of the formal organisation of the Soviet system by describing the federal structure. By 'federal system' is meant that political powers are divided between a central or federal government and the regional (or republican) governments. The individual republican governments, in theory, should have authority over certain aspects of social life while the central government has an overall authority over other aspects. The Constitution of the USSR\textsuperscript{46}


\textsuperscript{46} Adopted in 1977, it is popularly known as the Brezhnev Constitution. It was the Soviet Union's fourth basic law. Previous three constitutions were adopted respectively in 1918, 1924 and 1936.
established a federal system. The Soviet federalism sought to integrate the separate nations and areas into a single all union state and economic order while giving an element of autonomy to the individual federating republics. The advantages of the federal system in the USSR generally were that it had the virtues of a large market, a single monetary system and a common army and allowed for local diversity, separate language, religion, culture and way of life.

The USSR was divided into 15 Union Republics. In some cases they contained Autonomous Republics, Autonomous Regions (eight) and National Areas (ten). All these units were based on the existence of a homogeneous national group, having its own written language. The units varied in status. Union Republics had their own constitution and more powers than national areas. The significance of the federal units was that they gave some authority and territorial integrity to a fairly well-defined national or ethnic grouping.

The detailed powers of the All-Union and Republican Governments were defined in the constitution. The chief powers of the All-Union government were to issue currency, to declare war, to regulate external trade, and to develop a plan for the economic development of the Soviet Union.

The Republics had the constitutional right to adopt and amend their own constitution, to approve a national plan and budget and to secede from
the USSR. Each republic legally had the sanctity of its borders and the
guarantee of republican citizenship. Autonomous Republics were
subordinate to the Union Republic in the establishment and the interpretation
of their constitutions. But a Union Republic had the right to suspend the laws
of an Autonomous Republic and it could also intervene to ensure that the
economic planning was in conformity with the national plan.47

The Autonomous Regions and the National Areas were more limited
in their powers. They were administrative bodies and did not have Supreme
Soviets or constitutions like the republics. These units conducted business in
the national language and, like republics, they had the right to send delegates
directly to the Supreme Court.48

Within the federal structure, there were a number of administrative
divisions on which local governments were based. Directly subordinate to
the Union Republican government were certain large cities which, in turn,
were subdivided into large territories or districts (raions). Some republics
were subdivided into districts, towns and villages, others were directly
divided into regions, towns and villages. At each lower level there was a
Soviet or parliament which was directly elected in every two and a half-
years.

47 See Lane, n.32, p.177.
48 Ibid.
While election to the Soviet was direct, the administration was centralized and indirect. The constitution defined democratic centralism as the effectiveness of all bodies of state authority from the lowest to the highest, their accountability to the people and the obligation of lower bodies to observe the decisions of higher ones (Article 3). This resulted in a vertical chain of command with strong element of centralization. Finance was centralized and apportioned to the Union Republics. The local units tended to be organs of administration though local participation was encouraged.49

(iii) The Legislature

The Soviet government was a modified parliamentary system. This basic fact was true at every level of government, from the most local to the central government of the USSR. Though basically parliamentary, the Soviet system of government was modified in an important respect. Soviet legislatures elected not one but two executive committees. The First Executive Committee popularly called the Council of Ministers became the executive branch of the government and administered government policy. However, the second executive body, the Presidium of the Supreme Soviet at appropriate levels was unique.50 Soviet legislative bodies typically met only briefly at infrequent intervals. Hence, they elected a Presidium to

49 Ibid.

50 This executive committee was unique in that it was not used outside the communist countries. However, most communist countries used a governmental structure similar to that employed in the Soviet Union.
perform the legislative function in their absence. Accordingly, the legislature which was described by the constitution as the highest authority of government rarely met, leaving a small coterie of leaders to exercise its powers during its long absences. Soviet legislatures made no perceptible attempt to hold their executive agencies accountable.

(iv) Supreme Soviet

From the standpoint of its status and function in the Soviet pyramid, the Supreme Soviet was conceived as the highest organ of state power of the USSR, to which all organs of state power were subordinate. For the first time, something akin to the theory of parliamentary supremacy was asserted for a Soviet organ, the Supreme Soviet. Since it was regarded as the embodiment of all authority – legislative, executive and judicial – and was, at the same time declared to be the sole and exclusive legislative organ, the laws of it constituted the source of authority and direction for the activity of the other Soviet organs.

The Supreme Soviet was composed of two houses: the Soviet of the Union and the Soviet of the Nationalities. The Soviet of the Union was elected by density of population, with one deputy per 3,000,000 inhabitants.

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52 See Article 32 of the Constitution of 1936 and Article 108 of the 1977 Constitution.

In the 1984 elections, there were 750 deputies elected. The Soviet of Nationalities was formed by representatives of different federal units. Union Republics each sent thirty two delegates, each Autonomous Republic eleven, an Autonomous Region five and a National Area one which gave a total of 750 deputies.

The Supreme Soviet was directly elected every five years on the basis of universal suffrage and by secret ballot. The two chambers were equal in their rights and usually met separately. In the event of disagreement between them, questions were referred to a conciliation commission, formed by an equal number of members of each house. The problem of resolving formal disagreement by vote either within or between the houses, in fact, never arose. Differences were ironed out before meetings of the Supreme Soviet and in keeping with the assumption of the political homogeneity of the USSR.\textsuperscript{54}

The scope of the Supreme Soviet's jurisdiction was enumerated in article 73 which said, "The jurisdiction of the Union of Soviet Socialist Republic, as represented by its highest bodies of state authority and administration, shall cover;

1. the admission of new republics to the USSR; endorsement of the formation of new autonomous republics and autonomous regions within Union Republics;

2. determination of the state boundaries of the USSR and approval of

\textsuperscript{54} Lane, n.32, p.178.
changes in the boundaries between Union Republics;

3. establishment of the general principles for the organisation and functioning of republican and local bodies of state authority and administration;

4. the ensurance of uniformity of legislative norms throughout the USSR and establishment of the fundamentals of legislation of the Union of Soviet Socialist Republic and Union Republics;

5. pursuance of a uniform social and economic policy; direction of the country's economy; determination of the main lines of scientific and technological progress and the general measures for rational exploitation and conservation of natural resources; the drafting and approval of state plans for economic and social development of the USSR, and endorsement of reports on their fulfillment;

6. the drafting and approval of the Consolidated Budget of the USSR, and endorsement of the report on its execution, management of a single monetary and credit system; determination of the taxes and revenues forming the Budget of the USSR; and the formulation of prices and wages policy;

7. direction of the sectors of the economy, and of enterprises and amalgamations under Union jurisdiction, and general direction of industries under Union Republican jurisdiction;

8. issues of war and peace, defence of the sovereignty of the USSR and safeguarding of its frontiers and territory; and organisation of defence; direction of the Armed Forces of the USSR;

9. state security;

10. representation of the USSR in international relations; the USSR's relations with other states and with international organizations; establishment of the general procedure for, and co-ordination of the relations of Union Republics with other states and with international organisations; foreign trade and other forms of external economic activity on the basis of state monopoly;

11. control over observance of the Constitution of the USSR, and ensurance of conformity of the Constitutions of Union Republics to the Constitution of the USSR; and
12. settlement of other matters of All-Union importance.\textsuperscript{55}

The USSR constitution specifically provided that the legislative power of the USSR was to be exercised exclusively by the Supreme Soviet of the USSR. Other powers placed within the domain of the Supreme Soviet were: the amendment of the constitution, the election of the Presidium of the Supreme Soviet, the formation of the Council of Ministers, the election of the Supreme Court and of the special courts for a term of five years; and the appointment of the Prosecutor General of the USSR for a term of five years.

(v) The Presidium of the Supreme Soviet

The Presidium of the Supreme Soviet came into existence on seventeenth January 1938. It was listed in the constitution among the highest organs of state power of the USSR.\textsuperscript{56} While the functions allotted to it were chiefly those performed elsewhere by the head of the state, such as a President, the accepted Soviet conception - in accordance with Stalin's definition of Presidium at the time of adoption of the new constitution was that this body was the Collective President.\textsuperscript{57}

As far as its position in the hierarchy of Soviet organs was concerned, the Collective Soviet President, unlike other heads of state, not only

\textsuperscript{55} See Article 73 in Constitution (Fundamental Law) of the Union of Soviet Socialist Republics (Moscow: Novosti Press, 1977), p.56.

\textsuperscript{56} In this respect it was in company with the Supreme Soviet, as contrasted with the Council of Ministers, see Towster, n.25, p.263.

\textsuperscript{57} Ibid.
possessed no veto power over or any right to dissolve the Supreme Soviet, but was entirely subordinate and accountable to the latter, which could replace it at any time with a Presidium of a new composition. Like the Supreme Soviet, and other organs of the Soviet state, the Presidium of the Supreme Soviet was regarded as a concrete application of Soviet class and nationality principles; i.e., an organ whose essence and structure reflected the interests of the entire people as well as of the separate nationalities.58

The Presidium of the USSR Supreme Soviet was a body without even a remote parallel in the British parliamentary system.59 It was the direct descendant of the earlier Central Executive Committee. While the earlier body was large and unwieldy, the Presidium was a relatively small body of thirty seven members. Its composition was set out in Article 120 and consisted of a chairman, first vice chairman, 15 vice chairmen (one from each Union Republic) a secretary, and twenty one ordinary members.60 It was elected at a joint sitting of both chambers of the Supreme Soviet and was accountable to the Supreme Soviet.

The Presidium was best described as a combination of a standing committee of the legislature and collective presidency. In its former capacity its powers included issuing of decrees, the issuing of decisions based on

58 Ibid., p.264.
60 See Article 120 in Constitution ...., n.55, pp.87-88.
laws of the USSR already in operation, annulling decisions and orders of the USSR Council of Ministers and of the Council of Ministers of the Union Republics which did not conform to law, and the ratification and denunciation of international treaties. In its presidential role, this body performed a large number of formal and ceremonial functions such as convening sessions of the Supreme Soviet, ordering elections and appointing the Central Election Commission. It appointed and relieved ministers of the USSR (when the Supreme Soviet was not in session), conferred awards, decorations and honors as decided upon by the government, exercised the right of pardon, received foreign statesmen and diplomats.

Thus the powers of the Presidium could be classified under the following six headings:

(i) Organisation of the Supreme Soviet;
(ii) Change in Administrative and Military Personnel and Institutions of title;
(iii) International Relations;
(iv) National Defense;
(v) Awards; and
(vi) Other Executive and Judicial Powers.61

Article 121 of the Soviet constitution enumerated the powers of the Presidium of the Supreme Soviet which said, "The Presidium of the Supreme Soviet of the USSR shall:

61 Article 49 of the Soviet Constitution of 1936 stipulated the sphere of the powers of the Presidium under eighteen subdivisions. For details see S.K. Jha, n. 41, pp.352-356. Also see Chuchward, n.59, p.134.
name the date of elections to the Supreme Soviet of the USSR;

(ii) convene sessions of the Supreme Soviet of the USSR;

(iii) co-ordinate the work of the standing commissions of the chambers of the Supreme Soviet of the USSR;

(iv) ensure observance of the Constitution of the USSR and conformity of the Constitutions and laws of Union Republics to the Constitution and laws of the USSR;

(v) interpret the laws of the USSR;

(vi) ratify and denounce international treaties of the USSR;

(vii) revoke decisions and ordinances of the Council of Ministers of the USSR and of the Councils of Ministers of Union Republics should they fail to conform to the law;

(viii) institute military and diplomatic ranks and other special titles; and confer the highest military and diplomatic ranks and other special titles;

(ix) institute orders and medals of the USSR, and honorific titles of the USSR; award orders and medals of the USSR; and confer honorific titles of the USSR;

(x) grant citizenship of the USSR and rule on matters of the renunciation or deprivation of citizenship of the USSR and of granting asylum;

(xi) issue All-Union acts of amnesty and exercise the right of pardon;

(xii) appoint and recall diplomatic representatives of the USSR to other countries and to international organisations;

(xiii) receive the letters of credence and recall of the diplomatic representatives of foreign states accredited to it;

(xiv) form the Council of Defence of the USSR and confirm its composition; appoint and dismiss the high command of the Armed Forces of the USSR;

(xv) proclaim martial law in particular localities or throughout the country in the interests of defence of the USSR;

(xvi) order general or partial mobilization;

(xvii) between sessions of the Supreme Soviet of the USSR, proclaim a state of war in the event of an armed attack on the USSR, or when it is necessary to meet international treaty obligations relating to mutual defence against aggression;

(xviii) and exercise other powers vested in it by the Constitution and laws of the USSR.\footnote{See Article 121 in Constitution... n. 55, pp.88-90.}

The Presidium had never had occasion to dissolve the Supreme Soviet, in accordance with Article 119 of the constitution, on account of
disagreement between the chambers, nor had it initiated, or as far as was known, asked by an Union Republic to carry out a Referendum. Its remaining prerogatives had been exercised at one time or another. Its main function had been to act as a continuously operating body at the summit of the Soviet structure, frequently serving as a legislative organ between sessions of the Supreme Soviet.63

(vi) The Executive

True to the parliamentary model, the Soviet executive branch was elected by and responsible to the Soviet at whatever levels of government it served. The executive was the most powerful branch of government. The basic policy decisions were made for the government by the party. The government's task was to execute policy. For the Soviets and their Presidiums this quite literally meant that they simply formalized policy decisions by passing law for the executive. However, the situation was different.

The executive carried out the policy. Although basic policy decisions were made elsewhere, the executive made innumerable decisions about specific policy application. The Soviet government exercised an incredible amount of power over its citizens and most of this power was in the hands of the executive branch by virtue of its administrative role.64

63 Article 124 of the Constitution of 1977 provided that on the expiry of the term of the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of the USSR shall retain its powers until the newly elected Supreme Soviet of the USSR has elected a new Presidium.

64 See Baradat, n.45, p.150.
The highest executive agency in the Soviet Union was the Council of Ministers of the USSR. Elected by the Supreme Soviet, the Council of Ministers had about 115 members. Included in this number were the Chairman (the premier), a First Deputy Chairman, about a dozen deputy chairs, the chair of each Union Republic's Council of Ministers, sixty two ministers, and an assortment of state committee and administrative agency heads.\(^{65}\) The members of the Council of Ministers who had great political power – the chairman, the first deputy chairman and the deputy chairs were organised into a second unit called the Presidium of the Council of Ministers.\(^{66}\) The exact membership of this Presidium fluctuated from time to time. In any event the major administrative decisions were made by the Presidium which met quite frequently in the Kremlin. The relationship between the Council of Ministers and its Presidium was similar to that of the British government and its cabinet. The Chairman of the Council of Ministers was equivalent of the British Prime Minister and was often referred to as the Soviet Premier. He presided over the meetings of the Presidium and was a member of the Politburo. He was elected to his post by the Supreme Soviet and the state committees. Normally major decisions of the government were made by consensus in the Presidium and were later ratified by the Council of Ministers at their infrequent meetings. When

\(^{65}\) Ibid., p.151.

\(^{66}\) The Presidium of the Council of Ministers should not be confused with the Presidium of the Supreme Soviet. During Khrushchev period, the Politburo of the CPSU was called as the Presidium.
urgency pressed on a matter, however, the Chairman of the Council of Ministers had the authority to make important decisions unilaterally.\textsuperscript{67} This position of the Chairman of the Council of Ministers had lasting implications for the Soviet parliamentary system. Lot of complications at political front were created by the unbridled power of the Chairman. A detailed analysis of the evolution of this office of chairman would be done in the next chapter.

As far as the functions of the government were concerned, the Council of Ministers functioned like any other modern governmental system. It was responsible for maintaining public order through police and for guaranteeing security of the state by maintaining adequate police and military establishments. It presided over the formulation and implementation of the five year plans. Being a highly centralized system, and one that controlled almost every legal aspect of economic and political activity, the Council of Ministers exercised enormous power over credit, finance, employment wages, production, distribution, prices, housing and services. No individual or agency was untouched by its administration.\textsuperscript{68}

The Council of Ministers also enjoyed extraordinary legislative powers. It could promulgate edicts and rules with the force of law. An important ordinance was often announced jointly by the Council of Ministers.

\textsuperscript{67} See Baradat, n.45, p.152.

\textsuperscript{68} Ibid., p.153.
Ministers, the Presidium of the Supreme Soviet and the Central Committee of the CPSU. Further, the Council of Ministers usually initiated the issues that the Supreme Soviet passed into statute.

Thus, the executive arm of the Soviet government was much more stronger than its counterparts in liberal democratic countries. The whole economic activity of the country was directed by the government which gave the Council of Ministers great economic and political powers.\textsuperscript{69}

(vii) Legal Apparatus

In all modern societies a division of labour takes place between rule makers (parliamentarians), rule enforcers (executives) and rule adjudicators (lawyers). In liberal democratic societies, a theoretical autonomy exists between the legislature, executive and judiciary; this is said to ensure the citizen, a degree of independence from arbitrary treatment. The courts adjudicate in cases of conflict between the individual and the executive arm of the government. The law making process in the USA is bounded by the judiciary, which can declare acts passed by the Congress to be unconstitutional.

But in the Marxist theory, the separation of powers is an illusion.\textsuperscript{70} Law is not an independent body of rules and the judiciary is not a group of

\textsuperscript{69} See Lane, n.32, p.191.
\textsuperscript{70} Ibid., p.192.
persons in anyway independent of the ruling class. Laws or the rules of society, according to Marxists are made by the ruling class and are expression of it. Enforcement is in the interest of the ruling class and justice is class justice.\textsuperscript{71} This Marxist viewpoint influenced the structure of law enforcement in the USSR - where it was considered to be an instrument of the political arm of the ruling class (the party) and had a political role. The formal law is subordinate to the law of the revolution. There might be collisions and discrepancies between the formal laws and those of the proletarian revolution.... This collision must be solved only by the subordination of the formal commands of law to those of party policy.\textsuperscript{72} While this statement was made during the dictatorship of the proletariat in 1935, it influenced the Soviet approach to law for quite sometime.

As the extent of Soviet government was wide, the area of jurisdiction of the courts and police over citizens was also vast. As far as the structure of the judiciary was concerned, the lowest official court was the people's court.\textsuperscript{73} The only official court with elected judges, this body heard the vast majority of civil cases and minor criminal cases in original jurisdiction. People's court judges were elected to five-year terms by the people of their jurisdiction. The nomination process was similar to that for the People's Deputies to the Soviet and most judges were party members and those who were not party members were cleared by party. The court immediately above

\begin{flushleft}
\textsuperscript{71} Ibid.
\textsuperscript{72} A Yyshinsky, Sudoustroistvo VSSSR (1935), quoted in Lane, n.32, p.192.
\textsuperscript{73} In addition to the regular courts, there were three kinds of special courts, economic courts, labour courts and administrative courts. These courts dealt solely with the very technical law which they specialised.
\end{flushleft}
the people's court depended upon the republic in which it was situated. The Republican Supreme Courts, elected by their respective Soviets, received most of their cases from appeal by the Procurator's protest or upon their own demand. The Supreme Court of the USSR was not only the highest court in land, but it was also the only court maintained by the government. Unlike lower courts, the membership of the Supreme Court was divided between ex-officio and elected persons. The Supreme Court of the USSR elected a president, two vice presidents and sixteen other judges. It also elected forty-five people's assessors. Added to this assemblage were the fifteen presidents of the Union Republic Supreme Court. The Supreme Court of the USSR divided itself into three collegia: criminal, civil and military. The collegia heard cases brought before them by protest of Procurator or by demand of the court's president. They could also hear cases in original jurisdiction, but this was extremely rare and employed usually when the case was to be displayed as an example to the society.

While this was the organizational set up of the judiciary in USSR, actual practice showed that the excessive supervisory functions over Soviet Courts exercised by the Procuracy, by the Ministry of Justice, by the Presidium of the Supreme Soviet of the USSR, and by the Party led to a

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74 Appeals in Republics that had no oblasts or krais went directly to the Republican Supreme Court. District Courts found in oblasts and krais were presided over by judges elected to five year term by their respective Soviets. These courts also heard serious civil and criminal cases under original jurisdiction.

75 See Article 153 of the 1977 Constitution.

76 Leon P. Baradat, n.45, p.168.

77 Ibid.
clean subordination of the courts to the executive and political elements in the country, even though Party Congresses promised to insulate the courts from political pressure. In Soviet Union every official institution in the state was bent towards creating the "new Soviet society" and hence courts were expected to play an important part in achieving this goal. 78

Thus, our analysis of political institutions in Soviet system may be generalized in a discussion of the state as a theoretical concept. Liberal democratic writers on the Soviet Union regarded the Soviet state to be qualitatively different from that under capitalism. In liberal theory the state is an institution which organises the will of the people, politically constituted. With respect to its collective interests, it is the political organisation of society. There is a boundary between those activities which are private and those which are public. In the Soviet Union, there was no clear distinction of this kind. Public control of media, education, welfare, public ownership of economy and party penetration of associations in such a system led the western liberal-democrats to deny the distinction between state and society, between public and private; hence totalitarianism. 79 For many Marxist writers, almost every institution in Soviet society was conflated into the 'state apparatus'. For example, David Law defined the Soviet state as political apparatuses, legislative, executive, judicial, coercive

78 ibid., p.169.
79 Lane, n.32, p.232.
and cultural both on the national scale and at the local level including the productive enterprise.80

However, the practical functioning of the institutions showed that Soviet political reality often contradicted the constitution. The Soviet government was a centralized system, complicated by the presence of federal autonomy granted to its largest national groups. The legislature was proclaimed by the constitution as the highest state authority and the courts were guaranteed 'independence'. In practice, however, the actual functioning of the political institutions revealed many contradictions and complexities in the system. Soviet regime seemed to produce a stable government until 1985. During the 1980's the domestic structure of the Soviet Union changed dramatically. Owing to the reforms initiated by Mikhail Gorbachev, Soviet Union was transformed from a highly centralized, authoritarian state, dominated by the Communist Party into a state with weakened central control, quasi-corporatist policy networks and an active civil society.

To conclude our discussion in this chapter, the old Soviet system was highly centralized with power concentrated in the hands of the Communist Party and in particular its Politburo and General secretary.81 Legislation was enacted mainly by decree-typically-joint decrees of the Council of Ministers and the party Central Committee. The period 1988-90 saw a major

80 David Law quoted in ibid., p.233.
81 The description of the Soviet political structure here is only in a sketchy manner and aims to serve as a reference point. For a thorough discussion of the old system, see Jerry F. Hough and Merle Fainsod, How the Soviet Union is Governed (Cambridge: Mass, Harvard University Press, 1979).
overhauling of the political institutions. In 1989 competitive elections were held to fill a majority of seats in a new Congress of People's Deputies. The Congress was enjoined to elect a Supreme Soviet to function as a genuine legislature. During the same time Gorbachev managed to remove most of his conservative opponents from the Politburo, while simultaneously reducing the role of that body and its leader, the General Secretary (himself). He introduced the institution of presidency and was elected to that office by more than 95 per cent of the delegates of the Congress of People's Deputies. Over the course of the next year, the Congress and the Supreme Soviet came to eclipse the Communist Party's Central Committee as the country's most important deliberative and legislative body. Meanwhile, Gorbachev also succeeded in shifting policy making authority from the party to the new government, establishing a Presidential Council to fulfill many of the policy making functions previously reserved for the Politburo. Gorbachev's desire for a strong presidency in the French mould often conflicted with the preference on the part of many Supreme Soviet Deputies for a strong parliamentary system with reliable checks and balances. The new competition between the executive and legislative branches fatally weakened the centralized, party dominated state and left a legacy of policy fragmentation and incoherence that outlived the Soviet Union itself.

A key turning point in the transition from the old domestic structure to the new one came with the repeal of Article 6 of the Soviet constitution in February 1990. That Article had provided the legal guarantee for the Communist Party's monopoly on political power. Although the party
remained a powerful institution, it now had to face increasingly organised opposition and eventually alternative political parties. The party was discredited by the failed coup of August 1991 and was outlawed shortly thereafter leaving a power vacuum and a completely disorganized political process. With the disintegration of the Soviet Union the emerging political system in Russia was characterised by chaos and uncertainty. We now move on to discuss these developments and the context of change in existing institutions.