Soviet Federalism under the New Soviet Constitution

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1. Introduction

"The Union of Soviet Socialist Republics (formed on the basis of the principle of socialist federalism), as the result of free self-determination of nations and the voluntary union of equal Soviet Socialist Republics is an integral, federal, multinational State."

This is the wording of Article 70 of the new Soviet Constitution, describing the nationalities and political structure of the Soviet Union. The same article states furthermore that the USSR personifies the political unity of the Soviet people, welding together all nations and nationalities of the Soviet Union for the common purpose of the construction of communism.

The two earlier Soviet constitutions (1924 and 1936) simply proclaim the voluntary union of equal Soviet Republics into the USSR and determine the competence of the Union. The language used was more traditional and moderate, and no emphasis was put on the said typical socialist character of the Soviet federation. This special feature had from the very first days of the existence of the Soviet Union been portrayed as a completely new phenomenon in the history of mankind, to be distinguished (thanks to the first proletarian revolution which abolished all forms of exploitation of men by men) from every pre-existent form of bourgeois federation.

Soviet federalism is a historically new form of State structure of a multinational socialist State. Just as a socialist State differs substantially from a bourgeois State, Soviet federalism is—in contradiction to bourgeois federalism—a historically new, higher type of federalism.

Sixty years of Soviet federalism and the recently adopted new Constitution offer us an excellent opportunity for stock-taking with regard to the present legal status of the component parts of the USSR and for analyzing the actual division of power between the Union and its Republics.

In addition, the new Constitution has added a new feature to the constitutional description of the Union republics, hitherto only undertaken by Soviet writers. The first line of Article 76 reads as follows:

"The Union Republic is a sovereign socialist Soviet state . . ."

The recent Constitutions of the Union Republics verbally repeat this formula.

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The 1936 Constitution simply states that the sovereignty of the Union Republics is restricted only within the limits of Article 14 of the Constitution, enumerating the competences of the Union.

2. Socialist Federalism

The emphasis on socialist federalism in Article 70 of the new Constitution brings us to our initial question: What are the special features of the said socialist federation and to what extent do they differ from traditional—bourgeois—federal States? An answer to this question can only be given on the basis of an analysis of both Soviet doctrine and practice with regard to federalism.

The founding fathers of communist ideology were altogether not very much in favor of a federal structure of the future workers' state. Marx and Engels supported the proletarian unitarian State. To quote Engels:

"In my opinion the proletariat can only use the form of a united and indivisible republic." 5

Later, Lenin states in 1913:

"The proletariat is against medieval particularism and for a close economic integration of large territories. A centralized large State is a tremendous historical step forward on that way from medieval disjunction to a future socialist unity of the whole world." 6

This negative attitude of Lenin towards federalism has been recently admitted even by Soviet scholars.7

It was only in 1917 that Lenin, still favoring a unitarian structure for Russia, permitted federalism for a transitory period in order to solve the nationality question in Russia. 8

And it was mainly pragmatism, and not theoretical necessity that, in May 1917, the Russian Social-Democratic Workers' Party proclaimed in its resolution on the nationality question the right to secession and to the formation of an independent state for all nations of Russia, and the right to territorial autonomy for the nations wanting to stay within the future Soviet State.

Already seven days after the outbreak of the October Revolution, the declaration on the rights of all peoples of Russia was issued by Lenin as head of the new Soviet Government and Stalin as Peoples' Commissar for Nationality Questions. The declaration proclaimed the right of all peoples to free self-determination, including even the secession and formation of an independent State. It furthermore announced the equality and sovereignty of all peoples of Russia, as well as the creation of a voluntary and honest union of all Russian unions.

As we know, many peoples have availed themselves of this right. On the territory of the Tsarist Empire, numerous republics were formed; but all except Finland and Poland have sooner or later been incorporated into the USSR, some as Union-Republics, such as the Ukraine, Belorussia, and the Baltic Republics,