Chapter I

Soviet Federal System: A Historical Overview

Federalism usually refers to the legal and political structures that distribute power territorially within a state. Nevertheless, in accordance with its original meaning, it has been taken to imply reciprocity or mutuality. As a political form, however, federalism requires the existence of two distinct levels of government, neither of which is legally or politically subordinate to the other. Its central feature is therefore the notion of shared sovereignty. In the political theory the term ‘Federation’ has been widely discussed. It is characterised by a tendency to substitute for coordinating and for subordinating relationships to replace compulsion from above with reciprocity, understanding and adjustment, command with persuasion and force with law. In its application to concrete political problems, federalism becomes a relative and dynamic principle.1

The study of federalism is central to political science because of its linking of theoretical and political wisdom. In fact, human concern with politics focuses on three general themes:

1. The pursuit of political justice to achieve political order,
2. The search for understanding of the empirical reality of political power and its exercise, and
3. The creation of an appropriate civic environment through civil society and civil community capable of integrating the first two themes to produce good political life.

Political Science as a discipline was founded and has developed in pursuit of these three themes. In that pursuit, political scientists have uncovered certain architectonic principles, seminal ideas and plain political truths that capture the reality of political life or some significant segment of it and relate that reality to larger principles of

justice and political order and to practical yet normative civic purposes. One of the major recurring themes of political importance which informs and encompasses all three themes is federalism, an idea that defines political justice, shapes political behaviour, and directs human towards an appropriately civic synthesis of the two.²

The essence of federalism is not to be found in a particular set of institutions but in the institutionalisation of particular relationships among the participants in political life. Consequently, federalism is a phenomenon that provides many options for the organisation of political authority and power; as long as the proper relations are created, a wide variety of structures can be created and developed that are consistent with federal principles.

The simplest possible definition of federalism is self rule in addition to shared rule. Federalism thus involves some kind of contractual linkage of a presumable permanent character that

i.) Provides for power sharing, ii) Cuts around the issue of sovereignty and
iii) Supplements but does not seek to replace or diminish prior organic ties where they exist.³ The federal principle means the method of dividing powers so that the general and regional government are each, within a sphere, coordinate and independent.⁴

Federalism has developed in response to two different situations. On the one hand, it has been used as a means to unite people already linked by bonds of perceived nationality or common law by Constitutionally distributing units so as to secure greater local liberty or national unity, in such cases, the politics that constitute the federal system are unalterably parts of the national whole, and federalism invariably leads to the development of the strong national government operating in direct contact with the people it serves just as the constituent governments do.

On the other hand, federalism has been used as a means to unify separate peoples for important but limited purposes without disrupting their primary ties to the individual

³ Ibid, p.12.
politics that constitute the basic units of federation. In such cases, the federal
government is limited in its scope and powers, functioning through the constitute
government, which retain their plenary autonomy and, to a substantial degree, is
dependent on them. Federalism as to do with the need of people and politics to unite
for common purposes yet remains separate to preserve their respective integrities.\(^5\)

The Modern federalism is the product of historical development of society and subject
of politics, and also is part of the classic terminology of political science. The term
emerged in theological and theo-political usages in the 16\(^{th}\) century and was first used
as a strictly political term in 18\(^{th}\) century.\(^6\) In the 19\(^{th}\) century, federalism was used to
abet ethnic nationalism, with demands for the creation or maintenance of federal
institutions coming from ethnic groups seeking national unity and political autonomy
but not in a position to achieve either in any other way. In the 20\(^{th}\) century, it has been
used as a means to unify multiethnic politics. Several of the ethnically heterogeneous
nations created or reconstructed after world war I, including the Soviet Union,
formally embraced federalism as a nominal solution to their nationality problems.\(^7\)

Federalism is essentially a transitory phenomenon\(^8\) and describes a voluntary
association of sovereign states for some common purpose with limited delegation of
power to a central authority. Each federal system is unique in the sense that the
relationship between federal (national) government and state (regional) government is
determined not just by Constitutional rules, but also by a complex of political,
historical, geographical, cultural and social circumstances. Essentially, the main
characteristics of a federal state are:

**Two relatively autonomous levels of government:** Both central government (the
federal level) and regional government (state level) posses a range of powers which
other cannot encroach upon. These include at least a measure of legislative and

---

\(^5\) Daniel J. Elazar, "The End of Federalism" in Max Frankeel (ed.) Partnership In Federalism (Bern

\(^6\) Rufus Davis, "The Federal Principle: A Journey through time in Quest of a meaning" (Berkley,

\(^7\) R. Michael Stevens, "Asymmetrical Federalism: The Federal Principle and the Survival of the small
republics", Publius (7, no. 4, 1977), pp. 177-204.

\(^8\) Wheare, n.4, pp. 153-57.
executive authority and the capacity to raise revenue and thus enjoy a degree of fiscal independence. However, the specific fields of jurisdiction of each level of government and the capacity of each to influence the other vary considerably.

**Written Constitution:** The responsibilities and powers of each level of government are defined in a codified or written constitution. The relationship between centre and periphery is therefore conducted within a formal legal framework. The autonomy of each level is usually guaranteed by the fact that neither is able to amend the constitution unilaterally.

**Constitutional arbiter:** The formal provisions of the constitution are interpreted by a Supreme Court, which thereby arbitrates in the case of disputes between the state governments. In determining the respective fields of jurisdiction of each level, the judiciary determines how federalism works in practice, inevitably drawing the judiciary into the policy process. The courts have invariably sanctioned the centralisation, which has occurred in all federal systems in the twentieth century.

**Linking Institutions:** In order to foster cooperation and understanding between federal and state levels of government, the regions and provinces must be given a voice in the central policymaking. This is usually achieved through a bicameral legislature, in which the second chamber or upper house represents the interests of the states.

Though, there is some consensus on its broad features among Soviet and Western scholars such as division of power between and centre and the units, a written constitution and a supreme court to act as guardian. However, at the same time, the class aims behind the concept of federalism as perceived in the West and in the Soviet Union are widely divergent. The Soviet concepts of federalism was carved out from the ideological basis of the right of nations to self-determination which provided for every nationality to determine its' state political form and unite with other nations. Federalism in the Western democracy is based on largely administrative considerations, which is not the case with the Soviet Union where national-territorial
principle and functional interdependence had been the strategic factor in working out
the form of state construction.

**Federalism as a dynamic process**
The legal constitutional approach has not given, though occasionally they have hinted
at, an adequate interpretation of complex political phenomenon, primarily because of
their static approach. A federal system should not only be considered statically, in
terms of a fixed pattern of a particular and precise division of powers between
governmental levels. Carl J. Friedrich, William Livingston, and William Ricker
among others, have examined the social and political forces that produce varieties of
federalism. Friedrich adopted a new conceptual vision. He suggests that “federalism”
seems to be most suitable term by which to designate the process of federalising a
political community. It is only a matter of decision-making but of the entire range of
power and its exercise. The Federalising process accompanies the community’s
development as its organisational counter part. 9

In the 1950s, the American Political scientist W.S. Livingston formulated a view of
federalism that postulated the primacy of social over the governmental. For him, the
essential nature of federalism is to be sought for, not in the shading of legal and
constitutional terminology, but in forces, economic, social, political and cultural, that
have made the outward forms of federalism necessary. 10 It is clear that Livingston was
critical of the “legal formalism and formal jurisprudence” and forwarded that
federalism was essentially “a sociological phenomenon”.

William Ricker, who was among the first scholars of modern federalism and called
into question the excessive legalism and constitutional emphasis, suggests that
federalism is a juristic concept of sorts and the fact (should be) retained in our
definition by emphasising the existence of two kinds of government and their separate
ability to make some decisions independently of each other. 11 An analysis of these
viewpoints suggests that the understanding of federalism must not be limited either

---

10 K.C. Wheare, defines the federal government is so, “...that the general and regional governments are
each within a sphere, co-ordinate and independent.” See *Federal Governments* (New York, 1947)
exclusively to questions of institutional structures or merely patterns of social factors, but rather to the interrelations of the two. The suggestion here is for the political approach that places the fundamental dynamics of federalism in citizen's collective identities, values, and perceptions of their interests.

S.L. Verma has given new structural dimensions to the federal theory. He prefers to use the term 'Federalogy' as an updated version of federalism. He considers federalogy as part of political science meant to create and build up a state containing several sub-polities conducive to the health and growth of that political community operating on ground of nationism. Thus, federalism is closely connected with diversities or pluralities of society and a desire to continue or maintain them at certain level.

If properly conceptualised, federal polity comprises at least three types sub-politics or sets of governance. Apart from the Indian government and multiple regional or sub-regional governments, there is a federal authority representing the state as a whole and the critical aspects of it’s sovereignty, including inter and intra relations existing among them. It is this federal authority and it's organisation, which keeps up both governments as ongoing processes and collaborative concrete structures. It needs to be emphasised that general or union government is not the federal government within the context of larger federal government or federation as a whole. Thus, S.L Verma regards federal authority as the essence of federalism.

In the recent times some works on federalism highlight it’s amorphous nature, and some observers question whether there is anything left of true species. Maurice Vile believes that definition of federalism is almost totally vacuous. Similarly Michael Reagan and John Sazone contend that we face a situation in which federalism is “bankrupt” as an oppressive concept. Many leading experts including Karl J.

---

12 N. S. Livingston, Federalism and Constitutional Change (Oxford 1956).
14 The term Nationism is different from nationalism. Nationalism refers to the ‘peoples’ affinity for belonging to the territory of a country, which allows pluralities to grow and enrich each other by their contributions. Nationism involves oneness and commitment to some superior form of culture to which other diversities and sub-cultures have to remain subordinate. Therefore, the basis of federalism, is nationism instead of nationalism.
Friedrich believes that federalism is evolutionary, as a way stationed to the unitary governmental system.

Challenging these theories of federalism that emphasises the centralising, legalistic or amorphous character of federal system of government, Nothan and Hoffman have forwarded an alternative point of view. They argue that federalism is a governmental form that seeks to reconcile regional diversity with a level of collective unity and does so in a way that gives a distinctive role to the regional governments. Thus, they consider modern federalism as a political system in which regional governments have a substantial role and identity.

There is a general agreement among experts that a functioning federal system, composed of a number of regional governments, must have a democratic and pluralistic political system that provides opportunities for assessing and participation by citizens and both national and regional political processes. Otherwise the idea of separate identity, diversity of interest and actions and self-expression of regional governments would not be meaningful.

Assessment of Federalism
One of the chief strengths of federal systems is that unlike unitary systems, they give local and regional interests a constitutionally guaranteed political voice. The states or provinces exercise a range of autonomous powers and enjoy some measure of representation in central government, through the second chamber of the federal legislature. On the other hand, federalism has not been able to stem the general twentieth century tendency towards centralisation. Despite guarantees of state and provincial rights in federal systems, the powers of central government have expanded largely as a result of economic and social intervention and central government's own greater revenue raising capacities.

From the late twentieth century onwards, the principles of "dual federalism", in which federal and state governments occupied separate and seemingly indestructible spheres

---

of power, gave way to a system of government to the states and localities. State and local government therefore became increasingly dependent on the flow of federal funds, especially after the upsurge in economic and social programmes that occurred under the New Deal in the 1930’s. Since the mid 1960’s, however, cooperative federalism, based on a partnership of sorts between federal government and the states, has been replaced by what has been called ‘coercive federalism’. This is a system through which federal government has increasingly brought about the compliance of the states by passing laws that preempt their powers and imposing restrictions on the states and localities in the form of mandates. A second advantage of federalism is that, in diffusing government power, it creates a network of checks and balances that help to protect individual liberty. Finally, federalism has provided an institutional mechanism through fractured societies has maintained unity and coherence. In this respect, the federal solution may be appropriate only to a limited number of ethnically diverse and regionally divided societies, but in these cases, it may be absolutely vital.

The danger of federalism, however, is that by breeding governmental division, it may strengthen centrifugal pressures and ultimately lead to disintegration. Some have argued, as a result, that federal systems are inherently unstable, tending either towards the guaranteed unity, which only a unitary system can offer, or towards greater decentralisation and ultimate collapse.

To sum up the whole debate on federalism, Danial J. Elazar’s viewpoint that federalism is a matter of relationships seems to be quite appropriate. This relationship is dynamic, shifting and complex, a range of different processes drives that over space and time. It contains a degree of flexibility and ambiguity. While embodied in constitutions and institutions, structures and functions. In the end, it is the relationships that count.

Federalism in the West
There was a consistent effort to evolve a suitable definition of federalism, and the classical writers on federalism particularly Dicey, Bryce, K.C. Wheare, Robert Garran were primarily seeking to give the concept a proper dimension and meaning. As Dicey explained the concept, “A federal state is a political contrivance intended to
reconcile national unity and power with the maintenance of the state rights.\(^{16}\) The classical or the legal-Constitutional approach formulated by K.C.Wheare\(^{17}\) and other takes the quintessence of federalism to be the conformity that the constitution and its practice have with certain federal principles. These include, among others, a written constitution that divides power between two units of governments neither of which can unilaterally amend it.

**Federalism: A Marxist Perspective**

Marx and Engels closely studied the unitary and federal forms of state structure and described their positive features and inadequacies under different historical conditions. Discussing the question of forms and organisation of a democratic state, Marx and Engels favoured the centralised unitary form of state, because during their lifetime Europe had seen the completion of the transition from feudal disunity to centralism, i.e., creation of centralised bourgeois states. For that period it was a progressive phenomenon since the centralisation of bourgeois state objectively helped to develop society's productive forces. They preferred the centralised unitary state against politically disunited states, which did not accord with the interests of the proletariat and its task to unite their struggle for socialism. A unitary centralised bourgeois state helped in the then existing conditions, the economic and political cohesion of the working class and the growth of its class-consciousness. Marx and Engels, in the manifesto of Communist party, observed that, "the bourgeoisie keeps, more and more, doing away with the scattered state of the population of the means of production and property. It has agglomerated population, centralised means of production and has concentrated property in few hands. The necessary consequence of this was political centralisation. Independent or but loosely connected provinces with separate interests, laws, governments and systems of taxation became lumped together into one nation, with one governmental, one code of laws, one national class interests, one frontier and one custom tariff."\(^{18}\)


\(^{17}\) For details regarding structure of federal authority, see Ibid,

Engels orchestrated the same idea in "the Civil War in Switzerland". He wrote "through the industry, commerce and political institutions, the bourgeoisie is already working everywhere to drag the small, self-contained localities which only live for themselves out of their isolation, to bring them into contact with one another, to merge their interests, to expand their local horizons, to destroy their common habits, striving and ways of thinking and to build up great nations with common interests, customs and ideas out of money hitherto mutually independent localities and provinces. The bourgeoisie is already carrying out considerable centralisation. The proletariat far from suffering any disadvantage from this, will as a result rather be in a position to unite, to feel itself a class to acquire a political point of view within the democracy and finally to conquer the bourgeoisie. He considered the centralised unity of Germany as progressive phenomenon, which could help to sweep away "all the historically inherited small state junk" which was blocking the free development of trade and industry.

The views on nationalities conditioned the conceptions of federalism of Marx and Engels. Considering federation a survival of feudal particularism and a hindrance to economic and cultural development, they oppose it as a matter of general principle. The proletariat, wrote Engels, "can use only the form of one indivisible republic". They did not, however, rule it out altogether, believing that in special sets of circumstances federation might be a "step forward", a "link toward a centralised, unitary state".

Marx and Engels lent their support to federal state structure in such countries where it could historically became the transitional political form, from scatteredness to unity of state power, uniting the small states into one centralised state. For instance, Engels supported the struggle of progressive forces of Switzerland against the Sonderbund for the creation of a federation as a centralised, strong state. His support to the Swiss

---

federation was aimed at liquidating the federal disunity through the creation of a centralised state.

Thus, Engels tried to analyse the transitional forms with the utmost thoroughness, bearing in mind the concrete, historical, specific features of each separate state, "from what the given transitional form is passing". Approaching the matter from the point of view of the proletariat and his proletarian revolution, Engels, like Marx, upheld democratic centralism, the republic one and indivisible. He regarded the federal republic either as an exception and a hindrance to development, or a transition from a monarchy to a centralised republic, as a "step forward under certain special conditions. And among these the national question comes to the fronts."

Marx and Engels formulated for the first time the important propositions that the reconfigures a relationship between the federal form of the organisation of the state and the solution of the national question. Lenin further developed this thesis. Marx and Lenin arrived at the conclusion that international alliance between the English and the Irish proletariat could lead to the victory of the working class under the specific conditions prevailing in Britain at that time.

They suggested that the international alliance of the working class and their own social emancipation was impossible without abolishing the wall of enmity and isolation between nations, which had been created by bourgeoisie. "Any nation that oppressed another forges its own chains". Quoting Marx on the question of Ireland, Lenin in his work "The right of the nations to self determination", wrote, "though in principle an enemy of federalism, Marx in this instance guaranteed the possibility of federalism". Marx and Engels held the view those bourgeoisic federations were nothing but forcible union of states. They found it a harmful form of state construction for the proletarian state. Marx in his work, "Civil war in France" analysing the Paris commune of 1872, hailed its centralism and remarked that being in

---

22 Ibid, p. 123.

11
essence the state of proletarian dictatorship, Paris commune set itself the goal of creating a centralised unitary state and not of substituting it with federal union of small provisional communes.

He remarked that, “the communal constitution has been mistaken for an attempt to break up into a federation of small states, as dreamt up by Montesquieu and the Girondnix, that unity of great nations, which originally brought about by the political force, has now become a powerful co-efficient of social production." In 1901, Edward Bernstein asserted that Marx’s views on federation were identical with those of Proudhon. Bernstein tried to represent Marx’s criticism of the military, bureaucratic, bourgeoisie state machine as a departure from the principle of centralism in general, as giving preference to the federal organisation of the proletarian state.

In fact, Marx in his work especially on the commune clearly opposed the “conscious, democratic, proletarian centralism to bourgeoisie, military bureaucratic centralism." In the same context, Lenin wrote in his work, “The State and Revolution”, “There is no trace of federalism in Marx’s above quoted observations on the experience of the commune. Marx agreed with Proudhon on the very point that Bernstein failed to see. Marx disagreed both with Proudhon on the very point on which Bernstein found a similarity between them”.

Further, “Marx disagreed both with Proudhon and Bakunin precisely on the question of federalism (not to mention the dictatorship of proletariat). Federalism as a principle follows logically from the pretty bourgeoisie view of anarchism. Marx was a centralist. There is no departure whatever from centralism in his observation just quoted. Only those who are imbued with the philistine superstitious belief “in the state can mistake the distribution of the bourgeoisie state machine for the destruction of centralism”. In retrospect, it is important to conclude that Marx and Engels favoured federalism either as an exception, or as a transitional form of state construction from feudal scatteredness to centralised strong union state under certain

28 Lenin, State and Revolution, no. 27, p. 92.
29 Ibid, pp. 90-91
specific historical condition, and among such special conditions the national question was also included. They approach the national question as part of the general question of the triumph of the proletariat dictatorship. Marx and Engels considered federal form of state construction justified in cases where it helped the free development of the nations and improved the conditions of the oppressed nations in a system of multinational bourgeois state.

Lenin’s view on federation was formed under conditions of sharp struggle with views opposed to Marxism on the nationality question and the state-legal form of its’ solution. Analysing the different forms of political construction of future Socialist Russia, Lenin started with the need for a democratic solution as a component part of the general question of socialist revolution. That Lenin highlighted the problems of ensuring with providing them full equality of rights repeatedly. In defending a single large state, Lenin nevertheless did not, at anytime totally and unconditionally rejects federation.  

In certain historical conditions, Lenin considered federation as a desirable and even necessary form of state construction. Specifically, when it was confronted with the task of establishing friendly links among different nations. Lenin connected the exception in favour of federalism with the national question. Yet so far as Russia was concerned, Lenin considered the federal form as something not suitable for tsarist Russia. From the viewpoint of concrete historical conditions then prevailing in Russia, Lenin came out decisively against the substitution of the already emerging Russia centralised unitary state by a federation uniting small nation states.

It is true that Lenin did not put forward the task of formation of a federation before the party until the October revolution. Thus under the new historical conditions emerging in Russia in 1917, Lenin recognized federation as a possible form of state unity for socialist Russia though he did not talk about its historical necessity and even did not use the term “federation”.  

Later, Lenin can be found to be more pronouncedly inclined towards the recognition of federation as a historically necessary form of state unity of socialist Russia.

Therefore, it was not all of a sudden that Lenin and the Communist Party recognised the need of a federal state structure. But, it was gradual development and the national movement in Russia made them conclude that only a federal form of state could unite the entire masses of various nationalities. However, Gregory Gleason suggests that the federal structure of USSR arose out of an attempt by Lenin to satisfy two opposing goals. He sought to grant symbolic concessions to nationalist sentiment in the former tsarist colonies, while simultaneously establishing the conditions for the creation of a strong, centralised state apparatus. Thus the Soviet federation was a federation of a new type. It was based on the Socialist economic foundation and did not come in a way of economically drawing together of the toiling masses of the different nationalities of Russia. The development of Lenin’s views about federation offers a brilliant example of a dialectical approach to the solution of one of the most difficult problems in the theory of Marxism regarding the choice of a correct form of state construction in a multinational socialist society.

Soviet Federalism: Theory and Practice
The first Soviet federal state was the Russian Socialist Federative Soviet Republic (RSFSR) proclaimed in January 1918 by third all Russian of Congress of Soviets. The constitution of RSFSR recited at length the faith and political aims of the new regime. All people belonging to non-Russian nationalities in tsarist Russia did not possess their statehood. Only the October socialist revolution put an end to national oppression. It also proclaimed the right of people of free development, and assured them of full equality of rights in all spheres of state and social life. The Russian Soviet republic began to shape itself as a federal republic from the moment of its formation. The creation of the RSFSR historically put before the party a number of serious questions relating to national state development of the RSFSR as a federation demanding theoretical formulation and its practical implementation. In this matter, the RSFSR constitution of 1918 confirmed the national territorial principle as the basis for the construction of Soviet federalism. In the first Soviet constitution an attempt was made to demarcate the jurisdiction of the higher organs of power in the RSFSR.

32 Gregory Gleason, Federalism and Nationalism: The Struggle for Republican rights in the USSR (Boulder 1990), p.130.
In this way the RSFSR, for the first time in the course of federal construction of Soviet Russia, affirmed the right of the central federal organs not only to determine the content and limits of the autonomous rights of ‘regional unions’ but also to ratify the admission of new members of the federation and recognition of their free exit from the Russian federation. So, the entire history of the RSFSR as a federation up to the federation of the USSR testifies to its development along two parts. Firstly, federation based on autonomy, and secondly, through the conclusion of treaties and agreements with other independent republic. The 1918 constitution, apart from making the break from the past, was also an ‘original constitution’ in the sense that it advanced a new, truly creative and hence, “original”, functional principle for the process of political power and the formation of the will of the state.  

Though the 1918 constitution of the RSFSR marked a serious step in the development of Soviet federalism. But, it did not answer several questions advanced by the practical federal construction of the RSFSR. There was also no clarity about the formation of autonomous republics and national regions. The declaration establishing the USSR on December 30th, 1922 announced to the world that the newly founded federal state would be based on the following democratic principles:

1. Equality of rights for each subject of the federation,
2. The principle of voluntary union,
3. Sovereignty of the each of the united republics.

This declaration was endorsed by the Third All Russia Congress of Soviets and made a component part of the constitution of the RSFSR. The salient features of this declaration were its differences from any other declaration of Rights since 1689. Rights in such Declaration have meant the rights of the individual primarily against the State resulting in from the philosophy of laissez faire.

The civil war and the foreign intervention in Soviet Russia made it imperative for the government to unite and non-Russian regions under a single union in order to save its socialist existence. Although, the process began immediately after the revolution, the resolution of the fourth party Congress in 1921 specifically called for “union of the

several socialist republics as the only path of salvation from the imperialist yoke and national oppression." Therefore, the subsequent Union of the republics creating a new state, the Union of the Soviet Socialist Republics on the 30th November 1922, necessitated the adoption of a new constitution. On January 19, 1923 the presidium of new VTs IR, elected by the first All Russian Congress of Soviets of the USSR, appointed a commission to draft the new Constitution.

**Debate in the Constitution Commission:** The debate that accompanied the drafting of the 1924 Constitution of the USSR brought into focus divergent attitude concerning the question of federalism. At one extreme were the opponents of federalism, whose conception of the Union of republics was not as a union of equal state entities with a mandate to guarantee the free development of national republics, but as a step towards the liquidation of the republics as the beginning of the organisation of the so called "one and individual republics".

This group opposed the creation of a second chamber in which the nationalities would have separate representation but at the 12th party congress of the Communist Party decided to embody the recommendations of Lenin regarding the Chambers Executive Committee (CEC). The decision provided for the formation of the two CEC of the USSR. One chamber was to reflect the class interest of the working people of all nationalities while the other was to represent the specific interests of the individual interests of the individual nations. The fourth conference of the central committee of the party met in June 1923 and gave the names of the two chambers and Stalin, as "Great Power Chauvinists", denounced the group, which opposed the creation of second chamber. Their views are referred "had no resemblance to communism or had nothing to do with internationalism."

Leaders from Ukraine, on the other extreme, insisted for a form of Union, which would guarantee the non-Russian republics a measure of real autonomy. This group favoured a second chamber of representatives of contracting states. To prevent the

---

36 RSFSR, Ukraine, Belorussia and Transcaucasia.
38 Fainsod, n. 39, p. 365.
RSFSR from dominating this chamber, their spokesman, Raskovosky, proposed that no single state should have more than two fifths of the total seats. They also demanded that Union of Soviet nationalities should each have its own presidium. Finally, they proposed that, the commissariats of foreign affairs and foreign trade should be made union republican rather than all union or unified commissariats. These demands were rebuffed because what Ukrainian leaders had in mind was a confederation rather than federation.

The final draft reflected these views. A special commission of the central committee of the party, including representatives from party organs of the Union republic considered the draft Constitution and approved it. The draft was then approved by the CEC of the Union republics. On 6th July 1923, and subsequently ratified by the second All Russian Congress of the Soviets on 31st January 1924. The 1924 Constitution consisted of two sections, 11 articles and 72 clauses. The first section dealt with the background of the formation of the Union and section with Union and republics relations, bicameral CEC with a presidium and the role of the Supreme Court.

Scope of the authority of the Union: The Constitution mentioned 24 items that came under the union jurisdiction. The division of powers between the federal government and its constituent republics resembled in many respects the division of powers in the United States. Specified powers were given to the centre while jurisdiction of the union republic was started in residual form, the republics were authorised to exercise such powers as were not vested in the government of the USSR.

But all the important powers of the budgetary control and economic planning, and direction for the USSR as a whole were so badly formed that they embraced the whole economic system of the USSR. In article 1 of the powers of the central authorities and those of the member republics were delineated so as to give the federal authority obvious dominance over the economy. The federal authority received the

40 Art.1, Clause 1, 1924 Constitution.
right to centralised economic planning for the whole economic system of the union.\(^{41}\)

Because of this the republics became agents of the federal authority when they participated in administration of the economy. They enjoyed no autonomy in the economic fields; no powers to tax unless authorised by the federal authority; no possibility of accumulating resources out of the profits to be gained by foreign trade, for that was a centralised state monopoly; and no authority to contract foreign loans unless sanctioned by the centre.\(^{42}\)

In the sphere of special policy, the Soviet federation left to the various federating republics greater autonomy. The codes of law, which were the major determinants of the social relationship, were to remain within the authority of the republics but the federal legislatures was authorised to establish basic principles for structure and procedure of the courts and of the civil and criminal codes of the republics.\(^{43}\) Even in the cultural matters the federal government left education wholly to the member states of a federation. But, the federal government was authorised to establish general principles for national education.\(^{44}\)

**Sovereignty of the Constituent Republics:** Union is enjoyed to safeguard the sovereignty of each and every constituent republic of the union.\(^{45}\) Each republic will have its own Constitution. The republican Constitutions are required to confirm with the federal Constitution.\(^{46}\) The territory of each republic shall not be altered without its consent.\(^{47}\) A single citizenship is envisaged.\(^{48}\) In case of a conflict, the union law will prevail.\(^{49}\) The power to amend the Constitution was vested in All Russian Congress of Soviets.\(^{50}\)

\(^{41}\) Art. 1, Clause 1, 1924 Constitution.


\(^{43}\) Art. 1, Clause 8, 1924 Constitution.

\(^{44}\) Art. 1, Clause 9, 1924 Constitution.

\(^{45}\) Art. 2, Clause 3, 1924 Constitution.

\(^{46}\) Art. 2, Clause 5, 1924 Constitution.

\(^{47}\) Art. 2, Clause 6, 1924 Constitution.

\(^{48}\) Art. 2, Clause 7, 1924 Constitution.

\(^{49}\) Art. 8, Clause 59, 1924 Constitution.

\(^{50}\) Art. 1, Clause 2, 1924 Constitution.
Institutional Structure at the Union Level: Except for one or two minor additions, no serious change in the organisation of the Soviet was seek to be effected through this Constitution. In fact, according to Otto Bihari, this Constitution of the Soviet Union settled matters only forthcoming from the federal character of the state. The central government organs defined by the constitution were as follows: the congress of Soviets was established as the supreme organs of the authority in the USSR and in between the sessions of the congress, this authority was to be exercised by the VTs IK.

The 1924 Constitution adopted a special feature by changing the structure of the VTs IK. It was now made bicameral organs consisting of a union council and a council of nationalities. The former consisted of 371 members, was elected by the Congress of Soviets on a proportional basis from representatives of the union republics, and the council of nationalities was organised on the basis of five representatives from each union and autonomous republic and one representative from each autonomous region. The composition of the council of nationalities as a whole was the “subject to the confirmation of the Soviet Congress of the union”. Although the numerical strength of the two chambers of the VTs IK was quite unequal as to the exercise of power both enjoyed equal rights.

Hence, the decrees and regulations of the VTs IK could have the force law only after the agreed decisions of the two. In the event of disagreement the two chambers could set up a conciliation commission on parity basis to put forward the draft of agreed decisions. Graham glorified the Soviet federation based on nationalities and their representations in a separate chamber. It was “without question one of the most far reaching experiments. A scientific approach to the problems of the cultural treatment of various nationalities and a daring innovation.”

52 Art. 3, Clause 8, 1924 Constitution.
53 Art. 4, Clause 14, 1924 Constitution.
54 Art. 4, Clause 15, 1924 Constitution.
55 Art. 4, Clause 15, 1924 Constitution.
56 Art. 4, Clause 22, 1924 Constitution.
57 Art. 4, Clause 24, 1924 Constitution.
Another innovation introduced by the 1924 constitution was the creation of the Presidium at the central level. Each chamber of the VTs IK elected its own presidium of seven members, which was responsible for preparing the agenda for its sittings and dealing with current matters between sessions. Apart from this, there was the presidium of the VTs IK, which was the highest legislative, executive and administrative organ of power in USSR. This presidium included the presidium of the two chambers, plus seven members elected at the joint session of the two chambers. The number of chairman of the VTs IK corresponded to the number of union republics and they also formed part of the Presidium. The VTs IK was accountable to the congress of Soviets for its activities.

The other organ of the Congress of societies was the Council of People’s Commissars formed by the VTs IK, which consisted of a Chairman, Deputy Chairman, Chairman of the Supreme Council of National Economy and other people’s commissar. The council was responsible to the VTs IK and its presidium, and the later had the authority to alter the decision of the former. In this connection, it is important to note that the principle separation of powers was totally rejected. Constitution of the USSR of the 1924 made provisions for a Supreme Court and a procurator attached to the CEC to maintain revolutionary law throughout the territory of the union.

Federalism in the USSR Constitution of 1936: The 1936 constitution marked a notable break in Soviet Constitutional law. It was adopted as a result of important changes in the economic structure and class composition of Soviet society. Alfred G. Mayer has aptly concluded the experience of the Soviet constitutional development. He writes, “ Every Soviet Political System destroyed itself by its success. Each rendered itself superfluous and jeopardized its own existence by solving some major

---

59 Art. 4, Clause 25, 1924 Constitution.
60 Art. 5, Clause 29, 1924 Constitution.
61 Art. 4, Clause 26, 1924 Constitution.
62 Art. 4, Clause 27, 1924 Constitution.
63 Art. 4, Clause 28, 1924 Constitution.
64 Art. 6, Clause 40, 1924 Constitution.
65 Art. 6, Clause 41, 1924 Constitution.
problems or problems confronting it precisely for the solution of those problems it
functioned and structured itself.” 66

In fact, the previous constitutions contained nothing concerning the embodiment of
socialist system. In his report to the Fifth All Russian Congress of Lenin said,
“………. we do not yet know socialism that can be put into paragraphs of law.” 67 The
new constitution was adopted on 5th December 1936. The main contents behind it, as
it was then claimed, was to bring the fundamental law into conformity with socio-
economic changes that had taken place during the preceding years. “The new
constitution…” Stalin said, “proceeds from the fact that there are no longer any
antagonistic classes in society; that society consists of two friendly classes of workers
and peasants; that it is the classes, the labouring classes that are in power.” 68 The
purpose of this constitution was the “registration and legislative embodiment of what
has already been achieved and won in fact”. Hence, it was possible to introduce
universal suffrage without any restriction and without any disfranchised classes and to
abolish the inequality between workers and peasants. Thus, this constitution was
directed towards:

a) Further demonstration of the elective system- and

b) Making more precise the social, economic basis of the constitution in the
sense of bringing the constitution into conformity with the present correlation
of class forces in the USSR (the creation of new socialist industry, the
liquidation of the kulaks, the confirmation of socialist property as the basis of
Soviet society etc.) 69

The constitution was arranged in 13 chapters, covering 146 articles. The 1936
constitution was a lengthy document, as compared to the previous constitutions.
Chapter one entitled the organisation of society, proclaimed the USSR as a socialist
state of workers and peasants, attribution of all powers to the working people of town
and country as represented by Soviets of working people’s deputies. Chapter two

66 Art. 7, Clause 43, 1924 Constitution.
69 J.V. Stalin, Problems of Leninism (Moscow, 1953), p. 690.
outlined the system of federalism. Chapter three laid down the supreme organs in the republics; chapter five and six dealt with the administrative machinery of the union and constituent republic; chapter eight and nine with local government and judiciary respectively; chapter ten contained the basic rights and duties of the citizens; chapter eleven outlined the scheme of nomination and elections and chapter twelve with armed forces, flag and capital. Finally, chapter thirteen specified the procedure for amending the constitution.

The Soviet Federation: Article 13 declared USSR to be a “federal state”, formed on the basis of the voluntary association of equal Soviet socialist republics”. Prior to the drafting of the 1936 constitution the USSR consisted of seven union republics. In 1936, the number of union republics increased by the promotion of Tajikistan, which had previously been merely an autonomous republic within Uzbekistan, and by the promotion in the 1936 constitution of Kazakhstan and Kirghizia to the rank of direct members of the union. At the same time, the trans-caucasian federation was dissolved and its three constituent republics, Georgia, Armenia and Azerbaijan, joined the union directly. As a result the number of union republics in the USSR rose to eleven. In 1940 five more union republics were added. In 1956, the Kerelo-Finish Union Republics reverted to the status of autonomous republic and was reabsorbed in the RSFSR. The number of union republics was thus brought down to fifteen and it remained unchanged.

In his speech to the eight Congresses of Soviets, Stalin took the opportunity to lay three conditions, which the territory of the national minority should satisfy to gain union republic status. First the republic concerned must be border republic in order to be in position to demand succession if and when the occasion arises. Second, the nationality, which gives its name to a given Soviet republic, must constitute a more or less compact majority within that republic. Third, the republic must have a sufficiently large population. This meant that the autonomous regions would be entitled to the right of succession only after their elevation to the status of the union republics.

70 Ibid
71 The Russian, Ukrainian, Byelorussia, Transcaucasia, Turkmen, Uzbek and Tadjik.
Jurisdiction of the USSR: There was a specified division of power and the subjects assigned to the central government were enunciated in article 14. Residuary powers rested with the constituent republic. These powers described the jurisdiction of the federal union. In comparison to the 1924 constitution it was disclosed that tremendous growth in the scope of the jurisdiction had taken place. In the constitution of 1924, only formulation on the basis and the general plan of the national economy of the union, identification of industrial sectors and individual industrial enterprises having all significance were kept under the authority of the centre. But the constitution of 1936 already significantly widened the sphere of central authority which included “management of the banks, industrial and agricultural enterprises and establishments as well as trade organisations of all union subordinates; general guidance of industry and constitution of union republican subordination,” which meant that a major chunk of the national economy was handed over to the centre. Thus, in the economic field, there had been no real denunciation in the scope of the federal government; the economic problems in general were classed as within “the joint sphere of competence” of the union and the constituent republic. Constitutional provisions declared that federal departments exercised direction in these fields through like named departments of the republics which were guaranteed “a wide sphere of activity” but only “written the framework of the directives and assignments” given to them by the federal organs. Even in this category, enterprises deemed of “all union importance” - in the decision of the centre- were administered directly by the federal organs. Finally, where direction of local industry was designated as “the sphere of competence of the republics” it was stated simultaneously that this meant that in this sphere the union “realised” only general direction in the measure that was necessary by virtue of the interconnections between all the branches of the national economy and the single economic plan for the entire economic life of the union.

The jurisdiction of the union government was specified in article 14 and union republics exercised their authority outside the jurisdiction of the USSR. But, in the

73 Article 1, 1924 Constitution.
event of the discrepancy between the law of the union republic and all union law, the all-union law prevailed.

**Position of the Union Republics:** The union was enjoined to protect the sovereign rights of the union republics. Each union republic had its own constitution, which took into account the specific features of the republic and was drawn up in full conformity in the constitution of the USSR. As before, the union republics were free to secede from the USSR. Technically, the integrity of the union republic was indestructible in the sense that the territory of a union republic could not be altered without its consent. The constitution provided for a uniform citizenship.

**Institutional Structure:** Considering the changed social situation and new tasks of the Soviet state, certain changes in the institutional structure had been made. Under the previous constitutions, all Russian Congress of Soviets was vested in the “Supreme Power” and its Central Executive Committee (converted into a bicameral legislature under 1924 constitution) was declared as “Supreme, legislative executive and controlling organ.” Under the 1936 constitution, however, the highest organ in the USSR was the “Supreme Soviet of USSR” although the Soviets of working people’s deputies were declared to be the “political foundation of the USSR” and all power belonged to “working people” as represented by the Soviets of working people’s deputies.

Under the 1936 constitution the highest organ of state authority was declared to be the supreme soviet of USSR. Exclusively the Supreme Soviet of the USSR exercised the legislative power of the USSR, and exercises all the federal organs accountable to it, i.e., the Presidium of the USSR Supreme Soviet, the council of Ministers and the ministries of the USSR. The Supreme Soviet consisted of two chambers: the Soviet

---

75 Art. 16, 1936 Constitution.
76 Art. 17, 1936 Constitution.
77 Art. 18, 1936 Constitution.
78 Art. 21, 1936 Constitution.
79 Art. 30, 1936 Constitution.
80 Art. 32, 1936 Constitution.
of union and the Soviet nationalities. The Soviet of the union was directly elected by
the citizens on the basis of one deputy for every 30,000 of the population, and the
Soviet of nationalities was also directly elected on the basis of twenty five deputies
from each union republic, eleven deputies from each autonomous republic, five
deputies from each autonomous regions and one deputy from each national district.
Both the chambers served for a terms of four years, and had equal rights in initiating
and enacting legislation. In case they disagree and their disagreement could not be
reconciled, the presidium of the Supreme Soviet had the authority to dissolve the
Supreme Soviet and order new election within a period not exceeding two months.
As per Chaube, “these amendments brought the USSR political system to some
approximately of Parliamentary form of liberal democratic government.

Amending Powers: Unlike the previous constitutions, the 1936 constitution could be
amended “only” by the Supreme Soviet of the RSFSR, adopted by a majority of not
less than two thirds of the votes cast in each of its chambers.

Council of Ministers: The erstwhile council of People’s commissars was renamed as
council of ministers under 1936 constitution. Executive and administrative authority
was vested in a council of ministers whose appointment requires the confirmation of
Supreme Soviet. The council of ministers of the USSR was responsible and
accountable to the Supreme Soviet of the USSR, in the intervals between sessions of
the Supreme Soviet, to the presidium of the Supreme Soviet. It consisted of a
chairman, one first vice chairman, the ministers of the USSR and fifteen chairmen of
various departments and the director of the Central Statistical Administration. The
council of ministers of the USSR included the chairman of the council of ministers of
the USSR included the chairman of the council of ministers of the union republics as

81 Art. 31, 1936 Constitution.
82 Art. 33, 1936 Constitution.
83 Art. 34, 1936 Constitution.
84 Art. 35, 1936 Constitution.
85 Articles 37 & 38 of the 1936 Constitution.
86 Art. 47, 1936 Constitution.
88 Art. 146, 1936 Constitution.
ex-office members. The council’s decisions had to confirm with the law in operation and it verified execution of it’s decision. The council’s decisions were binding throughout the territory of the USSR.

**Union Republics and Autonomous Regions:** The highest organ of the state powering a union republic was a supreme Soviet of the union republic, which was endowed with the power to both adopt and amend the constitution of the republic in conformity with the article 16 (It required the republican constitution to be in conformity with the constitution of the USSR). The Supreme Soviet of a union republic elected its own Presidium consisting of a President, Vice President, Secretary and members of the Presidium of the union republic, the powers of which were defined by the constitution of the Union republic. The Supreme Soviet of a Union Republic also elected its own chairman and vice chairman to conduct its sittings. It also appointed the council of ministers of the union republics. Each autonomous republic had its own constitution. Institutional pattern was more or less as the USSR pattern at the central level.

**Local bodies of the State authority:** At the level of territories, regions, autonomous regions, areas, districts, cities and rural localities, there were soviets of working people’s deputies. The Soviets were popularly elected, the basis of representation of which was determined by the institutions of the union republics. The local Soviets of working People’s Deputies directed the activities of the organs of administration subordinated to them, ensured the maintenance of public order, the observance of the laws and protection of the rights of citizens, director local economic and cultural development and determined the local budget.

The local soviets elected their Executive committees consisting of a chairman, Vice chairman, a secretary and member (numbers not specified). These executive organs

---

89 Articles 64-65, 1936 Constitution.
90 Art. 70, 1936 Constitution.
91 Art. 66, 1936 Constitution.
92 Art. 57, 1936 Constitution.
93 Art. 61, 1936 Constitution.
94 Ibid.
95 Art. 94, 1936 Constitution.
96 Art. 96, 1936 Constitution.
were directly accountable both to the Soviets of working people's deputies which elected them and to the executive organs of the superior of working people's deputies. The changes in the division of powers between the union and the union republics introduced by the 1936 constitution tended to favour the former. Commenting on the 1936 constitution, A.I. Lepeoshkin admitted that it reflected a significant increase in the power of the central government at the expense of the republics. In his opinion, such as increase was justified where rigid centralisation was required for the administration of key branches of the economy and the distribution of material resources in the interest of the country as a whole. However, in a number of cases, the increase in the authority of the all-union government and the restrictions regarding the powers of the republics reflected a "tendency to excessive centralisation which occurred in the period of the spread of the personality cult of Stalin, who tried to collect in his own hands all branches of state administration."

The 1936 constitution was substituted to numerous amendments in succeeding years, but more significantly changed its basic character or altered the configuration of the regimes. Most alterations were minor in nature, registering the admission of new union republics, shifts in political submits and rearrangements in administrative structure. The most starting development took place in February 1944 when amendments were enacted which extended the powers of the union republics by awarding them the right to enter into direct relations and conclude treaties with foreign states, as well as to maintain their own military force. However, the constitution reserved to the union the right to establish the 'general procedure' governing the foreign relations of union republics and also the 'guiding fundamentals of the organisation of union republics military formations.' The rights granted to the union republics in foreign affairs and defense were radical deviations from the general centralist trend of the constitution.

97 Art. 97, 1936 Constitution.
99 Art. 18 (a), 1936 Constitution.
100 Art. 18 (b) and Art. 60, 1936 Constitution.
101 Art. 14 (a), 1936 Constitution.
With the advent of Khrushchev era, a new period marking the process of decentralisation of state control and extension of the rights of the union republics dawned upon the horizon of the soviet federation. The administration of the national economy centralised into thirty all union people’s commissariats was transformed into the union republican organ, with responsibilities for the factories invested in the individual republics. This process began in 1954 and by 1956 fifteen thousand factories had been placed under the control of republican ministries.¹⁰² This process led to the reduction in the number of all union ministries and ultimately resulted in radical reorganisation of the whole of the system of industrial management, leading to the formation of Sovanarkhoz (council of national economy). This system of Sovanarkhoz replaced the all union and union republican ministries, which were as many as one hundred and forty one in all.¹⁰³ The decentralisation of the legal system also began in 1954 with the restriction of the powers of the USSR Supreme Court and the delegation of considerable number of its former functions to the newly formed Presidium of the Union Republican Supreme Courts. At the same time, similar presidium were formed in the Supreme Court of the Autonomous Republics and also in oblast and krai courts.

The legal organs of the individual union republics were made responsible for confirming sentence passed within their territory. The Supreme Court of the All Union was to intervene only if a particular case had already been before the Supreme Court of the given union republic and if the sentence passed by the later was contrary to all union legislature or infringed upon the interests of another union republic.¹⁰⁴ In the 1960’s the process of decentralisation that began in 1954 came to a halt and sign of reverse tendency became apparent. At the end of 1962, the Central Asian Bureau of the Communist Party was formed. Directly subordinated to Moscow, it exercised control over the political, cultural economic life of these republics.

The process did not stop here. The traditionally republican level ministries as those of education, autonomous for over fifty years, were transferred into union republican

¹⁰² Art. 14 (g), 1936 Constitution.
¹⁰⁴ Ibid, p. 28.
bodies in 1965 and into all union organs in 1966 for the first time under the Soviet regime, a central ministry of education was established in Moscow. In 1966, the ministries for the 'Defence of Public order', previously republican bodies were recognised into union republican ministries, and the USSR Supreme Court also began to broaden its supervisory functions, which was later on followed by the appropriate legislation. In the mid 1960’s it was urged that the new constitution should contain guarantees of the sovereignty of the union republics refuting their rights in State's economic and cultural rights.

**Federation in the USSR Constitution of 1977:** The discussion on the need to change the constitution of 1936 was started by Khrushchev at the twenty-first Congress of the CPSU. In January 1956, at the twentieth Congress of the CPSU, Khrushchev revealed how, Stalin, having accumulated immense power in the party and the Government, opposed his opponents. This revelation led to the reexamination of Stalin's personality and policies as well as the principles of managements of the party and government. The natural consequence of this revelation was a series of corrective measures introduced after the twentieth congress.

Finally in 1961, the Communist Party of the Soviet Union adopted a new programme in its twenty-second congress. This programme set the following direction for the development of the Soviet state. All round extension and perfection of socialist democracy, active participation of all citizens in the administration of the state, in the management of the economic and cultural development, improvement of the government apparatus, and the control over its activity. It was a continuation of the spirit of the twentieth Congress that made a further exposure of the evils of the personality cult at the twenty second congress and assertion of faith, in the programme of the CPSU, as condition of transition to communism.

---

105 Ibid, p.31.
107 Chaube, no. 38, p. 29.
108 Programme of the Communist party of the Soviet Union, *(Road to Communism)*, Moscow, 1962, p. 548.
Constitutional Commission: In April 1962, a constitutional commission presided over by Khrushchev was established. Breznev succeeded Khrushchev after latter's overthrow in October 1964. The constitutional commission included, "experienced party and government workers, collective farmers, the intelligentsia, eminent scientists, and legal specialists." Commission reported that nationwide discussion of the draft constitution was extensive and far-reaching. According to Breznev, the draft constitution was debated by "over eighty percent" of the adult population resulting in nearly 4,00,000 proposals for amendments intended to clarify improve and supplement the draft proposals.

In the light of these proposals, Supreme Soviet introduced 150 amendments and specifications into the draft. Later on, the Supreme Soviet session made another 12 changes into the draft. Further one more new article was added, the specials seventh session of the USSR Supreme Soviet approved this draft unanimously on October 7th, 1977. Thus, the 1977 constitution of the USSR grew out of the fulfillment of the programme of the Communist Party of the Soviet Union that was adopted in 1961.

Breznev claimed that this constitution "epitomises the whole sixty years development of the Soviet State." He called it, "The law of life of developed socialist society." The 1936 constitution had been drafted just after the establishment of Socialism. Since then a great distance has been traversed by the Soviet State. Economic development had been accompanied by considerable leveling of the conditions of the people and the consolidation of the socialist consciousness creating an `organic integrity and dynamic force of the social system, its political stability, its indestructible inner- an 'important step' towards the great goal of communism. The 1977 constitution (with 174 article) was a result, lengthier and more elaborate in the principle than the 1936 constitution (with 146 articles).

---

109 N.S. Khrushchev, On the Programme of the CPSU, p.194.
112 ibid
The constitution of 1977 preserved the structure of federal arrangement of union-republic relationships and division of State power. In fact, constitutional commission had received some proposal suggesting the elimination of the union an autonomous republics and the incorporation of the ‘concept of an integral Soviet Union’ in the constitution. If accepted, this would have drastically curtailed the sovereignty of the Union republics. Constitutional commissions rejected this suggestion for the dismantling of the federal structure and branded them ‘grossly erroneous’. Breznev went on to state that “social and political unity does not at all imply the disappearance of national distinctions.”

**Soviet Federalism:** The constitution contained a definition of the USSR as “an integral, federal, multi-national state formed on the principle of socialist federalism as a result of the free self-determination of nations and the voluntary association of equal Soviet Socialist Republic.” The previous constitution simply proclaimed the voluntary union of equal Soviet Socialist Republics and no emphasis was made on the socialist character of the Soviet Federation. The new constitution contained a direct reference to the sovereign character of the union republic. In this connection, it is important to note that the conventional theory of sovereignty needed to be modified in the federal systems of the USSR. It was not a one sovereign state, but a union of sovereign states called union republics. In most federations, the conduct of foreign affairs is the exclusive responsibility of the central authorities. In theory a line is drawn between internal and external sovereignty. In this regard, USSR was a unique case. In 1944, a Constitutional amendment gave the republics the power to enter into relations with other states, conclude treaties with them, exchange diplomatic and consular representatives and take part in the work of international organisations.

By virtue of this status, the USSR enjoyed three votes in the United Nations (the extra votes being accounted for by Ukraine and Belorussia) and each republic had its own ministry of foreign affairs. However, the union republics had lost the power to

---

115 Ibid.
maintain their own military formations. Instead article 81 of the new constitution ordained the USSR to preserve the right of the union republics. The concept of sovereignty in the context of the USSR cannot be properly understood in juridical sense, which identified with exclusive powers. The allocation of power in the federal system was based on the functional interdependence and therefore, did not admit the concept of ‘balance of power’ or ‘check and balance’ as in the U.S federation.

**Jurisdiction of the USSR:** Matters falling within the jurisdiction of all union organs are specified in article 73 that clearly shows that the powers of the union government are quite comprehensive and fully justified the concept of an ‘integral federation’.

**Sovereignty of the Constitutional Republics:** There is an elaborate structure of ‘highest bodies’ of state authority and administration to exercise their powers, refuting any apprehensions that a union of sovereign states cannot be a federation. These union republics retained their sovereignty in the form of right to secede from voluntary union of the USSR exercise their authority over the jurisdiction of the USSR. The sovereignty of a union republic was guaranteed by the provision of the constitution of the USSR under which the territory of a union republic could not be altered without its consent while the boundaries between union republics might be altered by mutual agreement of the republics concerned subject to the ratification of the USSR. Constitutional guarantee of the rights of a union were the right to have its own constitution confirming to the constitution of the USSR with the specific features of the republic being taken into account to ensure comprehensive, economic and social development on its territory. Union republics took part in decision-making in the Supreme Soviet of the USSR, the government of the USSR and other bodies of the USSR in the matters that came within the jurisdiction of the USSR. The USSR of course, maintained control over observance of the constitutions of the USSR and ensuring of conformity of the constitution of union republics to the constitution of the

---

120 Art. 18 (a), Constitution of 1936.
121 Art. 72, Constitution of 1977.
USSR.\textsuperscript{125} In the event of a disparity between the republic law and Union law, the law of the USSR prevailed.\textsuperscript{126}

A union republic determined the division into territories, regions, area and districts and decided other matters relating to its internal administrative and territorial structure.\textsuperscript{127} As regards the autonomous territorial entities within the Union republics, they were allotted separate chapters. In the new constitution, however, the names of the 20 autonomous regions could not be created by the union republics, but such formation needed to be approved by the highest state bodies of the USSR. There were 10 such (national) autonomous areas within the USSR, which were less significant than other types of autonomy and were not specified in the constitution. An autonomous republic was a constituent part of union republic. In the spheres not within the jurisdiction of the USSR and the union republic, an autonomous republic dealt with matters within its jurisdiction independently. An autonomous republic had its own constitution, confirming to the Constitution of the USSR and the union republic with the specific features of the autonomous republic being taken into account.\textsuperscript{128} Their 'autonomy' was political. While the 1936 Constitution authorised the union republics to define the boundaries of the territories of the autonomous republic in them,\textsuperscript{129} the 1977 Constitution provided that the territory of an autonomous republic would not altered without its consent.\textsuperscript{130}

Below the level of political autonomy, there were two levels of administrative autonomy, the autonomous region and the national area. An autonomous region was a constituent part of a union republic or an administrative territory. The Soviet of the autonomous region drafted the law necessary for these territory and the submitted them to Supreme Soviet of the union republic which adopted them.\textsuperscript{131} It shows that the legislative initiatives for the autonomous regions belonged to the regional soviets, but the ultimate authority to adopt a proposal belonged to the union republics. The

\textsuperscript{125} Paragraph 1, Art. 77, Constitution of 1977.
\textsuperscript{126} Art. 73, Constitution of 1977.
\textsuperscript{127} Art. 74, Constitution of 1977.
\textsuperscript{128} Art. 79, Constitution of 1977.
\textsuperscript{129} Art. 82, Constitution of 1977.
\textsuperscript{130} Art. 60, Paragraph (h), Constitution of 1936.
\textsuperscript{131} Art. 84, Constitution of 1977.
autonomous areas were a special type of administration meant for the northern thinly populated territories of the RSFSR.\textsuperscript{132} They enjoyed all the rights of self-government in the solution of various question of local life especially national development. Each autonomous area had its own state organs area soviets and its executive committee. The areas had special representation on the soviets of nationalities of the USSR, Supreme Soviet to which they elected one duty each. Above provisions indicated that the division of power among the three tier was flexible and called for a great deal of collaboration.

\textbf{Amending Powers:} The constitution could be amended by a decision of the Supreme Soviet of the USSR adopted by a majority of not less than two third of the total number of deputies of each of it's chambers.\textsuperscript{133}

\textbf{Institutional Structure:} Another important feature in safeguarding the interest and rights of union republics was the institutional system of the Soviet state bodies, viz., the two chamber structure of the Supreme Soviet of the USSR- the soviet of the union and the soviet of the nationalities, and broad representation of union republic in these chambers. Each union republic elected thirty-two deputies to the soviet of nationalities, regardless of the size of its territory or population. Besides deputies from union republics, elected to the Soviet of the nationalities was eleven deputies from each autonomous republic, five deputies from each autonomous area.\textsuperscript{134} Each of the chambers had 750 members, and the ratio between the republics and the population diminished from election to election.

As both the chambers of the Supreme Soviet of the USSR had equal powers, the 1936 constitution provided that in the event of their disagreement a conciliation commission would be set up to bring about an agreement, failing which both the chambers would be dissolved.\textsuperscript{135} The new constitution removed the provision for

\begin{footnotesize}
\begin{itemize}
  \item[\textsuperscript{132}] Art. 86, Constitution of 1977.
  \item[\textsuperscript{133}] Under the 1936 Constitution they were called "National Areas".
  \item[\textsuperscript{134}] Art. 174, Constitution of 1977.
  \item[\textsuperscript{135}] Art. 11, Constitution of 1977.
\end{itemize}
\end{footnotesize}
discussion in such cases and provided that the matter shall be postponed for debate in the next session or submitted to referendum.\textsuperscript{136}

**Institutional Structure at the Republic Level:** The highest organ of state power in a union republic was the Supreme Soviet of the union republic,\textsuperscript{137} empowered to deal with all matters falling within its jurisdiction. Its exclusive prerogatives were the adoption and amendment of the constitution of the union republic, endorsement of the state plans for economic and social development of the republic budget, and reports of its fulfillment and formation of bodies accountable to it. The supreme soviet of the union republic elected a presidium as a standing body accountable to it, and also formed “council of ministers of a union republic”, i.e., the highest executive and administrative body of the Supreme Soviet of that republic or between sessions of the Supreme Soviet to its Presidium.\textsuperscript{138}

The highest body of state authority in an autonomous republic was the Supreme Soviet of the autonomous republic with exclusive prerogatives over adoption and amendment of the constitution of the autonomous republic, endorsement of state plans for economic and social development and of republic’s budget and the formation of bodies accountable to it.\textsuperscript{139} It also elected a presidium and formed a council of ministers of the autonomous republic laws of an autonomous republic. When Mikhail Sergeevich Gorbachev was elected General Secretary of the Communist Party of the Soviet Union in March 1985, by his own admission he inherited an enormous backlog of problems. Two considerations dominated Gorbachev’s thinking at that time. One was the realisation that a radical change was required if the Soviet system was not to slide further into stagnation and backwardness. The second consideration represented the other side of the coin that the soviet regime had to be turned into a viable system again, able to perform on a level with other advanced nations.\textsuperscript{140} Gorbachev was able to perform on a level with other advanced nations. Gorbachev was able to convince the party *apparatchiki* of the urgent need to reform the system. For this

\textsuperscript{136} Art. 47, Constitution of 1936.
\textsuperscript{137} Art. 115, Constitution of 1977.
\textsuperscript{138} Art. 137, Constitution of 1977.
\textsuperscript{139} Art. 139, Constitution of 1977.
\textsuperscript{140} Art. 143, Constitution of 1977.
purpose, *Perestroika* and *Glasnost* were launched as tools of decentralisation, openness and restructuring of polity and economy apart from foreign policy.

But, Gorbachev saw his programme of *Perestroika* as seriously jeopardised by outbreaks of popular unrest, ethnic clashes and separatist movements that were occurring in every corner of the inner Soviet empire. The Lithuanian question had achieved as much importance on the East-West agenda as had German unification. Yet, the so called nationalities conflicts could not be limited to particular issues or areas- or viewed as a function of local phenomenon or minority problems. Nationalism and separatism were manifestations of more complex problems besetting the USSR. Social, economic, environmental and political issues were "ethnicised" and vice-versa. The Gorbachevian reforms for pseudo-federal arrangement no longer satisfied the growing aspirations and expectations Gorbachev had aroused in the peripheries. The indecisiveness of the centre, the slow pace and the contradictory nature of political reform, and the deterioration of the economic condition accelerated the disintegration of this heterogeneous, multiethnic empire. Soviet republics began follow the examples of its satellites and questioned the economic and political bonds linking them to the centre.

**Gorbachev’s agenda for Federation Building**: While the condition of the federation was viewed as one of the problems besetting the Soviet Union, its reforms was also seen as part of the solution. The once despised notion of federalism was becoming increasingly popular among the Soviet leaders. As the CPSU nationalities platform stressed, the lack of resolving ethnic and political conflicts within the USSR was inseparable from building a ‘completely new federation; from constructing a common home for all the Soviet peoples.141 Political debates, parliamentary hearings, scholarly literature, newspaper, articles and interviews in the mass media exhaustively discussed the union’s shortcomings. The prospects of federalism and the specific approaches to reviving the soviet federation and starving off its collapse.142 The problems thus defined, Gorbachev attempted to design his nationalities policy in the broader context of Constitutional reforms, democratisation and devolution of political

and economic powers to the republic and local levels. The very essence of Soviet federal system was under review, as the Soviet leadership constructed various blueprints for the creation of a "completely new federation". 143

Gorbachev presented a package of measures specifically designed to consolidate the political and economic independence of the republics and thus to reinforce the federation. In particular he intended a) to extend the jurisdiction and autonomous powers of the union republics and to establish their full autonomy and responsibility in economic, social and cultural spheres, b) to draw clear line between the jurisdiction of the central authorities and those of the republics, and c) to improve the representation and participation of the republics in decision making at all union level. 144 The Soviet President seemed intent on establishing a loose federation that would put the republics on an equal basis and give them more self-determination. Such a transition to a "true federation" would require a radical transformation of the Soviet Union, its ideology, constitution and institutions. Gorbachev, the lawyer, stressed that this "restructuring should be achieved by legal means, within the existing Constitutional framework". 145

The Road to a new State Structure: The thorough analysis of the already enormous and still growing literature on the Gorbachev revolution reveals that at least three general views on the prospects of reforms in the USSR emerged. The most prominent in the West for much of the first five years of Gorbachev’s role was a conservative pessimistic view that real reform toward a modern democratic state was an impossibility within the USSR, that either the efforts of the General Secretary was unauthentic and not sincere or built in resistance of Russia’s political culture or the Soviet bureaucracy doomed his plans for the reforms to failure. 146 Here, Gorbachev was seen as a kind of “dynamic Breznev”, whose limited reforms were meant to integrate Western technology and productivity. Less often present in the Soviet discourse but available in media was a liberal optimistic views that Gorbachev

143 The most important ones were the “Resolution on International Relations”, Passed by the 19th party conference on July 1, 1988 in materials of the All-Union Conference of the CPSU.
144 Ibid.
146 Similar views are also expressed by Richard Pipes, Marshall Godman, Peter Reddaway and Alain Besancon.
intended a radical, indeed revolutionising, reform that would bring the Soviet Union back to the tolerant pluralism of the NEP and possibly further into a democratic polity and market socialism.

A third view, muted at first, but increasingly vocal after 1988 revolutions in Easter and Central Europe, held that Gorbachev's reforms from above would necessarily have to be radicalised, move to marketisation and would likely to lead the "collapse of the Soviet Union."\(^\text{147}\) All three views recognised that radicalisation of the reforms presented enormous dangers, but none saw how the revolution from above would be highjacked by a nationalist revolution from below that could not be contained within Gorbachev's limited vision. "The development of civil society and coherent, conscious nations within the USSR inexorably transformed Gorbachev's efforts at state building into a liberalising process of state dismantling."\(^\text{148}\) Gorbachev's reforms, so tentatively began in the Andropov mode in 1985, rapidly evolved into revolution after the Karabakh event of February 1988. After failing to win agreements from his own ruling party to demoralise the apparatus from within through multi candidate elections, the General Secretary proposed each election to a new congress of People's Deputies, at the 19th party conference in June 1988. These national and local elections, spelled out the death for the Communist Party's monopoly over political power.

Mindful of the failures of the last major efforts at reforms by Khrushchev and Kosygin, Gorbachev and his small group of reform minded politicians understood the success or failure depended on the implementation of strategy that would accomplish three goals simultaneously: (a) Democratisation or at least neutralisation of the conservative apparatchiki; (b) mobilisation of the civil society—particularly the liberal intelligentsia, both to criticise the old system and its practitioners and to stimulate popular participation in Perestroika; and (c) the initiation of a series of political and economic reforms that would both erode the power of the conservatives, most centrally the old communist party and institutionalise democracy within society and

\(^{147}\) Severyn Bialer, "Gorbachev's Move", in Ference Feher and Andrew Arato (ed.), Gorbachev—The Debate (Atlantic Highlands, 1989), pp. 38-60.

party.\textsuperscript{149} This strategy was fraught with dangers. For this, Gorbachev held together the broad coalition of party leaders from Yakolev and Yeltsin on this left to Egor Ligachev on his right, and gradually undermined the centres of communist powers.

What was not fully realised by Gorbachev himself that the extent to which the USSR remained was no longer a single society. A fiction of united \textit{Sovetskii Narod}, proposed and defended by Soviet theorists of ethnicity, certainly reflected important shared characteristics of large numbers of educated urban Soviet citizens, but it was belied by the powerful identification with nationality, not only of those villagers untransformed by the Soviet experience, but also of many intellectuals. Within the federal structure of the Stalinist and Post-Stalinist states, nations had grown up that were linked to the specific territories formally established and bound just before or during the Soviet people. In the emerging reconstruction of their own history the nationalists identified the soviet experiment as the enemy of essential, authentic, natural national aspirations. No sense of the formative influence of the Soviet experience in the making of nations entered the new discourse of separatism.

\textbf{Stages of Reform in the Federal Structure:}

The agenda of the Congress of Peoples' Deputies envisaged three stages of Constitutional reform. The basic contents of the first stage of the reform were updating the structure of the Soviets, the procedure for the formation and activity of the supreme bodies of power, and the electoral system. The draft laws that had been submitted for discussion were aimed at this goal.

The next major stage of political transformation was linked to the harmonisation of relations between the union and its constituent republics. Questions of the status of the union republics, of expanding their rights and possibilities in political, social, economic and cultural life and consolidating the federal socialist state on this basis had to be examined at this stage. The same applied to the autonomous formations-republics, provinces and regions.

The final stage of the reform had to be the reorganisation of power at the local level. It was necessary that material and legal preconditions were created for the Soviets in fact to resolve all questions of local life and to revive them as fully empowered bodies of the peoples’ self-government. The ongoing Constitutional reforms and the flood of new laws were supposed to lay the “legal base under the edifice of the federation.”

The Reactions of the Various Republics and Political Organisations to the Federation-building debate

The reactions of the various republics and various official and non-official political groups and organisations, which sprang up during and after the initiation of Perestroika and Glasnost, were a natural outcome of the haphazard and not well thought-out decision of the Soviet leadership. Kazimiera Prunskiene, the Prime Minister of Lithuania told Gorbachev, “imagine how sceptical we are of a new Union whose plan we have never seen”. Vaino Valjas, leader of the communist party of Estonia, dismissed Gorbachev’s federalising programme as a set of “half-hearted semi-structuring measures” too little, too late.

Meanwhile the pressure for a reform of the centre-periphery relationship was mounting in the Soviet republics outside the Baltic area. The boldness of the Baltic avant-garde, the events in the Eastern Europe, Moscow’s use of force in Tbilisi and Baku had a significant spill over effect on the other republics, where a myriad of grass-root organisations had emerged. These highly heterogeneous movements incorporated a broad spectrum of political views and convictions.

In Ukraine, the Democratic Bloc, a broad coalition of forces including the popular movement for Restructuring (Rukh) demanded “genuine political and economic sovereignty”. (Economic autonomy was particularly important for Ukraine, since 95 percent of its industrial enterprises remained under union control.)

---

152 Speech by Vaino Valjas: First Secretary of the Communist Party of Estonia, at the CPSU Central Committee Plenum; September 19, 1989.
of the democratic bloc— including members of the Rukh, the Ukrainian Helsinki
Union, the National Party, and the National Democratic League— openly advocated a
separatist agenda. In February, a group of USSR peoples’ deputies from Ukraine
submitted a memorandum to Gorbachev calling for the renewal of the Union treaty on
the basis of confederative ties. The agendas of the Ukrainian party’s reform wing
and of the moderate forces of the democratic bloc had much in common and thus
provided the possibility for an alliance between the popular front and reformist
communist as emerged in the Baltic republics.

In neighbouring Belorussia, the Popular Front Adradzhen’ne (Renewal) described the
republics as a “semi-colony that supplies the centre”, called for the rebirth of the
Belorussian nation, and advocated complete independence. In Georgia, the popular
movement was divided among a dozen groups, including historical parties originating
in the brief period of independence. The Republic Communist Party had elaborate
plans for the restructuring of political and economic ties in a loose federation. In
Armenia and Azerbaijan the moderate wings of the popular movements called for
more autonomy and self-determination, while radical groups advocated outright
independence from Moscow. The military intervention in Baku in January 1990
strengthened secessionist and irredentist forces.

In Central Asia, a heterogeneous mixture of national groups and movements emerged
and some political movements from the pre-Soviet era revived. Salient issues included
economic problems arising from the single-crop cultivation, neglect of national
languages and cultures, religion and environment. The degree of organisation and
mobilisation was much lower than in the western or southern republics, the focus of
the movement was limited mainly to local and regional levels. Yet the anti-
establishment sentiments were strong and the potential for spontaneous social unrest
was high.

In Kazakhstan, the nascent opposition group Adilet (Justice) called for more
autonomy at the local or regional levels. The Kirghiz popular movement Ashar also

---

156 Pravda, February 1, 1990.
advocated increased economic autonomy. In Uzbekistan, the main nationalist movement, Birlik (unity) propagated national revival and independence. A moderate wing reportedly split away and formed a new group Erk (will). Its programme called for greater economic and political autonomy within the framework of a renewed federation. The Tajik movement Rastakhiz (Renaissance) which played a prominent role as mediator in the Dusanbe disturbances, advocated more economic autonomy within a federation. In Turkmenistan, the newly formed Agzybirlik (Unity) seemed to pursue an agenda similar to that of its Uzbek namesake.

While the various regional movements shared common characteristics, namely the demand for a multiparty and increased autonomy, there was still little consultation and coordination on the specific demands. So far local strength had not been translated into organised influence at the all-union level. The main advocates for equal, sovereign states were the reformist forces within the republic communist parties, which seemed to have gained in strength in the Parliamentary elections of 1989.

The decisive question was whether the Russian majority would accept the diminution of its role as primus inter pares in a renewed federation. In an obvious attempt not to stir-up Russian nationalist feelings in their own tanks, even the inter-regional group of Deputies, Democratic Russia and other liberal movements took relatively vague, neutral position on the federation. The Democratic platform group within the CPSU called in very general terms for the transition from the principle of unitary state towards a voluntary union of the peoples.

Some Russians were publicly considering the prospects of a rapidly changed structure of the Soviet Union. Economist Vasily Selynin contemplated the dissolution of USSR in “its current composition” and the emergence of a “new, much looser confederation consisting of Russia, Ukraine, Belorussia, Georgia, Armenia and Moldovia.”

157 Tass, February 27, 1990.
159 Kux; no. 138; p. 7.
160 The New York Review of Books (New York); March 29, 1990; p.27.
Conservative Russian such as Edward Volodin or Valentin Rasputin called for the succession of the RSFSR from, or the dissolution of the union so that Russia could concentrate on putting its own house in order without the ballast of the other republics.162

Most of the Russian nationalists, however, insisted on the preservation of the Soviet Union's territorial integrity. Organisation such as RSFSR Writers union, the Worker's councils, and conservative publications such as Nash Sovremennik, Molodaya Gvardiya or Moskva suddenly turned into supporters of the "true federalism". Non-indigenous Russians in the Baltic republics and elsewhere formed their own organisations to oppose local demands for secession and support a renewal of the federation.163 The steps towards democratisation, decentralisation and federation suggested would have resulted in a comparative decline of the economic and the political role of Russia proper and in the strengthening of the non-Russian republics.

**Federation to Confederation**

Given the heterogeneous nature of the USSR, the centrifugal forces worked at different paces in the various regions. The Soviet leadership faced the difficult task of seeking agreement on a status of the union and its jurisdiction acceptable to all the union republics and best suited to accommodate a variety of interests and expectations Gorbachev envisaged a "differentiation164 of federal ties". Under common principles, the place of each republic in a renewed federation was to be "unique to itself", taking into account the specifics of the regions, each people, their culture and traditions. The Soviet President stressed, "it was better for the centre to overdo the concessions to national grouping than under do them".165

Federation, loose Federation and Confederation were the three models most discussed, the first proposed by the Soviet leadership and the latter two by the Transcaucaus, Moldavia and Ukraine. In the Soviet discussions, federations and

163 TASS; February 24, 1991.
164 M.S. Gorbachev, Speech delivered on CPSU Central Committee Special Plenary Session; December 26, 1989; *Documents, (Novosti, Moscow);* March 1, 1990; p. 17.
165 Gorbachev, no. 154.
confederations were frequently described as opposites.\textsuperscript{166} However, the line between federation and a confederation was thin, the difference a matter of degree than of clearly discernible and mutually exclusive characteristics. In a federation, the member-state delegate relatively more powers to the central authorities than in a confederation. A confederation was not necessarily bound by a common constitution, the legislation of the member states retained their treaty making powers and they exercised exclusive or joint control over the armed forces.\textsuperscript{167}

A flexible framework of federalisation could allow Gorbachev to grant extensive autonomy to the independence minded Baltic republics, in the form of confederation of federacy, while retaining closer ties with Ukraine, Siberia and other parts of the Soviet heartland and maintaining tight control over the restive Central Asian Republics.\textsuperscript{168}

But, such ad-hoc approach to federalisation posed serious problems. First, a mixture of federative structures would have to be unified in a single constitutional framework. Hence, a selective approach to federalisation required substantial constitutional reforms and adjustments in the state structure. Second, it was difficult to grant special status to some republics without sparking demands similar treatment by other republics or nationalities. Federations are built on the assumption of equal rights and obligations of the constituent states. The Soviet heartland was likely to be sensitive about favours extended to the periphery.

Some Soviet specialists suggested a refinement of the criteria for defining the basic entities constituting the federation. Yulian Bromlay suggested the break up of the RSFSR into three or four republics.\textsuperscript{169} The Geographer Vladimir Sokolov proposed the creation of 50 Union republics, representing the main economic and demographic centres, and most of the ethnic groups and nationalities, by upgrading the status of existing sub-republic units. The giant RSFSR would be spilt up into European Russia,

\textsuperscript{167} Kux, no. 138, p. 8.
\textsuperscript{168} I. Duchacek, \textit{Comparative Federalism: The Territorial Dimensions of Politics} (Lanham, MD, University Press of America); 1987; pp. 18.
\textsuperscript{169} Y. Bromley, "Not a Return to the Confederation, But Development of the federation", Soviet Latvia; October 21, 1989; p. 5.
the urabs, western Siberia, Eastern Siberia, the Far East, Transbykal and an array of ethnic homelands with Union Republic status. Another suggestion was to strengthen the status of Krays and Oblasts thereby creating a system of politically and economically autonomous "village-states" (Khutorgosudarstva) which would form the constituent units of the federation.

The dispute between the centre and the periphery was in essence a debate over the degree of sovereignty and self-determination of the republics. Both in theory and in practice, the idea of sovereign republics conflicted with the notion of a sovereign union. In Soviet discussions, this conflict was often covered up by slogans such as "combining national and international interests", "equality of all people". The basic difficulty in reconciling traditional notions of sovereignty with federative structure was not unique to the Soviet Union. It also found expression in competing doctrines of sovereignty in Western literature on federalism. The renewal of the Soviet federation implied a revolutionary institutional reform and most important- a radical departure from then existing political practices in the USSR.

**Soviet Federalism: An Appraisal**

The Western bourgeois thinking on federalism and the Marxist-Leninist approach to federalism as a form of state construction are widely different. Whereas in the Western thinking the main basis for a federal state construction is the regional administration of a particular state in the interest of the ruling class, the bourgeoisie, the Soviet theory of federalism is inseparably linked with the nations' right to self-determination on the basis of which the various nationalities are united in the union state in the common interest of the working people.

The Marxist-Leninist theory rejects the Western concept of federalism because of its inability to solve the problems of a class-ridden society where one nation oppresses and exploits the other classes. Marx and Engels always approached the question of federation keeping in mind the emancipation of nations from the domination and

---

170 Vladimir Sovolov, "Democracy and Borders", Literaturnaya Gazeta (Moscow); August 2, 1989.
171 Ibid.
exploitation by other nations. They supported federation even in the nineteenth century when they felt that it would help the consolidation of the working class and emancipation of one nation from the domination of another nation. Thus they supported the establishment of a federation of England and Ireland to solve the Irish question. Their support to the Swiss federation was aimed at liquidating the feudal disunity through creation of a centralised federal state.

Lenin further developed the concept of federalism in accordance with the Marxist theory while defending a single large state, which he considered progressive from the point of view of the interest of class struggle of the proletariat. Yet Lenin did not at any time totally and unconditionally reject federation. Particularly between the two Revolutions in Russia in 1917 (the February Bourgeois Democratic Revolution and the October Socialist Revolution), he came to the conclusion that in a multinational state like Russia federation is the most desirable form of state construction through which the nations' right to self-determination can be realised. He also found federation as the most suitable form of state construction, which could develop the fraternal relations between the various nationalities inhabiting Russia and unite them for a common goal of construction of Socialism in the country. The concrete historical conditions prevailing at that time in Russia played “the most important role in the evolution of Lenin's approach to various federal nationalities had declared themselves as independent states and the unity of the country was seriously threatened.” During the civil war and foreign intervention the question of uniting the various nationalities to successfully defend the revolution became all the more important. It was under these conditions that Lenin who had supported a strong centralised unitary state and had serious reservations about federalism veered around to the view that a federation formed on a voluntary basis and based on equality of rights of its subjects was the most suitable form of state construction for uniting various nationalities for their common goal of establishment of Socialism.

One of the basic principles of Soviet federation is the concept of national-territorial autonomy for nationalities living compactly on a definite territory and not desiring to secede from Russia. This provision of autonomy gave them full opportunity of administering their internal affairs. The national territorial autonomy was a form of
nations' right to self-determination. Autonomy was one of the forms of national statehood through which a nation determined its future by acquiring independence in deciding questions having local or purely national (ethnic) significance.

The Soviet autonomy was opposed to the concept of cultural national autonomy evolved by the Austrian social democrats like Otto Bauer and Springer and supported by the Bundists in Russia. Lenin exposed the plan of cultural-national autonomy as a plan for dividing the working class. He viewed the plan for division of schools and other cultural institutions on the basis of nationality as something harmful for the international upbringing of the working class and against the interests of their class struggle. Some violations of the national-territorial principle of Soviet autonomy that took place in the early period could be attributed to the conditions created by the civil war and foreign intervention. Once the acute conditions disappeared Soviet autonomy was recognised on the national territorial basis. However, care was taken to preserve the national economic centres within the territory of an autonomous unit which attracted some other national territorial districts in the adjacent areas. The economic principle supplemented the national-territorial principle in determining the frontiers of the autonomous units.

Democratic Centralism formed one of the fundamental principles of Soviet federation, which integrates local national initiative with centralised union supervision ensuring the fullest development of the nations joining the Soviet federation. However, the degree of democratic centralism in the Soviet federation was not uniform over the years. In some concrete historical conditions particularly during civil war and foreign intervention and again during the course of the Second World War a tendency towards excessive centralism developed which was corrected by the Party at different times after the situation became normal.

The Soviet federation has developed through two main stages. During the first stage the formation of the RSFSR the concrete forms of national-territorial autonomy were developed and closer relations of cooperation grew between the various independent and sovereign Soviet Republics. The need for increased military and economic cooperation between the Soviet Republics became further apparent in the grim
situation faced by them during the civil war and foreign intervention. It was during the second stage—the formation of the USSR—that the federal state relations between various independent sovereign Republics emerged. Three factors which played a crucial role in developing these relations in this second stage were: (i) the need to defend the various Soviet Republics from the threat posed by foreign interventionists and internal counter-revolutionaries, (ii) the urge to develop a common socialist economy based on an integrated plan for economic development of the entire country ensuring the material well-being and cultural advancement of all the nationalities, and (iii) the need to find a just and democratic solution of the vexed nationality question by forging fraternal bonds between the hitherto oppressed and oppressing nations on the basis of the right to national self-determination.

Soviet federalism, which grew out of concrete historical reality and was shaped in the main by the class objective of building socialism in a multi-national country, is by its very nature a dynamic concept. While the basic core of Soviet federalism as reflected in the various provisions of the Constitutions of 1924, 1936 and 1977 remained unaltered, substantial changes in the rights and jurisdiction of the Union republics have taken place in conformity with the needs of socio-economic and national developments. With the recuperation of the war-shattered economy, elimination of major disparities in the economic and cultural level of development of the various nationalities and the accumulation of sufficient experience in management of their affairs by the national Republics, there emerged in the late fifties a clear trend towards the extension of the rights of the Union republics.

The trend towards strengthening the National Republics' role in the Soviet Federation was further consolidated by the 1977 constitution, which has increased their participation in the All-Union matters. This was not been achieved by undermining the principle of democratic centralism. In fact, a rapid extension of the rights and jurisdiction of the national republics as manifested in a steep rise in the number of Union Republican Ministries was accompanied by consolidation of the powers of the Union in questions relating to guidance of the economy and other matters of state administration. The new constitution made it incumbent on the Union Republics to help in the implementation of the decisions of the All-Union bodies of state authority.
and administration and in facilitating the exercise of the federal powers on their territory.

Soviet federalism contributed a great deal to the solution of the vexatious nationalities questions. It played a significant role in bringing the different Soviet nationalities closer together. As the resolution of the CPSU Central Committee on 60th Anniversary of formation of USSR says, "The creation of the USSR is a vivid embodiment of V.I. Lenin's ideas of the Leninist principles of the nationalities policy". This resolution had rightly observed, "History knows no state which over such a short time has done so much for the all-round development of nations and nationalities as the USSR".

The Soviet federation which served well as an effective and dynamic form of state association of Soviet nations and nationalities in the period of dictatorship of the proletariat and construction of socialism was designed to suit the requirements of the period of transition to communist public self government. During discussions on the 1977 constitution some proposals were made to do away with the federal character of the Soviet state on the ground that an integral Soviet nation had emerged. But these proposals were not accepted. What emerged as a result of the rapprochement of nations were new historical community of Soviet people and not a Soviet nation. L.I. Brezhnev rightly observed in his report on the draft constitution of the USSR that, "We would be taking a dangerous path if we were artificially to step-up this objective process of national integration".

"The formation and successful development of the Soviet Union," as the CPSU Central Committee resolution on 60th anniversary of formation of USSR proclaimed, "are of everlasting significance marking an important historical landmark in the centuries-old struggle of progressive mankind of equality and friendship of peoples, for the revolutionary renovation of the world".