

3-1-1996

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Recommended Citation

Marat S. Salikov, *Russian and American Federation: Comparative and Legal Analysis of Their Origins and Developments*, 3 *Tulsa J. Comp. & Int'l L.* 161 (1995).

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TULSA JOURNAL OF COMPARATIVE & INTERNATIONAL LAW

Volume 3, No. 2

Spring 1996

RUSSIAN AND AMERICAN FEDERATION: COMPARATIVE AND LEGAL ANALYSIS OF THEIR ORIGINS AND DEVELOPMENTS

*Marat S. Salikov**

I. INTRODUCTION

Within various nation-states, federal systems are complex and evolving. A current comparison of such systems is especially interesting as changes of political regimes in a number of post-communist countries, particularly in Russia, have led to the reconstruction of federal relations. The quest to improve the federal structure of Russia also requires comparison with the example of classical federalism found in the United States of America.

This article is the first part of a larger study of American and Russian federal systems. This study will focus on the following issues:

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origins and developments of American and Russian federations; legal regulation of the federative relations in the United States and Russia (regulation by the rules of constitutions, current legislation, acts of executive branches, treaties and judgments);¹ organization of federal power in order to provide for the interests of the federation members and forms of their representation on the federal level; legal status of the federation subjects; principles of the division of powers between the federal center and members of federations; and tendencies and prospects of the American and Russian federalism. This article only focuses on the historical foundations of U.S. and Russian federalism from a comparative perspective.

II. RUSSIAN AND AMERICAN FEDERALISM

Federalism in the United States and Russia was declared by the federal Constitutions of each respective nation: the Constitution of the United States in 1787,² and the Constitution of Russia in 1918.³ Meanwhile, both federations had passed a long way before that declaration. In spite of the fact that the American Federation was established in the last quarter of the 18th century, and the Russian Federation not until the first quarter of the 20th century,⁴ the processes of creation and further development of these federative systems have shared many common features. To them we can attribute the following: both federations have grown out of two powerful empires - Britain and Russia;⁵ both countries had revolutions in their development;⁶ both federations experienced the horrors of civil war;⁷ both federations have been proclaimed in their first written constitutions;⁸ and in both federal systems, the creation and development of their members evolved over a long period.⁹ The historical development of both countries may be

1. These rules will be studied both on the federal level and the level of component units.

2. See generally Leonard W. Levy, *Constitutional History, 1776-1789*, in AMERICAN CONSTITUTIONAL HISTORY 24 (Leonard W. Levy et al. eds., 1989).

3. See generally I RUSSIAN SOVIET FEDERATED SOCIALIST REPUBLIC 31-32 (Thomas Fitzsimmons ed., 1957).

4. See *supra* notes 2-3.

5. See generally EDMUND S. MORGAN, *THE BIRTH OF THE REPUBLIC, 1763-89* (1956).

6. RIASANOVSKY, *supra* note 5, at 503.

7. See generally JAMES G. RANDALL, *CONSTITUTIONAL PROBLEMS UNDER LINCOLN* (rev. ed. 1964); HANS VON ECKARDT, *RUSSIA* (1933).

8. Russia proclaimed a federation in its constitution of 1918. The United States declared a federation in the Articles of Confederation.

9. See generally PETER S. ONUF, *STATEHOOD AND UNION, A HISTORY OF THE NORTHWEST ORDINANCE* (1987); N.A. MICHALEVA & V.A. RAHLEVSKY, *GOSUDARSTVENNOYE USTROISTVO ROSSII [RUSSIA'S STATE STRUCTURE]* (1994).

divided into two primary stages: 1) before the births of the federations — the stage of pre-federative relations; and 2) after their births — the stage of federative relations.

A. *The Stage of Pre-Federative Relations*

“Pre-federative” relations preceded the establishment of constitutional federalism and provided the incentive for the emergence of clear federative relations afterward. They were developed before the existence of formal federative systems, both in America and in Russia. These relations digressed from clear unitary relations, because they reflected different tendencies. These were either tendencies to unionize, for example, the Confederations in America¹⁰ and elements of federal connections in Russia before the Soviet Union was established,¹¹ or were tendencies towards a certain autonomy of definite parts of the state, such as the colonies in America¹² and Finland, Poland, and the Ukraine in Russia.¹³ Legal acts that regulated these relations originated from bodies of power, e.g., a monarch or a parliament, of the state not with federative, but a unitary form of structure.

B. *The Stage of Pre-federative Relations in the United States*

The American federation did not arise from a void. Attempts to establish a union were made even during the colonial period.¹⁴ In

10. These American Confederations were the New England Confederation and Confederation of the United State of America.

11. The wide system of mutual treaties between the Russian Soviet Federated Socialist Republic (R.S.F.S.R.) (basically between Russian Republic, on the one hand, and the rest of the republics, on the other) and the acts of their highest bodies of power created so-called elements of federal connections between those republics led to the Union afterwards. *See, e.g.*, On Military and Economic Union of the Two Republics, Sept. 30, 1920, R.S.F.S.R.-Azerbaijan S.S.R.; Workers' and Peasants' Treaty of Union, Dec. 28, 1920, R.S.F.S.R.-Ukrainian S.S.R.; Workers' and Peasants' Treaty of the Union, May 21, 1921, R.S.F.S.R.-Georgia S.S.R.; Declaration of the First All-Byelorussia Congress of Soviets on Establishing a Close Federative Union between Soviet Byelorussia and the R.S.F.S.R., Feb. 2, 1919; Agreement on the Merger of Administration of Postal, Telegraph, Telephone and Radiotelegraph Services, May 21, 1922, R.S.F.S.R.-Azerbaijan-Armenia-Georgia S.S.R.'s. These treaties are all reprinted in USSR: SIXTY YEARS OF THE UNION, 1922-1982, A COLLECTION OF LEGISLATIVE ACTS AND OTHER DOCUMENTS (Vadim Novikov trans., 1982) [hereinafter USSR DOCUMENTS].

12. 1 THE AMERICAN PAST, CONFLICTING INTERPRETATIONS OF THE GREAT ISSUES 58-66 (Gerald S. Brown ed., 2d ed. 1965).

13. *See generally* THEODORE L. STODDARD ET AL., FINLAND, A COUNTRY STUDY (1983); POLAND (William P. Lineberry ed., 1986).

14. SAMUEL E. MORISON ET AL., 1 A CONCISE HISTORY OF THE AMERICAN REPUBLIC 31

1643, a confederation of four colonies was established, consisting of Massachusetts, Plymouth, Connecticut, and New Haven.¹⁵ It was called the United Colonies of New England, or New England Confederation.¹⁶ The reasons for the creation of the Confederation were: the intrusion of Dutch traders from New York and French traders from Canada,¹⁷ dread of a general Indian uprising,¹⁸ and the impossibility of getting proper protection from England because of its involvement in the so-called Puritan Revolution.¹⁹ The legal framework of the union was the Articles of Confederation that formulated the aims of the union in the following way: "United Colonies . . . enter into a firm and perpetual league of friendship and amity, for offense and defense, mutual advice and succour, upon all just occasions, both for preserving and propagating the truth, and liberties of the Gospel, and for their own mutual safety, and welfare."²⁰ A commission was established as the central government and was composed of two commissioners from each colony.²¹ These eight commissioners had annual meetings where they had the power "to hear, examine, weigh, and determine all affairs of war, or peace, league, aydes, charges, and numbers of men for war, division of spoyles, . . . receiving of more Confederates . . ." and to "frame and to establish agreements and orders in general cases of a civil nature" touching intercolonial and external relations.²² That Confederation was not a firm union because the commissioners had no power to enforce their decisions, serving in only an advisory capacity.²³ However, the Confederation endured almost forty years until 1684.²⁴

Before creating a union in the form of a new confederation, many union plans were proposed. Among them were William Penn's Plan of 1697, Daniel Coxe's Plan of 1726, the Albany Plan of 1756, Joseph

(2d ed. 1983).

15. *Id.* SELECTED CHARTERS AND OTHER DOCUMENTS ILLUSTRATIVE OF AMERICAN HISTORY 1606-1775, at 95 (William MacDonald ed., 1993) [hereinafter SELECTED CHARTERS AND OTHER DOCUMENTS].

16. MORISON ET AL., *supra* note 14, at 31. See also RAY A. BILLINGTON, AMERICAN HISTORY BEFORE 1877, at 16 (1973).

17. MORISON ET AL., *supra* note 14, at 31; BILLINGTON, *supra* note 16, at 16.

18. MORISON ET AL., *supra* note 14, at 31.

19. BILLINGTON, *supra* note 16, at 16.

20. SELECTED CHARTERS AND OTHER DOCUMENTS, *supra* note 15, at 95.

21. *Id.* at 97-98; MORISON ET AL., *supra* note 14, at 31; BILLINGTON, *supra* note 16, at 16.

22. SELECTED CHARTERS AND OTHER DOCUMENTS, *supra* note 15, at 97-98.

23. BILLINGTON, *supra* note 16, at 16.

24. JAMES T. ADAMS, THE MARCH OF DEMOCRACY: THE RISE OF THE UNION 25 (1932).

Galloway's Plan of 1774, and others.²⁵ The most important was the Albany Plan, proposed by Benjamin Franklin in 1754, at the Albany Congress, which gathered delegates from seven colonies.²⁶ This plan provided for a president-general appointed by the Crown as executive and military commander with power of appointment.²⁷ The Colonies were to be represented in a Grand Council according to the amount they paid into the treasury of the union.²⁸ This body had the power to levy duties and colonial taxes through requisitions upon the colonies. The plan was accepted by the Congress, but rejected by the individual colonies.²⁹

Although it once more condemned, by one vote, the plan of union-Galloway's Plan,³⁰ the Congress showed the aspiration to be united and common actions of the colonies in the struggle for independence.³¹ The influence of the Congress on the development of union was greatly increased by the organization of an American Association for Non-importation and Resistance, which forbade not only exports to and imports from Great Britain, but also the consumption of British goods.³² This measure became a powerful instrument facilitating the growth of American union.³³

In the name of united colonies, the Declaration of Independence proclaimed the political independence from Great Britain and established the free states that "have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do."³⁴ Henceforth, any organization of a union might proceed only due to states as free members of future alliances. The consent of the Crown was declared irrelevant.³⁵

The need for united action and centralized government was recognized early in the Revolutionary War. When Congress appointed a

25. WALTER H. BENNETT, *AMERICAN THEORIES OF FEDERALISM* 39-52 (1964).

26. ROSCOE L. ASHLEY, *THE AMERICAN FEDERAL STATE* 63-64 (1902).

27. *Id.*; BENNETT, *supra* note 25, at 41.

28. BENNETT, *supra* note 25, at 41.

29. *SELECTED CHARTERS AND OTHER DOCUMENTS*, *supra* note 15, at 253-57.

30. MORGAN, *supra* note 5, at 62-63.

31. *Id.*; BENNETT, *supra* note 25, at 42-43.

32. *AMERICAN CONSTITUTIONAL HISTORY: SELECTION FROM THE ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION* 73 (Leonard W. Levy et al. eds., 1989).

33. *THE CONSTITUTIONAL CONVENTION AND THE FORMATION OF THE UNION* 53 (Winston U. Solberg ed., 2d ed. 1990).

34. *THE DECLARATION OF INDEPENDENCE* para. 32 (U.S. 1776).

35. *Id.*

committee to draft the Declaration of Independence, it also appointed a committee, headed by John Dickinson, to prepare a formal plan of confederation for the thirteen newly proclaimed states.³⁶ The plan was developed in July, 1776.³⁷ After a year and a half of debates and changes, the Articles of Confederation were adopted by Congress in November, 1777, and submitted to the states for ratification. The process of ratification was finished in 1781.³⁸

What was the confederated union of thirteen states under the Articles of Confederation? Former colonies were designated as states and retained "sovereignty, freedom and independence, and every power, jurisdiction, and right, which is not . . . expressly delegated to the United States in Congress assembled."³⁹ The central government consisted of a one-house Congress, with each state represented by not less than two nor more than seven delegates.⁴⁰ Each delegate had one vote.⁴¹ Congress would control everything relating to external affairs—decisions as to war and peace, drafting treaties and alliances, the direction of the armed forces, foreign relations, and the establishment of standards of coinage, weights, and measures.⁴² The states would retain full legislative power over their internal police, including the power to levy taxes, power to regulate commerce, and power to coin money.⁴³

One can identify both positive and negative elements of this association in characterizing the confederative period of the United States.⁴⁴ On the one hand, interstate citizenship was recognized, under which the citizens were guaranteed the same rights in all states that they enjoyed in their own.⁴⁵ On the other hand, the Confederation had no sovereign power to enforce its decisions.⁴⁶ The weak Congress could not deal with its citizens except through the states.⁴⁷ There was a no-

36. MORGAN, *supra* note 5, at 104.

37. *Id.*

38. WALTER B. MEAD, *THE UNITED STATES CONSTITUTION: PERSONALITIES, PRINCIPLES, AND ISSUES* 12 (1987).

39. *THE ARTICLES OF CONFEDERATION* art. 2 (U.S. 1777).

40. *Id.* art. 5.

41. *Id.*

42. MELVIN I. UROFSKY, *A MARCH OF LIBERTY: A CONSTITUTIONAL HISTORY OF THE UNITED STATES* 65 (1988).

43. *Id.*

44. *THE AMERICAN FOUNDING: ESSAYS ON THE FORMATION OF THE CONSTITUTION* 224-45 (J. Jackson Barlow et al. eds., 1988).

45. BENNETT, *supra* note 25, at 55-88.

46. SIMON STERNE, *CONSTITUTIONAL HISTORY AND POLITICAL DEVELOPMENT OF THE UNITED STATES* 11 (1882).

47. PETER S. ONUF, *THE ORIGINS OF THE FEDERAL REPUBLIC* 200 (1983).

table absence of a separate executive branch on the level of Confederation and central commerce power. The executive body was a committee of the states, consisting of one delegate from each state to act only during congressional recesses.⁴⁸ There was no Supreme Court. Thus, the Confederation represented a weak union of the strong states. There was a necessity for a more perfect union⁴⁹ that would possess sovereign power and more centralized internal governmental powers. Such a union became the federation of the United States of America. The stage of pre-federation relations in the United States was finished by adoption and ratification of the federal Constitution.⁵⁰

C. *The Stage of Pre-federative Relations in Russia*

Russia, before 1918, was an indivisible unitary state and its parts could not establish alliances similar to the New England Confederation. Pre-federative relations in Russia were characterized by the availability of definite territories within the boundaries of the state, which possessed special autonomy, such as Finland, Poland, Ukraine, and others.

Finland was joined to Russia and became a Russian Grand Duchy in 1809.⁵¹ The Russian emperor was a Grand Finnish prince and the head of executive power.⁵² Finland had a special autonomous status that was different from the status of the rest of the territories of the empire. The legislative body was known as the Estates General and it had the right of initiative to petition the Tsar.⁵³ It also established taxes and decided questions concerning new sources of income.⁵⁴ No law could be adopted, changed, or abolished without legislative consent.⁵⁵ The laws were confirmed by the monarch.⁵⁶ The governing body was the Senate, whose twenty members were appointed by the

48. THE CONSTITUTION AND THE STATES: THE ROLE OF THE ORIGINAL THIRTEEN IN THE FRAMING AND ADOPTION OF THE FEDERAL CONSTITUTION 5 (Patrick T. Conley & John P. Kaminski eds., 1988).

49. See generally CRAIG R. SMITH, TO FORM A MORE PERFECT UNION: THE RATIFICATION OF THE CONSTITUTION AND THE BILL OF RIGHTS, 1787-1791 (1993).

50. MORGAN, *supra* note 5, at 169.

51. RIASANOVSKY, *supra* note 5, at 342.

52. *Id.*

53. STODDARD ET AL., *supra* note 13, at 15.

54. *Id.*

55. *Id.*

56. *Id.*

Tsar for three year terms.⁵⁷ Ten senators headed the administrative departments, the other ten formed the Supreme Court.⁵⁸

The Emperor's personal representative was a Governor-General, who was the head of the Senate at the same time.⁵⁹ The Minister Secretary of State for Finnish Affairs was the official mediator between the Senate and the Crown.⁶⁰ This minister was appointed by the monarchy and worked with a small staff in the capital of Russia, Saint Petersburg.⁶¹ Since Finland had the special status as a grand duchy under the Tsar's personal rule, the Minister Secretary did not come under the Russian Counsel of Ministers, but dealt directly with the Tsar.⁶² The local government retained the same structure as in the previous period.⁶³

One more feature, illustrating the special autonomous status of Finland, was the Finnish language, which was proclaimed as the official language of the Duchy in 1863.⁶⁴ The law called for the use of Finnish in administration and justice and that it be taught in the schools.⁶⁵ Unlike the colonial charters, which were issued by the Crown to individuals or to incorporated companies given a grant of land, the legal framework of the government in Finland was Sweden's 1772 Constitution, as amended by the Act of Association and Security of 1789.⁶⁶ In 1918 Finland became an independent state.⁶⁷

Ukraine was the other part of the Russian Empire that had a notable autonomous status.⁶⁸ The Pereiaslav Agreement, confirmed in 1654, defined the inter-relations of Russia and Ukraine.⁶⁹ The governing body was the Central-Rada.⁷⁰ The Hetman⁷¹ adopted univer-

57. *Id.* at 14-15.

58. *Id.* at 14.

59. *Id.* at 15.

60. *Id.*

61. *Id.*

62. *Id.*

63. *Id.*

64. *Id.* at 16. The Finnish language was proclaimed as the official language of the Duchy by Tsar Alexander II. *Id.*

65. *Id.*

66. *Id.* at 14.

67. Finland declared its independence on December 13, 1917. *Id.* at 21. This independence did not become official until January 3, 1918, when the Russian Central Executive Committee ratified this independence and when Germany formally recognized Finland. The Senate, with the help of German pressure, persuaded the Bolsheviks to agree to Finnish independence. *Id.*

68. SUBTELNY, *supra* note 13, at 158-73.

69. *Id.* at 134-35. The Pereiaslav Agreement was a union between Ukraine and Muscov. *Id.*

70. *Id.* at 345. Rada means "council" in Ukrainian. The Russian equivalent is "soviet."

sals, or decrees, commanded the armed forces, exercised the highest judicial power, and reconsidered the judgments of the Judge-General.⁷² In 1764, hetmanship was abolished.⁷³ For governing the Ukraine, the Small-Russian College was established that was headed by a President with the appointment of a Governor-General.⁷⁴ After the ruination of the monarchy, which took place from 1917 to 1922, Ukraine retained its autonomous status.⁷⁵ However, in their relations with Russia, the elements of a confederation developed. From 1922 to 1991, Ukraine was part of the Soviet Federation.⁷⁶ Now it is an independent state.

Poland, a part of the Russian structure, also had a peculiar autonomy. In 1815, Poland received the Constitutional Charter and status of a kingdom: the Russian Emperor became the King of Poland at the same time.⁷⁷ The bicameral Sejm, a law consultative body, discussed the drafts of laws proceeding from the monarch or the State Council.⁷⁸ The State Council was a consultative body of the Tsar's overseer.⁷⁹ The executive body was the Administrative Council, consisting of ministries.⁸⁰ After the suppression of the rebellion in 1930,⁸¹ Poland's autonomy was limited. The Polish Constitution was abrogated and the Sejm was abolished.⁸² The Administrative Council headed by the Emperor's Overseer became the governing body. Poland got its independence in 1918.⁸³

In researching pre-federative and federative relations in Russia, it is impossible to ignore the multinational structure of its population. Various national groups inhabit separate parts of the state territory.⁸⁴

71. *Id.* at 110. Hetman refers to the Cossack leader of Ukraine.

72. *Id.*

73. *Id.* at 172.

74. I.A. ISAEV, *ISTORIA ROSSIYSKOGO GOSUDARSTVA & PRAVA* [HISTORY OF RUSSIA'S STATE AND LAW] 153-55 (1993).

75. SUBTELNY, *supra* note 13, at 350.

76. *Id.* at 386.

77. *THE CAMBRIDGE HISTORY OF POLAND: FROM AUGUSTUS II TO PILUDSKI, 1697-1935*, at 275-294 (W.F. Reddaway et al. eds., 1951) [hereinafter *THE CAMBRIDGE HISTORY OF POLAND*].

78. *Id.* at 54-57. Sejm, also called Diet, consists of the House of Deputies, the House of Senators, and the King. The deputies are representatives of the gentry and the senators are non-elective dignitaries. *Id.* at 276.

79. *Id.* at 277.

80. *Id.* at 274.

81. VON ECKARDT, *supra* note 7, at 138.

82. *THE CAMBRIDGE HISTORY OF POLAND*, *supra* note 77, at 473.

83. *POLAND*, *supra* note 13, at 15.

84. *RUSSIAN SOVIET FEDERATED SOCIALIST REPUBLIC*, *supra* note 3, at 89-106. Such

The territories differ from each other by language, levels of development, customs, traditions, and peculiarities of the mode of life.⁸⁵ These differences necessitated the separate regulation of the individual territories. Although the territory of the Russian Empire was de jure identical from the point of view of its national structure, legal deviation in regulating the status of its separate territorial parts occurred. Thus, Russia was a de facto compound, pre-federative state.

The "national question" became decisive when it was necessary to choose the form of the future federation. Even before the Russian revolutions in February and October of 1917,⁸⁶ had occurred, different plans of state structure were advanced, including federative and quasi-federative. For example, the establishment of a bicameral parliament was suggested by the Party of Constitutional Democrats in 1905, which would include the representatives of the local governments.⁸⁷ This was a key principle of the parliamentary representation and was peculiar to the federative states. At the same time the Radical Party suggested the creation of the United States of Russia, that is a classical federation. The ideologists of anarchism, for example, M. Bakunin and P. Kropotkin, offered their own plans not only at the Russian level, but also at the level of a global federative structure.⁸⁸ Bakunin's federalism builds from the bottom up, from commune to nation and beyond, with each freely contracting association arising from the one beneath it.⁸⁹ The whole, as Bakunin conceived it, would culminate in a universal federation of peoples, a global entity.⁹⁰ The chief purpose of Kropotkin's federalism was to secure decentralization of power at the local communal level, rather than the concentration of all significant initiatives at the center.⁹¹

diversified groups include the Vepse east of Moscow, the Karelians southeast of Leningrad, the Lapps over the Kola Peninsula, the Komi near the Arctic Ocean, and the Mari along the Volga. *Id.*

85. *Id.*

86. *Id.* at 30.

87. VON ECKARDT, *supra* note 7, at 256.

88. See generally THE POLITICAL PHILOSOPHY OF BAKUNIN: SCIENTIFIC ANARCHISM (G.P. Mazimoff ed., 1953); GEORGE WOODCOCK & IVAN AVAKUMOVIC, THE ANARCHIST PRINCE: A BIOGRAPHICAL STUDY OF PETER KROPOTKIN (1950).

89. See generally THE POLITICAL PHILOSOPHY OF BAKUNIN: SCIENTIFIC ANARCHISM, *supra* note 88.

90. VON ECKARDT, *supra* note 7, at 271-76.

91. WOODCOCK & AVAKUMOVIC, *supra* note 88, at 453-54.

The Bolshevik Party, headed by Lenin, rejected the idea of federalism for Russia before the October Revolution of 1917.⁹² The Bolsheviks believed it was necessary to retain the indivisible, centralized state.⁹³ In a letter to Shaumann, Lenin wrote: "We are in principle, against federation, for it tends to weaken the economic links, it is an unsuitable type for a united state."⁹⁴ He eventually accepted the plan of federal structure and it was adopted only after the beginning of the actual disintegration of the country.⁹⁵ This adoption of a federal structure was a consequence of the October Revolution, most probably as a means against disorder and as a means of amalgamation of the odd territories.⁹⁶

Formally, a federation in Russia was declared by the Declaration of the Rights of the Toiling and Exploited People, which was accepted on July 10, 1918, by the Fifth Soviet Congress.⁹⁷ However, the stage of pre-federative relations in Russia did not end by the adoption of that Declaration because it envisaged only the idea of a plan of federative construction.⁹⁸ The members of the proclaimed federation came into existence only after a few months.⁹⁹ The full juridical fixation of the federative form of state structure was made in the first written Russian Constitution in July, 1918.¹⁰⁰ Thus, the stages of pre-federative relations both in America and in Russia might also be thought as pre-constitutional because in both countries the federations were fixed in their first written constitutions.

D. The Stage of Federative Relations

The federative periods of both states are characterized by flexibility and complexity. First, the establishment of both federative systems was not finished by the adoption of their Constitutions. The constitu-

92. See generally V.I. LENIN, 17 COLLECTED WORKS (1972).

93. *Id.*

94. *Id.* at 90.

95. See generally *id.*

96. GOSUDARSTVENNAYA USTOISTVO ROSSIYSKOY FEDERACII [THE STATE STRUCTURE OF RUSSIAN FEDERATION] 21 (M.I. Kukushkin ed., 1993).

97. RUSSIAN SOVIET FEDERATED SOCIALIST REPUBLIC, *supra* note 3, at 120. This document served as a constitution, was drafted by the Central Executive Committee, and recognized the All-Russian Congress of Soviets as supreme authority. *Id.*

98. *Id.* at 121. The Constitution of 1918 only reads that the Soviet regions may united in autonomous regions and "enter into the Russian Socialist Federated Soviet Republic on a federal basis." *Id.*

99. *Id.*

100. *Id.*

tional regulation of the federative relations has changed in conjunction with constitutional changes. In the United States, these changes have been facilitated through the amendments and judicial interpretations of the Constitution, particularly by the Supreme Court.¹⁰¹ The changes have occurred in Russia through the revisions and the adoption of new constitutions.¹⁰²

Secondly, in both federations the establishment and transformation of members transpired through a progressive process. In the United States, the transformation of the territories to states and admittance of them into the union occurred.¹⁰³ In Russia, it was the transformation of the lower forms of autonomy, such as autonomous areas and autonomous regions, to the higher forms of autonomous republics, and later, just republics.¹⁰⁴

Finally, both states came through periods of pulling down, the actual destruction of the federative relations, and the periods of their restorations on a qualitatively new level. This was seen in the United States with the secession of the southern states, civil war, and the reconstruction period.¹⁰⁵ In Russia, this occurred with the disintegration of the external federative links, as a consequence of the Soviet Union's dissolution, the period of inertia, and eventually trials and tribulations leading towards a new democratic federative union and the adoption of the new Russian Constitution.¹⁰⁶

E. The Stage of Federative Relations in the United States

The American Federal Constitution was adopted on September 17, 1787, and put into effect after its ratification by nine of the thirteen states.¹⁰⁷ Under the Constitution, the organization of federal power is built on the basis of the principle of a separation of powers:¹⁰⁸ the

101. See generally WALTER F. MURPHY ET AL., *AMERICAN CONSTITUTIONAL INTERPRETATION* (1986).

102. RUSSIAN SOVIET FEDERATED SOCIALIST REPUBLIC, *supra* note 3, at 121-26. Changes in government structure were effected through the constitution of 1924 and the constitution of 1936. *Id.*

103. See generally ONUF, *supra* note 9.

104. See generally MICHALEVA & RAHLEVSKY, *supra* note 9.

105. SAMUEL E. MORISON, *THE OXFORD HISTORY OF THE AMERICAN PEOPLE* 607-725 (1965).

106. STEPHEN K. BATALDEN & SANDRA L. BATALDEN, *THE NEWLY INDEPENDENT STATES OF EURASIA: A HANDBOOK OF FORMER SOVIET REPUBLICS* 1-5 (1993).

107. M. FORREST, *A CONSTITUTIONAL HISTORY OF THE UNITED STATES* 31 (1982).

108. G.S. WOOD, *THE CREATION OF THE AMERICAN REPUBLIC, 1776-1787*, at 549 (1969).

legislative power is accomplished by the bicameral Congress,¹⁰⁹ the executive power is vested in the President,¹¹⁰ and judicial power is vested in the Supreme Court and a system of lower courts.¹¹¹ The representation of the states in the legislative process was ensured both in an upper house, the Senate, and in a lower house, the House of Representatives.¹¹² In the upper house, each state has two representatives¹¹³ and in the lower house, membership is proportioned to its population.¹¹⁴ The principle of delegation of powers was established as a method of ensuring the division of power between a centralized federal government and the states.¹¹⁵ If this were not the case, the federation itself would not possess sovereign power, without which it would be destined to repeat the mistakes of the weak Confederation. The clearly defined powers were delegated to the national governments such as the power to collect taxes, duties, and excises;¹¹⁶ regulate foreign and interstate commerce;¹¹⁷ coin or borrow money;¹¹⁸ declare war;¹¹⁹ maintain an army;¹²⁰ and make all rules necessary to carry out its delegated powers.¹²¹ All remaining powers were reserved to the states.¹²²

The Constitution also forbade the states from carrying out certain actions.¹²³ The states were forbidden to coin money or make anything but gold and silver legal tender,¹²⁴ levy customs duties,¹²⁵ or pass ex post facto laws or laws impairing the obligations of contracts.¹²⁶ States could do everything except what was forbidden to them or delegated to the federal government of the United States by the Constitu-

109. U.S. CONST. art. I, § 1.

110. *Id.* art. II, § 1.

111. *Id.* art. III, § 1.

112. *Id.* art. I, §§ 2 & 3.

113. *Id.* art. I, § 3, cl. 1.

114. *Id.* art. I, § 2, cl. 1.

115. *Id.* amend. X.

116. *Id.* art. I, § 8, cl. 1.

117. *Id.* art. I, § 8, cl. 3.

118. *Id.* art. I, § 8, cl. 5.

119. *Id.* art. I, § 8, cl. 11.

120. *Id.* art. I, § 8, cls. 12-13.

121. *Id.* art. I, § 8, cl. 18.

122. *Id.* amend. X.

123. *Id.* art. I, § 10.

124. *Id.* art. I, § 10, cl. 1.

125. *Id.* art. I, § 10, cl. 2.

126. *Id.* art. I, § 10, cl. 1.

tion.¹²⁷ Thus, the national government could exercise only those powers delegated to it by the written constitution. The Federal Constitution, laws, and treaties were to have supremacy over state laws in cases of conflict between the two.¹²⁸ The development of the doctrine of judicial review¹²⁹ had a great importance in the development of the federative relations in the United States. According to this doctrine, the United States Supreme Court had the right to declare acts of the other branches of power unconstitutional, as well as state actions that conflict with the national Constitution.¹³⁰ The principle of dual citizenship was also important, under which all people were made citizens of both the state in which they lived and the United States.¹³¹ This principle allowed the national government to compel each citizen to pay taxes and obey its laws. This strengthened the central government and made it more effective than the previous confederative period.

The further development of the American federation is connected to the growth of the number of its members and perfection of the principle of the federative relations. In 1790, when Rhode Island, as the last of the original states, ratified the Constitution, the federation was made up of thirteen states.¹³² These original states created the Union.¹³³ The remaining states, except Texas, which existed before entering into the federation,¹³⁴ were created by the Union. The territory of the United States increased in different ways. There were purchases, such as the Louisiana,¹³⁵ Gadsden,¹³⁶ Alaska,¹³⁷ and Virgin Island¹³⁸ purchases; additions as a consequence of hostilities and following payments, for example, Florida¹³⁹ and Mexican Cession;¹⁴⁰

127. *Id.* amend. X.

128. *Id.* art. VI, cl. 2.

129. The equivalent of this institution in Russian practice is the institution of constitutional review.

130. ARCHIBALD COX, *THE COURT AND THE CONSTITUTION* 44-71 (1987).

131. U.S. CONST. art. IV, § 2; *id.* amend. XIV.

132. MORGAN, *supra* note 5, at 155.

133. 1 *THE ENCYCLOPEDIA OF AMERICANA* 733 (1995).

134. A.B. Ganlix, *Monzshesvinnost form federalism v S.Sh. A. [The Variety of Forms of Federalism in the USA]*, 6 *GOSUDARSTVO & PRAVO [6 STATE AND LAW]* 733 (1994).

135. *See generally* L. HOUCK, *THE BOUNDARIES OF THE LOUISIANA PURCHASE: A HISTORICAL STUDY* (1901).

136. ODIE B. FAULK, *TOO FAR NORTH, TOO FAR SOUTH* (1967).

137. V. FARRAR, *THE ANNEXATION OF RUSSIAN AMERICA TO THE UNITED STATES* (1966); RONALD J. JENSEN, *THE ALASKA PURCHASE AND RUSSIAN-AMERICAN RELATIONS* (1975).

138. T. BOOY & J. FARIS, *THE VIRGIN ISLANDS, OUR NEW POSSESSION AND THE BRITISH ISLANDS* (1970).

139. *See generally* HUBERT B. FULLER, *THE PURCHASE OF FLORIDA, ITS HISTORY AND DIPLOMACY* (1964).

140. *See generally* MARY LOYOLA, *THE AMERICAN OCCUPATION OF NEW MEXICO, 1821-*

annexations, as seen in Texas¹⁴¹ and Hawaii;¹⁴² transition under treaty, which occurred in Oregon Country;¹⁴³ additions as a consequence of the revolutionary war, which extended the boundaries northward to the Great Lakes, westward to the Mississippi, and southward to Florida;¹⁴⁴ and as a result of the Spanish American War, where the United States received Puerto Rico and Guam¹⁴⁵. The United States received other territories and trusts, mostly islands in the Caribbean and Pacific.¹⁴⁶

The Civil War was one of the most tragic periods in the history of the American federation. The country was divided into two warring halves — the North and the South. Among the litany of reasons for the Civil War given by historians, such as economic differences, protective tariffs, struggle over control of the central government, and different points of view about instituting a national currency and the role of the national bank,¹⁴⁷ the most emotional reason was the issue of slavery.¹⁴⁸ However, there were reasons peculiar to the federative relations, specifically, conflict as to what type of federal union should be embraced.¹⁴⁹ The northern states viewed the Union as the creation of the people that could not be divided.¹⁵⁰ States had to obey federal laws and could not secede from the federation.¹⁵¹ The southern states viewed the Union as an agreement between the states.¹⁵² If a state did not agree with a federal law, it had the right not to obey the law or to secede from the federation.¹⁵³ As it is widely known, the southern states adopted their own Constitution and elected a President and Vice-President.¹⁵⁴ The secession, the Civil War, and the Reconstruction

1852 (1939).

141. See generally JAMES C.N. PAUL, *RIFT IN THE DEMOCRACY* (1951).

142. See generally GAVAN DAWES, *SHOALS OF TIME: A HISTORY OF THE HAWAIIAN ISLANDS* (1968).

143. See generally JAMES W. BASHFORD, *THE OREGON MISSIONS: THE STORY OF HOW THE LINE WAS RUN BETWEEN CANADA AND THE UNITED STATES* (1918).

144. BILLINGTON, *supra* note 16, at 67.

145. See generally ANNE C. VENZON, *THE SPANISH-AMERICAN WAR: AN ANNOTATED BIBLIOGRAPHY* (1990).

146. *ENCYCLOPEDIA OF AMERICAN HISTORY* 545 (1973).

147. ASHLEY, *supra* note 26, at 164-67.

148. *Id.* at 158-62.

149. BENNETT, *supra* note 25, at 127.

150. MORISON ET AL., *supra* note 14, at 331.

151. *Id.*

152. BENNETT, *supra* note 25, at 140.

153. RANDALL, *supra* note 7, at 13-18; WOODROW WILSON, *DIVISION AND REUNION, 1892-1889*, at 208-72 (1907).

154. See generally MORISON ET AL., *supra* note 14, at 323.

period continued from 1860 to 1877.¹⁵⁵ At present the American federation includes 50 states.

F. The Stage of Federative Relations in Russia

Examining the stage of federative development for Russia, one should take into consideration the following three aspects: (1) the absence of a stable constitutional basis;¹⁵⁶ (2) for most of the period of its development as a federative state, Russia was included in another association, the Soviet Union, necessitating conformity to the Union constitution and other principles; and (3) the totalitarian political regime that failed to guarantee not only the rights and legal interests of federation subjects, but also the rights and freedoms of all citizens of the state.

The Resolution on the Federal Institutions of the Russian Republic was enacted by the Third Soviet Congress on January 1918.¹⁵⁷ This Act determined the system of highest federal bodies:¹⁵⁸ the highest legislative body was the All-Russian Congress of Soviets;¹⁵⁹ the body that carried out the power functions during congressional recesses was the All-Russian Central Executive Committee;¹⁶⁰ and the highest executive body was the Soviet of Peoples Commissaries.¹⁶¹ It was not clear what units became members of the federation and what status they would have in the first years of the federal development. For example, the Ukrainian Republic declared itself a federal part of the Russian Republic in December, 1917.¹⁶² The relations between Russia and the Ukraine were based on the influence of the former because Russian laws had acted there and the most important economic measures were carried out by Russian bodies.¹⁶³ The Ukraine later became the subject of another federation, the Soviet Union, until 1991.¹⁶⁴

155. *Id.* at 270.

156. This unstable constitutional basis is seen in the fact that five different constitutions were adopted during the period from 1918 to 1993.

157. USSR DOCUMENTS, *supra* note 11, at 40-41.

158. RUSSIAN SOVIET FEDERATED SOCIALIST REPUBLIC, *supra* note 3, at 720.

159. *Id.*

160. *Id.*

161. *Id.*

162. See generally SUBTELNY, *supra* note 13, at 350.

163. See generally GEORGE O. LIBER, SOVIET NATIONALITY POLICY, URBAN GROWTH, AND IDENTITY CHANGE IN THE UKRAINIAN SSR, 1923-1934, at 19-20 (1992).

164. See SUBTELNY, *supra* note 13, at 386.

The first written constitution of Russia, ratified on July 10, 1918,¹⁶⁵ initiated the process of establishing of new autonomies. Unlike the American Federation, which was built in consequence of an association of free and independent states,¹⁶⁶ in Russia, the members were established based on their territory by proclamation of the local body and confirmation by highest bodies of the Federation.¹⁶⁷ Three main forms of autonomy were revealed in the process of creation and development of the federative subjects: autonomous republic, autonomous region, and national area, later called autonomous area, which were recognized as members in different periods of time.

Under the Constitution of 1918, the federal government had power to determine the boundaries and the competence of members,¹⁶⁸ solve the arguments between them,¹⁶⁹ admit new units to the federation,¹⁷⁰ and recognize their secession from the union.¹⁷¹ The creation of the R.S.F.S.R.¹⁷² and other republics, as well as the recognition of the independence of Finland and Poland,¹⁷³ ended the indivisible Russian state. Since that time, the territory of the R.S.F.S.R. was considered only as part of the former Russian Empire. Most of the territory of the former Empire became associated with the Soviet Union by 1922.¹⁷⁴ As a member of the Soviet Union, Russia adopted constitutions in 1925, 1937, and 1978,¹⁷⁵ all of which corresponded to the Union Constitution.¹⁷⁶ Within the Russian Federation the processes of trans-

165. ALBERT R. WILLIAMS, *THROUGH THE RUSSIAN REVOLUTION* 297 (1921). The Constitution's adoption was preceded by heated debate in the All-Russian Central Committee's Constitutional Commission, chaired by Y. M. Sverdlov, the Commissioner of the People's Commissariat for Justice, a special commission of the Central Commission of the Russian Communist Party (Bolsheviks) headed by Lenin, and commissions and plenary meeting of the All-Russian Congress of Soviets. The Congress adopted the Constitution on July 10, 1918. *Id.*

166. *See* text accompanying note 41.

167. *See generally* WILLIAMS, *supra* note 165, at 297-99.

168. RUSSIAN FEDERATION CONSTITUTION art. 19(e), *translated in* CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein & Gisbert H. Flanz eds., 1994) [hereinafter *RUSSIAN CONST.*].

169. *Id.* art. 19(g).

170. *Id.* art. 19(c).

171. *Id.* art. 15.

172. Russian Socialist Federative Soviet Republic was the official title of the state at that time. RIASANOVSKY, *supra* note 5, at 540.

173. Finland was recognized as independent in 1917 and Poland was so recognized in 1918. *Id.* at 536.

174. *Id.* at 540.

175. *Id.*

176. *Id.*

forming subjects took place. For instance, in 1925, the Chuvash Autonomous became an autonomous republic,¹⁷⁷ and in 1930, the Mordov National Area was transformed into an autonomous region, then in 1936 into an autonomous republic.¹⁷⁸

The Russian Constitution of 1937¹⁷⁹ recognized autonomous republics and autonomous regions as members of the Federation.¹⁸⁰ Moreover, the autonomous regions had been within the structure of the territories that were not subjects of the Union.¹⁸¹ Under the first edition of the 1978 Constitution¹⁸² the autonomous areas were recognized as Federation members.¹⁸³ Thus, by that time, six-teen autonomous republics, five autonomous regions, and ten autonomous areas were numbered in the federation structure.¹⁸⁴

The One-Party political system was based upon common Marxist-Leninist ideology, centrally planned economics, and the powerful repressive state machinery.¹⁸⁵ In Russia, this system did not allow discussion about federalism, except for discussion relating to cultural and national aspects of life in the constituent parts of the state.¹⁸⁶ The special feature of Russia at that time was that most of the state territories, where the Russian population lived as distinct regional units, were not recognized as members.¹⁸⁷ These territories and regions, like states in the United States, were governed by the central government and thus, these relations were unitary rather than federative.

The process of the common democratization of society gave a jolt to the perfection of federative relations in Russia. In the beginning of the 1990's, the most autonomous republics had adopted the Declarations of State Sovereignty that proclaimed their sovereign status.¹⁸⁸ The amendments that were introduced to the national constitution exempted the term "autonomous" from the title of the republics as well

177. VON ECKARDT, *supra* note 7, at 466.

178. *Id.*

179. The Constitution of 1937 was confirmed, as well as the Constitution of 1925, by the All-Russian Congress of Soviets. BASIC LAWS ON THE STRUCTURE OF THE SOVIET STATE 30 (Harold J. Berman et al. eds. & trans., 1969).

180. RUSSIAN CONST., *supra* note 168, art. 14.

181. *Id.*

182. The Constitution of 1978 was confirmed by the Supreme Soviet of the R.S.F.S.R. See COLLECTED LEGISLATION OF RUSSIA, STATE SOVEREIGNTY (W.E. Butler trans., 1993).

183. See generally *id.*

184. See generally RUSSIAN CONST., *supra* note 168, art. 14.

185. RIASANOVSKY, *supra* note 5, at 521-22.

186. See generally *id.* at 520-21.

187. *Id.*

188. See generally MICHALEVA & RAHLEVSKY, *supra* note 9.

as the title of the whole country, R.S.F.S.R., and was replaced with Russian Federation (Russia).¹⁸⁹ Furthermore, the territories, regions, and federal cities were recognized as the subjects of the federation.¹⁹⁰ However, these new members were not given rights equal to the others. The Federative Treaty, signed by the subjects of the Union and the federal authorities, fixed different powers for different categories of subjects.¹⁹¹ The equal status of all members was only recognized by the new Russian Constitution of 1993,¹⁹² which was adopted by the independent states, but not by the structural part of the other states. According to the present Constitution, there are twenty-one republics, six territories, forty-nine regions, two federal cities,¹⁹³ one autonomous region, and ten autonomous areas in the structure of the Russian Federation.¹⁹⁴ Presently, the whole territory of Russia is included without exception within the federal system, and both the Federation and its members are continuing to search for legal mechanisms to form a more rational, more democratic, more perfect union.¹⁹⁵

Under the new Constitution, the realization of federal power is carried out on the basis of separation of powers.¹⁹⁶ The executive power is carried out by the President and the government;¹⁹⁷ legislative power is carried out by a bicameral Federal Assembly, which consists of the Federation Council and the State Duma;¹⁹⁸ and judicial power is carried out by the Constitutional Court, the Supreme Court, and Supreme Arbitration Court.¹⁹⁹ According to the Constitution, the President of the Russian Federation is the head of state and defines the basic domestic and foreign policy guidelines.²⁰⁰ The President appoints the Chairman of the Government, with consent of the State Duma;²⁰¹ decides on resignation of the Government²⁰²; forms and

189. As evidenced by RUSSIAN CONST., *supra* note 168, arts. 65, 66.

190. As evidenced by *id.* art. 65, ¶ 1.

191. Federation Treaty, arts. 1-3.

192. The new Russian Constitution was approved by Referendum on December 12, 1993, and entered into force on December 25, 1993.

193. These federal cities are Moscow and Saint Petersburg. RUSSIAN CONST., *supra* note 168, art. 65.

194. *Id.* art. 65.

195. VON ECKARDT, *supra* note 7, at 467.

196. RUSSIAN CONST., *supra* note 168, arts. 3, 4, 5, & 10.

197. *Id.* art. 78.

198. *Id.* arts. 94-95.

199. *Id.* arts. 118, 125.

200. *Id.* art. 80.

201. *Id.* art. 83(a).

202. *Id.* art. 11.

leads the Security Council;²⁰³ appoints and dismisses the Supreme Command of the Armed Forces;²⁰⁴ introduces draft laws in the State Duma;²⁰⁵ signs and publishes federal laws;²⁰⁶ conducts negotiations and signs international treaties of the Russian Federation;²⁰⁷ issues decrees and executive orders;²⁰⁸ resolves issues of citizenship of the Russian Federation;²⁰⁹ and grants political asylum.²¹⁰ The President also is the Supreme Commander-in-Chief of the Armed Forces.²¹¹ The right to dissolve the State Duma in circumstances stipulated in the Constitution is also within the President's power.²¹²

The legislative powers are found in two bodies that form the bicameral Federal Assembly. The upper house of this Assembly is the Federal Council.²¹³ It has the power: to approve the changes of borders between the subjects of the Russian Federation;²¹⁴ to approve the decree of the President on the introduction of martial law and state emergency;²¹⁵ to call the elections of the President;²¹⁶ to impeach the president;²¹⁷ to appoint the judges of the Constitutional Court, the Supreme Court, and the Supreme Arbitration Court;²¹⁸ and to review the federal laws passed by the State Duma.²¹⁹

The lower house of the Federal Assembly is the State Duma. It has the power to: grant consent to the President for the appointment of the Chairman of the Government;²²⁰ to make decisions on confidence

203. *Id.* art. 83(g).

204. *Id.* art. 83(k).

205. *Id.* art. 84(d).

206. *Id.* art. 84(e).

207. *Id.* art. 86(b).

208. *Id.* art. 90, ¶ 1.

209. *Id.* art. 89(a).

210. *Id.* arts. 83, 84, 89, & 90.

211. *Id.* art. 87.

212. The president may dissolve the State Duma if the latter rejects three successive candidates proposed by the president for chairman of the government, *id.* art. 111, § 4, if the State Duma adopts two no-confidence votes in the government within three months, *id.* art. 117, § 3, or if the State Duma denies a vote of confidence requested by the chairman, *id.* art. 117, § 4.

213. *Id.* art. 94.

214. *Id.* art. 102, ¶ 1(a).

215. *Id.* art. 102, ¶ 1(b).

216. *Id.* art. 102, ¶ 1(e).

217. *Id.* art. 102, ¶ 1(f).

218. *Id.* art. 102, ¶ 1(g).

219. *Id.* art. 105.

220. *Id.* art. 103, ¶ 1(c).

in the Government;²²¹ to appoint and dismiss the Chairman of the Central Bank;²²² to bring charges against the President for his impeachment;²²³ and to pass federal laws.²²⁴

The new constitution also provides for a judicial branch. The Constitutional Court of the Russian Federation is the highest body of constitutional supervision.²²⁵ It resolves cases concerning compliance with the the Constitution for the laws and other normative acts of the Russian Federation;²²⁶ resolves disputes over jurisdiction between the federal state bodies;²²⁷ resolves disputes between federal state bodies;²²⁸ and resolves disputes arising from the state supreme bodies of the Russian Federation subjects.²²⁹ The Constitutional Court also interprets the federal constitution.²³⁰ The Supreme Court of the Russian Federation is the highest judicial body of criminal administration and other matters triable by general jurisdiction courts.²³¹ This Court affects judiciary supervision over the general jurisdiction courts in-line with federal procedural forms and offers explanations on judicial practice issues.²³²

Another body of the judicial branch under the new constitution is the Supreme Arbitration Court of the Russian Federation. It is the highest judicial body which resolves economic disputes.²³³ Furthermore, it exercises judicial supervision over the activity of lower arbitration courts in line with federal legal procedures and offers explanations on questions of judiciary practice.²³⁴ Under Article 77 of the Russian Constitution, the subjects have the right to establish their own independent system of state bodies in accordance with the basic principles of the constitutional system of the Russian Federation and general principles of the organization of legislative and executive bodies of power as envisaged by the federal law.²³⁵ Unlike the United States, in

221. *Id.* art. 103(b).

222. *Id.* art. 103, ¶ 1(c).

223. *Id.* art. 103, ¶ 1(g).

224. *Id.* art. 105.

225. *Id.* arts. 126 & 127.

226. *Id.* art. 125, ¶ 2(a).

227. *Id.* art. 125, ¶ 3(a).

228. *Id.* art. 125, ¶ 3(b).

229. *Id.* art. 125, ¶ 3(c).

230. *Id.* art. 125.

231. *Id.* art. 126.

232. *Id.*

233. *Id.* art. 127.

234. *Id.*

235. *Id.* art. 77, ¶ 1.

Russia the competence of the courts is divided into three groups of powers: the federal jurisdiction, the joint jurisdiction of the federation and its members, and the jurisdiction of the components of the Russian Federation.

III. CONCLUSION

The following conclusions can be drawn from the above comparison of the historical evolution of the two systems:

1. The American federation had sufficient experience in the development of union relations before establishing its confederative form of government. Russia developed its federative form of structure from the transformation of a unitary state.

2. The historical tendency of the evolution of the American state is the movement from weak forms of association, such as the early confederations, to a strong form of association, now the federation. The historical tendency of Russia's development is the movement from a strong, super-centralized state like the Russian Empire and Soviet Union-R.S.F.S.R., to a decentralized federation.

3. The legal status of the members of the American Federation was determined all at once and territories that strived for the entry into the union had to adhere to definite requirements. The status of the subjects of the Russian Federation was not determined at once, but gradually, in the process of the development of the federative relations. The final composition of the union members was envisioned only recently in the Constitution of 1993.

4. The American Federation was created on the foundation of the association of the sovereign states. The Russian Federation was built on the basis of autonomy of the Union whose components had no sovereignty. And even now, after Russian republics have declared their sovereignty, their sovereignty is more theoretical than practical.

5. The fundamental support of American Federalism was a uniform constitution. The peculiar characteristic of Russian Federalism was the often changing constitution.

As Russia progresses toward real federalism, it will undoubtedly possess more common features with the classical federations, which includes the United States. Russia will seek the answers to such issues as the organization of federal power; division of power between the union center and the subjects; and regulation of the legal status of the members. However, this is the subject of another research project that will be based on the above examined roots of the genesis and evolution of the two largest federative systems in modern times.