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**Subjects, Comrades, and Citizens:
Imperial, Bolshevik, and Post-Soviet Foundings in the Russian Citizenship
Tradition**

By

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A thesis submitted to the Faculty of Graduate Studies in
partial fulfillment of the requirements for the degree of
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Abstract

This study examines the development of the Russian citizenship regime over time as an institution. It focuses on three historical moments, which constitute foundings in the otherwise incremental development of the citizenship regime. Each begins with a pivotal event, which serves as a departure point for the foundation of a new political order. Implicit in each is the restructuring of relations between the state and its population, the redefinition of membership and redrawing of borders. It is argued that the Great Reforms of the 1860s in Imperial Russia, the October Revolution of 1917, and the Collapse of Communism in 1991 each constitute the formation of a particular modern political order. Each is taken as both an individual case and a single iteration in a cumulative process. Each has its own dynamic configuration of recognized citizenship claims (rights) made by individuals on the state or its agents and a set of claims made by the state against its populace through its characteristic means of extracting resources, progressively understood as the fulfillment of citizenship duties. The shape of these borders, rights, and duties is arrived at through asymmetrical, informal bargaining between the state and mobilized groups within society. The investigation of this bargaining process considers the pressures on the state from the international system, capacity of the state to administer its territories and populations, and the participatory capacity of the public sphere. The goal of the research is to broaden the approach to citizenship issues, so as to bring the Russian case into the mainstream of citizenship studies.

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Reform, Revolution, and Collapse: Three Paths to Modern Citizenship in the Russian Experience

Introduction

... the senseless dream of participation by *zemstvo* representatives in affairs of internal administration. Let all know that I ... shall safeguard the principles of autocracy as firmly and as unswervingly as my late, unforgettable father.”

Tsar Nicholas II, January 1895.

Democracy means equality. The great significance of the proletariat's struggle for equality and of equality as a slogan will be clear if we correctly interpret it as meaning the abolition of classes.

Vladimir Lenin, *State and Revolution*

A strong state should extend a hand to citizens where it is treacherous and frightening, where trouble looms. In turn, the state also needs a great deal from society. Besides democratic guarantees and correct international policy, it needs decency and discipline from citizens.

Boris Yeltsin, *The Struggle for Russia*

These quotes capture three distinct moments in the development of modern citizenship in Russia. Each conveys the particular tensions internal to a distinct encounter with modern politics and the challenges it poses for state-citizens relations. The story of the Russian citizenship tradition is one punctuated by three great upheavals which reordered the relations between the state and its citizens. Tsar Nicholas II expressed his deeply held belief in an autocracy that could not admit the devolution of political right to its subjects, even in the midst of modernization. Vladimir Lenin asserts that democracy and equality will only be possible with the erasure of class distinctions. Boris Yeltsin groped for a new reciprocal understanding between state and citizen.

The most recent reconfiguration of Russian citizenship following the collapse of the USSR, with its attendant impact on the rights, duties, and identities it confers, has received scant scholarly attention. This is both surprising and unfortunate because of what citizenship can tell us about the paths of development followed by Russia. This

absence could be explained by a failure to take Russian citizenship seriously, based on the assumption that throughout their history Russians have enjoyed few rights and have encountered great difficulties when they have attempted to exercise them and that this state of affairs has remained constant up to the present day. As this work will demonstrate, the citizenships resulting from Russia's successive encounters with modern politics have been more formal than substantive. However, it does not necessarily follow that these institutions are without consequence. As I argue below, it would be more fruitful to treat this assumption as an empirical question, so that the meaning and content of Russian citizenship is not prejudged and its significance may be revealed.

As I will elaborate below, I take modern citizenship to be that set of relations between the state and its citizens comprised of the legitimate claims made by a state upon its citizens, commonly understood as citizenship duties, and the reciprocal, legitimate claims that citizens make upon their states, commonly understood as citizenship rights. These rights and duties are formalized in laws and constitutions. Citizenship operates through a direct relationship between the state (and its agents) and individual citizens. It is distinct from subjecthood in that citizens are enjoined both to rule and be ruled. It is distinct from ancient citizenship by the existence of a civil society that is autonomous from the state and in the logic of equality that issues from it.

The citizenry is understood as the limited and exclusive membership of the political community, equal in status and entitled to these rights and obliged to perform these duties. As such, the study of citizenship provides a powerful entry point for the investigation of questions of state and society, especially during times of enormous transformation.

Modern citizenship is that contested relationship between the state and mobilized groups in society required for the maintenance of domestic order and international competition under the conditions of modern politics. The state must develop new capacities by enlisting popular participation, while particular groups are able to use the space opened up by this process to press claims for immunity or a share in power.

Citizenship as it developed in the West, and liberal democratic citizenship in particular, is but one variant of modern citizenship, produced by a particular historical encounter with modernity. The mainstream of citizenship studies has recognized this implicitly in its attempts to untangle the relationship between liberal and republican strands of modern citizenship in the North American and West European experiences.¹ A similar argument can be seen in Thomas Janowski's work mapping out the development of liberal, traditional, and social democratic citizenship regimes by analyzing the relative strengths and interactions of the state sphere and civil society. According to this explanation, the extent and complexion of rights and duties are determined in the state sphere, while class and status claims are generated in a civil society composed of public, private, and market spheres.²

This work extends this understanding, arguing that there is a potential multiplicity of forms of modern citizenship. The question is not how far can a particular citizenship regime deviate from the 'Western' model and still be considered modern citizenship, which is to conflate Western and modern. The task at hand is to determine if modern citizenship emerged in any of these three encounters with modernity and why.

¹ See for example Paul Barry Clarke, *Citizenship*, Boulder, CO.: Pluto Press, 1994 or Keith Faulks, *Citizenship*, New York: Routledge, 2000.

² Thomas Janowski, *Citizenship and Civil Society: A Framework of Rights and Obligations in Liberal, Traditional and Social Democratic Regimes*, Cambridge University Press, Cambridge, 1998.

A historically contextualised account of the development and operation of the sets of relations between the state and those subject to its authority can enrich our understanding of where Russia has been and where it might be heading. However, before it is possible to explore these questions it is necessary to make a close examination of why the formidable tools of citizenship theory have not been brought to bear on the compelling and sometimes puzzling case of Russia.

Citizenship as a Problem for the Study of Russian Politics or Why the Citizenship Literature Has Not Addressed the Russian Case

The subject of this study is situated at the juncture of two major movements, one historical and the other scholarly. On the one hand, it has been more than a decade since the collapse of the Soviet Union and the beginning of the monumental task of state-building embarked upon by the successor states. This transition from a failing empire with a command economy and state-socialist political system to a democratic, national state with a market economic system is both an unprecedented and multidimensional process.

At the same time, the past two decades has seen the re-emergence of citizenship as a major topic of scholarly interest across the social sciences. Rights claims by citizens have been expanding, especially in industrialized states, both in terms of the constituencies demanding new rights and the areas in which these rights are being claimed. The twentieth century witnessed progressive demands for inclusion and equality from disenfranchised social classes, women, ethnic, racial, and religious minorities, and gays and lesbians. The rise of identity politics and a re-examination of

the meaning and limits of equality have been the primary driving forces behind this development.³

This escalation of demands for the recognition of additional rights has been occurring as many states have been attempting to rein in and claw back the welfare state and the social rights it is supposed to guarantee. Fiscal concerns emerging in the 1970s have prompted many governments to shift from models of universal provision of social rights and guarantees to targeted, means tested systems.⁴

Citizenship has also been at the centre of debates over globalization, the fate of the nation state and the changing meaning of state sovereignty. There is a growing debate over the implications of globalization for national citizenship and the possibility of global or cosmopolitan citizenship?⁵ The emergence of supranational entities, such as the European Union⁶, which possess their own citizenship regimes, introduce a new area for

³ On the expansion of social rights see T. H. Marshall, *Citizenship and Social Class* (London, Pluto Press, 1991); P. Thane, *The Foundations of the Welfare State* (London, Longman, 1982). For the extension of citizenship rights to new groups see Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford, Clarendon Press, 1995); Chantal Mouffe, "Democratic Citizenship and Political in Community," in Chantal Mouffe, *Dimensions of Radical Democracy* (London, Verso, 1992), 225-239; Alan Cairns, *Citizenship, Diversity, and Pluralism: Canadian and Comparative Perspectives* (Montreal, McGill-Queens University Press, 1999)

⁴ For example, see Paul Pierson, *Dismantling the Welfare State?: Reagan, Thatcher, and the Politics of Retrenchment* (Cambridge, Cambridge University Press, 1994) and Michael B. Katz, *The Price of Citizenship: Redefining the American Welfare State* (New York, Henry Holt and Company, 2001).

⁵ See Bo Stråth, "The State and Its Critics: Is There a Post-Modern Challenge?" in Quentin Skinner and Bo Stråth, *States and Citizens: History, Theory, Prospects* (Cambridge, Cambridge University Press, 2003), 167-190. See also Darren J. O'Byrne, *The Dimensions Of Global Citizenship: Political Identity Beyond The Nation-State* (Portland, OR: Frank Cass, 2003); Nigel Dower, *An Introduction To Global Citizenship* (Edinburgh :Edinburgh University Press, 2003); April Carter, *The Political Theory Of Global Citizenship* (New York: Routledge, 2001).

⁶ The introduction of EU citizenship with the 1993 Treaty of the European Union (commonly known as the Maastricht Treaty) has been the subject of intense scholarly debate as to its content, meaning, and relations to the national citizenships of member states. See for example Elspeth Guild, "The Legal Framework of Citizenship of the European Union," in David Cesarani and Mary Fulbrook, *Citizenship, Nationality, and Migration in Europe* (New York: Routledge, 1996), 30-54 and Antje Wiener and Vincent Della Sala, "Constitution-making and Citizenship Practice – Bridging the Democracy Gap in the EU?" *Journal of Common Market Studies*, vol. 35, no. 4 (December 1997), 593-614.

study, as questions remain as to its relation to national citizenship and the ability of citizens to make effective claims on these entities.

However, the issue of citizenship rarely appears in the scholarly literature dealing with Russia or in the policy debates occurring within Russia itself. When it does appear, it is narrowly conceived of in terms of membership and legal status. Not unsurprisingly, in the wake of the Soviet collapse, there has been significant work on the pressing and immediate issues of on what basis citizen constituencies have been dividing up and potential for and impacts of dual citizenship.⁷ While these are significant aspects of citizenship, they are not the whole story.

This almost exclusive focus on the formal and membership aspects of citizenship is repeated in the scant Soviet and Russian literature on the topic, a trend that is remarkably stable across time. This is the case with an early, foundational work by S.S. Kishkin on the 1924 Statute on Citizenship of the USSR, which outlines the principles of Soviet citizenship along with a commentary on the various early legal texts governing

⁷ The primary example of this is the academic and political debates over the citizenship policies of the Baltic States. It is also instructive these issues primarily with reference to the Baltic States, connecting citizenship issues with their 'return to Europe.' See Gregory Feldman, "Culture, State, and Security in Europe: The Case of Citizenship and integration Policy in Estonia," *American Ethnologist*, vol. 32, no. 4 (Nov 2005), 676-694; Gabrielle Hogan-Brun and Meilutė Ramoniene, "The Language Situation in Lithuania," *Journal of Baltic Studies*, vol. 36, no. 3 (Fall 2005), 345-370; Johns, Michael, "'Do as I Say, Not as I do': The European Union, Eastern Europe and Minority Rights," *East European Politics and Societies*, vol. 17, no. 4 (Fall 2003), 682-699; Aadne Aasland, "Citizenship Status and Social Exclusion in Estonia and Latvia," *Journal of Baltic Studies*, vol., no. 33 1 (Spring 2002): 57-77; Merje Kuus, "European Integration in Identity Narratives in Estonia: A Quest for Security," *Journal of Peace Research*, vol. 39, no. 1 (January 2002), 91-108; Geoffrey Evans and Christine S. Lipsmeyer, "The Democratic Experience in Divided Societies: The Baltic States in Comparative Perspective," *Journal of Baltic Studies*, vol. 32, no. 4 (Winter 2001), 379-401; P. Ehin, "Determinants of Public Support for EU Membership: Data from the Baltic Countries," *European Journal of Political Research*, vol. 40, no. 5 (August 2001), 31-56; WC Thompson, "Citizenship and borders: Legacies of Soviet Empire in Estonia," *Journal of Baltic Studies*, vol. 29, no. 2 (Summer 1998), 109-134; Geoffrey Evans, "Ethnic Schism and the Consolidation of Post-Communist Democracies - The case of Estonia," *Communist and Post-Communist Studies*, vol. 31, no. 1 (March 1998), 57-74; George Ginsburgs, "The Citizenship of The Baltic States," *Journal of Baltic Studies*, vol. 21, no. 1 (Spring 1990), 3-26.

status and membership.⁸ D.A. Gaidukov's 1940 work begins with a rich historical account of the formalization of the status of the subject in Imperial Russia in the 1860s, which is contrasted with the establishment and development of Soviet citizenship, as told through an examination of the various constitutions and pieces of citizenship legislation.⁹

Other works on the topic of the Soviet period follow a similar approach, telling the story of Soviet citizenship as one of membership and status. This literature includes monographs that provide a general account of Soviet citizenship through an overview of the development of the pertinent legislation,¹⁰ as well as books and articles more narrowly focused on a specific new citizenship law.¹¹

In the post-Soviet period most of the literature dealing with citizenship comes from a legalistic or juridical perspective, continuing this identification of citizenship with membership and status. This includes general studies, such as S.A. Avakian's *Grazhdanstvo Rossiiskoi Federatsii* [*Citizenship of the Russian Federation*]¹² and M.A. Sharif's *Grazhdanstvo Rossiiskoi Federatsii i ego zakonodatel'noe regulirovanie* [*Citizenship of the Russian Federation and its Legislative Regulation*],¹³ as well as studies on more specific issues in citizenship law and practice, as in M. K. Malikov's

⁸ S.S. Kishkin, *Sovetskoe grazhdanstvo*, Moscow: Iuridicheskoe izdatel'stvo NKIu, 1925.

⁹ D.A. Gaidukov, *Grazhdanstvo SSSR*, Moscow: Izdatel'stvo "Vedomostei Verkhovhogo Soveta, 1940.

¹⁰ For example, R.I. Kulik, *Zakon o grazhdanstve SSSR*, Moscow: Izdatel'stvo "Iuridicheskaiia literature," 1980; S.K. Kosakov, *Konstitutsionnye osnovy sovetskogo grazhdanstvo*, Frunze, 1984; S.A. Komarov, *Sovetskoe obshchenarodnoe gosudarstvo i lichnost'*, Krasnoiarsk: Izdatel'stvo krasnoiarskogo universiteta, 1986.

¹¹ G.I. Tunkin, "Zakon o grazhdanstve," *Gosudarstvo i pravo* (1979), No. 7, 22-30.

¹² S.A. Avakian's *Grazhdanstvo Rossiiskoi Federatsii*, Moscow: Rossiiskii iuridicheskii izdatel'skii dom, 1994.

¹³ M.A. Sharif, "Grazhdanstvo Rossiiskoi Federatsii i ego zakonodatel'noe regulirovanie," *Konstitutsionnyi stroi Rossii* (1992), No. 2, 105-114.

article “*Grazhdanstvo Rossiikoi Federatsii i grazhdanstvo ee sub”ektov*,” [Citizenship of the Russian Federation and the Citizenship of its Constituent Units].¹⁴

For a student of both Russian politics and citizenship studies this is a frustrating state of affairs. These two literatures appear not to speak to each other. It is reminiscent of the long experience of isolation of Soviet Studies from the mainstream of political science during the post-war period, which was supposed to have been ended by the collapse of communism and the retreat of Soviet exceptionalism in scholarship. One of the key tasks for this project is to go some way towards bridging the gap separating work on Russian state-society relations and citizenship studies. Hopefully this will contribute to the ongoing effort to reintegrate post-Soviet studies into the mainstream of comparative politics.

This absence of a sociology of citizenship in the Soviet and Russian literature may at first seem surprising. I would suggest two possible and complementary explanations for this state of affairs. A Soviet account of the development of citizenship would form a necessary part of the story of the Soviet founding. This would be an intrinsically political activity and an important hermeneutic event; a particular, sanctioned interpretation of the emergence of a Soviet citizenry and its relation to the state. While it is important not to caricature or exaggerate the limits imposed on Soviet social theory and historiography, the restrictions imposed by the realities of the one-party state and the theoretical frame of Marxism-Leninism made such a sociology of citizenship impossible.¹⁵ Other accounts of the relations between the Soviet state and its

¹⁴M. K. Malikov, “*Grazhdanstvo Rossiikoi Federatsii i grazhdanstvo ee sub”ektov*,” *Gosudarstvo i pravo*, 1997, No. 8, 21-24.

¹⁵For example see Valery Tishkov, “Modern Soviet Historiography,” *International Social Science Journal*, v. 33 no. 4 (1981), 650-66; Sheila Fitzpatrick, “Russia’s Twentieth Century in History and

citizens were not impossible, as demonstrated by the emergence of the Dissident movement, with their calls for the observance and application of the Soviet Constitution and the observance of citizens' rights. However, the repressive reaction of the regime to these demands demonstrated both the orthodoxy of acceptable citizenship discourse and the substantive limits of citizenship practice.

I would argue that this partial telling of the story of citizenship, solely in terms of membership and status, and its role in the ideological apparatus of the Soviet state, also served to devalue the term citizenship. Instrumentalized both in theory and in practice, citizenship attracted little academic interest in Russia once theoretical and historiographical pluralism became possible with *glasnost* and then the collapse of the USSR. This absence of fuller Russian literature on citizenship has necessitated an overwhelming reliance on English language sources, though efforts have been made to include Russian sources where possible.

This lacuna also suggests the contribution that this work can make. A re-examination of the Russian and Soviet experiences of modernity through the prism of citizenship studies offers a fresh perspective for understanding and opens up future possibilities for comparative study. This is particularly significant for understanding contemporary Russian politics, as the terms of relations between the state and its citizens are contested within the context of post-Soviet institution-building.

The gap between citizenship studies and the Russian case is in large part a function of the origins and development of social science itself. Charles Tilly famously begins his *Big Structures, Large Processes, Huge Comparisons* with the statement that

Historiography," *Australian Journal of Politics and History*, vol. 46, no. 3 (Sept. 2000), 378-387; George M. Enteen, "Recent Writings about Soviet Historiography," *Slavic Review*, vol. 61, no. 2 (Summer 2002), 357-363.

“We bear the nineteenth century like an incubus.¹⁶” The social sciences, especially in the Anglo-American tradition, are a product of Enlightenment thinking and rationality. This tradition comes down to us through Weber’s neo-Kantianism and Marx’s materialism, which provide the foundations for much of scholarship to this day. Implicit in these are a teleological model of history as progress and the achievement of liberty of the abstract individual. When the social sciences tell the story of modern citizenship it is often a sort of autobiography of this Enlightenment history. It is precisely the public space opened up for increasingly autonomous individuals in the development of modern citizenship that allows for the triumph of reason that makes the study of human action and politics both intelligible and a science.

This autobiographical account also occludes important features of the Enlightenment heritage and the connections between this heritage and Russian and Soviet encounters with modernity. Modernization in the absence of rights may constitute a darker side of modernity and the Enlightenment tradition, as revealed by the drive to mastery of nature and human nature in Marxism-Leninism and the employment of terror in forging ‘revolution from above.’ These more sinister aspects of the ‘triumph of reason’ rarely make an appearance in accounts of the development of citizenship.

These origins predispose citizenship theory to represent liberal democratic citizenship as the totality or model of modern citizenship. The Russian path towards modern citizenship does not conform to this developmental image or practice, suggesting an absence of genuine or meaningful citizenship.

¹⁶ Charles Tilly, *Big Structures, Large Processes, Huge Comparisons* (New York: Russell Sage Foundation, 1984), 1.

One path to untangling citizenship from this Enlightenment narrative is to use the tools of historical sociology and historically-informed comparative politics so as to allow for a multiplicity of contingent outcomes. One of the goals of this study is to apply the literature on citizenship to the Russian case in the hopes of gaining a better understanding of the process of transition and to enrich a general theory of citizenship in light of the similarities and difference revealed in the Russian experience when compared with the conventional account of modern citizenship.

Citizenship as a Problem for the Social Sciences: Theoretical Approaches and Definitions

Given the proliferation of works on citizenship in the social sciences it is not surprising that there is no consensus on a general theory. The elasticity of the concept has been both a strength and a weakness. The issue of citizenship offers an entree into many of the most fundamental and enduring questions in the study of politics. Normative debates over the nature and content of citizenship simultaneously address the issues of community and autonomy, so prominent in political philosophy. I will return to this dialogue within political philosophy and its bearing on the relationship between citizenship and modern politics in the conclusion, following the presentation of the three Russian cases.

As I have asserted above, the social science literature poses certain challenges for the study of the Russian case. The work of the English sociologist T. H. Marshall reintroduced citizenship as a topic of serious study and as such it holds a particular pride of place in the literature. It is with this work that I begin a review of the historical sociology of citizenship. His classic 1964 *Citizenship and Social Class* depicts modern

citizenship practice as the management of class conflict in the context of the growing inequalities inherent in capitalism. This occurs through the inclusion and recognition of marginalized groups in the political process. Using England as his case, Marshall traces the progressive extension of citizenship rights, which he divides into civil, political, and social rights. Each type of rights is realized through its own set of institutions and incorporates ever-larger portions of the population into the political community over time. Marshall explained the persistence and even the deepening of the economic inequalities of capitalism as being diffused or offset by the recognition by the state of civil, political, and social claims of those subject to its authority.¹⁷ While this model of citizenship has been critiqued and refined many times over, it continues to form the kernel of mainstream citizenship studies in the social sciences.

This presents a serious problem for the Imperial Russian case because the motor for this logic of development is capitalism and the class conflict that it engenders. Are we to believe that Russia's late encounter with capitalism, its weak (if at all existent) bourgeoisie, and its apparent rejection of the 'English Virtues' disqualify it from potentially developing modern citizenship? These obstacles to the portability of citizenship theory to the Russian case run through the contributions and elaborations to the literature I review below. Some of these difficulties are related to the narrow or non-comparative nature of certain enquiries, a privileging of Western experience or an acceptance of early developmental models as static or the standard. Others are a consequence of the particular logics of explanations or methodologies employed to understand the development of modern citizenship. Yanni Kotsonis argues that the identification of citizenship only with individual rights and obligations is too narrow, as

¹⁷ T. H. Marshall, *Citizenship and Social Class* (London, Pluto Press, 1991).

there were other models of modern citizenship which developed in Europe. This suggests a range of possible modern citizenship regimes, combining various national, class, and estate characteristics. The one emerging in Imperial Russia operated increasingly through individuals, but these individuals did not exist as citizens a priori. Instead, this emerging citizen identity was also dependent upon membership in a universalistic whole.¹⁸

In the course of this introduction I will argue that the presence or absence of modern citizenship should be an empirical question, rather than a theoretical assumption and that this is one of the key reasons for conducting a study of the Russian case. As identified above, it is possible to determine whether a modern citizenship regime exists to the extent that the rights and duties connecting the members of the bounded political community to the state are real and can be exercised and discharged. There is no standard checklist of these rights and duties, as they are the product of the particular historical experiences and exogenous pressures, resulting in a multiplicity of possible modern citizenships. However, as I will elaborate below, there is a minimum qualification that sovereignty lies with the political community and the citizen has a share in ruling as well as being ruled.

This criticism of classic accounts of citizenship should not imply that there is no value in them or applicability to the Russian case. They provide a starting point for theorizing Russian citizenship and offer important tools for that analysis. In the section that follows I will reconstruct a model of citizenship using the building blocks of the social science account of citizenship informed by an historical institutionalism sensitive

¹⁸ Yanni Kotsonis, "Face-to-Face": The State, the Individual, and the Citizen in Russian Taxation, 1863-1917," *Slavic Review* 63, No. 2 (Summer 2004), 221.

to the specificities of the Russian case. Again, the starting point for such a model is Marshall's *Social Class and Citizenship*.

Marshall's work reintroduced the concept of citizenship into the mainstream of the study of politics, but it was quickly criticized on a number of grounds. One problem was the perceived evolutionary nature of this model, implying a teleology and determinism. His model has been interpreted as presenting the development of citizenship as the linear, unidirectional, and progressive extension of rights without suggesting the possibility of reversals. The account has been read as Eurocentric, non-representative, and non-comparative, presenting the English case as paradigmatic and typical of all citizenship struggles, rather than one of multiple paths in the development of modern citizenship regimes. Marshall's account also ignored the international context of imperialism in the account of English and British citizenship. At the very time that rights were being extended to new groups and status was being universalized in the imperial centre, entire colonial populations were denied rights and equal status. Critics also point out the almost exclusive focus on rights to the exclusion of attention to the duties of citizenship and this portrayal of passive citizenship neglected any account of virtues and responsibilities associated with citizenship.¹⁹

One of the earliest attempts to address some of these criticisms was *Nation-Building and Citizenship* by Reinhard Bendix. Bendix begins by examining the changes in relations of authority over the course of the transition in West Europe from Absolutist

¹⁹ For a discussion of the role of culture and non-European cases see Charles Tilly, ed., *Citizenship, Identity, and Social History* (Cambridge: Cambridge University Press, 1996) and Stephen Kalberg, "Cultural Foundations of Modern Citizenship," in Bryan S. Turner, ed. *Citizenship and Social Theory* (London: Sage, 1997); for a critique of Marshall's teleology see Anthony Giddens, *Profiles and Critiques in Social Theory* (London: MacMillan Press, 1982) and M. Roche, *Rethinking Citizenship: Welfare, Ideology, and Change in Modern Society* (Cambridge: Cambridge University Press, 1992); for a discussion of active and passive citizenship see B. S. Turner, *Citizenship and Capitalism: The Debate over Reformism* (London: Allen and Unwin, 1990)

states to nation-states. However, in the second section of the work where he compares this process with an East European case (Russia), an Asian case (Japan), and the case of a developing country (India), citizenship disappears from the analysis of modernization.²⁰ This shift in method suggested that there is no potential for the development of modern citizenship in the state-building processes in these cases.

Important contributions to the work on citizenship have also been made by Anthony Giddens, Michael Mann, and Bryan Turner. In *The Nation State and Violence* Giddens examines the transition from class-divided societies to nation-states in the context of his critique of historical materialism.²¹ He focused on three processes he associates with this transition: the spread of capitalism, industrialism and the rise of a world system of nation states that he takes to be constitutive of the modern world. While Giddens agrees with Marshall that the extension of citizenship rights was a strategy for the management of and counterbalancing of class conflict, he reinterprets each set of rights as struggles against distinct modes of surveillance, which he defines as “the control of information and the superintendence of one group by another.”²² The application of Giddens’ dialectic of control is an important contribution to the study of citizenship, as it grounds the concept in the prevailing technologies of rule and the nature of sovereignty, to which I will return.

Michael Mann attempts to extend Marshall’s model to non-British and non-democratic cases in his *Sources of Social Power* by interpreting the extension of

²⁰ Reinhard Bendix, *Nation-Building & Citizenship: Studies of Our Changing Social Order*, with a new introduction and bibliographic addendum by John Bendix (New Brunswick, NJ : Transaction Publishers, 1996).

²¹ Anthony Giddens, *The Nation State and Violence*, (Berkeley: University of California Press, 1987).

²² *Ibid.*, 5.

citizenship as ruling class strategies.²³ Particularly significant in his account is the role of the state in determining the modes and the extent of political and social participation involved in citizenship rights.

Turner's *Citizenship and Capitalism* highlights the role of social movements in the extension of citizenship rights, arguing that such movements displace disorganized classes as social actors.²⁴ This is an important analysis of developments in citizenship practice in late capitalist societies, where the role of classes, indeed their very ontological status, has been thrown into question.

As indicated above, all of these approaches have at the core of their logics of explanation the centrality of the relationship between capitalism and citizenship. This presents both methodological and empirical problems for the Russian cases. Such accounts do not seem to address cases of late, state-led capitalism, such as Imperial Russia, where the bourgeois class, which should be the motor for the struggle for early citizenship rights, is either weak or absent. This is to say nothing of the Soviet case, where capitalism itself was absent. However, the essential work of capitalism in the development of citizenship, the creation of demands which open up the public sphere, can be played by other forces. As will be demonstrated below, it is often the state itself which plays this role, as it attempts to overcome deficiencies in its own capacities to implement domestic order and administration and project power internationally.

The methodological difficulties emerging from these approaches have been alluded to above, but it bears repeating the general issues of concern, which centre on the

²³ Michael Mann, *The Sources of Social Power: Volume 2, the Rise of Classes and Nation States, 1760-1914* (Cambridge: Cambridge University Press, 1993).

²⁴ Bryan S. Turner, *Citizenship and Capitalism: The Debate over Reformism* (Boston, Allen & Unwin, 1986).

questions of the utility of historical materialism and the problem of agency and identity. The experience of real-world socialism demonstrated that a Marxist-inspired materialism cannot serve as a logic of historical development and change. Related to this is the conception of class as a deep and totalizing identity, rooted in the ontological privileging of class within this materialism. More consistent with historical experience is the coexistence of multiple and often conflicting identity commitments, where preferences and actions are not predetermined, but become a question for empirical investigation. In recognizing this, the focus of inquiry is shifted from consciousness to action. This is to say that rather than being a true, deep identity, class is but one of a number of potential, competing identities and class conflict is but one of a number of social processes fuelling the development of the citizenship regime.

It should also be noted that there are other significant works which address particular aspects of citizenship practice, rather than general explanations of its development. This represents another valuable contribution with its recognition of the contingent and contextualized natures of such claims within particular institutional settings and their formation through participation.

The historical-institutional account of the development of modern citizenship in Rogers Brubaker's *Citizenship and Nationhood in France and Germany* is of a slightly different order, focusing more narrowly on issues of membership and immigration. Brubaker incorporates the literature on nationalism into his account, arguing that a polity's citizenship practice is formed in accordance with its specific conception and experience of nationhood. The simultaneous formation of the French nation and the state give rise to a state-centred, assimilationist concept of nation and citizenship. This stands

in contrast to the coalescing of the German *Volk* prior to establishment of a German nation-state and the consequent dominance of the equation of the nation with a community of blood. Brubaker uses immigration and naturalization policy to illustrate these different but dynamic French and German traditions of citizenship.²⁵

These classic accounts all emphasize particular factors or variables, such as capitalism, the expansion of the state, and social participation, which may be understood as aspects or manifestations of modernity. In combination with exogenous factors, such as interstate competition and the structure of the international system, the mix of these variables and the extent of their development will result in a particular citizenship path. Peripheral to the centre of these developments, Russian modernity is constituted by unique combinations of these factors, which have shaped the development of its citizenship regimes in each of the three periods under study.

A General Model of Citizenship that Accounts for the Russian Case

Marshall's work on citizenship and social class cast a very long shadow across citizenship studies. It has effectively set the terms of contemporary debates on the subject in the social sciences. The tripartite division of citizenship rights and the logic of their extension have become central to most conventional accounts. A necessary first step in constructing a general model of citizenship that can account for the Russian case is to take a critical look at the foundations of Marshall's *Citizenship and Social Class*. In the following section I will strip Marshall's theory of citizenship of its teleological history and replace it with an account of historical development from the new institutionalism

²⁵ Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1998).

that recognizes the contingency of particular outcomes and allows for a multiplicity of development paths. I will then propose a logic of how citizenship regimes are established and develop by conceiving of citizenship as an institution and argue that the public sphere provides the space of citizenship.

A re-evaluation of *Citizenship and Social Class* can be done most fruitfully by situating it among other macroanalytic works of the 1960s and 1970s. The archetypal work of this historical-comparative school is Barrington Moore's *Social Origins of Dictatorship and Democracy*. As I alluded above, it shares with *Citizenship and Social Class* a foundation identified by Ira Katznelson as "the structural, historical and organizational materialism of Karl Marx and Max Weber."²⁶ Again, this poses a problem for understanding citizenship in the Russian case because these works relied on a Marxist account of Western history with the development of capitalism and class conflict at their core. This model is absolutely inappropriate for understanding the case of Imperial Russian, let alone the Soviet and post-Soviet cases, which bear the scars of real world socialism.

Historical institutionalism provides such a model of history that allows for unique and contingent development paths and is sensitive to the effect of the international environment. Broadly conceived, this approach tackles large, substantive questions. It employs explanatory arguments, which are sensitive to temporality, including long-term processes, sequences, and foundings. It examines the combined effects of institutions and processes, rather than viewing them as variables in isolation.²⁷ This approach is

²⁶ Ira Katznelson, "Structures and Configuration in Comparative Politics," in *Comparative Politics: Rationality, Culture, and Structure*. Mark Irving Lichbach and Alan S. Zuckerman, eds. (Cambridge: Cambridge University Press, 1997), 82-83.

²⁷ Theda Skocpol, *States and Social Revolution: A Comparative Analysis of France, Russia and China*

especially suited for analyzing the development of the Russian citizenship regimes, given the demonstration effect of earlier transformations, the self-conscious and selective use of Western and Central Europe models, and the appearance of new opportunities and limitations over time.

Within this broad historical institutionalist framework I draw on the account of the origins of rights provided by Charles Tilly, where he argues that they are the historical products of struggle and resistance, grounded in the particular histories of particular regions. While I take issue with his demotion of the relative importance of ideas below, Tilly offers a useful definition of citizenship rights and convincing logic for theorizing their expansion. Citizenship rights are defined as enforceable claims made on the state or its agents, where the criteria for such claims is membership in the political community or those subject to its jurisdiction. These claims are the product of struggle on a national scale, emerging from bargaining between the state and organized individuals or groups of its population. Historically, this bargaining began over state appropriation of the 'means of war', but later expanded both in the range of claims recognized and the extent of the population capable of making such claims.²⁸

I retain T. H. Marshall's classic division of citizenship rights into the three elements of the civil, political, and social, but balance these with citizen duties, which can be understood as state claims upon citizens. Even with the rejection of an evolutionary account of the expansion of citizenship rights, Marshall's tripartite division of civil, political, and social rights remains useful for delineating the issue space of citizenship

(Cambridge: Cambridge University Press, 1979); Paul Pierson and Theda Skocpol, "Historical Institutionalism in Contemporary Political Science," in Ira Katznelson and Helen Milner (eds.) *Political Science: The State of the Discipline* (New York: Norton, 2002), 693-721.

²⁸ Charles Tilly, "Where Do Rights Come From?," in Theda Skocpol, ed., *Democracy, Revolution, & History* (Ithaca, NY: Cornell University Press, 1999), 58.

contestation and practice. The 'stuff' of citizenship remains remarkably constant and the developments in these issue areas are the data for this study. Legal identity and the protection of the person, freedom of movement, and protection from and by the state dominate civil rights. The institution associated with the defence of civil right is the judiciary. The struggle for political rights is the fight for participation in the political process through access to office or representation through the franchise. Political right is manifested in popularly elected legislative bodies. Political and civil rights can only be meaningful provided that citizens enjoy "a modicum of economic welfare and security" entailed in social rights. Social right is actualized through state provision of particular services and constitutes the welfare state.²⁹

As indicated above, Tilly's model of citizenship rights combines an account of state transformation with one of collective action. The first of these provides a concept of state-society relations that are primarily repressive and extractive. The second provides a dual model of struggle through which citizenship rights are achieved. In other words, citizenship rights are the product of the bargains struck in the course of struggles over state-subject claims and polity membership, initially as a defence against the invasive claims of the state for the means of war, then in the pursuit of a much more extensive range of state interventions and collective actions. In terms of rights and duties these include struggles over demands made by states on subject, subjects on states, and subjects on each other. The boundaries of the political community are shaped by struggles by groups to gain membership, to help other groups gain membership, or to exclude others from the polity.

²⁹ Marshall, *Citizenship and Social Class*, 8.

Bargaining here does not imply the absence of a power differential between the state and citizens and does not exclude some measure of coercion. Insight into this bargaining process can be gained from the works of Margaret Levi, *Of Rule and Revenue* and *Consent, Dissent, and Patriotism*, both of which deal with classic demands that states make upon their citizens in modern citizenship practice. In her study of taxation in *Of Rule and Revenue*, Levi advances a model of predatory rule. States will act to maximize the revenues they can extract through taxation. However, they will be constrained by the relative bargaining power of their constituents, as well as the transaction costs of assessment and collection and the state's expenditure needs.³⁰ Her work on conscription in *Consent, Dissent, and Patriotism* further develops this contractual notion of citizenship with her model of compliance as contingent consent. In this formulation compliance will be enhanced by the perception of the trustworthiness of the government, the willingness of others to comply, as well as socially provided information promoting both of these conditions.³¹ This model of bargaining over claims by the state and its citizens informs my logic of explanation for the development of the rights, duties and membership rules of the Russian citizenship regime.

It is possible to speak of the contractual nature of this process during periods of continuous and incremental change, such guarantees do not appear to hold in the upheavals of the foundational moments, which are the subject of this study. Episodes of discontinuous change are characterized by an absence of predictability, making the outcomes of such bargaining unstable. During such periods, repression and coercion are often employed to overcome the constraints imposed by mobilized groups. Under these

³⁰ Margaret Levi, *Of Rule and Revenue* (Berkeley: University of California Press, 1988), especially chapter 2.

³¹ Margaret Levi, *Consent, Dissent, and Patriotism* (Cambridge: Cambridge University Press, 1997).

conditions, the high transaction costs of repression may be seen as acceptable to the state and its agents, should the results of other courses of action appear uncertain or costlier and threaten the consolidation and maintenance of power.

Nonetheless, I argue that despite the lack of formal guarantees in these moments, the processes of bargaining and the constraining of state action by relatively powerful groups within society continues to take place, setting important precedents, and moulding the institutions of the state and citizenship.

The context of this bargaining is dynamic, reflecting changes in the capacities of the state and the relative strength of organized groups within society. An institutional model of the development of citizenship regimes requires an account of how citizenship and the bargaining process which shapes its features changes over time. In his book on *Institutions, Institutional Change, and Economic Performance*, Douglas C. North argues that most institutional change is of an incremental nature, resulting from “marginal adjustments to the complex of rules, norms and enforcement that constitute the institutional framework.” This type of change occurs within the context of institutional stability, understood to be the result of a hierarchy of formal rules, as well as informal constraints.³²

This institutional model of citizenship implies path dependence in the development of the Russian citizenship tradition. This is not simply a claim that “history matters” or the examination of temporally sequenced events in a particular process. As James Mahoney has persuasively argued, “path dependence characterizes specifically those historical sequences in which contingent events set into motion institutional

³² Douglas C. North, *Institutions, Institutional Change, and Economic Performance* (Cambridge, Cambridge University Press, 1990, 83.

patterns or event chains that have deterministic properties.³³ Developments along a particular path providing increasing returns will tend to militate against work in other directions or alternate paths. Once pursued, all further developments tend to be down a chosen path, though that might not be the optimal choice in the long-run. The institutional framework promotes and rewards certain types of knowledge and skills and the resultant direction of knowledge and skill acquisition by organizations and their entrepreneurs will be key factor in the long-term development of that society.³⁴

This is not to say that particular outcomes are inevitable. In addition to the contingent nature of historical development, an argument about path dependence is probabilistic, based on the increasing costs of reversals. However, as indicated above, political entrepreneurs may be willing to pay such costs in the interest of consolidating power or countering some perceived threat, as evidenced by the employment of terror and repression.

I am writing about a particular class of episodes in the development of citizenship regimes. An encyclopaedic account of every stage and every aspect of the Russian citizenship tradition would take several volumes and span centuries. My goal is more modest. I seek to understand the role and impact of these successive foundings within the larger process of the development of Russian citizenship. This is a work about foundings. The periods under investigation represent responses to critical moments in state formation with all of the attendant consequences for relations between organized groups and individuals within the polity.

³³ James Mahoney, "Path Dependence in Historical Sociology," *Theory and Society*, vol. 29 (2000), 507.

³⁴ *Ibid.*, 76, 78; Paul Pierson, "Increasing Returns, Path Dependence, and the Study of Politics," *American political Science Review*, Vol. 94, No. 2 (June 2000), 251-2.

Catherine Holland puts it aptly when she describes these as “political and hermeneutical events,” representing contests for both power and interpretation.³⁵ I consider these to be successive encounters with modernity and this theme will be developed in the conclusion. I define a founding in the citizenship regime as the remaking of relations between the state and those subject to its authority under the conditions of modern politics. These are not simply moments, but processes. Each case has important characteristics which distinguish it from the others, including ideology, position in the world system, and place in history.

The Soviet and post-Soviet foundings are the result of regime change. Such foundings involve periods of revolutionary coalition building followed by regime consolidation. This model is based on Kenneth Jowitt’s ideas of inclusion and mobilization in Leninist regimes.³⁶ According to Jowitt, the transformation or destruction of the old society requires the formation of coalitions by the revolutionary regime with particular, strategic mobilized segments of society and involves the exclusion of traditional elites. This period is fraught with tensions, as the need for popular support conflicts with exercising control over that support. Once the revolutionary regime is established, efforts turn to regime consolidation. I argue for the extension of this model to the post-Soviet case, given the revolutionary nature of the regime change and the demands of the construction of a new political and economic order. As will be shown in chapter three, the first decade of post-Soviet Russian

³⁵ Catherine A. Holland, *The Body Politic: Foundings, Citizenship, and Difference in the American Political Imagination*. New York: Routledge, 2001, xxiv.

³⁶ Kenneth Jowitt, “Inclusion and Mobilization in European Leninist Regimes,” *World Politics*, Vol. 28, No. 1 (Oct., 1975), 69-96.

citizenship policy can be interpreted through the prism of coalition building followed by consolidation.

This conception of foundings owes much to the literature on critical junctures. Collier and Collier have defined a critical juncture as “a period of significant change, which typically occurs in different ways in different countries and which is hypothesized to produce distinct legacies.”³⁷ North describes the type of radical change resulting from revolution or conquest as discontinuous change. It differs from incremental change in that the institutional context that allows for new bargaining and contracting is missing or destroyed and/or limited choice sets exist for the contracting parties. This can occur when entrepreneurs are unwilling or unable to settle disputes and instead form coalitions to “break out” through some form of violence. I use the term foundings rather than critical junctures because the idea of critical junctures suggests a privileging that I do not claim for foundings. It is not the case that a founding is the most important instance of change, only a unique one. One of the aims of this study is to assess the impact of foundings on citizenship regimes.

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³⁷ Ruth Berins Collier and David Collier, *Shaping the Political Arena*. (Princeton, N: Princeton University Press, 1991), 29.

The structure of the founding in the imperial period differs from the other cases as it occurred without regime change. In the absence of this dynamic and as a consolidated regime, there was no opportunity for revolutionary coalition building followed by consolidation. However, there was a more constrained contestation, described below, as competing interests and mobilized groups attempted to influence the path of reform and the reconstitution of state-subject relations.

In examining the development of the Russian citizenship tradition, foundings allow us to conceive of three distinct paths established following watershed events that occasion the restructuring the prevailing patterns of state-citizen relations. These foundings represent ruptures followed by revolutionary coalition building that establishes the basic institutional architecture of the citizenship regime. This contestation involves the new authorities and mobilized groups within society whose support is required for the consolidation of power. This discontinuous change is rarely as discontinuous as it first appears. This is because revolutionary coalitions are usually short-lived and the ideological commitment necessary for mass support of revolutions requires a certain level of sacrifice and is not easy to maintain.³⁸

North argues that most significant is the persistence and tenacity of informal constraints, even after formal rules have undergone a wholesale change. Having evolved over time and reflecting a cultural heritage, informal constraints remain strong because they “resolve basic exchange problems of the participants.”³⁹

Having framed citizenship claims as a problem of collective action and established an account of institutional change combining historical institutionalism and

³⁸ North, *Institutions*, 89-91.

³⁹ *Ibid.*

rational action, the question arises of how the institution of citizenship develops. This requires these claims to be recognised and enforceable, that is to become rights and duties. As I argue below, the development of citizenship depends on the nature of the public sphere, that place where private individuals come together as a public, a space previously controlled from above, which they claim for themselves and use to challenge authority through public and critical debate.

The concept of the public sphere was popularized in the social sciences by the important work of historical sociology by Jürgen Habermas, *Structural Transformation of the Public Sphere*. Drawing on Hannah Arendt's concept of the 'rise of the social' from her discussion of the public and private spheres in *The Human Condition*,⁴⁰ Habermas traces the depersonalization of state authority, the transformation of 'publicness' from the courtly-knightly representation *before* the people to the representation *of* the people, and the emergent tension between an increasingly autonomous civil society and an increasingly invasive state administration.⁴¹ I will return to this conceptualization of the public sphere in the discussion of the relationship between modern citizenship and modern politics in the conclusion.

For the purposes of the empirical cases I will employ the definition of the public sphere developed by Margaret Somers in her critical work on the historical development of citizenship regimes in eighteenth century England. The public sphere is conceived of as a contested, participatory space where actors with overlapping identities as legal

⁴⁰ The 'rise of the social' refers to the disappearance of the sharp distinction between the social realm, associated with the household, and the political realm of public life. It is this colonization of the public realm by economic and reproductive concerns that reduces politics to "household administration," which Arendt identifies characteristic of the modern world. See her *The Human Condition*, (Chicago: University of Chicago Press, 1958), 33-49.

⁴¹ Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, Thomas Burger, trans. (Cambridge, MA: MIT Press, 1989).

subjects, citizens, economic actors, and family and community members constitute a public body by engaging in negotiation over social and political life.⁴² Somers makes two important contributions to the theory of the public sphere. The first concerns the nature of participation. The identities of actors are not formed or fixed prior to participation in the public sphere. This means that social categories are not essentialized and preferences and actions are not determined solely by class or a function of consciousness.

Additionally, participation is not limited to rational bourgeois discourse, allowing for the participation of other groups in the struggle over the terms of social and political life.

The second has to do with the nature of the public sphere itself. Access to this public space, the issues discussed, and the outcomes achieved depend on national legal and political structures and local conditions and context, allowing for regional variations across a single, national legal space and differences between national cases. This not only produces a more nuanced analysis of the Western European states for which these theories were developed, but allows for the portability of the concept to cases outside of these cases.

The model of citizenship sketched above is intended to provide the tools for placing the Russian case in comparative perspective within citizenship studies. At its core is an account of history that does not prescribe a liberal democratic outcome. It allows for various models of modern politics, expressed through a multiplicity of configurations of rights and duties of citizens, varying degrees of autonomy for civil society, and different economic systems. It is flexible enough to allow for the possibility of modern citizenship in each of the three periods of under study. This model admits the

⁴² Margaret Somers, "Citizenship and the Place of the Public Sphere: Law, Community, and Political Culture in the Transition to Democracy," *American Sociological Review*, Vol. 58, No. 5, 587-620.

late imperial case with its exclusion of civil society from political power and weakly developed capitalism. The early Soviet case can be examined with its rejection of 'bourgeois' civil and political rights, its attempts to subsume society within the state, and its suppression of markets. Likewise, it can accommodate the post-Soviet case's establishment of a set of apparently liberal rights and obligations, weakly developed civil society, and rapidly established market economy. The balance of the introduction will detail how this model will be applied systematically across the three periods.

The Methodological Approach

This work consists of historical narratives as case studies, employing a historical institutionalist analysis and a model of human action informed by rational choice. In the course of this study I examine the development of a Russian citizenship tradition over time as an institution by investigating three historical cases, which I see as responses to foundings in its development. This longitudinal study across time combines aspects of comparative, cross-case analysis with the depth of a single case study. I have selected a longitudinal study, rather than a comparison by regime type, in an attempt to capture both relationships that could be generalized to other cases and to gain insight into what is particular about the Russian case and its development path. Additionally, this should afford an opportunity to observe the impact of successive foundings.

Each of these moments constitutes both an individual case and a single iteration in a cumulative process of the development of a Russian citizenship tradition. Each case begins with a pivotal event which serves as a departure point for the foundation of a new order, within which the formal institutions of a new citizenship regime are established.

However, informal constraints in the form of norms and practices of administration and governance may also persist, providing a measure of continuity to this tradition.

I argue that the Great Reforms of the 1860s in Imperial Russia, the October Revolution and the Collapse of Communism each constitute the formation of a particular modern political order. Each had (or has) its own dynamic configuration of recognized citizenship claims (rights) made by individuals on the state or its agents and a set of claims made by the state against its populace through its characteristic means of extracting resources, progressively understood as the fulfillment of citizenship duties. This is the story of the restructuring of relations between the state and its population, the redefinition of membership and redrawing of borders.

The data for this study include official and legislative documents establishing or altering the contours of the citizenship regime, the writings of significant participants in the development of this institution, as well as historical narratives and secondary sources which provide the context for this process.

Every citizenship regime is a mix of modes of governance, freedom and coercion, and formal and informal practices. This is produced by its particular history, including domestic and international factors, as well as ideational and material developments. This study will examine the development of this mix for the Russian case as a product of the resources available to it and the historically contingent events that shaped this dynamic set of practices and relations.

I also use this work to explore two larger theoretical issues. First, the case of Russian citizenship can tell us much about how institutions develop through continuous and discontinuous change and the role of foundings in this process.

Research Questions and Hypotheses

The above discussion attempts to situate the Russian case within the broader study of citizenship through an exploration of the development of citizenship studies and their theoretical underpinnings, as well as some suggestions about how and why the Russian case has appeared exceptional. This suggests three basic research questions for the following investigation of the development of modern Russian citizenship. First, what is the role of a founding in the development of the institution of citizenship? Second, what is the mechanism for determining the content of the citizenship regime, understood as the conditions of membership, rights, and duties? And third, how is the overall structure and complexion of the citizenship regime determined?

These research questions in turn suggest three tentative hypotheses. Following my proposed model of citizenship, the first hypothesis claims that a particular development path is not teleological, but is a dynamic process, which may be punctuated by major upheavals (foundings) that restructure the existing pattern of state-subject claims and polity membership, reorienting the development process and foreclosing alternative paths. The development of the Russian citizenship regime is influenced by the structure of the international system and that state's position within it on the one hand and the dynamic nature of state capacities and technologies, including dominant and innovative ideologies, on the other.

In the Russian cases of the late Imperial period following the Great Reforms, the early Revolutionary period, and the post-Soviet period these internal crises were triggered by a collapse of state capacity in the international arena, while new demands emerged

from mobilized segments of society. Each of these three periods follows constitutes a founding in the Russia citizenship tradition. Each necessitated a fundamental reorientation of the architecture of the state and the relations between the state and those subject to its authority in an attempt to construct a modern political order. Each new order entailed the construction of a new citizenship regime and it is these episodes which constitute the empirical cases of this study.

The second hypothesis is that the citizenship regime, understood as the conditions of membership in the polity and the set of rights and duties of citizens, is the product of the ongoing contestation between the state and organized groups in society. This process consists of the formation of unstable revolutionary coalitions immediately following foundings which gradually gives way to more regularized bargaining as institutional patterns are established. In this process the position of the state is determined by the relative strength of mobilized groups in society, its capacity to maintain domestic order and control over their territories and populations, and its relative position within the international system. The claims of citizens against the state are made in the public sphere, where participatory capacity depends upon the autonomy of that space from the state and the strength and solidarity of mobilized groups.

In each of the cases examined below, the Russian experience has been characterised by a relatively weak state bargaining with poorly organized and divided societal groups. The Russian state has found itself largely reactive to developments in a competitive international environment and technologically disadvantaged. This has produced citizenship practices in which formal political participation has been limited and the autonomy and solidarity of those subject to the authority of the state has remained

weak. This has promoted state-led reform and favoured informal bargaining and a pattern of separate deals between the regime and more highly mobilized groups within society.

Finally, the third hypothesis is that the overall structure and complexion of the citizenship regime is a function of the tension between the ideology animating the founding and the imperatives of the consolidation of power and administration, including the structure of the particular encounter with modernity. The development of markets and capitalism will promote the extension of civil rights. Faced with the demands of politics and administration, political elites, be they conservatives, reformers, or revolutionaries, are forced to compromise and make accommodations with strategic groups and constituencies to maintain their grip on power. As a result, aspects of the citizenship regime are the product of localized struggles over particular policies, informed by ideology, but determined by practical concerns.

The Cases: Imperial Subject-Citizenship, Revolutionary Citizenship, and Post-Soviet Citizenship

As I have argued above, the Great Reforms, the October Revolution, and the collapse of Soviet communism constitute foundings in the Russian citizenship tradition. In this study each will be treated as an individual case, as well as the necessary context and the resources for each successive encounter. For each of these episodes it is necessary to identify certain pertinent factors. These include the nature of the public sphere, the level of participatory capacity of this space and the degree of solidarity and autonomy enjoyed by particular actors. The claims made by the state on those subject to

its authority may include conscription, taxation in cash or in kind, and participation in rituals of legitimation and obedience. Numbered among the claims of groups and individuals within the citizenry on the state might be civil rights, such as property rights and freedom of movement, political rights of participation at various levels of government, and social rights, such as guaranteed employment, pensions, medical and child care, and socialized housing.

Issues of membership will be measured by examining the laws governing the admittance to and, where applicable, exclusion from citizenship. Important issues include procedures for acquiring citizenship, the existence of different types of citizenship across groups and space, the possibility of dual or multiple citizenships, and the possibility of revocation of citizenship.

Indicators of duties will be located in the classical areas of state demands on citizens, taxation and military service. Methods for tax assessment and its relationship to class or social group are as significant as the basic question of liability. Compliance also plays an important role, indicating the perceived legitimacy of these state claims on those subject to its authority. In assessing military service, it is important to consider its gendered nature, as well as the possibility of alternative civilian service. If such a possibility exists, it is important to consider not only which groups and individuals qualify for alternative service and its implications for their status within the citizenry, but also how difficult it is to exercise such a right.

Preserving Marshall's tripartite division of citizenship rights into civil, political, and social allows for a mapping of their development over time in each of the distinct citizenship regimes in the Russian tradition, as well as providing a basis for comparison

across regimes. The accounts of the development of each of these sets of rights will be detailed through the histories of the particular institutions associated with each. The state of civil rights will be tracked through the development of the court system and the right of citizens to appeals. Political rights will be measured by the extent and depth of the franchise, at the local, regional, and national levels. The development of social rights will be measured through the provision of social services by the state and its agents and the movement of these prerogatives from the private to the public realm.

In turning to my first empirical case, Imperial Russia, chapter one focuses on the period of intense political and social contestation which began with the Great Reforms of the 1860s that followed the critical juncture of Russia's defeat in the Crimean War. I argue that these reforms created a variety of national institutions and opened up a space for the development of a public sphere. I include among the most important reforms the emancipation of the serfs, the creation of *zemstva* (bodies of local self-government), judicial reform and the emergence of *zakonnost'* (rule of law), the expansion and reform of education, and conscription. These are all institutional developments recognizable to scholars of citizenship as key to the practice of citizenship.

To this list I would add the emergence of a pair of concepts during the nineteenth century. The first is *obshchestvennost'*, an educated public, as distinct from the original meaning of *obshchestvo* with its traditional evocation of aristocratic and privileged society, as well as later developments and mutations of the latter leading to its conflation with the former, reflecting the blurred lines between state and society. This new notion, associated with the growing class of professionals and specialists, suggested service to the people [*narod*] as an alternative to the institution of state service and seems the

equivalent of the concept and phenomenon of *Öffentlichkeit* which emerged a generation earlier in Prussia. The mid-nineteenth century also saw the emergence of the term *grazhdanstvennost'*, which circulated among the progressive bureaucrats in the imperial borderlands of the Caucuses and Turkestan. It loosely defined a sense of civic spiritedness and civilization that these reformist elites believed would elevate their colonial subject to full membership in the community of the empire.

This raises the issue of the persistence of particularism within the emerging Imperial citizenship regime, both with respect to estates and territories. Many of the reforms were implemented only in the areas of the empire that were dominated by ethnic Russians. Some territories, such as Finland, enjoyed enhanced status over certain periods, while others, which were perceived as backwards and savage, were the subject of 'civilizing' projects. The Jews present an instructive case, as they were subject to consistent exclusion from the extension of rights while being made increasingly liable for obligations to the state. It is for this reason that I include accounts of the position of these groups, which I call limit cases, as they demonstrate some of the key tensions between the impulse to universalism embedded in modern citizenship and the particularisms preserved by imperial autocracy. This introduces an element of inconsistency and unevenness in the comparison of cases, as every regime is likely to have its own characteristic limit cases because the boundaries of membership, both demographic and territorial, as well as the animating ideology shifts over the time periods under investigation. However, I believe that this is a small price to pay for what their inclusion reveals about particular episodes and cases.

This development path suggests the emergence of hybrid modern citizenship, incorporating aspects of a liberal citizenship regime, while maintaining particular indigenous features. Typical of this hybrid would be the operation of new direct relations between the state and those subject to its authority, while the content of those relations remained dependent on estate affiliation. However, despite the operation of many citizenship-like relations between the state and those subject to its authority, these reforms did not ultimately translate into a substantive modern citizenship for a combination of structural and historically contingent reasons. Among the structural obstacles, I include the nature of Russian autocracy, the poor institutionalization of the *soslovie* system, the institutional isolation of the peasants, and the restrictions on national-level institutions and structures.

Domestic and international developments also complicated the development of a citizenship tradition in late Imperial Russia. Within Russia itself the radicalisation of a revolutionary opposition outpaced the ostensibly liberal advocates of democratic citizenship. This was manifest in the assassination of the 'Tsar Liberator', Alexander II and the reaction and counter reforms of his successor, Alexander III.

The international context was also unforgiving. Russia's disastrous choice to enter into the Russo-Japanese War of 1904-1905 revealed a relative backwardness and exacted a terrible price in resources, prestige and regime legitimacy. The First World War would end in crushing defeats and both fiascos played a part in the revolutions which followed on their heels.

This episode in the Russian citizenship tradition produced an incomplete amalgam of universal and particular statuses, shot through with tensions and contradictions. Civil

rights were entrenched in private law for most, though not all, while public law remained the preserve of autocracy. Political rights were extended incrementally and grudgingly in the European parts of the empire, though not in borderlands. Social rights remained largely undeveloped, as poor relief was constructed in terms of charity and outside of the public domain.

The failure of the development of a full fledged modern citizenship in late Imperial Russia raises the question of why it is important. I argue that it remains significant for both theoretical and historical reasons. This case contributes to the debate over the role of institutional and participatory requirements for the development and actualisation of modern citizenship. As an historical question, the case is important as the issues which citizenship addresses remained unresolved in this iteration of the Russian citizenship story. It also established some important precedents for Soviet and post-Soviet efforts to forge a modern citizenship tradition.

Chapter two takes up the narrative of Revolutionary Soviet citizenship, forged in the Bolshevik revolution and extinguished with the Stalinization of the political system and society. More self-consciously a founding than the previous episode in the story of Russian citizenship, revolutionary citizenship was also more conspicuously marked by the exigencies of ideology. From the outset revolutionary citizenship was marked by a tension rooted in the competing demands of equality and particularism. The ideologically inspired equality of Marxism-Leninism was so absolute as to dream of the annihilation of difference; central to this was the creation of a single, unified proletarian and revolutionary citizenry. At the same time, there was a political necessity for

accommodation with certain national and social particularities for the purposes of building coalitions and consolidating Bolshevik power.

These dynamics could work together, as they did in the drive to eliminate all opposition and class enemies, in which exclusion from citizenship played an important function. However, increasingly these impulses were also in conflict, as the demands of the consolidation of power tipped the balance away from revolutionary ideals, expressed through state policies at a crucial moment in institution-building. These patterns of citizen-state relation were often drawn from the defeated Imperial order and employed with greater efficacy, as in the passportization of the Soviet citizenry. Once set, these relations remained durable features of the Soviet system right up until the collapse of the USSR. The revolutionary period fixed the institutional forms of state claims on its citizens and established the basis for citizen claims on the state. The need for a standing army rather than a militia force established the duty of military service. Individuals were tied to places of residence and employment through an extensive document and registration system. Political and civil rights were ritualized and robbed of substantive content, while the entitlement to social rights (if not always realized) was promoted as the reward for building socialism.

Long after the elimination of 'enemy classes' through exclusion, exile, and extermination, the stratification of community membership persisted and expanded with the privileging of particularly valued or mobilized social groups, such as Party members and Stakhanovites. The status of particular groups shifted over time, as demonstrated by the rising and falling fortunes and corresponding privileges of social groups, such the cultural and technical intelligentsia or particular ethnic groups.

Another consequence of the early coexistence of these forces was the complex interweaving of unitary Soviet/civil identities with particular (and implicitly hierarchical) national identities. However, this tension also made the space of politics unstable and susceptible to subversion. The Soviet citizenship that emerged was thoroughly modern, but almost exclusive formal in nature. Citizenship remained subordinate to demands of the Party-state and instrumentalized, serving as a tool of exclusion and the consolidation of power. The shifting revolutionary coalitions set the institutional foundations for the Soviet citizenship regime. However, under the unstable conditions of the founding of the regime, citizens had no reliable to consistently enforce their claims against the state and the state often resorted to repression and coercion to extract what it claimed from those subject to its authority. For this period citizenship remained primarily formal, rather than substantive. However, this is not to say that this period is inconsequential for the development of the citizenship regime. It is in this period that many of the patterns of citizenship practice are formed and the contours of the rights and duties, as well as the expectations they engender, are formed.

This episode also underlines the importance and necessity of the enforceability and legitimacy of citizenship rights and duties. The rhetoric of the civil, political, and social rights of Soviet citizens was rendered inoperative by the arbitrary nature of Stalinist terror. However, despite the preference for informal bargaining, formal rights and obligations retained a residual importance, which could later be used as a resource by particular groups making claims against the state, such as dissidents. It is here that the hermeneutic of foundations becomes most clear, as the meaning of the revolutionary events

and the implications of what a dictatorship of the proletariat and then a classless state mean in terms of citizenship practice are contested.

This episode of the citizenship story in Russia underlines the central role played by the development of the domestic institutional environment, as well as the impact of the international context of perceived encirclement and the manner in which power is exercised and sovereignty is practiced in the course of these developments. Equally important, it raises the question of the very possibility of a revolutionary citizenship, as envisaged by the early Bolsheviks.

The third chapter examines the decade of post-communist citizenship in Russia, again viewing it as a sort of founding. To a certain extent this was a founding by default, as many citizens found their new civic status 'thrust upon them'. However, regardless of the attitudes regarding these founding acts, their very fact necessitated the renegotiation of the relations between the state and its citizens and the redefinition of membership boundaries.

In contrast to the previous two episodes, the recent nature of this latest chapter does not afford the luxury of historical reflection and distance. However, I believe that it is possible to identify two phases of this founding, following the collapse of the USSR, roughly coterminous with the tenures of Russia's two post-Soviet presidents. Russia under Boris Yeltsin can be characterized as consolidationist, a process of coalition building, with two key founding moments within this period, during which the basic contours of power relations on the domestic scene were formed.

The first moment begins with the declaration of sovereignty of the Russian Soviet Federative Socialist Republic (RSFSR), which trumpeted the end of the Soviet Union as a

polity. This served to inaugurate the period of real contestation over the very stuff of citizenship, membership and the shape of basic relations between the state and individuals.

The second moment is associated with the events October 1993, when then President Boris Yeltsin issued Decree 1400 dissolving the Supreme Soviet. The ensuing struggle and political violence, which included the executive-ordered shelling of the Russian Parliament, effectively put an end to the contestation of the shape of the political order and the role of the citizen within it.

I am not arguing that citizenship was fully formed or fixed from this point on. The practice of citizenship has developed significantly in the years since 1993, both as a result of dynamic interplay of state and society and through the demands made upon the state on the domestic and international levels. There has also been important institutional innovation which directly impinges upon the rights and duties of citizens. However, I do argue that post-Soviet Russian citizenship has been indelibly marked by these events, which occurred at a particularly early and sensitive point in its development.

The character of relations between the state and its citizens was far from stable when Vladimir Putin became Russia's second president in 2000 and I argue that it was at this point that the state entered into a period of informal bargaining with its citizens over the terms of a tacit social contract. Assurances of stability, relative economic prosperity and economic freedom, security, and the protection of national interests were to be exchanged for political quiescence, the retrenchment of the vestiges of the Soviet welfare state, and the assumption of increasing individual, citizen responsibility. This

responsibility includes the payment of taxes and (for male citizens) the performance of military or alternative civilian service.

This occurred against the backdrop of an explicit effort to recentralize power at the expense of regional elites, economic elites, and competing institutions at the federal centre. This process radically altered the respective bargaining power of the groups and organizations making claims on the state and on citizens, in other words contesting issues of citizenship.

Membership has also been a contested component of the citizenship regime, as the state has moved from a very inclusive policy to a more restrictive and selective approach, often subject to domestic and foreign policy objectives. Among the issues faced by the post-Soviet citizenship regime were competing claims from rival supranational and subnational citizenship regimes. This may be conceived of as challenges from above, in the form of the Russia-Belarus Union, and challenges from below in the form of citizenships of the republics which were constituent units of the Russian Federation. In much the same way that Finland and the Jews provided limit cases for the first chapter, these membership challenges are studied to reveal the tensions between the particular and the universal and the attendant competing claims emerging from the dissolution of the Soviet Union. Part and parcel of these debates over membership is the multi-ethnic character of the Russian Federation, the role of nationality rights, and the evolving role of religion in the affairs of state.

Perhaps equally important was the international context in which these transformations occurred. The collapse of communism and the apparent hegemony of liberal ideology in both the economic and political realms had a profound effect on the

development of new state institutions and the relative strength of competing visions of community and citizen. However, political and economic liberalism have encountered different fortunes in Russia. A tension has developed between the liberal institutional architecture of the state and the increasingly illiberal nature of politics. This is coupled with an economic liberalism that runs counter to the established expectations of the state provision of social rights, yet is ultimately subordinate to the requirements of political power.

These episodes represent a unique set of cases for comparison across history. Each is an autonomous encounter with the founding of a modern citizenship regime. At the same time the second and third episodes selectively draw upon their predecessors for models, meanings, symbols, and legitimacy. Central to the path of development of each encounter are domestic institutional environment, the international context (both ideationally and structurally), the relational networks and the associational nature of the public sphere, and the nature of sovereignty and its practice.

The final section of this work will again take up the question of how the study of Russian citizenship practice can inform citizenship theory. It is my contention that these cases which are not bound and beholden to liberal and enlightenment founding narratives offer a standpoint to critically appraise citizenship practice in the Western tradition and on its periphery, particularly as it relates to the practice of sovereignty and modern politics.

Rather than assuming that dissimilar institutional forms and alternative configurations of the public sphere are evidence of the absence of citizenship, this account allows for an investigation of three successive confrontations of the Russian state

with modern politics, developments in the nature of state sovereignty and potential citizenship regimes. This both facilitates a better understanding of Russian state-building and broadens the study of citizenship and the application of a rich body of scholarship to non-traditional cases.

Having laid out the major strands of the historically-oriented social science literature on citizenship, I turn to the three cases to explore the historical experiences and outcomes of the Russia encounter with the institution of citizenship.

Chapter 1 – From Imperial Subject to Imperial Citizens?

Introduction

Late Imperial Russia faced immense challenges in its efforts to transform itself from an agrarian, peasant society into a modern, competitive imperial power. Imperial expansion through conquest and acquisition had created in a multi-ethnic and multi-confessional population, a patchwork of legal practices and administrative arrangements, and increased strains on an already notoriously inefficient administration and bureaucracy. The period from the mid-nineteenth century to the collapse of the Russian empire in 1917 was marked by military defeat, social upheaval, and significant state restructuring. It is within this context that the terms of state-society relations and the bounds of the political community were being contested.

In this chapter I seek to sketch out the development path of Russian citizenship in the late imperial period and explain its emergence drawing upon evidence of the changing nature of the rules of membership, duties, and rights. These will be measured with reference to laws of inclusion and exclusion, highlighting limit cases within the Imperial context, the regulation of taxation and military service, and the development of the key institutions associated with civil, political, and social rights.

Returning to my first hypothesis, I argue that the Great Reforms that followed and responded to the defeat in the Crimean War (1853-56) served as the impetus for the founding of a new development path in state-subject claims and polity membership lasting right up to the October Revolution of 1917. These reforms, enacted by Alexander II (1855-81), were an attempt to preserve the embattled autocracy, through the partial

liberalization of significant aspects of Russian political and social life. This included the abolition of serfdom, the granting of limited local self-government, judicial reform, increased press freedom, and reforms to military obligations.

The impetus for the restructuring of these relations can be found both in the new demands emerging from organized segments of society and regime anxiety about the declining position of Russia in the international environment. This development was not a linear process. The particular outcomes described below acted to lock in a particular configuration of rights, duties and boundaries, making alternative development paths more costly for those engaged in the bargaining process. This experience, interrupted by the October Revolution, left behind a cumulative legacy of informal constraints and norms conditioning the institution of citizenship.

The significance of this claim is not its originality. It is not controversial to view this period as a fundamental shift in the development path for Imperial Russia, evidenced by the vast literature on the Great Reforms upon which I draw below. My goal here is to understand the impact of this encounter with modernity as a founding in the Russian citizenship tradition.

International factors provided the spark for reform in the form of interstate competition and Russia's standing in the international system. Defeat in Crimea was a clarion call for the regime. It revealed the profound disorder in the country's military and administration, which threatened its very place in Europe and the world. The crisis could be traced back to the economic and technological backwardness of the empire, as well as its abysmal infrastructure. The conflict also revealed social tensions and the discontent

among the peasantry, vast numbers of whom had volunteered for service in the hopes of securing post-conflict freedom.

The Treaty of Paris was a blow to Russian foreign interests, prohibiting the reconstruction of the Black Sea Fleet and with it any influence in the Middle East or the ability to protect its merchant vessels. It appeared that along with the Austro-Hungarian and the Ottoman Empires, Russia was losing ground to the nation-states of Europe with their dynamic industrialising economies and technologically advanced militaries.

Many state and military officials began to make direct connections between Russia's declining position in the international system and her domestic institutions. Serfdom was the chief impediment to military reform. Under the conditions of serfdom the state was reluctant to allow recruits to return home and potentially use their military training to rebel.¹ The expense of the large standing army during peacetime, based on the recruitment for a period of 25 years, drained the treasury, prevented investment in infrastructure and technological upgrades, and rendered the army poorly skilled and poorly prepared.²

The Crimean defeat revealed that while autocracy had enabled Russia to build a great empire and assert herself as a continental power in the eighteenth century, it had become a liability in the second half of the nineteenth century, making Russia uncompetitive on the world stage. These drivers provoked a radical reaction from the tsarist regime, altering the basic pattern of the relations between the state and those subject to its authority, including the terms of membership, rights and duties.

¹ David Saunders, *Russia in the Age of Reaction and Reform* (New York: Longman, 1992), 247.

² Ibid; Alfred J. Rieber, "Alexander II: A Revisionist View," *The Journal of Modern History*, vol. 43, no. 1 (Mar., 1971), 46.

My second hypothesis, that the content of the citizenship regime is the result of the ongoing bargaining between the state and organized groups in society over the terms of membership and the reciprocal claims of state and citizens, would predict that under the conditions of autocracy, there would be few mobilized groups with sufficient power to bargain successfully with the state. This does not preclude all contestation, as some groups are able to exploit state weakness and the state willingly enlists a segment of society where it clearly lacked capacity. This suggests that while the emergent Imperial Russian citizenship regime never achieved universality and equality, it was a complex, variegated, and dynamic institution. This institution was replete with a tension between the universalizing demands of modern administration and the traditional particularisms of autocracy. Reforms such as the Law on Conscription, the Judicial Reform, and attempts at tax reform shifted the claims of the state from the collective defined by estate or religious groups to the individual.

Some of the innovations of this critical period were top-down attempts by the state or certain parts of it to modernize, while others were responses to demands from particular mobilized groups. The outcome of this contestation was dependent on the relative strength of state on the one hand and societal groups on the other. State strength in turn was a function of administrative and coercive capacity, while the ability of social groups to bargain effectively was determined by the participatory capacity of the public sphere, group solidarity, and the resources at their disposal. Both of these factors varied over time and space, as well as by issue, giving rise to a pattern of sometimes contradictory developments, some of which advanced the realization of modern citizenship, while other inhibited it.

My third hypothesis is that there was an inherent tension between the demands of autocracy and the ideology of liberalization, which animated this founding in the Russian citizenship tradition. This reform process was neither a consistent nor a thoroughgoing project. While extending limited political and civil rights to the peasantry, these reforms were not intended to alter the fundamental nature of autocracy, the supreme and unconditional authority and sovereignty of the tsar. Important aspects of the estate system were reinforced by the continued separation of peasant institutions from those of the general population, preserved significant aspects of feudal right by privileging the nobility in bodies of local self-government, and left the significant arena of public law largely unreformed and instrumentalized by the autocracy.

By the second half of the nineteenth century there was significant internal pressure to reform. The need for reform had long been discussed in the salons and literary circles (*kruzhki*), which under Nicholas I (1825-55) were the only (semi-public) fora for discussion and opinion. Even among the two main opposing groups of 19th century intellectuals, the Westernizers and the Slavophiles³ there was a broad consensus on the need to abolish serfdom and create institutions to enable the educated public to support the state. All identified serfdom as the chief obstacle to progress and a threat to the very viability of the state. Its abolition was seen as the key to all other reforms, including taxation, conscription, passports, education, justice, censorship, and policing. Iurii Samarin, one of the first Slavophiles, questioned why serfs, who numbered twenty

³ These two groups of 19th century Russian intellectuals differed on the nature of Russian civilization and the prescription for future development paths. Believing that Russia was essentially backwards, the Westernizers were, for the most part, proponents of rationalism and proposed the importation of Western institutions and technology, as well as liberal government. The Slavophiles supported autocracy and believed that Russian civilization, grounded in Orthodoxy, the village commune, and the old popular assembly (*zemsky sobor*) was superior to alienating and individualistic Western culture. See Andrzej Walicki, *A History of Russian Thought: From the Enlightenment to Marx*, trans. Hilda Andrews -Rusiecka (Stanford: Stanford University Press, 1979), esp. chapters 5-9.

million and paid the soul tax, had no direct relationship with the state, being for all intents and purposes, outside the law and no more than the property of another estate.⁴

It was against this backdrop of growing dissatisfaction with the status quo that events on the international stage were to provide the catalyst for far-reaching, systemic reform. In contrast to Western cases, where the development of capitalism provided the impetus for the opening up of space for the public sphere, the policies of the regime performed this function. In an effort to address deficiencies in state capacity, the state involved segments of the population in administration. Despite explicit prohibitions on the politicization of this work and an unwillingness to share power, once mobilized, the demands of these groups could not easily be directed or contained.

Modern citizenship, as I have defined it above, is a general category of arrangements between states and constituents under the conditions of mass politics. Russian attempts to construct a citizenship during this period combined selective borrowings from Western examples and improvised measures in order to adapt to the local context. In large part this was an attempt to bridge the imperatives of autocracy and the demands for popular participation by reformist elements within the regime. There were incomplete and halting steps towards an individualized and civic identification of subjects, a hallmark of modern politics and a halting and incomplete move away from the estate paradigm with its emphasis on collective privileges and responsibilities. However, at the same time a new type of collective identity was demanding recognition, nationality.

Taken on its own terms, this founding is a significant instance in the history of citizenship “because of its accrued political experience; that is the process of bargaining

⁴ Geoffrey Hosking, *Russia: People and Empire, 1552-1917*. London: Fontana Press, 1998, 318.

and negotiating that defined the relationship between the government and its population.”⁵

This era of reform and reaction turns on two key moments, both of which are associated with the limitations of the imperial regime as an effective manager of domestic development and a competitor in the international arena, manifested in military defeat.

The defeat in the Crimean War revealed deep problems in the Tsarist system. Following the death of Nicholas I in 1855, Alexander II embarked on the Great Reforms, a series of unprecedented social, economic and political reforms, in an effort to preserve autocracy by modernizing the very institutions upon which it was built.

The humiliating defeat in the Russo-Japanese War of 1904-05, followed by the Revolution of 1905 demonstrated not only how Russia lagged behind its international rivals, but also the success of the Great Reforms in mobilizing particular segments of society, as well as their failure to adequately integrate these groups into the institutions of administration and power. After its initial reaction of repression, the regime responded to this crisis taking concrete steps towards constitutionalism and representative government, only to back away from these again once its hand was strengthened.

The Basic Law of 1906 and the establishment of the State Duma constituted momentous, if incomplete steps towards a formal, institutionalized citizenship regime. The inability of the major political actors to employ these institutions cooperatively and the consistent and progressive dismantling of these liberties and institutions by the regime for the balance of the imperial period doomed this constitutional experiment to failure.

⁵ Eiko Ikegami makes this argument about the development of citizenship in Meiji Japan between the defeat of the Shogunate in 1867 up to the dismantling of democratic institutions and the increasing authoritarianism of the 1930s. See his “Citizenship and Nation in Early Meiji Japan, 1868-1889: A Comparative Assessment,” in Charles Tilly, ed. *Citizenship, Identity and Social History* (Cambridge: Cambridge University Press, 1996), 186.

However, it would be a mistake to dismiss the significance of this failed experiment, as it established important precedents and legacies, including techniques of social control, the mobilization of particular social groups, and patterns of political behaviour.

This first episode in the development of the modern Russian citizenship tradition demonstrates important aspects of how institutions develop. As described above, the development of a citizenship regime is a process of incremental change punctuated by major upheavals. This period begins with a founding that restructures state-citizen relations and establish a new development path. The Great Reforms introduce new patterns of relations between the late Imperial Russian state and those subject to its authority consistent with the demands of modern politics. These new relations establish direct contact between the state or its agents and the individual and introduced a logic of equality in reformed spheres of state-society relations. It is important to point out that these relations do not replace older style interaction between the state and collectivities in society, such as estates, religious communities, and ethnic or national groups. These are preserved in unreformed areas of public life and even residually in the newly reformed structures. These two modes of interaction coexist in tension, side-by-side. These are the moments which gave shape to the modern politics of Imperial Russia.

The development of the institutions of citizenship is dynamic and its does not stop with the Great Reforms. They are immediately followed by state attempts at retrenchment in the age of reaction following the assassination of Alexander II. However, this represents incremental change and does not alter the fundamental patterns of interaction. I argue that the fundamental architecture of the emerging dynamic citizenship regime remain essentially constant until the collapse of Imperial Russia.

The Revolution of 1905 is a significant development in the citizenship regime and an episode of discontinuous change. However, while it does introduce new and important political rights, it does not constitute a new development path, as it builds on principles already incorporated into the institution of citizenship with the Great Reforms. This point is supported by the ability of the government to dilute the radical concessions made under the threat of collapse, so that in the final analysis, they are not as radical as it at first appeared, as well as the preservation of estate-based qualifications.

A number of factors were responsible for the limited progress in the institutionalization of civic and political citizenship rights. The regime was motivated by the search for a non-constitutional path to reform and the preservation of Autocracy. In this effort, the conservative regime faced both a liberal opposition, by turns cooperative and combative, campaigning for reform and a radical opposition intent on the destruction of the old order. Crucial to these developments was the particular contingent international and historical environment. These developments and the choices of significant political actors were constrained by linked institutional settings of the pressures of European and, to a lesser extent, Japanese competition, as well as the necessity to modernize the feudal structures of the imperial state, including its mechanisms for ruling its multiethnic and multi-confessional populations.

As I have argued in the introduction, conventional accounts of the development of modern citizenship tend to exclude the possibility of its development in Imperial Russia. The very possibility of the emergence of modern citizenship and citizenship behaviour in an autocratic, agrarian empire seems far fetched. However, this approach takes liberal democratic citizenship as the model of citizenship, rather than a type. Reconceptualising

liberal democratic citizenship as but one any number of possible variants of modern citizenship allows for the exploration of the possibility of the beginnings of the Russian citizenship tradition in late Imperial Russia. A useful starting point for this exercise is to challenge conventional accounts of Imperial Russia as a failed reformer by addressing the development of a public sphere.

The Possibility of Imperial Russian Citizenship and the Development of the Public Sphere

Conventional accounts of the development of Late Imperial Russia as a failed reformer seem to preclude the development of meaningful citizenship under the conditions of autocracy. Late Imperial Russia is contrasted unfavourably with the paradigmatic modernizing and democratizing regimes of England and France.

Russia fits the classic model of a late developer, employing top-down, state-directed reform, which encourages the regime to sacrifice democratization in the quest to catch up to competitors in the international arena. However, Russia is also contrasted unfavourably with the strong-state late developers, Prussia and Japan in the classic works of historical sociology and political science, such as those by Barrington Moore, Reinhard Bendix, and Perry Anderson⁶. Japan and Prussia are seen as having efficient, modern bureaucracies and effective institutions of coercive power. Late Imperial Russia was plagued by an inefficient and corrupt officialdom, which was poorly coordinated from the centre and only weakly penetrated the provinces and the everyday life of their inhabitants. Russia's armed forces declined from one of the most formidable in Europe

⁶ Barrington Moore, *The Social Origins of Dictatorship and Democracy* (Boston: Beacon Press, 1966); Reinhard Bendix, *Kings or Peoples* (Berkeley, CA: University of California Press, 1978); and Perry Anderson, *Lineages of the Absolutist* (State New York: Verso, 1979).

under Alexander I to suffering humiliating defeats in the Crimean and Russo-Japanese Wars. Additionally, in its efforts as a top-down reformer Russia's attempts to modernize industry and lagged far behind those of its strong-state competitors.

However, these accounts of Russian state formation and development, to varying degrees, occlude the significant institutional and structural changes which opened up public spaces for the contestation of the terms of political participation and the bounds of the national community. Anderson's structural account describes an Eastern Absolutism in Russia (and Prussia), which is distinct from its Western counterparts, eliminating urban autonomy as part of a larger project to consolidate central state power, as these backwards regimes tried to compete in the international arena.⁷ This was achieved by tying nobles to the crown and serfs to the nobility, which required higher levels of coercion, militarized state-building, and the monopolization of trade and commerce by the state. Anderson argues that under these conditions and in the absence of any influence of the bourgeois virtues, the public sphere remained stunted and the state crippled the autonomy and solidarity of its potential bargaining partners.

As noted above, Marshall's work on citizenship is part of this larger sociological literature and is subject to the same limitations in explaining the late imperial Russian case. Too literal a reading would disqualify Russia out of hand for a number of reasons. Much is made of its isolation from Western influences dating from the age of Byzantium to the time of Peter I, cutting it off from the heritage of the Renaissance and the Enlightenment and penetrating only very weakly upon its 'return to Europe'.

Areas of independent political and economic activity, along with their corporate privileges, and institutions for the exercise of particular rights, which are so prominent in

⁷ Anderson, *Lineages of the Absolutist State*, 345-347.

the classic cases, were seen as the seedbeds of autonomous action and providing the space for a participatory public sphere are largely absent in the Russian case. There is also the lack of the particular social preconditions, which Marshall highlights as instrumental in the development of citizenship. These include the absence of a tradition of autonomous cities and local self-administration (with the exception of fifteenth century Novgorod, which was effectively extinguished by Ivan IV in the sixteenth century). Civil and political rights were also notably absent from the Russian historical landscape. Then there is the problem of agents of change, given imperial Russia's notoriously weak and dependent bourgeoisie. Modernization and innovation was primarily a state-led project, reinforcing the passivity of subjects and consolidating the state monopoly on economic and political power.

Michael Mann's brief treatment of citizenship theory and modernization in his 1987 "Ruling Class Strategies and Citizenship" provides a fruitful point of departure re-conceptualizing citizenship in Late Imperial Russia. Mann identifies the citizenship dilemma of nineteenth century absolutist regimes as the recognition of the need to modernize through the cooptation of mobilized groups in society, while resisting the direct challenge posed to autocratic power by universal citizenship. Mann identifies the lack of a coherent modernization and corporate policy as important conditions for state failure. However, he argues that the decisive factor responsible for the collapse of the state was the disruption caused by international conflict. This is an important contribution to the sociology of citizenship, as it envisages an "arbitrary combination of partial civil, political, and social citizenship" as an alternate path to modern citizenship.⁸

⁸ Michael Mann, "Ruling Class Strategies and Citizenship," *Sociology*, Vol. 21, No. 3 (August 1987), 346-7, 349.

However, it is only a partial account, focusing exclusively on structural factors and regime actions. Missing is a consideration of the public sphere, the development of civil society, and the transformations in the actions and claims of imperial subjects.

The weakness of organized capital relative to autocratic power led to the absence of bourgeois participation in economic and political development of the imperial reforms. Land tenure had always been a contested issue in Russia and it was not until 1801 that the monopoly of the nobility on the private ownership of land was broken. Accordingly, the conventional account linking the rise of the civil society to the bourgeoisie must also come in for some revision as recent historical work shows the bourgeoisie to be small, diverse and ill-defined, while emphasizing the role of voluntary and professional associations in the constitutions of salient identities and publics.⁹ To paraphrase the historian Joseph Bradley, it is culture rather than capital that is important.¹⁰ The key factor appears to be the role of the state and the process of state formation rather than the urban bourgeoisie, turning the conventional conception on its head.

Part of the corrective for an overly structural and deterministic account of the development of the Imperial citizenship regime is the inclusion of the impacts of the public sphere on this process. Late Imperial Russia offers a case that challenges civil society theory. As illustrated above, the conventional accounts portray civil society under Tsarist autocracy as weakly developed and narrowly constituted, if acknowledged

⁹ See for instance Edith Clowes, Samuel D. Kassow, and James L. West, eds., *Between Tsar and People: Educated Society and the Quest for Public Identity in Late Imperial Russia* (Princeton: Princeton University Press, 1991), especially James L. West, "The Riabushinskii Circle: *Burzhuaziia* and *Obshchestvennost'* in Late Imperial Russia," 41-58; Thomas C. Owen, "Impediments to a Bourgeois Consciousness in Russia, 1880-1905: The Estate Structure, Ethnic Diversity, and Economic Regionalism," 75-92; and Joseph Bradley, "Voluntary Association, Civic Culture, and *Obshchestvennost'* in Moscow," 131-148.

¹⁰ Joseph Bradley, "Subjects into Citizens: Societies, Civil Society and Tsarist Autocracy," *The American Historical Review*, Vol. 107, No. 4, 7.

at all, ultimately failing as a serious bargaining partner for the state. However, Bradley has demonstrated that civil society did develop more or less along the European model during the late 18th and throughout the 19th century in Russia, as thousands of voluntary organizations, the institutional core of any civil society, came to form the structure of the public sphere. According to this argument, the very hostility of the regime to civil society is taken as evidence of its existence.¹¹

There has been an important debate regarding the use of the terms citizen and subject in Imperial Russia in the social history literature, such as David Moon's work on the peasantry and Joshua Sanborn's work on military service. Traditional accounts have assumed that groups such as peasants and non-Russian populations of the Eastern borderlands of the empire were pre-modern (parochial or tribal) in their interests and relations with the state, lacking a modern, 'national' consciousness considered characteristic of citizenship. However, these more recent contributions have emphasized practice over consciousness as the test of citizenship. They argue persuasively that consciousness is an ephemeral phenomenon, posing problems for study and verification. This is especially true of a largely illiterate social group without a written record of their self-perceptions. The reliance on consciousness is part of the teleological account of history that posits the evolutionary development of modern consciousness as a prerequisite for national citizenship. By contrast, practice is empirical and measurable.

¹¹Bradley, "Subjects into Citizens," 3. See also Adele Lindmeyer, "The Rise of Volunteer Associations during the Great Reforms: The Case of Charity," in Ben Eklof, John Bushnell, and Larissa Zakharova, *Russia's Great Reforms, 1855-1881*, Bloomington, IL: Indiana University Press, 1994, 264-279.

The actions of these groups may be interpreted as particular demands made against the state and its agents, which qualify as citizenship behaviour.¹²

However, the pendulum might have swung to the other extreme in this effort. To focus exclusively on the social, to the exclusion of institutions and formal structures, risks emptying the concept of citizenship of its essential and constitutive political content, and reducing it to an endlessly elastic category with little explanatory power. One way to re-contextualize these developments in the political is to relate the accounts of citizenship practice to the work on the transformation in the discourse of state-society relations during this time, especially concerning the development of *obshchestvennost'*. As stated above, this referred to an educated public which attempted to construct and exploit a public sphere. This is most vividly treated in the literature on the development of the 'third sector' of professional tied to the rise of the *zemstvo*, as distinct from exclusively aristocratic *obshchestvo*. While there is an appreciable level of activity among the professions during this period, the working class does not become mobilized until the immediate pre-revolutionary period.

It is precisely through these insights of social history and the introduction of more nuanced treatments of the bargaining process between the autocracy, the third sector and the peasantry that a more comprehensive exploration of the possibilities of the development of citizenship in the late Imperial period are made possible. The combination of increasing economic dynamism, mobility, urbanization, and educational reforms with the institutional innovations of the Great Reforms allowed for some mediation between the state and the individual. It also facilitated the rise of the Third

¹² David Moon, "Peasants into Russian Citizens? A Comparative Perspective," *Revolutionary Russia*, Vol. 9, No. 1 (June 1996), 43-81; Josh Sanborn, "The Mobilization of 1914 and the Question of the Russian Nation: A Reexamination," *Slavic Review* 59, No. 2 (Summer 2000), 267-289;

Sector and new definitions of public service outside of the bureaucracy and opportunities for the redefinition of public identities.¹³

Perhaps the most significant transformation in the nature of state-society relations and the operation of the public sphere was the shift in emphasis from the collective to individual, incomplete and uneven as it was. This is evident in all areas of reform. It can be seen tax reform, which increasingly replaces the allotment of collective responsibility as determined by estate and location to the assessment of the individual resources and capacities of the tax payer. Local self-government reform illustrates the complex nature of this process, as it employed the non-class or non-estate principle by basing qualification on property and tax liability, while preserving corporate distinction in representation. Judicial reform established a state court system to judge all subject and under which representatives of all estates served on juries. However, lower level institutions maintained the isolation of the peasantry. The move from recruitment to universal conscription is another example of this shift.

This transformation can also be seen in the document regime which served as a crucial point of contact between state and population. In his study of internal passports and metrical books, Charles Steinwedel identifies a move away from estate and religious identifiers, particularly after 1905. This can be interpreted as the sort of levelling of the governed that Tocqueville, Weber, and Tilly have identified with modern politics. However, this levelling was not absolute, as the category of nationality often came to supplement and even displace old estate and religious classifications.¹⁴

¹³ Bradley, "Subjects into Citizens," 13.

¹⁴ Charles Steinwedel, "Making Social Groups One Person at a Time: The Identification of Individuals by Estate, Religious Confession, and Ethnicity in Late Imperial Russia," in Janne Caplan and John Torpey,

The exclusion of women from the institutions of the public sphere and its gendered nature are well documented, but women were able to participate in civil society despite these institutional barriers. While their civil status was weakly developed, being almost entirely dependent on their fathers or husbands, women did enjoy property rights separate and apart from their spouses and could inherit property, though in smaller amounts than men. When representative political institutions were established late in the Imperial period suffrage was not extended to women of any station. However, the use of voluntary organizations by some disenfranchised women allowed them to enter into the public arena, make specific demands, and hold public authority to account. Similar strategies were employed by certain groups of disenfranchised men.¹⁵ Women also took advantage of greater access to education and employment opportunities, particularly as teachers in *zemstvo* schools.¹⁶ Understanding the gendered nature of civil society may help the theorization of political participation in autocratic polities where many or all groups are denied effective citizenship.

It is important not to overestimate the strength of the state or to cast the relations between the Autocracy and mobilized segments of society as exclusively antagonistic. While it is true that the state remained deeply suspicious of all independent initiatives and played a dominant role in modernization and reform, it did attempt to enlist the Third Sector, especially at the local level, where it suffered the deepest lack of capacity.

Eds. *Documenting Individual Identity: The Development of State Practices in the Modern World* (Princeton, Princeton University Press, 2001), 68.

¹⁵ Bradley, "Subjects into Citizens," 6, 9.

¹⁶ Jeffrey Brooks, "The *Zemstvo* and Education," in Terrence Emmons and Wayne S Vucinich, (eds.): *The Zemstvo in Russia: An Experiment in Local Self-Government*. (Cambridge: Cambridge University Press, 1982), 254-256.

It is undeniable that the regime was hostile to any perceived encroachment on its exclusive sovereignty. However, Habermas' conception of the public sphere as essentially opposed to the state, where the public constituted itself as the counterweight to traditional state authority, forcing it to legitimate itself in front of public opinion, is only a partial account. Bargaining between the state and organized publics could be constructive in certain issue areas, as suggested by my second hypothesis. Social historians, such as Bradley, have highlighted the ambiguous relationship between the state and civil society. Adversarial aspects of this relationship were balanced by state attempts to employ voluntary associations for the promotion of national goals, especially in science and education, and by the actions of the many groups which sought to work in cooperation with the state and its institutions.¹⁷ This ambiguity also reflects the tension internal to the founding of this citizenship regime. The liberalizing impulse behind the reforms, which sought to enlist the participation of mobilized groups, was countered at every turn by more conservative elements of the regime, who justifiably interpreted these moves as threats to the very foundations of autocracy.

This discussion of the public sphere and the possibility of bargaining and cooperation with state necessarily raises the issue of membership in the political community. The boundaries of membership set the initial terms for this bargaining and worked to include and exclude particular groups. While the terms of inclusion were dynamic and developed incrementally across time, the Great Reforms, and the emancipation of the serfs in particular, constituted an instance of discontinuous change so profound, as to fundamentally reorder the extent of the political community. This founding in the citizenship regime was felt first and foremost in the area of membership.

¹⁷ Bradley, "Subjects into Citizens," 4-5.

Membership

State-society relations and the social order of the Russian empire prior to the Great Reforms were hierarchical and highly unequal. Obligations to the state and privileges were determined by an individual's membership in a particular social category. The conventional picture of the organization of society in Imperial Russia corresponds to the four estate system, made up of the nobility, the clergy, townspeople, and the peasantry. There has been considerable historiographic debate regarding the timing of its development, the role of the state in this process and its relations to the emerging social class system in second half of the nineteenth and early twentieth centuries.¹⁸ This questioning of "the inevitable emergence of "modern" political and social structures"¹⁹ shares with the present work a rejection of a teleological model of development and history.

Gregory L. Freeze's important "The *Soslovie* (Estate) Paradigm and Russian Social History" establishes *soslovie* (status group) as historically amorphous groupings not codified in law and only achieving some measure of stability as a membership group with corporate structure in the early 19th century. He distinguishes this from the legal designation of *sostoianie* (social category) which defines the classic estate categories of nobles, clergy, townspeople, peasantry with something approaching consistency.²⁰

¹⁸ See Gregory L. Freeze, "The *Soslovie* (Estate) Paradigm and Russian Social History," *The American Historical Review*, vol. 91, no. 1 (Feb., 1986), 11-36.

¹⁹ Francis W. Wcislo, "Soslovie or Class? Bureaucratic Reformers and Provincial Gentry in Conflict, 1906-1908," *Russian Review*, vol. 47, no. 1 (Jan. 1988), 1.

²⁰ Freeze, "The *Soslovie* (Estate) Paradigm," 16-18.

At the top of the social structure was the nobility. This category was not liable for taxation, exempt from military and state service (following Catherine II's 1785 Charter of the Nobility), and corporal punishment. They were permitted to own serfs and travel freely between their places of estate and place of work. Membership was hereditary, though following the introduction of the Table of Ranks for state service by Peter I it was possible to gain entry by achieving the eighth rank. In addition this was the only estate permitted to own serfs.

The Clergy also constituted a privileged estate. Like nobles, they were exempt from military service, taxation, and corporal punishment. In contrast to the nobility, this was not a hereditary estate and depended solely on profession.

The urban estate included inhabitants of towns and cities, who were free persons, save nobles and clergy. It was in turn divided into a number of sub-categories, each of which had their own obligations to the state and enjoyed particular privileges. By the mid-nineteenth century there were six sub-groups. The most privileges were the honorary citizens (*pochetnoe grazhdanstvo*), who were exempt from the poll tax, military service, and corporal punishment. Created in 1832, it replaced the category of notable citizens (*immenitel'noe grazhdanstvo*), which was not hereditary and depended on a property qualification. Next there were merchants who were members of guilds (*kuptsy*), which was in turn divided into three guilds. The remaining groups included the profession, artisan, traders (*meshchanie*), and free persons who worked as labourers and house servants.

The rural estate was in practice the peasantry. They were divided into four categories: state peasants, landowners' peasants crown peasants, and church peasants.

All were liable to taxation and recruitment for military service, and were tied to the land on which they resided.²¹

Orthodoxy also played a role in the social structure of Russian society and its relations with the state. As noted above, the clergy constituted their own estate with unique obligations and privileges. As the imperial religion, it was enlisted in the quest to integrate conquered populations through conversion, which could remove certain barriers to civil rights. Dissent, such as in the Case of the Old Believers who refused to accept the Nikonian Church reforms of 1660s, or the practice of a suspect religion, such as Roman Catholicism or Judaism, could result in civil disabilities, heavier obligations, and the denial of privilege.²²

The ease with which the terms of exclusion could be remediated varied. For most of the peoples classified as *inorodtsy*, which roughly translates as ‘aliens,’ such a process was linked to “historical development.” This category constituted a distinct, if shifting and unstable, legal category dating from administrative reforms of Mikhail M. Speranskii, enacted in the 1822 *Ustav ob upravlenii inorodtsev*.²³ These peoples were not subject to most Imperial law, retained local customs, and were exempt from military service and taxation, though often were subject to the payment of tribute. This designation was initially applied to the indigenous peoples of Siberia, who were divided into settled, nomadic, and wandering peoples.²⁴ It subsequently came to be used for the

²¹ This brief description of estates is adapted from John P. LeDonne, *Absolutism and Ruling Class: The Formation of Russian Political Order, 1700-1825* (Oxford: Oxford University Press, 1991), 22-40.

²² Robert L. Nichol, “Church and State in Imperial Russia,” *The Donald W. Treadgold Papers in Russian, East European and Central Asian Studies*, paper no. 102 (February 1995), 7-22.

²³ For an in-depth examination of the development of the legal category of *inorodtsy* and its slippage into a general non-legal category see, John W. Slocum, “Who, and When Were the *Inorodtsy*? The Evolution of the Category of “Aliens” in Imperial Russia,” *The Russian Review*, 57 (April 1998), 173-190.

²⁴ For an account of the vagueness of these categories and the presumed historical development from wanderers to nomads and then to settled aliens and the possibility for individuals rather than collectives to

peoples of Turkestan, the Far East, and the North Caucasus as these areas became incorporated into the Russian colonial project.

As the above discussion has indicated, Russian development combined innovations which worked towards the universalization of status in certain realms, while traditional stratifications were reinforced in others. Attempts to render populations visible to modern administration coexisted with the resolve of the autocracy to preserve the traditional social order. Additionally, the limits of state capacity often necessitated the reliance on local structures and customs to execute core state tasks, such as the collection of taxes and recruits and the delivery of basic services. This tension was especially stark in the borderlands, where Russia's imperial project and policies produced areas distinct from traditional Russian legal and political space, considerably complicating the development of a citizenship regime. Contrasts between the situation in the Grand Duchy of Finland and the colonial acquisitions of Turkestan reveal the variation in state action and policy across imperial space and how this was reflected in citizenship policies. The former case challenged autocracy with a more developed rights regime and sphere of autonomous action. In the latter the imperial elites cast themselves in the role of a civilizing force, bringing development and a sense of civic commitment. Similarly, the phenomenon of the classification of particular populations as aliens [*inorodtsy*] placed Siberian nomads, the native populations of Turkestan, and the Jews largely outside of the imperial political community and included. In all three of these cases a similar pattern may be discerned over the late Imperial period. The Great Reforms left these groups and spaces largely unaffected and isolated from the mainstream

become Russian, see Yuri Slezkine *Arctic Mirrors: Russia and the Small Peoples of the North* (Ithaca: Cornell University Press, 1994) 83-89.

currents of development. The institutional changes which followed the Revolution of 1905 were followed by largely unsuccessful efforts to integrate these areas and peoples into imperial structures.

Emancipation

Emancipation was a transformation of colossal proportions, the subject of intense bargaining among some of the most influential groups in society and mobilized parts of the state apparatus, directly affecting the interests of the powerful nobility and the country's enormous peasant majority.

The credit for achieving this reform lies largely with a narrow class of enlightened bureaucrats, whose education and service had instilled in them a faith in rationalism, legality, and statism and whose experience was largely sheltered from everyday life in the empire. The confluence of the prominence of such a group with the reign of Alexander II, who was genuinely committed to some sort of reform that would ultimately preserve autocracy, paved the way for the success of this effort. It also established the pattern for statist reform that would become the norm.

The peasant question had long been an issue of debate in Imperial Russia and there had been previous work by secret commissions under Nicholas I. However, as Larissa Zakharova points out, the process during this period was distinguished by its public nature and the spirit of *glasnost*' [openness]. This began with the publication of the tsar's rescript Vladimir Nazimov, Governor General of the Lithuanian provinces of Vilno, Grodno, and Kovno, and its transmission to governors and marshals of the nobility

throughout European Russia.²⁵ The secret committee was transformed into the Main Committee on Peasant Affairs. The preparation of the emancipation reforms involved the participation of the gentry through the formation of gentry committees, bringing together Westernizers and Slavophiles, liberals and conservatives.

The principle issue at stake was the question of whether the emancipation should be landless or with land by redemption. The majority of the gentry favoured a landless emancipation, which would preserve their own holding. However, the experience of the peasant revolt in Estland following landless emancipation convinced the authorities that redemption would avoid a repetition of such unrest. This inclination was reinforced by the liberal press and the position of the enlightened bureaucrats. These enlightened bureaucrats wished to avoid the creation of a landless proletariat that could potentially become a revolutionary force, as had occurred in Western Europe. Additionally, they believed that a landed peasantry would act as a counterweight to the nobility and strengthen autocracy.²⁶

It is also important not to overstate the openness of the public debate. Once the autocracy had decided in favour of a landed emancipation, the Ministry of Internal Affairs acted to limit discussion of the peasant question in noble assemblies. In order to overcome the objections of powerful gentry, work on emancipation was located in the new editing commission, ostensible the executive body of the Main Committee and the administrative body formed to draft the Emancipation Edict, which reported directly to

²⁵ Larissa Zakharova, "Autocracy and the Reforms of 1861-1874 in Russia: Choosing Paths of Development," trans. Daniel Field, in Ben Eklof, John Bushnell, and Larissa Zakharova, eds. *Russia's Great Reforms, 1855-1881* (Bloomington: Indiana University Press, 24.

²⁶ Alexander Polunov, *Russia in the Nineteenth Century: Autocracy, Reform, and Social Change, 1814-1914*, Thomas C. Owen and Larissa G. Zakharova, eds., Marshall S. Shatz, trans. (Armonk, NY: M.E. Sharpe, 2005), 99-105.

the tsar. The editing committee was dominated by a cohort of enlightened bureaucrats, who opposed the interests and influence of the conservative landed gentry. The mobilized gentry pushed back, with constant pressure on the tsar through the representatives of the noble assemblies. As a result of this pressure the Editing Commission was forced to make concessions in the gentry's favour on both the size of peasant allotments and the costs of redemptions.

However, the emancipation had serious shortcomings which would prevent the resolution of certain contradictions within the system. Part of the problem was that the Editing Commission had assumed that this decree would be accompanied by other reform measures which never came, in part due to the reluctance and backtracking of Alexander II. The reforms also did not cover state peasants, who were not strictly speaking serfs as they had no landlord and lived on state lands, but who were nonetheless bound to the land; nor did it apply to appanage peasants, who were bound to parcels of land spread throughout the empire dedicated to providing income to members of the royal family. Together, these two groups constituted almost half of the peasant population and would only be freed under subsequent legislation. Additionally, the Emancipation was hobbled by a lack of coordination with other reform efforts. The reforms to local administration, which were intended to support the emancipation and involve the provincial gentry in administration, were never effectively integrated into the state system. These latter reforms languished under an indeterminate status and were limited in their reach over local affairs.²⁷

²⁷ Francis William Wcislo, *Reforming Rural Russia: State, Local Society, and National Politics, 1855-1914* (Princeton: Princeton University Press, 1990), 315.

This was perhaps the most profound and momentous change in membership and civil status during this period. The freeing of the serfs, which released half of the peasant population from bondage, had the potential to transform them into small landholders and full citizens, able to participate as equals in a public sphere and market economy. This promise was not realised as the provisions for land redemption (the payments made by former serfs for the land which they had been granted) were long and arduous and the peasantry continued to be institutionally and physically isolated from the rest of society. Despite being freed, former serfs remained tied to their village communes, which consisted only of peasants. Their passbooks, which were identity documents required for travel and official transaction, were held by the village till their land was redeemed, a process which took forty-nine years. During the redemption period they were unable to use their land as collateral for loans or sell it. The emancipated peasants had their own *volosti* as mid-level administrative bodies and their own separate judicial system. These institutions were poorly integrated into the state structure and after the abolition of the peace arbitrator [*mirovoi posrednik*], a noble who had been tasked with supervising land transfer contracts, the most frequent point of contact with other state structures was through the police.²⁸

As Francis Wcislo has argued, one of the most significant consequences of the emancipation was to shift responsibility for the 'peasant question' directly to the state. Emancipation was billed as the guarantee of the prosperity of both peasants and nobles, which was to be achieved by massively expanding the state's reach into rural life, and the legitimacy of the state was then tied to the fulfilment of these promises.²⁹

²⁸ Hosking, *Russia: People and Empire*, 321.

²⁹ Wcislo, *Reforming Rural Russia*, 316.

Despite the best efforts of the Editing Committee responsible for the drafting of the emancipation edict, the emancipation resulted in the strengthening and enlargement of the bureaucracy and its policing functions, as the system of land redemptions engendered a whole new object of supervision, the 'debtor' communes. Additionally, the creation of peasant self administration was endowed with police and fiscal functions, incorporating a whole new level of peasant administration into the system. This resulted in extending law and administration to seigniorial peasants as such, the emancipation also further institutionalized the estate system, institutionally isolating peasants from any emerging rural civil society.³⁰ However, it also served to enhance the governance and administrative capacities of the peasantry. These were important developments in the practice of citizen-like behaviour and additions to the stock of historical experience influencing both subsequent developments in the emerging citizenship regime of Late Imperial Russia and future iteration in the Russian citizenship tradition.

There is little doubt that the Emancipation, the keystone to the Great Reforms, was a foundational moment in the Imperial Russian citizenship tradition. As argued in my first hypothesis, this new development path in state-subject claims and polity membership was a reaction to the crisis revealed by the Crimean defeat and an attempt to preserve the autocracy in the face of growing peasant agitation. This did not create fixed or frozen boundaries for membership. The significance of this as a foundational moment comes from the stickiness in the patterns of incorporation and exclusion, including the preservation of institutional separateness in important spheres of activity.

³⁰ Terence Emmons, "The Peasant and the Emancipation," in *The Peasant in Nineteenth-Century Russia* (Stanford: Stanford University Press, 1968), 46-47.

The terms of Emancipation were worked out through bargaining within the bureaucracy and between the state and nobility. It is significant that this contestation took place in the public sphere, demonstrating the administrative and coercive capacities of the state and the ability of the nobility and their conservative allies within the bureaucracy to bargain effectively. It was as a result of this bargaining process that the emergent Imperial Russian citizenship regime achieved its complex and variegated nature, marked by the tension between the universalizing demands of modern administration and the traditional particularisms of autocracy.

This same pattern of partial incorporation and institutional plurality is evident in the other struggles over the terms of membership in the emerging imperial citizenship regime. An examination of the cases of the *inorodtsy* and the status of Finland within the empire reveal similar tensions.

Inorodtsy

As the colonial project accelerated in the nineteenth century in the eastern and southern borderlands, so did the number of peoples incorporated into this legal category. Mountain peoples of the Northern Caucasus, the natives of the Amur and the Ussari were all added to the list of *inorodtsy* between 1822 and 1860. Most accounts have included the natives of Turkestan among the *inorodtsy*.³¹ However Daniel Brower has argued that the term does not appear in any of the provisional decrees and regulations of the 1860s and 1870s, nor in the 1886 Statute.³² Brower has argued that the Great Reforms provided

³¹ Slocum, "Who and When Were the *Inorodtsy*?" 181.

³² Daniel Brower, *Turkestan and the Fate of the Russian Empire* (London: RoutledgeCurzon, 2003), 17.

a vision and a template for the future integration of these peoples into the empire through the cultivation of a civic spiritedness embodied in the concept of *grazhdanstvennost'*.

The concept of *grazhdanstvennost'* has been translated as encompassing a variety of meanings, including civil order, civic spiritedness, and citizenship among reformist bureaucrats and imperial administrators. This innovative literature on the emergence of this concept has moved away from the political and structural focus of early sociological approaches, adding a healthy corrective to the neglect of the social. Dov Yaroshevski has argued that the Russian practices of colonization and colonial administration underwent a transformation over the 1870s from a simple policy of conquest to one of a civilizational mission with *grazhdanstvennost'* understood as the creation of loyal subjects and the creation of civil order at its core. This is reflected in Daniel Brower's discussion of the debate over techniques of administration and control in colonial Turkestan. This struggle pitted authoritarian military commanders and frontiersman against reformist bureaucrats, who advocated for the extension of civilian rule and institutions into the colonies a part of a larger civilizational mission.³³

Typical of much of social history literature, Yaroshevski uses the word citizenship with little distinction from the status of subject. While he does provide an important discussion of the genealogy of *grazhdanstvennost'* in Late Imperial Russia, his claim that there existed a republican citizenship during this time, which then becomes integral to the colonial project rests on the assertion that bureaucrats sought to implement policies to establish civic order and the public good through the subjection of individual private ends

³³ Dov Yaroshevski, "Empire and Citizenship" in Daniel Broward and Ed Lazzarini, eds., *Russia's Orient: Imperial Borderlands and Peoples*, 1997, 60-61; Daniel Brower, *Turkestan and the Fate of the Russian Empire* (RoutledgeCurzon, 2003), 4-5, 17-19. Eric Lohr has characterized this literature as 'obligations without rights.' See his "The Ideal Citizen and the Real Subject in Late Imperial Russia," *Kritika: Explorations in Russian and Eurasian History*, vol. 7, no. 2 (Spring 2006), 178-182.

to public interests. He draws this from the work of J. G. A. Pocock, who offers republican citizenship in the tradition of Aristotle, Cicero, and Machiavelli, as a corrective to the Lockean model of liberal citizenship with its excessive emphasis on individual rights. Civic virtue is indeed an important component of republican citizenship, but it not the only one. As Pocock himself points out in his "The Ideal of Citizenship since Classical Times," essential to republican citizenship is that citizens rule and are ruled.³⁴ That is what distinguishes citizens from subjects, as the latter have no purchase on ruling. It is true that reformist bureaucrats sought to enlist individuals in the administration of themselves and their behaviors, but this is a technique of governance, rather than evidence of republican citizenship. This is not to say that republican citizenship could not develop. Leopold Haimson has pointed out the in 1905 the increasingly politicized metalworkers of St. Petersburg called for a republic during their strike action and the representative institutions established in 1906 may have yielded such a political arrangement had they remained stable and operational.³⁵ However, to claim that republic citizenship existed under the conditions of autocracy is to stretch the concept beyond recognition. Brower makes it quite clear that this notion was to be associated with a well ordered state rather than a notion of an autonomous civil society. Far more convincing is Yanni Kotsonis' account of notion of citizenship circulating among reformist officials in late imperial Russia grounded in capacities rather than rights,

³⁴ J. G. A. Pocock, "The Ideal of Citizenship since Classical Times," in *Theorizing Citizenship*, ed. Ronald Beiner (Albany, NY: State University of New York Press, 1995), 39.

³⁵ Leopold H. Haimson "Russian Workers' Political and Social Identities: The Role of Social Representations in the Interaction between Members of the Labor Movement and the Social Democratic Intelligentsia." In *Workers and Intelligentsia in Late Imperial Russia: Realities, Representations, Reflections*, ed. Reginald E. Zelnik (Berkeley: University of California Press, 1999), 149.

whereby an individual achieves self-realization through service to the community and the state.³⁶

This idea of public service and spirit did not entirely displace the use of force and coercion. It was confined to the reformists among the colonial administration, making few inroads in the more authoritarian proponents of conquest and suppression in the armed forces. However, it was part of a larger effort among reformist elements of officialdom to engage the population in the work of government.

Inorodtsy were outside of the imperial social structure and were subject to a distinct set of privileges and state claims. They enjoyed immunity from military conscription and a large measure of autonomy, preserving their local customs and traditional leadership structures. In return, the *inorodtsy* paid taxes (*podati*) and obligations (*povinnosti*) in kind to the tsar. For the Siberian tribes this was usually in the form of fur.³⁷ It bears repeating that allowing these groups to retain their traditional social structures was not a measure of benevolence on the part of the tsars. This policy reflected the limits of imperial state capacity and the consequent reliance on traditional modes of organization outside of imperial structures to accomplish core regime tasks of revenue collection and the control of territory.

These cases are included for what they demonstrate about the unique patterns of unequal and selective incorporation across groups and space within the Imperial Russian citizenship regime. This resulted from the tensions between the maintenance of traditional boundaries embedded in the historical and cultural experience of the empire and the egalitarian and universal impulse inherent in modern citizenship practice. What

³⁶ Kotsonis, "Face to Face," 221.

³⁷ Slocum, "Who, and when, were the *Inorodtsy*?" 175;

emerged in late Imperial Russia was the incomplete contestation and negotiation of those tensions.

The Jews

Of all of the groups within the classification of *inorodtsy*, the Jews were unique in the burden of obligations which accompanied their status as aliens and outsiders. Even the most enlightened reformers sought to make the elimination of 'Jewishness' the prerequisite for access to even the most basic of civil rights. The civil status of Jews has been a classical locus for struggles over emancipation and equality in the 19th century.

The Jews are an instructive as a limit case for an understanding of the emerging citizenship regime in Imperial Russia. As Michael Stanislawski has argued, while there was a basic orientation which located disability in 'Jewishness,' there was no coherent or consistent policy regarding the Jews. They were a marginal concern, at best. The Jewish experience in late Imperial Russia was not analogous to Jewish emancipation in Western and Central Europe, where feudal right was exchanged for the status of equal citizenship. In Imperial Russia such a bargain was impossible prior to 1905 because neither corporate rights nor citizenship were stable categories.³⁸ Negotiation and struggle over the terms of relations between the state and society were possible but inherently unstable.

Prior to the Great Reforms, Russian state policies, state capacities, and the structures of Jewish social and economic life posed significant barriers to the achievement of equal civil status. The partitions of Poland incorporated approximately

³⁸ Michael Stanislawski, "Russian Jewry and Jewish Emancipation," in *Paths of Emancipation: Jews, States, and Citizenship*, eds. Pierre Birnbaum and Ira Katznelson (Princeton: Princeton University Press, 1995), 264-265.

600,000 Jews into Imperial Russia, which had to that point enacted policies to restrict entry to a very small number.

Set apart from their Christian neighbours by religion, language, and social custom, occupational restrictions only reinforced their isolation. Following the pattern of newly incorporated peoples, they were allowed to retain their traditional social and political structures, including local governing bodies (*kahal*).

These restrictive and exclusionary policies included the limitation of their place of residence and mobility to the Pale of Settlement and restrictions on the ability to own property and enter into certain professions.³⁹ Additionally, they were subject to a series of assimilationist measures regulating dress and language which predicated equal rights to education and limited political and civil rights on the erasure of the 'Jewishness', while they became increasingly liable for the extraction of taxes and recruits for the army.⁴⁰

The era of the Great Reforms offered the promise of an improvement in the status and conditions of the empire's Jews. During the reign of Alexander II certain categories of Jews with sought after skills were permitted to live outside of the Pale, but these were

³⁹ Hans Rogger, *Russia in the Age of Modernization and Revolution, 1881-1917* (New York: Longman Inc., 1983), 199.

⁴⁰ "Polozhenie o ustroistve Evreev," *PSZRI*, series 1, vol. 28, no. 21547 (1804), 731-737. It is worth noting that there were attempts to legislate a separate arrangement for Jews in the short-lived Congress Kingdom of Poland, created by the Congress of Vienna in 1815 and under the rule of Tsar Alexander I. According to these drafts, the potential to exercise most civil rights would be granted to Jews, including wide-ranging economic rights, although they would be prohibited from the production or sale of alcohol. They would assume all of the duties of citizens, including military service and would be freed from special or double taxation. Full civil and political rights, that is emancipation, would be extended to Jews who demonstrated schooling in the liberal arts and sciences or possess the requisite upbringing, lifestyle and morality, as determined by a special commission of Department of Religion and Public Education. These proposals were rejected by the State Council both on the grounds that such legislative changes should await the 'civilizing' of the Jews, rather than precede it and within the context of the planning for the unification of the Congress Kingdom with the empire. Jews were granted civil status in 1822, but this was accompanied by dissolution of the *kahal*, eliminating this institution of local self-government. This debate ended with the November Rising of 1830, which began the decline of the Kingdom and hastened its absorption into the empire in 1846. For an in-depth treatment of this issue see Artur Eisenbach, "Attempts to Settle the Legal Status of Jews during the Constitutional Period of the Congress Kingdom," *Jewish Social Studies*. Vol. L, No. 1-2, 1-20.

cases of special privileges which could be revoked at any time, rather than enforceable rights available to the community at large. Restrictions on the freedom of movement were relaxed and there were more educational and economic opportunities available. As a result there emerged a small group of educated and prosperous Jews who hoped that the adoption of Russian dress and manners would pave the way to acceptance and emancipation.

These modest inroads and aspirations were halted with the reaction following the assassination of Alexander II, as the liberalizing forces and reforms capable of opening up public space and full civil status for Jews were blamed for weakening the order and stability of the empire. This reaction found common cause and was often combined with an anti-Semitism which located Jewish economic power as a key threat to the integrity of Russia and opposed the interests of Jewish emancipation against those of the Russian peasant.⁴¹

In the age of counter-reform under Alexander III the longstanding orientation of integration was reversed in a series of laws which sharply restricted the civil status of Jews. The so-called May Laws of 1882 confined new settlement to towns, limited property rights, and excluded Jews from certain economic activities. Highly restrictive quotas were imposed on admission to educational institutions under an 1887 law. There were also restrictions placed on entry into the profession, including a fifteen year suspension of admission to the bar. The few political rights that Jews held were also reduced as the statutes on local government of 1890 and 1892 stripped them of the vote and Jewish councillors, limited to ten per cent of the total, were to be directly appointed by the local authorities. Civic obligations were also made more onerous and collective, as

⁴¹ Rogger, *Russia in the Age of Modernization and Revolution, 1881-1917*, 200-201.

the families of men evading conscription were subject to heavy fines and exempted men were taken in their place.⁴²

During this period Jewish organizations of various persuasions and purposes began to emerge in the limited public space available. Chief among these were the All-Jewish Workers Union of Lithuania, Poland and Russia (the Bund) and the World Zionist Congress. The Bund had grown out of the industrial labour movement in the Pale of the 1880s, combining this activism with radical Social Democratic politics.

The Revolution of 1905 was yet another unfulfilled promise of emancipation for the Jews. What was remarkable about this period was that Jews were granted political rights on a par with all other groups, while still denied equal civil status. Public organizations were legally recognized and the Union for the Attainment of Full Rights for the Jewish People of Russia was formed by moderate and liberal Jews but achieved little success. Jews could vote and run in the State Duma elections and twelve were elected as deputies in 1906. However, the issue of Jewish emancipation was not a popular one and Jewish representation was reduced through the electoral manipulations in the successive Dumas.⁴³

The issue was broached by P. A. Stolypin at a meeting of the Council of Ministers, on the grounds that the Manifesto of October 17th implied the attainment of full citizenship for Jews. However, this effort was vetoed by the tsar, which not only ended the debate in the Council of Ministers but was interpreted as a mandate by the rightist and anti-Semitic elements in the Duma to halt further discussion of emancipation and enforce existing restrictions more stringently. This was reflected in the future

⁴² Ibid; Stanislawski, *Russian Jewry and Jewish Emancipation*, 272.

⁴³ Stanislawski, "Russian Jewry," 280-281.

initiatives of Stolypin himself, as his 1910 bill on western *zemstvo* explicitly excluded Jewish participation.⁴⁴

These conditions of subjection and civil inequality for the Jewish population of the Russian Empire continued for the duration of the regime. Official anti-Semitism alternately combined with conflicting notions of the possibility of Jewish emancipation, both of which nonetheless shared the assumption that there was an inherent pernicious quality of Jews, which was dangerous to the order and stability of the empire. Their disagreement centred on whether they could be 'civilized'. It was within this context that Jews made choices about their venue for public participation. Restricted as these options were, Jews did manage to take part in public life through various Jewish organizations spanning the spectrum from liberal to moderate to radical, as well as all-Russian organizations and political parties. The extent of their participation was directly related to their weak bargaining power within the public sphere and deep resistance on the part of the state for their full inclusion.

The *inorodtsy* and the Jews demonstrate the limits of the Imperial citizenship regime with respect to those groups perceived as lacking particular capacities which would qualify them for certain rights. At the other end of the spectrum were the Finns, who had enjoyed a greater of rights under the Swedes. Where the previous cases were constructed as in need of civilizing and assimilation, the Finns presented the opposite challenge of how to absorb a community that enjoyed and expected an enhanced status into the larger imperial citizenship regime.

⁴⁴ Rogger, *Russian in the Age of Modernization*, 205.

The Grand Duchy of Finland

Finland presented unique challenges for the emerging citizenship regime, having more liberal and representative institutions, enhanced civil status for certain groups, and greater regional autonomy. This entailed a separate legal and political space with its own set of rights and duties, enjoyed nowhere else in the empire. Successive attempts were made to integrate Finnish institutions into the larger imperial structures within the context of periods of reform and counter-reform. These involved hotly contested bargaining between agents of the Imperial Russian state and Finnish elites. This bargaining would have profound effects on the rights and duties of Finnish subjects and their terms of membership within the political community of the empire.

Finland, which had enjoyed broad legislative and military autonomy under Swedish rule, became part of the Russian empire by way of a treaty with Sweden in 1809. The situation of Finland within the empire in the late Imperial period can be divided into four basic periods: Finnish Constitutionalism, 1809-1899; Administrative Integration, 1899-1905; Militarization of relations leading up to and in reaction to the Revolution of 1905; and a renewed attempt at administrative integration from 1907 to 1917, coinciding with the recovery of confidence by the regime.⁴⁵ The legislative vagueness surrounding the terms of Finland's status within the Russian empire allowed it to maintain distinct institutions and develop quite separately from the rest of the empire. Successive Russian governments allowed these institutions to continue to operate without interference from

⁴⁵ This schema is adapted from Antti Kujala's "The Policy of the Russian Government towards Finland, 1905-1917: A Case Study of the Nationalities Question in the Last Ten Years of the Russian Empire," in *Emerging Democracy in Late Imperial Russia: Case Studies on Local Self-Government (The Zemstvos), State Duma Elections, the Tsarist Government, and the State Council before and during World War I*, Mary Scheaffer Conroy (Niwot, CO: University of Colorado Press, 1998), 143-197.

the time of annexation until 1899. Even after repeated attempts to alter the tacit bargain over this institutional arrangement, no final pronouncement was ever made on Finland's status prior to the collapse of the regime in 1917.

As Antte Kujala has argued, the most significant feature of these institutional arrangements was that they allowed the Finns to operate under the conditions of a constitutional monarchy, developing the practices consonant with such an arrangement, including a more participatory public sphere. Finnish subjects enjoyed unique political rights in the form of a Diet, which was composed of representatives from four Estates. While it lacked the power to initiate legislation, this body did have an oversight function, as it reviewed all draft laws coming from the Imperial Senate. It should be noted that this Diet, so jealously defended by the Finns, was not a body of universal suffrage and the majority of the population was excluded from participation.⁴⁶

It was during the period of administrative integration that the imperial government began their efforts to alter the rights and obligations of Finnish subjects. The animating force behind this policy of integration was N. I. Bobrikov. Appointed Governor-General in August 1898, this reactionary nationalist regarded Finnish autonomy as a direct threat to the integrity of autocracy.

One of the key areas where this struggle was played out was the status of the Finnish Army and the military service obligations of Finnish subjects, including how many were to serve, where, and for how long. This effort built upon earlier moves to advance imperial claims upon Finnish subjects in the area of military service obligations. At the initiative of the Ministry of War, a bill was submitted to the Finnish Diet in 1877 to broaden the military obligations of Grand Duchy. In contrast to the status quo, under

⁴⁶ Ibid.

which Finns served only under Finnish command, on Finnish soil, and in defence of Finnish territory, the original provisions of this bill would integrate the Finnish armed forces into the Imperial Army.

At the opening of the Diet on 19 January 1899 Bobrikov introduced a bill which would increase the number of Finnish conscripts by a factor of four and incorporate the Finnish armed forces into the Imperial Army. While Bobrikov instructed the Diet to simply pass the legislation, the deputies began to work on counterproposals, including the provision of men and resources at per capita levels equivalent to that of other parts of the empire provided the Finnish Army retained its autonomy.

Finland's relatively developed regime of political and civil rights allowed resistance to these measures through a combination of elite obstruction in the formal institutions, such as the Diet, and passive resistance through non-compliance. This effort galvanized disparate groups within Finnish society, uniting Swedish and Finnish political parties and using the institution of the Church to conduct a petition signing campaign. Bobrikov's response to Finnish refusals to comply with the new conscription law of 1901, which abolished the Finnish army, was to suspend the constitution.⁴⁷

The multiple political-legal spaces and unequal civil statuses of the Late Imperial citizenship regime also survived the Revolution of 1905. These policies were animated by the same tension between the impulses of autocracy and the reformist drive for uniform, rational administration to meet the challenges of modern politics. This is particularly evident in the continuities in the post-1905 policies regarding the above-mentioned cases of the place of Finland in the imperial order.

⁴⁷ For an in-depth account see Tuomo Polvinen, *Imperial Borderland: Bobrikov and the Attempted Russification of Finland, 1898-1904*, trans. Stephen Huxley (Durham, NC: Duke University Press, 1995).

Inspired by the success of the Revolution of 1905, the Finns launched their own general strike from 31 October to 6 November. The response of the Tsar's government to the strike and a petition from the Constitutional Party was the manifesto of 4 November 1905, suspending the February Manifesto and promising the development of the rights of the Finns on the basis of their Fundamental Laws. The Senate was reconstituted and the Diet Act of 1906 was passed. This provided for a unicameral legislature of 200 members elected for three-year terms by proportional representation and universal suffrage for all Finns over the age of 24, making Finland the first nation in Europe to grant women the vote and allow them to run for elected office. Conscription of Finns was ended in 1905, as they were deemed not sufficiently loyal.⁴⁸

After the turmoil of 1905 the regime was more concerned with developments in the Russian heartland and the capital than the constitutional aspirations of the Finns, especially given the conflictual nature of relations with the first two Dumas. However, once institutional changes had rendered the Third Duma less threatening there was a renewed push for the administrative and political integration of Finland into the empire.

Efforts at the integration of Finland continued with the formation of a Russo-Finish Commission in 1909 to formalize the division of local and Imperial responsibilities and the issuing of legislation in these areas. Its work resulted in the June 1910 law Concerning the Procedures to Be Complied with Issuing Laws and Decrees of All-Empire Significance in Finland, which fixed the Finnish share of Imperial expenditures and tax liabilities; the rights of Russian subjects who are not Finnish citizens; the use of the Russian language in Finland; the implementation of the decisions of imperial authorities and courts in Finland; the principles and limitations of the

⁴⁸ For a detailed discussion of these military preparations see Kujala, 146-156.

government of Finland; and the maintenance of public order in Finland, including the regulation of the press, assembly and associations, justice, education. It also stipulated that imperial matters would be communicated to the Senate by the responsible Russian minister, while local legislation passed by the Diet required the approval of the State Duma and the State Council. The Diet was also to send one member to the State Council and four to the State Duma, one of which was to represent the Russians in Finland. This legislation marked the abrogation of the Finnish constitution and the high point in efforts to bring Finnish administration into line with that of the rest of the empire, reducing the Diet to a consultative body on most significant issues.⁴⁹

Imperial policy towards Finland for the remainder of the existence of the empire combined a suspicion of Finnish disloyalty and separatism with a drive to administrative integration. The former can be seen in legislation presented to the State Duma in October 1911 providing for the substitution of increased budgetary contribution from Finland in place of military service by its citizens. The latter is evidenced by the campaign for equal rights for Russian subject who were not citizens of Finland, undermining the very notion of Finnish citizenship. This was a rare occasion when the policy preferences of nationalist conservatives and reformists within the regime coincided. They appealed Russian nationalists who saw the empire as an extension of the Russian nation. These policies were also supported by reformist bureaucrats who believed that the empire should be a unified and rationalized legal and political space.

The presentation of the limit case of the *innorodtsy*, the Jews, and Finland is suggestive of the development and content of the Imperial Russian citizenship regime.

⁴⁹ "Concerning the Procedures to Be Complied with Issuing Laws and Decrees of All-Empire Significance in Finland," The Collection of Decrees of the Grand Duchy of Finland. No. 45, available at: <http://www.histdoc.net/history/c1910.html>, accessed June 10, 2006.

There is plurality of legal spaces, privileges and obligations that challenge the universalism characteristic of modern citizenship regimes. This was a dynamic tension, as the regime attempted to maintain its authority over groups and spaces perceived as more developed and less. This is evident in the differential obligations associated with the anticipated historical development of *innorodtsy* from wanderers to nomads to settled peoples. It is also seen in the potential for the Jews to overcome the civil disabilities in the face of particular traits constructed as essential by the state and its agents. The emerging citizenship regime simultaneously involved both of these groups in the development of institutions of integration and separation.

At the other end of the spectrum, Finland presented the challenge of a pre-existing citizenship regime with greater rights and a highly mobilized local elite with extensive political experience. This demonstrated the limits of the plurality possible within the citizenship regime. In the age of reaction that followed the Great Reforms, the overwhelming concern for the maintenance of domestic order spelled the end of the conciliatory policy of Finnish constitutionalism by the end of the century. The universalizing impulse worked against the cause of enhanced liberties, as Imperial administrators attempted to impose the set of state claims that pertained in the centre through administrative and legal integration.

It is unsurprising that the key fault lines for these disputes were the extent of duties owed to the state, particularly in the area of military service and taxation. The bargaining over what the state could claim from those subject to its authority was among the most spirited in the development of the emerging citizenship regime.

Duties

The development of citizenship duties in Late Imperial reflected a shift from collective obligations assessed at the level of estate communities to a complex relationship where individuals obligations were realized through community membership. In both the areas of taxation and military service direct relationships between individuals and the state develop, but the nature of those relationships and the content of the duties they imply depend on membership in an estate community.

Taxation

The collection of taxes, like military recruiting and the maintenance of order and administration beyond the capitals, had always been a challenge for the Imperial state. Tax collection had been effected through the use of the army and the extractive powers of landlords since the time of Peter I. These taxes were communal in nature and the responsibility of the entire community rather than the individual, determined by estate membership. Taxation rates were allocated, that is determined from the centre as a function of the budgetary requirements of the state and then apportioned among the liable estates over the geographical divisions of the empire. The reforms transformed this system into one of assessment, where the tax rates of individual taxpayers were determined according to their resources.⁵⁰

From the time of the Great Reforms, tax reforms moved in the direction of shifting the basis of assessment from estate, which had to that point determined liability

⁵⁰ Robert H. Gorlin, "Problems of Tax Reform in Imperial Russia," *The Journal of Modern History*, Vol. 49, no. 2 (June 1977), 252.

and exemption. The first of these steps was the repeal of the soul tax (*podushnaia podat'*), to which peasants and townspeople of the lower estates were subject. The repeal occurred in 1881-1883 for landless peasants and for members of all other liable estates in 1886-1887 in European Russia and two years later in Siberia. The collective obligations of *meshchane* were also eliminated, followed by the abolition of peasant collective obligations. One of the final stages in the dismantling of the estate-based system of financial obligations to the state came with the resolution of the land redemption question. Redemption arrears were written off in the Manifesto of 11 August 1904, after having been reduced by one quarter in the 1890s. The redemption payments themselves were ultimately cancelled as of January 1907 under the provisions of 3 November 1905 decree.⁵¹

At the same time, aspects of the estate system were incorporated into the new taxation system. Property belonging to the nobility became subject to taxation in 1875, but this was taxed at a fraction of the rate applied to peasant land until 1906, when the all-class principal was applied to land taxes.

This move to universalization of tax liability was the primary contribution of these reforms to the development of the citizenship regime. Central to this was the fact that assessments were being based increasingly on the individual legal identity of the taxpayer rather than estate. It is telling that certain *inorodtsy* groups in Siberia and Central Asia remained liable for collective taxation.⁵² The location of taxation power is also significant, as it impacts the type of participation in which taxpayers are enjoined to partake.

⁵¹ George Yaney, *The Systematization of Russian Government: Social Evolution in the Domestic Administration of Imperial Russia, 1711-1905* (Urban, IL: University of Illinois Press, 1973), 288.

⁵² Yury Slezkine, *Arctic Mirrors*

Taxation is another area evidencing the continuous and incremental nature of the development of the citizenship regime even after the upheavals of 1905. Proposal for an income tax surfaced in government circles only in May 1905 during a special conference of officials and independent experts dedicated to the reformation of the tax system.⁵³ This was followed in 1906 by the ill-fated reform plan of Count Sergei Witte, which was submitted to the Tsar just days after his dismissal. It formed part of a comprehensive reform program which sought to grant the peasantry full civil and political status, building on Stolypin's land reforms and the proposals of moderate liberals.⁵⁴ Its reappearance in 1914 was in response to a fiscal crisis caused by a state anti-alcohol campaign. Limits on the production of alcohol intended to reduce peasant drunkenness also drastically reduced state revenues, at least one quarter of which were derived from liquor taxes from the state monopoly. To make up for a portion of this loss, it was proposed that the old proposals for an income tax for the peasantry be revived.⁵⁵

What is significant for the development of citizenship is the establishment of a direct relationship between the taxpayer and the state (or its agents). These measures echoed the all-estate, individualized nature of the military service reform. Yanni Kotsonis has emphasized the importance of taxpayer behaviours, including individual self-reporting, accountability, employer and financial institution reporting to state agencies, income and expenditure itemization, and the development of elected commissions requiring the participation of ratepayers. Reformists intended direct taxation to form an unmediated interaction between the individual and the state. Kotsonis

⁵³ Gorlin, "Problems of Tax Reform," 251

⁵⁴ Geoffrey A. Hosking, *The Russian Constitutional Experiment: Government and Duma, 1907-1914* (Cambridge: Cambridge University Press, 1973), 18.

⁵⁵ *Ibid.*, 203.

goes so far as to argue that the imposition of taxpayer behaviours was a self-conscious attempt to “inculcate a participatory, civic ethos and a sense of commitment (*grazhdansvennost*) that ignored the issue of formal citizenship (*grazhdanstvo*).”⁵⁶ As with the Manifesto of 17 October 1905, the autocracy could accommodate this conception of citizenship with its popular civic participation because the rights and immunities of individual citizens were never formally defined.

It is not surprising that the main proponents of direct taxation as a method of individualization and integration were in the Ministry of Finance, as it was dominated by reformist elements. However, these ideas were popular among most liberal elites and were supported by all of the Russian political parties in the 1907 Duma. Opposition from the landed gentry, industrialists, and merchants was overruled by the government in its attempts to promote a universal notion of duty and membership. This position was echoed by the Duma in its rejection of particular corporate exemptions on the grounds of privilege or poverty, as it declared income taxation to be a universal obligation to be shouldered by all subjects of the empire.⁵⁷

Central to the efforts of officials involved in tax reform was the shift to an increased reliance on direct taxation. In addition to conforming to progressive Western models of tax administration and fiscal policy, the Ministry of Finance under Vladimir Kokovtsov (1892-1902) endeavoured to employ more effective and efficient forms of collection and assessment. This was most conveniently achieved through the direct contact of the state and its agents with the population without any mediating social institutions. It was also felt that these explicitly more equitable methods of assessing the

⁵⁶ Yanni Kotsonis, “Face-to-Face”, 221-222, 229.

⁵⁷ Gorlin, “Problems of Tax Reform,” 254, 258-259.

tax obligations of peasants and private landholders would reduce the resentment towards the regime.⁵⁸

The income tax legislation passed in 1916 was the culmination of these reform efforts. Despite the controversy it caused among the more conservative elements of the government and the Duma, as well as the vested interests of the industrialists, the legislation enlisted all of the empire's inhabitants in a system of individually assessed income taxation, including the peasants.

Kotsonis' work contributes two further insights; these reform measures did not anticipate representative government and they were not based exclusively on coercion. All attempts to associate the responsibilities of taxation to representation were squelched. Instead, a parallel was drawn with military service, as those being assessed were enlisted to pay taxes. This can also be seen in the involvement of taxpayer representatives in the commission charged with the drafting of the 1893 apartment tax as a form of enlistment of the taxpayer in the public realm, rather than a concession to representative government.⁵⁹

Military Service

Another key area of change in the citizenship regime was military reform. This altered the nature of one of the basic obligations of the majority of the population to the state. Prior to the Reform of 1874 the army was staffed by recruits exclusively from the peasantry. Communes were assessed collectively and obliged to deliver the requisite number of recruits, who served for a term of twenty-five years. The reform effort was

⁵⁸ Ibid., 252-253.

⁵⁹ Kotsonis, "Face to Face," 235-6.

spearheaded by D. A. Miliutin, who was appointed Minister of War in 1861. Miliutin's overall goal was to transform the bloated imperial standing army into something resembling a modern national army with a substantial reserve force, staffed by universal conscription. The practical ends of these reforms were inseparable from the ideological goals that typified the reformist bureaucrats of his generation. By no means revolutionary, they sought to create a more just social and legal order through the power of the state.⁶⁰

Miliutin was able to build on the incremental reforms begun under his predecessor, General Sukhozanet. In addition to the gradual improvements of the conditions of soldiers, including the construction of new barracks, the prohibition of exceptionally cruel discipline and efforts to increase literacy among recruits, initial reforms decreased the term of military service for peasants from twenty five years to fifteen.⁶¹

It is important to note that this struggle over the duty of military service occurred within a very restricted public sphere among competing privileged groups. This space was opened by the regime in response to a crisis in defence capacity and in the interest of modernization. Miliutin, as the representative of the enlightened bureaucrats was opposed by conservatives from the military establishment and the nobility, who stood to lose their privileges. This opposition found allies among the more conservative faction of the government and the nobility, increasingly suspicious of anything liberal following a failed assassination attempt on Alexander II and resolutely opposed to the extension of

⁶⁰ Robert F. Baumann, "Universal Service Reform," in *Reforming the Tsar's Army: Military Innovation in Imperial Russia from Peter the Great to the Revolution*, eds. David Schimmelpenninck van der Oye and Bruce W. Mennin (Cambridge: Cambridge University Press, 2004), 13.

⁶¹ Saunders, *Russia in the Age of Reaction and Reform*, 245-246.

universal service. This pitted universal obligation against particular privilege. However, Miliutin was able to prevail and to convince the Tsar to proclaim universal service obligation on the basis of conscription.⁶²

The culmination of these reform efforts continued in this period, culminating in the great Army Reform of 1 January 1874. This abolished the old system of military recruiting, which was the collective responsibility of communes and communities of liable estates. A system of universal military conscription was introduced and a reserve system was created, so that all able-bodied males irrespective of estate were required to serve 6 years in the army and 9 years in the reserve. University students were granted reduced service terms of three months.⁶³

Particularly significant in these reforms was the institution of the all-class system of service and the shift from collective to individual responsibility for service. Again, we see the state operating on and dealing with the individual, one of the hallmarks of modern citizenship. The all-estate nature of the service obligation was remarkable in that it universalized duty. In reality, however, aspects of estate difference were preserved, as nobles and merchants were often able to drastically reduce their terms of service through their access to higher education or evade it altogether through some exceptional provision in the law.⁶⁴

Less progress was made in creating equal obligations for all nationalities and religious groups. The case of the *inorodtsy* constitutes another instance of the tension between difference and universality. They continued to be excluded from military

⁶² John S. Bushnell, "Miliutin and the Balkan War," in Ben Eklof, John Bushnell, and Larissa Zarakhova, eds., *Russia's Great Reforms, 1855-1881* (Bloomington, IL: Indiana University Press, 1994), 149-151.

⁶³ "Ustava o voinskoi povinnosti," 1874 g., *PSZRI*, series 2, vol. 49, no. 52983, 1-29.

⁶⁴ Saunders, *Russia in the Age of Reaction and Reform*, 299.

obligation. However, once these groups or individuals were incorporated into an estate they were subject to the same duties as all other subjects. Jews, though included among the *inorodtsy*, were explicitly included in this duty. The terms of their inclusion, however, remained unequal. In subsequent regulations they were prohibited serving in border troops, artillery garrisons, and were not admitted to military schools for infantry and cavalry or admitted to the officer corps.⁶⁵ The other notable group exempted from service was the Mennonite community. They alone among the pacifist sect were able to secure this status with reference to an agreement made with Catherine II upon their immigration to Russia.⁶⁶

These variations in duties are significant in what they say about the variable and unequal statuses that developed within the emerging citizenship regime. They were accompanied by an uneven development of rights under the emerging citizenship regime.

Rights

In the period from the 1860s to the collapse of the Russian empire there developed an uneven and distinctive complex of citizenship-like rights. Basic civil rights were extended in the judicial reforms. In the process, a stratum of legal professionals was mobilized and able to exploit the opening in public space to campaign for further reform. However, these reforms preserved the institutional separation of the peasantry from the rest of society and excluded the significant field of public law from the reform process. The development of political rights followed a bumpy path, beginning with self-government reforms intended to ease the state's crisis of administrative capacity,

⁶⁵ Baumann, "Universal Service Reform," 30-31.

⁶⁶ *Ibid.*, 31.

particularly outside the capitals. Though these were intended to be apolitical institutions and were confined to the local and regional levels, the space that they opened up and the mobilizing effect of their activities soon outstripped autocracy's strictures. The agitation for national-level political rights and institutions threatened the very stability of the regime and were realized in the opening of public space provided by deepening crisis. By contrast, there was little progress in the development of social rights.

Civil Rights and Judicial Reform

The judicial reform of 1864 was one of the most successful of the Great Reforms. It created a modern, if highly imperfect and incomplete judicial system, laying the foundations for the possibility of the rule of law. Major strides were made in the separation of the judiciary from political interference in most non-political cases. Some basic legal security was achieved through the protection of property rights and creditors and the provision of some basic personal liberties, such as the protection from arbitrary arrest. However, this only tells part of the story. The body of public law, that relatively large segment of the legal system comprised of administrative law and military justice, remained the preserve of autocracy, unreformed and unaccountable. Even the private law that underwent reform continued to be challenged by conservative elements within the government and the bureaucracy, which sought to roll back the provisions of the 1864 reforms.

The reform process was characterized by the competition two ideologies of governance. Measures aimed at constructing a *Polizeistaat*, where government ruled through administrative order, coexisted uneasily with the reforms based on the *Rechtstaat*

model, where political power was subject to the limitations of positive law. These two ideals would find expression in separate institutions of the state. In judicial affairs this was the case in the *Rechtstaat*-inspired reforms of criminal and civil law, while public and administrative law remained the purview of executive order under the competence of the Ministry of the Interior rather than the Ministry of Justice.⁶⁷

These reforms were deeply significant for the emerging citizenship regime for two reasons. On an operational level, they provided an enforcement mechanism for claims made against the state. Second, it opened up a public space for contesting claims and an opportunity for the development of citizenship behaviour.

The role of dispensing justice by legal professional and the authority and ethos they gained through their specialization, emboldened judges and prosecutors to act independently. This ran counter to the main currents of autocracy and challenged the preserve of the Tsar's personal system of justice. Central to this was the development of an institution through which civil rights could be defended and which involved the public in the administration of justice. The key mechanisms for this participation were the establishment of jury trials in most civil and criminal case and the opening of the courts to the public.

Prior to the judicial reforms the majority of the population was subject to customary law adjudicated by village elders, local notables, and landlords. Common law, such as it was, was largely inaccessible, infrequently compiled, and often unpublished.

⁶⁷ Laura Englestein, *The Keys to Happiness: Sex and the Search for Modernity in Fin-de-Siècle Russia* (Ithaca: Cornell University Press, 1992), 19-20; see also Marc Raeff, *The Well-Ordered Police State: Social and Institutional Change through the Law in the Germanies and Russia, 1600-1800* (New Haven, Conn., 1983); and Andrzej Walicki, *Legal Philosophies of Russian Liberalism* (Notre Dame, University of Notre Dame Press, 1992); Brain L. Levin-Stankevich, "The Transfer of Legal Technology and Culture: Law Professionals in Tsarist Russia," in *Russia's Missing Middle Class: The Professions in Russian History*, ed. Harley Balzer (Armonk, NY: M.E. Sharpe, 1996), 223.

There was no unified court system and, as indicated above, each of the estates enjoyed different rights. Alongside the obligation-based public law developed a rights-based private law over the seventeenth and eighteenth centuries, as the state sought a limited formalization and depersonalization of certain aspects of administration.⁶⁸

Concessions to judicial expertise were the result of the demands of economic reform and development rather than enlightenment, as they ran against Alexander II's idea that the unlimited power of the autocrat was a "tangible personal possession." The fear of a domino effect resulting from judicial interpretation was precisely the fault line that followed from the devolution of judicial authority, as officials from the executive tried repeatedly to claw back judicial authority while officials of the judiciary tried to protect and preserve it. The influence of Western absolutism was well received in official circles and agreed with these anti-institutional prejudices. The model was of a European police state where the state apparatus and coercive machinery reflected the sovereign will of the autocrat and would guide officials and judges to act in the interests of the state.⁶⁹

The battle within the bureaucracy was played out again and again, as reformers sought to enhance the independence of judicial institutions, while conservatives continued their efforts to restore the subordination of the judiciary to the autocracy. This followed the familiar pattern of an initial liberalization and the devolution of authority, which was followed almost immediately by efforts by conservative elements within the government to claw back that autonomy.

⁶⁸ Brain L. Levin-Stankevich, "The Transfer of Legal Technology and Culture: Law Professionals in Tsarist Russia," in *Russia's Missing Middle Class: The Professions in Russian History*, ed. Harley Balzer (Armonk, NY: M.E. Sharpe, 1996), 224-25.

⁶⁹ Richard S. Wortman, *The Development of a Russian Legal Consciousness*. (Chicago, University of Chicago Press, 1976), 270, 285.

Under the provisions of the 1864 reform, Justice Minister D. N. Zamiatin acted to restore the oversight role of the Senate and reduce the power of the Council of Ministers by shifting power over questions of administrative law from that body to the First Department of the Senate.⁷⁰

The reforms encouraged autonomous forces within society, raising the suspicions of conservative elements within the government. The Interior Ministry under P. A. Valuev worked to reassert administrative control over the judiciary. There was some success in this effort through the order to enhance the oversight powers of provincial governors over judicial officials, and later with the appointment of Count K. I. Pahlen in 1867, who acted quickly to effectively subordinate the prosecutors to the government. Over the course of the 1860s he transformed the formerly independent investigators into mere *chinovniki* (petty bureaucrats), completely subordinate to the Ministry of Justice.⁷¹

There was far less success in the attempt to employ the judicial branch as an instrument to inspire loyalty and respect among subject and to use as an instrument in the battle against the radical opposition in the political trials of the 1870s. The struggle over political trials demonstrated the power of the new reform institutions in opening up a space for the emerging public sphere and in the commitment of professionals, such as judges and lawyers, to the concept of *obshchestvennost'*.

The press played an increasingly important role in informing and forming public opinion among the educated classes, particularly in the reporting of political trials. This also served to give the radical opposition a new and very public platform for their views, facilitating public debate. Perhaps most significant was the continued independence of

⁷⁰ Ibid., 271.

⁷¹ Ibid., 276-278; Levin-Stankevich, "The Transfer of Legal Technology and Culture," 227.

the judges in the case, who rather than merely serving administrative desires, applied the law they thought most appropriate and handing out more lenient sentences and more acquittals than anticipated.⁷² Brian Levin-Stankevich has argued that despite the incompleteness of the judicial reforms and the constant pressures on the legal professions from conservative bureaucrats and state officials, a rule of law culture did develop among a significant segment of lawyers and judges as these occupations underwent professionalization.⁷³

The law of 14 August 1881 ushered in a new period of open hostility towards the judiciary, as political crimes were formally transferred to the executive authority for summary justice. This was followed by legislative attempts to hobble or abolish the jury system and re-establish a “unity of state institutions” through the reconstitution of administrative superordination.⁷⁴

The judicial reform of 1864 also created a separate court system for the peasants to hear minor criminal and civil matters. These courts were created at the *volost'* level and were presided over by a panel of three locally appointed judges, who were traditionally peasant elders or peasants elected to administrative posts. Under this system, peasants could have their disputes heard under customary law in conformity with state regulations.

The motivation for the creation of this separate institution, distinct from state courts was a response to the limits of state capacity and financial resources, which were especially pronounced in the rural areas. This institution has been characterized in much of the literature on the Russian peasantry and on legal culture in late Imperial Russia as

⁷² Ibid., 278-280.

⁷³ Levin-Stankevich, “The Transfer of Legal Technology and Culture,” 243.

⁷⁴ Wortman., 283-284.

repressive and backwards and as retarding the process of modernization and the integration of the peasants into the mainstream of the national community.⁷⁵

However, Jane Burbank has argued persuasively that this characterization of this institution is grounded in stereotypical disdain for peasant life in general and customary law in particular. It reflects the arguments of contemporary legal activists and intelligentsia, identifying the peasant with the anti-modern or pre-modern and the primitive. These ideas were expressed by both liberals and socialists and they share a common lineage in the enlightenment thinking about progress and history. However, they have also been reproduced and reified in the historiography dealing with this period. Burbank demonstrates that the *volost'* courts were just as regulated as state courts, keeping extensive written records and employing regularized procedures. Perhaps more importantly, these courts were used by peasants to resolve civil conflicts, not by coercion but by choice.⁷⁶

It could be objected that the nature of this institution conformed to the old estate paradigm, rather than working through individuals on the basis of civic equality. This practice was not directed against the state or framed as a demand for a share in governance, but it did involve the peasants in a regime of subject-state relations, as imperfect and uneven as it might have been. In the aftermath of the assassination of Alexander II and the advance of the counter-reforms that followed, there was an attempt to better coordinate peasant institutions within the state structure the post of 'land captain' [*zemskii nachal'nik*] was established. However, this official was given the

⁷⁵ See for example Richard Pipes, *Russia under the Old Regime*, 158; Moshe Lewin, *The Making of Soviet Power: Essays in the Social History of Interwar Russia* (New York, 1985), 72.

⁷⁶ Jane Burbank, "Legal Culture, Citizenship, and Peasant Jurisprudence: Perspectives from the Early Twentieth Century," in *Reforming Justice in Russia, 1864-1996: Power, Culture, and the Limits of Legal Order*, Peter H. Solomon Jr., ed. (Armonk, NY: M. E. Sharpe Inc., 1997), 82-108.

authority to amend or revoke decisions made by village (*volost'*) assemblies and *volost'* courts. This amounted to another impediment to the development of civil rights for peasants.⁷⁷ These measures constituted a deliberate choice to reinforce the separation of peasant institutions from the rest of society, perpetuating traditional grievances. Their institutional isolation and the divided nature of society was made all the glaring by the intensification of contact with urban culture and the imperial economy.

However, as Burbank points out, when the *volost'* courts were reformed in 1881 to subordinate their activity to the Land Captains, these courts were opened up to all rural residents, including the nobility.⁷⁸ The withdrawal of the state from the administration of justice at the local level opened up space for the emergence of a public sphere. Similar considerations of limited state capacity animated reforms in the area of local self-government, which, as shall be demonstrated below, translated into the extension of limited and uneven political rights

Political Rights

The development of political rights and representative institutions created an uneven patchwork at the local level and offered varying degrees of access to national politics for some segments of society. Zemstvo and municipal reforms established self-government institutions at the local level but forbid the formation of horizontal links or a national organization. Despite the best efforts of the government to restrict the activities of these institutions to administration and economic development, the public spaces opened up by their establishment were soon filled with political demands.

⁷⁷ Hosking, 322.

⁷⁸ Burbank, "Legal Culture, Citizenship, and Peasant Jurisprudence," 90-90.

The Zemstvo and Municipal Reforms

Russia's first comprehensive system of local government was created with the 1864 decree on the *zemstvo* and the 1870 establishment of municipal councils. These represented a significant expansion of political rights and representation at the district and provincial levels, while preserving communal character of these rights. By organizing these institutions according to the traditional estate structure, these rights were attached to individuals in their capacity of members of a particular estate. These reforms also reflected the need to involve the population in administration as the state attempted to increase its reach and control while faced with a continual crisis of capacity.

The *zemstvo* (plural: *zemstva*) was a body of local self-government, consisting of representatives chosen by the nobles, urban residents, and peasants at the district level. In addition to electing a governing board and representatives for *gubernia*-level (provincial) assemblies, these bodies developed organizations staffed by an emerging professional class to deliver services, such as education and public health, which came to constitute the rudimentary beginnings of the institutions of social citizenship. Recognizing both the crisis in state capacity at the local level and the decreasing effectiveness of the estate system in the wake of Emancipation, as well as the severing of the formal tie between the nobility and autocracy, *zemstva* were established at the county and provincial level in the thirty four provinces of European Russia. The establishment

of *zemstva* was restricted to the Russian majority regions, as the authorities were careful not to establish potentially separatist institutions of government for national minorities.⁷⁹

The intent of the Ministry of Internal Affairs, which was responsible for local government and drafted the legislation, was to create local bodies suited to deliver particular services and perform economic and administrative function, and to correct the long-standing inability of the state to operate effectively at the local level. These organs were supposed to be integrated into the bureaucracy as part of a downward vertical command. There was an explicit prohibition on any autonomous activity or intra-institutional initiative. However, once created, these assemblies and their administrative arms continually pushed for greater independence in policy formulation and delivery, as well as attempting to forge links across provinces and to create an All-Russian Assembly of *zemstva*, the so-called 'crowning of the edifice.'⁸⁰

Zemstvo assemblies were elected for three year terms by all of the estates (landowners, urban dwellers, and peasants) based on a system property requirements rather than estate representation. This was intended to prevent these institutions from representing particular or special interests which would compromise their mandate to manage in the interest of the whole of the local economy. It was also intended to have an edifying and civilizing effect on the representatives of the peasant estate who participated. At the same time there was intent on the part of the state to compensate the nobility for their loss of feudal rights following the emancipation and the assumption of

⁷⁹ Kermit E. McKenzie, "Zemstvo Organization and Role within the Administrative Structure," in *The Zemstvo in Russia*, eds. Terrence Emmons and Wayne S. Vucinich (Cambridge: Cambridge University Press, 1982), 31-34.

⁸⁰ *Ibid.*, 34-36.

the confluence of the interests of the nobility and the state in the management of the local economy.⁸¹

There were three curiae each corresponding to a class of property: private rural property; private urban property; and allotment land, which was land entrusted to peasant communes to guard against the penury of the members. All men of twenty-five years or more who met one of the property qualifications was able to participate in the appropriate curia election. In principle this recognized the new civil and political status of peasants. However, the reality of property holding and respective weighting of the curiae ensured the dominance of the nobility in these institutions. The formula for the distribution of seats favoured the landowners and the wealthy urbanites and this was duly reflected in the elitist composition of the *zemstva* in municipalities, where the number of seats was tied to tax qualifications. However, in the *uezd*'' *zemstva* the peasants made up the plurality, due to their superior numbers in the countryside. In addition, there was an executive board responsible for the policy implementation.⁸²

This cannot be considered a complete abandonment of the estate-based representation. The electoral privileging of those landholders, who invariably belonged to the noble estates, and administrative innovations which reserved key positions for nobles demonstrated official ambivalence regarding the basis of the authority for state. This demonstrates the tension between inclusion through representation and the preservation of legally defined hierarchy within the same institutions.

⁸¹ Fedor A. Petrov, *Crowning the Edifice: The Zemstvo, Local Self-Government, and the Constitutional Movement, 1864-1881*, trans. Robin Bisha in *Russia's Great Reforms, 1855-1881*, eds. Ben Eklof, John Bushnell, and Larissa Zakharova (Bloomington, IL: Indiana University Press, 1994), 198-199.

⁸² Ibid.

These were not the first representative bodies to be established in Russia. There had been elected assemblies under the *soslovie* system, representing the interests of particular estates. The nobility had had county and provincial assemblies and their elected marshals had certain limited administrative responsibilities, chairing or serving on governmental councils and boards. The peasants had had village and township assemblies, whose elders and foremen were relied upon to discharge the law enforcement, administration, and policing on the local level, including the collection of taxes and the supply of recruits for the army.⁸³ Again, it is important to note that administration and the assessment of obligations was on the corporate level, rather than that of the individual prior to the reform.

The struggle between the state and the *zemstva* on the issues of autonomy and association were a constant from the institution's inception. A decree of 13 June 1867 enhanced the powers of the assembly chairman, who was invariably the marshal of the assembly of nobles for that region. It transformed the chairman into an agent of the government and granted him enormous discretionary power to control the agenda, so as to ensure that it conformed to the *zemstvo*'s mandate thereby strengthening the subordination of the *zemstvo* to the bureaucracy.⁸⁴

Unsurprisingly, the state was not always successful in its attempts to prevent autonomous activity and horizontal linkages between *zemstva*. Given the crisis of state capacity at the local level and the trans-boundary nature of many of the problems that the *zemstva* had to resolve, at times the state was forced to accept cooperation between regional *zemstva* and inter-regional *zemstvo* conferences. These included relief efforts

⁸³ S. Frederick Starr, "Local Initiative in Russia before the *Zemstvo*," in *The Zemstvo in Russia*, eds. Terrence Emmons and Wayne S. Vucinich (Cambridge: Cambridge University Press, 1982), 11-15.

⁸⁴ McKenzie, "The *Zemstvo* and the Administration," 58.

during the Russo-Turkish War of 1877, congress in Khar'kov in 1880 to coordinate the response to a diphtheria outbreak, and the February 1881 congress in Odessa to address crop damage due to infestation. These attempts on the part of the state to restrict the activities of the *zemstva* and integrate them into the bureaucracy intensified in the era of deep conservatism that followed the assassination of Alexander II. The primary instrument in this effort was the 1890 amended *zemstvo* statute. The regime attempted to enlist the nobility as the agent of conservatism in the *zemstvo* by grouping voters according to estate membership at a time when the social and economic underpinnings of estate identities were eroding as a result of the effects of the Great Reforms and the modernization of the economy. Property qualifications were altered to decrease the influence and representation of the peasants in an effort to de-emphasize the civic nature of the institution.⁸⁵

Increased and direct state control over *zemstvo* affairs found expression in new regulations on the executive boards. This required that the *zemstvo* executive boards at both the provincial and county levels be approved by the governor of the province and that all of the chairmen of provincial executive boards be approved by the Ministry of Internal Affairs (Article 118). Should the Ministry fail to approve the chairman, it arrogated the power to appoint to the Ministry (Article 119). These executive boards were now explicitly declared to be in the state service (Article 124).⁸⁶

The expansion of *zemstvo* activity increased during the Stolypin era (1906-1911), as Stolypin increasingly involved the *zemstva* in policy areas where there was a shortfall in state capacity. Despite his insistence that they should have no part in national political

⁸⁵ Ibid., 41-42.

⁸⁶ *Polnoe Sobranie Zakonodatel'sva Rossiiskoi Imperii* [PSZRI], 3rd Series, vol. 10, no. 6927.

questions and his goal of future reorganization of local government, he accepted an increased involvement of the educated public in governance. He granted the *zemstva* increased taxation powers, reduced government oversight of their activities and facilitated the higher of specialists and professionals, the so-called Third Sector, for the provision of expanded *zemstvo* services in areas such as education, agriculture, and peasant resettlement.

The appointment of V. N. Kokovtsev as chairman of the Council of Ministers following the death of Stolypin saw a renewed effort by the state to limit the independent activity of the General *Zemstvo* Organization. However, this new hard-line proved untenable as the government proved unable to deal with the famine situation on its own and society showed itself to be too influential to be relegated to a passive resource to be drawn upon at the will of the state. As a result, the independent activity of the General *Zemstvo* Organization was a part of the Russian political and social landscape until the eve of the First World War.

The Municipal Reforms Statute was approved by Alexander II on 16 June 1870, establishing elected local dumas in urban areas. It repeats many of the restrictions imposed on autonomous activity and attempts to tie the town councils directly into the bureaucracy which appeared in the statutes establishing the *zemstva*. The legislation provided for local responsibility for public services, public works, and public welfare. However, most striking was the explicit move from the estate-based formula for representation to a system determined by the taxes paid and the property owned by individual city dwellers.

The contribution of the *zemstvo* to the development of the citizenship regime was not merely in the area of political rights and representation. It also served to expand the space of the public space and involve a new group, the Third Element, in public debate. The Third element was composed of professionals hired by the *zemstvo* organizations, including doctors, engineers, *feldshers* (paramedics), teachers, agronomists, veterinarians, and administrators. By 1909-1910 there were in excess of 70,000 specialists employed by the *zemstva*. This represented the first employment opportunity for educated people outside of state service and this distinction imbued it with an alternative notion or spirit of service. Charles E. Timberlake has emphasized the significant communication that resulted from this development. Thousands of educated and trained individuals were introduced into provincial and district capitals, as well as the exposure of villages to new ideas and institutions.⁸⁷

A renewed efforts on the part of the *zemstva* to campaign for more autonomy and an augmented mandate was initiated after the death of Alexander III in 1894. Basic to these demands were the legalization of communication and organization between *zemstva* and a broadening of their mandate to include all local affairs. These moves were greeted with opposition from the regime, combining coercion and rewards. Tsar Nicholas II threatened to bar from public life anyone who persisted in calls for increased powers and a national organization, while Internal Affairs Minister Viacheslav Plehve rejected any role in government for the *zemtsy* (those representatives elected to the *zemstva*). At the same time, he attempted to co-opt the *zemtsy* in 1903, proposing that the Ministry of Internal Affairs could act as a national organization or coordinating body for the *zemstva*.

⁸⁷ Charles E. Timberlake, "The Zemstvo and the Development of the Russian Middle Class," in *Between Tsar and People: Educated Society and the Quest for Public Identity in Late Imperial Russia*, eds. Edith W. Clowes, Samuel D. Kassow, and James L. West (Princeton: Princeton University Press, 1991), 164-181.

Unsurprisingly, these plans by Plehve for the complete absorption of the *zemstva* into the state apparatus were rejected by the *zemtsy* and a particularly confrontational period of relations ensued.

The regime only became more conciliatory when it required the support and work of the *zemstva* with the outbreak of the Russo-Japanese War of 1904-05. Echoing the original impetus for the devolution of local self-government, the state permitted the formation of a national organization in response to a crisis of its own capacity. *Zemtsy* representing eleven provinces under the leadership of Moscow *zemstvo* chairman Dmitrii Shipov offered their services for medical relief to the government, forming a national organization, the General *Zemstvo* Organization.⁸⁸ Their work in organizing for the transport and organization of *zemstvo* medical personal at the front and the coordination of evacuation of the wounded to facilities in Russia won them the support of the military in their efforts and activities.

These prohibitions notwithstanding, the government permitted the independent activity of the *zemstva*, as the *zemtsy* campaigned for more autonomy and inter-*zemstvo* coordination in order to facilitate the more effective fulfilment of the demands of local government. However, it was at precisely this point that the common cause of the philanthropically inclined *zemtsy* and the politically active *zemstvo* professional diverged. The former enjoyed government support due to the seemingly apolitical nature of their activities. The state had accepted the necessity of independent *zemstvo* activity in areas where state capacity was lacking, forging a type of bargain that devolved a certain amount of autonomy and responsibility to these bodies of local government, including the

⁸⁸ Robert E. Johnson, "The all-Russian union of zemstvos and World War I," in *The Zemstvo in Russia*, eds. Terrence Emmons and Wayne S. Vucinich (Cambridge: Cambridge University Press, 1982), 134-5.

right to work together in a national organization, while explicitly refusing to devolve any share in decision making and government.⁸⁹

The effect of the continued independent work of the *zemstva* and the concomitant growth of the Third sector also had a profound effect on these professionals. As their numbers grew and their efforts were continually frustrated by officialdom, they became increasingly politicized and radicalized, linking their own sense of public service with political demands, such as universal suffrage.

The state intended for the *zemstvo* to be an apolitical institution of administration of the local economy and for it to be integrated into the existing bureaucratic structures. However, once created and through the experience of its work, the *zemtsy* began to call for more independence from the state and the right to coordinate their activities with other *zemstva*. The creation of this institution provided a space for public activity and discussion, corresponding to the definition of a public sphere, where public opinion and public interest are expressed. However, these institutions remained unrepresentative for the majority of the population. While there were provisions for peasant participation in the *zemstvo*, the land qualification rules ensured that their representation would be limited and that the nobility would continue to dominate the rural economy. Moreover, as Dorothy Atkins has pointed out, the inclusion of all peasants through allotment land instead of a private property qualification preserved the estate principle in an institution nominally based on the property principle. Individual political rights were granted to

⁸⁹ Thomas Porter and William Gleason, "The Zemstvo and the Transformation of Russian Society," 76.

(overwhelmingly gentry) property owners who met the qualification, whereas peasants received collective rights and recognition as an estate.⁹⁰

Fundamental Law and the State Duma

The *zemstva* also became a venue for agitation for the expansion of representative institutions. One of the most significant changes between the upheavals of the 1870s and the turn of the century was the narrowing of the divide between the positions of the moderate and the radical opposition. The two major factors responsible for this were the increasing strength and solidarity of the Third Sector and the growing support among the liberal gentry involved in the *zemstva* for greater freedom, which they equated with autonomy from bureaucratic control.⁹¹

The other major development was the formation of broader opposition movement among the opponents of the regime. Many left liberal and socialist groups within the intelligentsia put aside narrow doctrinal differences, largely as a result of the efforts of Marxist theoretician Peter Struve, who edited the opposition newspaper *Osvobozdenie* (Liberation) in Stuttgart then Paris. Only the Social Democrats seemed incapable of overcoming their doctrinal isolation. In January 1904 these groups formed the Union of Liberation in St. Petersburg and adopted a program aimed at achieving constitutional government and basic civil liberties. This movement began to organize at the level of the

⁹⁰ Dorothy Atkins, "The Zemstvo and the Peasantry," in *The Zemstvo Experiment in Russia: An Experiment in Local Self-Government*, Terrence Emmons and Wayne S. Vucinich, eds. (Cambridge: Cambridge University Press, 1982), 84.

⁹¹ It should be added that rarely were the *zemtsy* interested in sharing this freedom with the professionals whom they employed. These professionals increasingly shared a faith in the power of reason and expert knowledge and were frustrated that those who possessed such knowledge were not in positions of authority but were subordinate to those aristocratic or bureaucratic interests. See Harley Balzer, "The Problem of the Professions in Imperial Russia," in Edith W. Clowes, Samuel D. Kassow, and James L. West, eds., *Between Tsar and People: Educated Society and the Quest for Public Identity in Late Imperial Russia*, Princeton: Princeton University Press, 1991, 183-198.

zemstvo, reflecting the expansion of public space available for debate and struggle despite the best effort of conservative elements within the regime.

The most prominent radical liberal liberationist was Paul Miliukov, the former professor of history at Moscow University. Where Struve was a disaffected Marxist, Miliukov was a whole-hearted believer in constitutional government. So enthusiastic was he about the establishment of this form of government that he was willing to make common cause with any opponent of the regime in order to achieve it.

However, there were limits to the solidarity of the left opposition. Some liberals simply could not condone violence, while others believed that Russia would not be better under a parliamentary system and held the hope that the autocrat could be convinced to observe the rule of law. This cautious liberalism came to be led by Shipov, whose model for an assembly was the *zemskii sobor*, which had been an influential consultative body in the sixteenth and seventeenth century. Central to his vision was the benevolent autocrat, who could not be subjected to or limited by law. He had faith in the wisdom of the tsar to know when to limit himself and saw harmony as the key to political stability, which he believed was embodied by the *zemstvo*. He was repelled by the factionalism and partisan politics. While the moderate position of Shipov had initially been more attractive to the majority of *zemstvo* deputies than that of the Union of Liberation, the failure of the tsar to act in ways which could be interpreted as benevolent or wise, as well as the adventurism of the regime in Asia led many to switch their allegiance.

Throughout this period of unrest the government and the Tsar showed themselves to be poorly prepared, unrealistic, and most importantly for this study, poor bargaining partners. It was not until the fall of 1905 that the regime recognized the need to make

serious concessions to the opposition that could alter the institutional architecture of government and devolve substantive political rights. The general strike of October forced the hand of the autocrat. Beginning with a railway strike in Moscow on October 7, the strike soon spread to other branches of transportation and communication, paralyzing the state. Their actions were supported and joined by students, industrial workers, professionals, and those in the performing arts. It spread to St. Petersburg and along all the rail lines. Just as quickly, political demands previously articulated by liberal and radical oppositionists supplemented economic ones. This forged a broad coalition that was supported by virtually all of the mobilized segments of society. The strike was for the most part peaceful, but completely crippled the Russian economy and the functioning of the Russian state⁹²

The reaction of the regime was to make the most drastic of concessions and proclaim a course of reform that would end the exclusive purchase on power of the autocrat. The Manifesto of 17 October 1905 "On the Improvement of State Order" promised fundamental civil rights, including inviolability of the person, freedom of conscience, speech, assembly, and association. All laws were to be subject to the approval of the State Duma, which was to truly representative of the will of the people and afford real participation in the legislative process. It announced universal male franchise for the election of the Duma, which was to be elected and convoked without delay.⁹³

This year of conflict set the stage for the quasi-constitutional experiment that dominated the politics of the empire for the last twelve years of its existence. While the

⁹² Rogger, *Russia in the Age of Modernization*, 212-213; Ascher, *The Revolution of 1905*, 213-218.

⁹³ "Manifest ob usovershenstvovanii godudarstvennogo poriadka," *PSZRI*, series III, vol. 225, pt. 1, no. 26803.

general nature of the pronouncement of the October Manifesto allowed both sides to pull back from confrontation, it also allowed the state, dominated by unreconstructed reactionaries, to regroup and undermine the representativeness and universality of the Duma. This preserved the fundamental arrangements of the Late Imperial citizenship regime.

The reluctance of the autocracy to bargain in good faith was evident throughout the electoral process that developed over the course of 1905 and particularly in the preparation of the so-called Bulygin Duma. The 18 February 1905 rescript from Tsar to Interior Minister A. G. Bulygin called for the establishment of some form of consultative assembly composed of representatives elected by the population to review proposed legislation. However, by the time that the discussions over the implementation of these measures began in July 1905, this promise of consultation was far too little too late. The demands of most mobilized groups, even the most moderate of the liberals, had moved on to calls for a truly representative legislative body.⁹⁴

The resulting Manifesto and Statutes of 6 August 1905 detailing the electoral procedure and responsibilities of the so-called Bulygin Duma were taken as an affront by the mobilized sectors of society, falling well short of the demands for equal and representative enfranchising and voting by secret ballot. Women and Jews were excluded altogether, while other non-Russians, townspeople, and those without property were to have only reduced representation. Additionally, both of these documents

⁹⁴ Rogger, *Russia in the Age of Revolution*, 211.

explicitly affirmed the autocracy, signalling that the regime had no intention in engaging in fundamental reform which would involve the public in the business of government.⁹⁵

The refusal of opposition groups to participate in mere consultation and the chaos of the October general strike forced the reluctant Tsar to make further concessions. Even this came with great reluctance and only after the military expressed its scepticism regarding the possibility that large-scale repression would be possible. However, in the period between the October 17 Manifesto and the convocation of the Duma the regime managed to take advantage of the exhaustion of the workers and the splintering of the opposition to water down the concessions it had made and to engineer the electoral regulations to its own favour. There was significant backtracking on the pledges to end censorship and the right to freedom of assembly, as expansive discretionary powers were reserved for itself in the name of national security.⁹⁶

The 11 December 1905 Duma Electoral Law fell far short of the liberal demand for the four-tail criteria of universal, direct, equal, and secret elections. While all of the estates were entitled to vote, women, workers employed in concerns of less than fifty persons, landless peasants, soldiers, servants, students, and some categories of artisans were excluded completely. Voting was done by estate through curiae, failing to advance the non-estate principle. For representatives of urban areas the direct vote was reserved for the residents of twenty cities, while the rest were to be selected by electors from each curia. The weighting of the estate defined votes meant that the vote of one noble was equivalent to 3.5 townspeople, 15 peasants, and 45 workers. However, as Hans Rogger

⁹⁵ "Manifest ob uchrezhdenii Gosudarstvennoi Dumy (6 August 1905)," *PSZRI*, series III, vol. 25, pt. 1, 640-645.

⁹⁶ Rogger, *Russia in the Age of Modernization*, 218.

has pointed out, while this was by no means progressive and disappointed all of the opposition, it was more liberal than the systems of Austria or Prussia.⁹⁷

The relations between the state and the population, as well as the architecture and composition of the government were given full expression in the Fundamental Law of 23 April 1906.⁹⁸ The document was another disappointment for both liberal and radical opponents of the autocracy. It opens with the affirmation of supreme autocratic power and reserves for the autocrat foreign policy, including decisions of war and peace (Article 1), as well as wide ranging powers to rule by decree when the State Council, which had been transformed into an upper house of the legislature, and the Duma were not sitting (Article 45).

All legislation proposed by the government required the approval of both the State Council and the Duma, ensuring popular representation in the legislative process (Article 44). However, the Duma had limited power in the initiation of legislation and its requests to question ministers were not binding (Articles 70, 74). Despite these shortcomings, the institution was by no means a paper tiger and would prove itself to be an independent and formidable deliberative body.

In the delineation of the rights and duties of Russian subjects, the Fundamental Laws repeated the universal obligations of military service and the payment of taxes (Articles 28, 29). It also guaranteed a considerable list of individual immunities, including inviolability of the person, freedom of movement and choice of place of residence, due process before the law, freedom of conscience, and freedom of association within the limits of the laws (Articles 32-40). These rights however could be suspended

⁹⁷ Ibid.

⁹⁸ "Vysochaishe utverzhennyye osnovnyye gosudarstvennyye zakony," *Svod Zakonov Rossiiskoi Imperii*, 3rd series, vol. 1, pt. 1. St Petersburg, 1912, pp. 5-26.

under the conditions of martial law (Article 41). Despite the shortcomings of this document in opposition eyes, it was a momentous break from the autocratic past, enshrining in law the role of the population in the work of government and defining fundamentally new relations between state and society.

The first Duma elections returned a strong oppositionist cohort, dominated by the Constitutional Democrats (Kadets). Conflict with the government was immediate and having failed to influence government policy on issues of land reform, political amnesty, and ministerial responsibility, the deputies issued a letter to the public which the regime deemed an illegal act. After two months of legislative impasse the Duma was prorogued by the Tsar and new elections were called. This scenario was repeated with the second Duma in 1907, prompting the government to amend the election laws in order to disenfranchise many peasants and members of minority nationalities in what is called the “electoral coup d'état” of 16 June 1907. The Third Duma was a more conservative body with which the government could work and was able to serve out its full five year term accomplishing a fairly constructive legislative program.⁹⁹

The creation of the State Duma and its subsequent subordination to the autocrat form the final episode in the extension of political right in the Imperial citizenship regime. Consistent with the pattern established during the Great Reforms, liberalization and concession were enacted to defend and preserve the autocratic system. I have argued that these events constitute an instance of discontinuous change, but not another foundational episode in the citizenship regime. The reforms that ensued produced genuine institutional innovations in response to very real threats to domestic order. These

⁹⁹ John Morison, “The State Duma: A Political Experiment,” in *Russia under the Last Tsar: Opposition and Subversion, 1894 – 1917*, ed. Anna Geifman (Oxford: Blackwell Publishers, 1999), 144-149.

were among the most important extensions of political right in the brief history of the Imperial citizenship regime. However, important elements of the regime established during the Great Reforms were preserved. Chief among these was the persistence of estate-based institutional separateness and the plurality of spaces of citizenship for distinct population groups.

This episode also presents one of the clearest examples of the nature of the bargaining process between the state and mobilized groups in the development and articulation of innovations in the citizenship regime. As indicated above, the state was a reluctant partner at best and took every opportunity to reverse the measures it found least palatable. The mobilization of large groups of the population and development of broad coalitions in opposition to the state was able to force the regime to take their demands seriously. The proliferation of political parties and involvement of large numbers of people in these protest movements attests to the expansion of the public sphere during this period.

The Duma experience was an important part of the development of modern citizenship relations in late Imperial Russia. The lack of experience of parliamentary rule and weak institutionalization were significant factors contributing to its shortcomings. However, it is important to recognize that significant as they were, they were by no means inevitable or beyond resolution. The ultimate failure of these reforms should be seen as one of a multiplicity of possible outcomes.

Social Rights

Emancipation and the creation of new institutions of local self-government dissolved the old private seigneurial and estate-based poor relief. However, no new comprehensive provisions were made in the larger reform effort. The principal reason, according to Adele Lindenmeyr, was the patterning of poor relief on the model of communal obligation that existed for state peasants. Accordingly, the Emancipation Edict outlines the obligation of communes to care for their needy. However, it leaves up to the discretion of the communes how such relief is to be financed, organized and delivered.¹⁰⁰

Local self-government reforms dissolved the social welfare boards established in 1775 by Catherine II as part of the new provincial administrations. These bodies were reviled for their poor level of care and meanness of conditions, as well for paying less attention to poor relief than to the banking functions in which they engaged to operate as self-financing entities.¹⁰¹ Responsibility for poor relief was placed squarely at the local level, but there was no explicit delineation of the roles and responsibilities between estates and bodies of local self-government. The key feature of this resulting system was the provision of poor relief on the basis of estate membership, rather than membership in any larger political community.

The modest beginnings of a welfare state could be seen in the passage of law on mandatory social insurance for workers by the Duma in June 1912. Although this legislation was far more modest than the original proposals responding to the demands of

¹⁰⁰ Adele Lindenmeyr, *Poverty is Not a Vice: Charity, Society, and the State in Imperial Russia* (Princeton: Princeton University Press, 1996), 48-19.

¹⁰¹ *Ibid*; Isabel de Madariaga, *Catherine the Great: A Short History* (New Haven: Yale University Press, 1990), 69-70.

workers during the labour unrest of 1904, it did provide for accident and sickness insurance for industrial workers, as well as a measure of worker representation in the administration of these funds.¹⁰² These measures covered roughly one quarter of workers in key industries, including mining and transportation.¹⁰³ This repeats the familiar bargaining pattern of state concession in times of crisis, followed by the scaling back of those provisions to the bare minimum, once in a position of relative strength. Regardless of the modesty of these provisions, their limited reach, and the diminished impact following the outbreak of the First World War, they represent a significant development and suggest the possibility workable compromise as a result of successful, if imperfect bargaining.

The State of Citizenship in 1917

The policies of the imperial regime from the Great Reforms down to the February Revolution were rife with contradictions. While the regime attempted to institute limited civil and political rights, it was also engaged in imperial expansion, creating new classes of subjects and further fragmenting the imperial legal space. In addition to the challenges of military conflict (and defeat) and the divisions within the regime itself, the potential agents of change from below were also divided. The radicalization of segments of the opposition complicated attempts at cooperation and conciliation.

This raises the important question of whether it is even possible to talk about citizenship in the late imperial period. Certainly one cannot speak of liberal democratic

¹⁰² Sally Ewing, "The Russian Social Insurance Movement, 1912-1914: An Ideological Analysis," *Slavic Review*, Vol. 50, No. 4 (Winter 1991), 915-916.

¹⁰³ Dorena Caroli "Bolshevism, Stalinism, and Social Welfare (1917-1936)," *International Review of Social History* (2003), vol. 48, 30-31.

citizenship in Russia, which assumes the existence of supporting institution in the state and in society, such as bodies of representative government for the exercise of political rights, an independent judiciary for the protection of civil rights, a welfare state for the delivery of social rights, and vibrant and open public sphere for contesting the terms of the citizenship bargain. Measured against Continental Europe and the Anglo-American cases, the Late Imperial Russia may not seem especially important or impressive for a student of citizenship. However, it is worthwhile exploring the possibility of the development of meaningful citizenship in Imperial Russia, the work of reformist bureaucrats for meaningful popular participation in politics and administration, and the demands of mobilized segments of society for civil and political rights. As Yanni Kotsonis has argued in his recent study of late imperial taxation policy, the conception of citizenship as being synonymous with individual rights and obligations is too narrow and that in fact various models of citizenship developed in Europe. The one practiced in Russia did operate through individuals, but dependent upon membership in some universalistic whole, rather than existing a priori. Rights were understood in the Hegelian sense of capacities rather than immunities, so that liberty implied a form of self-realization and participation in the state rather than a position outside of the state.¹⁰⁴

In this chapter I have argued that state-society relations were fundamentally reordered by the Great Reforms of the 1860s and 1870s, which constituted the founding development of the Late Imperial citizenship regime. These reforms restructured the existing pattern of state-subject claims and polity membership, reorienting the development process and producing a curious mix of universal rights and obligations and

¹⁰⁴ Yanni Kotsonis. "Face-to-Face": The State, the Individual, and the Citizen in Russian Taxation, 1863-1917," *Slavic Review* 63, No. 2 (Summer 2004), especially 221, 231-234.

particular, group-specific privileges and duties. Once this radical reordering took place the dynamic process of institutional change proceeded through incremental development. By contrast, while the Revolution of 1905 appeared to be a case of discontinuous change, it left the fundamental pattern of the citizenship regime intact. The Late Imperial citizenship regime continued along this development path until the collapse of the empire in 1917.

The shape of this citizenship regime was a product of the continuous struggle between mobilized groups within society and the state. State action was conditioned by its relatively weak position in the international system, its conception of the ideal of autocracy, and the limited capacities at its disposal for the imposition of domestic order and control over its territories and populations. The rigidity of the regime was a significant obstacle to the sustainable development of a Russian citizenship regime in the late Imperial period. The interaction between the regime and the opposition forces - be they liberal, constitutional, radical, or nationalist - was hampered by both structural and historically contingent factors. The personality of the Tsar cannot be overlooked as an impediment to the operation of the bargaining process between the state and mobilized groups in society.

The divided nature of the elite posed additional problems. As detailed above, the reformist elements within the bureaucracy and the government developed and enacted policies which enlisted the participation and consent of the particular segments of the population motivated by the concept of *grazhdanstvennost'*. This work was apparent in the Great Reforms, in the changes occurring in the colonial policy in the second half of the nineteenth century, and in the gradual acceptance of the reform of political

institutions. It combined both the recognition that society must be enlisted in areas where there was a pronounced lack of state capacity and the need to employ modern techniques of government to ensure domestic order and international competitiveness.

At the same time, there remained among the administration and within officialdom a conservative element, dedicated to autocracy and the authoritarian methods that had built the empire. These elements took every opportunity to undermine the development of representative institutions and to limit the role of popular participation in the work of government.

The participatory capacity and bargaining strength of mobilized groups in society was a function of the strength of group solidarity and the structure of social relations. The opposition to autocracy was deeply divided, spanning the spectrum from parties bent on the complete destruction of the regime to those more conservative elements who favoured working with the authorities from the inside to affect reform. Aside from that brief moment of unity in the fall of 1905, there was little cooperation, few common goals, and a general lack of coordination among opposition groups. Equally important was the isolation of these groups from the mass of the population. As became clear in the events of 1905, none of the political opposition groups was in command of the protest events or strike actions. Workers and peasants formed their own organizations, grounded in their daily experiences and grievances, pressing for change. This lack of unity and representativeness diminished the bargaining power of opposition groups both in the struggle for reform and within the institutions of representative government once they were established.

The developmental path of the Late Imperial citizenship regime was also influenced by the tension between the ideology animating the Great Reforms and realities of new challenges of maintaining domestic order and administration. The regime's intent was to involve society in the provision of services which the state was not capable of supplying. This was to remain a purely administrative activity and the public was not invited to become involved in politics. However, the reforms opened up new public spaces in which demands could be made upon the state. Once these spaces were established in the courts and the *zemstva* the regime was compelled to bargain with mobilized groups. This was not bargaining between equal partners and the state continued to employ both the threat and the practice of coercion. Nonetheless, the state was obliged to enter into this bargaining and, on occasion, compromise with powerful constituencies.

The central dynamic tension in this process was inherent in the challenge of modern politics. Modern techniques of government require the participation of the population. Coercion and repression may be necessary for the maintenance of public order, but they are not sufficient (and too expensive) for modern administration. The regime embraced the goal of modernization following its defeat in the Crimean War. The reforms enacted by the regime required the growth and mobilization of a population of specialists with the requisite technical and scientific skills. However, this group, the Third Sector, with their 'objective' scientific knowledge and rationalism would come to challenge the traditional bases of legitimacy of autocratic regime. The coincidence of the hostility of the regime towards demands for participation in politics and its reliance on the collaboration of Third Sector experts in administration reflected the growing crisis in

the old ways of exercising of sovereignty. However, it is important to stress that the failure of the regime was by no means assured. There was a confluence of system exhaustion, imperial overstretch, international competition, and domestic unrest of both the ethno-national and class varieties.

The incompleteness of the development of a full fledged modern citizenship in late Imperial Russia raises the question of the importance of this case. I argue that it remains significant for both theoretical and historical reasons. This case contributes to the debate over the role of institutional and participatory requirements for the development and actualisation of modern citizenship. The particular aspects of this citizenship regime and its instability were the function of localized struggles over particular policies, influenced by ideology and the requisites of quotidian politics. It represents another potential path to modern citizenship, involving a unique set of claims and duties. It was shaped by Russia's contact with the West and the demonstration effect of Western model of liberal democratic citizenship. Its ability and willingness to incorporate certain aspects of that model, while rejecting others, reflects Russia's particular historical experience.

As an historical question, the case is important as the issues which citizenship addresses remained unresolved in this iteration of the Russian citizenship story. It also established some important precedents for Soviet and post-Soviet efforts to forge a modern citizenship tradition. As the next chapter will demonstrate, the disciplinary structures embedded in informal constraints, as well as formal institutions, would resurface in the Soviet citizenship regime. The reluctance to devolve political rights is

only one of a number of continuities in the patterns of state-citizen relations as Russia confronted the challenge of modern politics.

Chapter 2 – The Rise and Fall of Revolutionary Citizenship: Bolshevik Foundings in the Russian Citizenship Tradition

Introduction

If the narrative of Late Imperial citizenship is one of halting reforms aimed at conserving autocracy, then the Bolshevik chapter in the story of Russian citizenship is a self-conscious founding. The Bolsheviks believed that they were embarking on a new beginning not subject to the constraints of the past. Such a foundational moment is a hermeneutic turn, an opportunity for reinterpretation and symbolic transformation, allowing for claims of complete newness or ‘pastlessness’. It is meant to permit the creation of a polity *ex nihilo*. However, no beginning is ever truly without a past. They always refer to something prior, even if that past is necessarily or partially concealed. This founding also offered the opportunity for the reinterpretation and selective appropriation of a particular narrative of the past. The Bolshevik Revolution was a rejection of both the oppression of the Late Imperial regime and the ‘bourgeois,’ liberal alternative of the Provisional Government, which came to power after the February Revolution.

In this chapter I explore the three hypotheses as they apply to the Soviet citizenship regime. The first hypothesis claims that development path of the Soviet citizenship regime was not teleological, but was a dynamic process, punctuated by major upheavals (foundings) that restructure existing patterns of state-subject claims and polity membership, reorienting the development process and foreclosing alternative paths. The Bolshevik Revolution constituted such a founding in the Russian citizenship tradition. The development of the Russian citizenship regime is influenced by the structure of the

international system and the state's position within it. This development path was also impacted by the dynamic nature of state capacities and technologies, including the ideology of Marxism and its adaptation to the realities and requirements of Soviet state-building.

The second hypothesis is that the citizenship regime, understood as the conditions of membership in the polity and the set of rights and duties of citizens, is the product of the ongoing contestation between the state and organized groups in society. In the Soviet case, this process consisted of the formation of unstable revolutionary coalitions immediately following the founding, which gradually gave way to more regularized bargaining as institutional patterns are established. In this process the position of the state was determined by the relative strength of mobilized groups in society, such as peasants and soldiers, its capacity to maintain domestic order and control over their territories and populations, and its relative position within the international system.

The claims of citizens against the state are made in the public sphere, where participatory capacity depends upon the autonomy of that space from the state and the strength and solidarity of mobilized groups. The Bolshevik regime sought to absorb public space for practical and ideological reasons. Marxism identified the public sphere with bourgeois right and the Bolsheviks interpreted any autonomous activity as a threat to their power. This has produced citizenship practices in which formal political participation was limited and the autonomy and solidarity of those subject to the authority of the state remained weak. This continued the pattern of state-led reform and favoured informal bargaining and a patchwork of separate deals between the regime and more highly mobilized groups within society.

Finally, the third hypothesis is that the overall structure and complexion of the citizenship regime is a function of the tension between the universalistic impulse of the Bolshevik's Marxist ideology animating the Soviet founding and the drive to centralization and instrumental exclusion in the interest of the consolidation of power and administration. Faced with the demands of politics and administration, revolutionary political elites were forced to compromise and make accommodations with strategic groups and constituencies to maintain their grip on power. As a result, aspects of the citizenship regime were the product of localized struggles over particular policies, informed by ideology, but determined by practical concerns.

The Institutions of Bolshevik Citizenship and the Soviet Social Contract

In this chapter I have argue that the October Revolution and War Communism constituted a founding in the development of the Russia citizenship regime. It established revolutionary Bolshevik citizenship and laid the foundations for the Soviet citizenship order. The development of this order was an incremental process, which included reversals and the path of which was contingent on domestic and international pressures. However, it was in the formative period of civil war that the basic contours of the political community, the general shape of citizenship rights and duties were set. The institutions and disciplinary practices developed in this period would form the basis for the Soviet citizenship regime till the collapse of the USSR in 1991.

One of the more fruitful ways of conceptualizing the relationship between the Soviet state and its citizens is the tacit social contract. According to this notion, the state guarantees citizen access to certain goods in return for political support or quiescence. Implicit in this understanding of Soviet citizenship is the notion that the relationship

between state and citizen was not based on coercion alone and that the state was dependent on at least certain segments of society for support. This is not to suggest that coercion is absent or displaced, only that it is supplemented and that the mix between coercion and concession is variable over time as the terms of (and sometimes the parties to) the contract change.

Examples of this model of Soviet politics include Vera Dunham's idea of the "Big Deal,"⁸⁰ the tacit bargain or social contract between the regime and that stratum of Soviet society she defines as middleclass in the period following the Second World War. Dunham contrasts the regime's new partner, the middleclass, with earlier allies, the proletariat and the intelligentsia, on whom the regime relied in the revolutionary period. She argues that the middle class had the advantage of being the creation of Stalinism, forged in the push for industrialization and given opportunities for advancement by the turnover created by the purges, which eliminated the last vestiges of the Leninist/revolutionary generation. The middle class could offer apolitical conformism, apolitical commitment, reliability and professionalism, in short a contented and productive citizenship and its reproduction, in return for material satisfaction, status, and stability.

Peter Hauslohner offers a useful account of the post-Stalin social contract engineered by Khrushchev and continued by Brezhnev, in spite of the differing policy preferences of these leaders.⁸¹ Under the terms of this social contract, the state guaranteed certain socioeconomic benefits (job security, stable prices for basic goods, an

⁸⁰Vera S. Dunham. *In Stalin's Time: Middleclass Values in Soviet Fiction*, updated and enlarged ed. (Durham: Duke University Press, 1990).

⁸¹ Peter Hauslohner, "Politics before Gorbachev: De-Stalinization and the Roots of Reform," in Seweryn Bialer, ed., *Politics, Society, and Nationality inside Gorbachev's Russia* (Boulder, CO: Westview Press, 1989), 41-90.

egalitarian incomes policy and an increasing social wage) in return for political compliance and support coupled with exclusion from political rights. In an effort to explain why neither leader pursued radical reform of the Stalinist model of development, Hauslohner argues that the costs of altering the terms of the social contract outweigh the costs of perpetuating an inefficient system. Stalinism had created a stronger state with the capacity to deliver these goods and was less dependent on coercion. Again, this is not to suggest that coercion disappears, as it is readily and freely deployed in cases where citizens violate this understanding.

Linda Cook sets out to test the social contract thesis in her book *The Soviet Social Contract and Why it Failed*. Through an examination of ‘pressured decision points’ (instances where the maintenance of the social contract would result in the dedication of further resources or the abandoning of other policies at significant cost), Cook examines whether the social contract thesis can explain government and worker behaviour. She acknowledges the limitations of this model of relations, as it does not explain the position of national minorities, the intelligentsia, and the rural population. She concludes that Brezhnev maintained the social contract until close to the end of his tenure, when the regime proved unable to consistently deliver. In the case of Gorbachev, his reform fundamentally challenged the social contract, resulting in its breakdown.⁸²

The informal nature of the bargaining and the tacit nature of the contract reflect the constrained nature of the public sphere. The Soviet regime aspired to control all aspects state and society. However, not even in the age of high Stalinism did the regime

⁸² Linda J. Cook, *The Soviet Social Contract and Why it Failed: Welfare Policy and Workers' Politics from Brezhnev to Yeltsin* (Cambridge, MA: Harvard University Press, 1993).

conform to the ideal type of the totalitarian regime.⁸³ The willingness of the regime to enter into a tacit social contract with various segments of society is an acknowledgement of the impossibility of completely subsuming civil society within the state.

The establishment of a Bolshevik citizenship regime followed a similar pattern in each of its constituent issue areas, initially embracing an ideologically derived, radical position, which was then altered, compromised, or in some cases entirely repudiated in the struggle to consolidate power during War Communism. Common to most of these efforts was the use of citizenship policy in the war against enemy classes, primarily through exclusion and the deprivation of particular rights. This established practices that would instrumentalized citizenship and would be used selectively against groups deemed to be anti-Soviet by the regime.

The chaos and disorder of the Civil War and War Communism and their revolutionary nature made the Bolshevik party an unreliable bargaining partner. These bargains were largely tactical and there was no recourse or enforcement mechanism for societal groups or organizations should the Bolsheviks break the bargain. As such, these bargains could not be considered social contracts.

This revolutionary Soviet citizenship project was beset with challenges from its very beginnings in the periods of revolution and civil war. It was under these chaotic conditions that the foundations of state institutions and practices were laid. An ideologically informed model of revolutionary citizenship envisioned a

This process was profoundly affected by the Bolsheviks' need to form revolutionary coalitions with relatively mobilized groups in society in order to secure

⁸³ For an informative discussion of the totalitarian-constructivist debate over the nature of the Stalinist system see Stephen Kotkin, *Magnetic Mountain: Stalinism as Civilization* (Berkeley: University of California Press, 1995), 2-6.

power and fight the Whites, those forces opposed to the Bolsheviks and the Red Army following the October Revolution. The demands of these groups and the exigencies of establishing and maintaining power were in stark tension with the prevailing revolutionary ideology that animated the Bolshevik revolution. War Communism refers to the comprehensive state control over the economy under the conditions of the Civil War, which included the requisitioning of grain, the nationalization of industry and civilian labour conscription. This model of citizenship was also subjected to competing ideological and institutional demands. These pitted the ideals of radical equality against the accommodation of difference necessary to seize and consolidate power in the name of an internationalizing proletariat. In this chapter I argue that the struggle over the definition of the comrade was indelibly marked by the institutions and practices of War Communism and the bargains required for the consolidation of Bolshevik power. These challenged the very possibility of revolutionary citizenship and ultimately resulting in the instrumentalized citizenship regime of the Stalinist system.

The violent and chaotic founding of the Soviet citizenship regime was followed by successive waves of the making and unmaking of institutions associated with Soviet state-building. This also raises the question of the value of Soviet citizenship. As I have argued above, under conditions of instability and upheaval citizenship remains largely and even completely formal. States may lack the capacity to deliver on the claims of citizens and citizens may be unable to make demands on the state or fear serious repercussions for doing so. Similarly, states may lack the necessary resources or legitimacy to compel or inspire compliance on the part of citizens in the fulfilment of obligations on the part of citizens.

An additional complication was the impact of impact on citizenship practice of the shifts and reversals entailed in the progression of overall economic and political policies. For the purpose of analysis, it is helpful to employ a rough periodization of the dominant economic policies as a shorthand for larger policy and regime changes. This begins with the Civil War and War Communism (1917-1921), followed by the relative relaxation of the New Economic Policy (1921 - 1928), the First and Second Five-Year Plans, a second 'revolution' that included collectivization of agriculture and the increased application of terror (1928-1936), and finally 'Socialism in One Country (1936-1954), which proclaimed the achievement of the first phase of socialism in the USSR and the restoration of many traditional institutions, but with the continued, and intensified, destabilizing use of terror. The exploration of the foundational phase of this episode of the Russian/Soviet citizenship story will show that the successive cycles of making and unmaking institutions associated with reversals in political and economic orientations robbed citizenship of much of its substantive content, as terror and instability made citizen claims unenforceable and issues of membership were completely instrumentalized.

The contours and the limits of these obligations and rights, as well as the question of membership in the citizenry, were determined by this opposition of two competing visions of the Soviet citizenship regime. The first held out a commitment to equality and freedom, admitting of autonomous, voluntaristic, internationalist citizenship in a political space notable for the obsolescence of formal institutions. An internationalist citizenship would recognize that national consciousness was only a false consciousness and would not be confined to Russians or even to the peoples of the old empire.

The rival path served the urgent requirement of gaining and solidifying Bolshevik power through discriminatory practices of inclusion and exclusion on the basis of class, the formation of tactical alliances with suspect, non-proletarian class elements, and the centralization of control over all aspects of social, economic, and political activity through state institutions. This contest was played out in the issue areas of citizenship practice, occasionally coexisting in tension with each other, leaving traces of both visions on the institutions that were created in this volatile period.

In this chapter I will examine the ways in which competing pressures in the revolutionary citizenship regime developed and how this tension was later resolved at the expense of the revolutionary, internationalist impulse. Particular initiatives served to both enable and constrain citizens, granting them the autonomy to participate in the social and political process that was the construction of socialism, while imposing state coercion and demanding citizens to govern themselves. Out of this period emerged the basic institutions of the Soviet system and the patterns of Soviet citizenship practice.

One of the things that I seek to demonstrate is that the period of War Communism constituted a founding in the development of Soviet institutions, including its emerging citizenship regime. This is not to make a deterministic claim regarding the inevitability of particular practices and patterns or to imply there was no further development and change in these practices. There was significant innovation in citizenship practice following War Communism, going well beyond the relative liberalization in economic policy of the New Economic Policy (NEP). However, I do argue that the environment in which institution-founding and institution-building occurs, including both ideological

debates and the exigencies of quotidian politics, leaves a lasting imprint on those institutions.

The issue of whether citizenship is purely nominally is no small matter. As suggested above, citizenship can be of little value to citizens should they be unable to exercise their rights or reasonably expect the state to honour its commitments. This does not necessarily imply that citizenship disappears altogether. It is also important to investigate the impact of these periods on citizenship institutions and practices. Developments continue in the issue areas of citizenship, including the extension of rights (nominal or substantive), new or altered demands on citizens by the state, and changes in membership through new forms of inclusion and exclusion. The retreat of terror and the return of stability act to make those arrangements concluded under the conditions of uncertainty operable, as the institutions of citizenship, to varying degrees, become the site of renewed bargaining.

As outlined above in the introduction, this model of path dependence and foundations lies at the heart of my historical institutional approach to the development of the citizenship regime. Enormous changes occurred over the years between War Communism and perestroika, both in the policy and practice of Soviet citizenship. Stalinism and de-Stalinization are but two of the more dramatic shifts in orientation. However, I will demonstrate that in the overwhelming number of issue areas within the Soviet citizenship there was an enormous stability in the particular institutions which comprised the citizenship regime. The application of terror waxed and waned, new techniques of administration and control developed, but rarely did the institutions themselves and their core practices undergo profound alteration.

The relations between the Soviet citizen and the state remained relatively stable once the institutions and practices of citizenship were consolidated. In large part these could be characterized as maintaining a commitment to extensive social rights and a prohibition on autonomous citizen activity commensurate with an active public sphere. It was only with the dismantling of major institutional components of the Soviet system under Gorbachev's policies of *glasnost* and *perestroika* that the citizenship regime came under pressure so significant as to alter its basic structure and function.

In this chapter I argue that the bargaining that occurred in the critical time period of the Civil War and War Communism established the institutional architecture of the Soviet citizenship regime, complete with its internal tensions between the revolutionary and the conservative, which would last till the collapse of the regime. As Vera Dunham alludes in her work on "the Big Deal,"⁸⁴ the Bolsheviks formed an alliance with industrial workers and the intelligentsia at the time of the Revolution.

There were concessions to the peasantry late in the Civil War, as the Bolsheviks battled the Whites for support. Even bourgeois elements were tolerated during the NEP, when the regime's survival depended on the recovery of the economy. The terms and partners in these arrangements changed according to the relative capacity of the state, internal and external pressures, and the ideological constraints inherent in the establishment of a Marxist-Leninist regime. These institutions would serve as the foundation for the forging of the social contract⁸⁵ that would become the model of state-

⁸⁴ Vera S. Dunham. *In Stalin's Time: Middleclass Values in Soviet Fiction*, updated and enlarged ed. (Durham: Duke University Press, 1990).

⁸⁵ Peter Hauslohner, "Politics before Gorbachev: De-Stalinization and the Roots of Reform," in Seweryn Bialer, ed., *Politics, Society, and Nationality inside Gorbachev's Russia* (Boulder, CO: Westview Press, 1989), 41-90; Linda J. Cook, *The Soviet Social Contract and Why it Failed: Welfare Policy and Workers' Politics from Brezhnev to Yeltsin* (Cambridge, MA: Harvard University Press, 1993).

citizen relations as the regime stabilized and institutional change assumed an incremental nature. It is important to emphasize that this was not where the bargain was struck.

Bargaining and a citizenship regime require stability and predictable behaviour, which was notably absent in the early revolutionary period and throughout Stalinism. However, it was this period that set the institutional parameters for that later bargain which constituted the Soviet citizenship regime, establishing a certain path dependence.

The question of impact of the Civil War and War Communism has been a point of debate. In her article "The Civil War as a Formative Experience," Sheila Fitzpatrick explores the 'revisionist' claim that the Civil War experience, rather than Marxist-Leninist ideology was responsible for militarized and centralizing nature of Bolshevism. She notes that "War Communism was the reference point of reference if not the model of the policies associated with the industrialization drive and collectivization."⁸⁶ Fitzpatrick questions whether this claim refers simply the undoubtedly profound influence of the Civil War on Soviet political culture or asserts that it was "a crucial determinant of Bolshevik's subsequent policy orientation and form of rule."

Fitzpatrick asserts that the Civil War experience of failed international revolution transformed the Bolsheviks from self-perceived internationalists to practitioners of quasi-imperialism and defenders of Russia.⁸⁷ This would seem to support the hypothesis that requirements of power consolidation compromised the ideological basis for the new citizenship regime. Fitzpatrick also points to the impact of the influx of demobilized Red Army officers into the apparatus of the state following the Civil War. As discussed

⁸⁶ Sheila Fitzpatrick, "The Civil War as a Formative Experience," in Abbott Gleason, Peter Kenez, and Richard Stites, eds., *Bolshevik Culture: Experiment and Order in the Russian Revolution* (Bloomington, IN: Indiana University Press, 1985), 58.

⁸⁷ *Ibid.*, 60.

below, the defeat of the militia model for the military would have profound and lasting consequences for Soviet political culture in general and for the Soviet citizenship regime in particular.

Fitzpatrick concludes that the Civil War was indeed a formative experience and did encourage centralization and militarism in the party. However, she also identifies these trends as existing predispositions within the party and locates many of these themes in Lenin's writing of the revolutionary period. Additionally, the demands of ruling and administration necessitated the bureaucratization and centralization so derided in revolutionary Marxism. In short, Fitzpatrick argues that these impacts of the Civil War experience were very real, but both anticipated and welcomed by the Bolsheviks.

My claim that the Civil War period and War Communism were the founding for the Soviet citizenship regime is more modest in its reach than the criteria of crucial determinant. While arguing for the significance of founding in setting institutional practices and patterns of citizenship behaviour, as well as their importance as a hermeneutic resource, it is important to recognize the continued development of citizenship regimes through incremental change.

In the balance of this chapter I will trace out the development of membership boundaries, citizenship rights and duties in the foundational period of Soviet citizenship and attempt to link them to later developments in the citizenship regime and patterns of practice. As articulated above, citizenship both defines the relation between the state and its members in terms of rights and duties and sets the very terms of membership. The contested nature of citizenship lies at the heart of the struggle to establish a new regime and its terms were hotly debated. In the early Soviet case this was expressed largely

through the obligations of military service and taxation, as well as the social, civil, and political rights ascribed to 'workers and soldiers'. In this regard it should be noted that ideology and political necessity were not always in conflict, as they coincided in the use of citizenship policy for the purpose of enemy class exclusion. This established the instrumentalization of citizenship and exclusion as a device and technique for discipline and maintenance of domestic order.

Membership: Formal Citizenship in Basic Law

The struggle over membership in the new political community was between internationalist and territorial conceptions. The internationalist model viewed the new Soviet state as the community of the proletariat, open to all working class people wherever they may be.

The realization of this idea was predicated on the spread of proletarian revolution beyond the borders of Russia. The territorial conception of the new state would confine membership to members of the revolutionary classes resident on the territory of the former empire. Admittance to the political community would also be extended to any member of the international proletariat coming to Russia to join the struggle, who would be granted full rights and duties upon arrival. The resolution of this dilemma was to prefigure the doctrine of Socialism in one country and the reification of the territorial nature of the Soviet state.

The multiethnic nature of the old empire also introduced the national question into the citizenship debate, as the emerging regime was challenged by the need to balance the

particular demands of national groups, whose support it required for the consolidation of power, with the ideal of unitary Soviet citizenship.

Documentation and categorization also figured prominently in the emergence of the issue of nationality within the Soviet citizenship regime. The ideal of a uniform, undifferentiated citizenship was challenged both by the demands of peoples oppressed under the old order and by the requirements of coalition building in the early days of the Bolshevik consolidation of power. Here there was an interesting intersection of ideological interpretation and political pragmatism, as the free development of nationalities could be justified as part of the necessary progression of these groups through the historical process required for the realization of working class consciousness and the construction of socialism. The institution of official or passport nationality grew out of this tension, whereby all citizens were compelled to self-identify and particular national groups would enjoy certain rights on territories within the Union designated as their homelands.⁸⁸ The recognition of particular groups and the act of selection were political in nature, as some groups found themselves excluded or re-categorized. Functioning both as a disciplinary practice and a mode of government, the category of nationality would become an enduring part of the Soviet citizenship regime.

Citizenship is also a gendered identity and practice, and the revolution opened up unique possibilities for the re-visioning of the potential of citizenship equality. Certain women Bolshevik activists advanced an ideal of absolute equality resulting from the stripping of gendered division of social labour from Soviet citizens through the socialization of domestic labour that had prevented women from participating in all

⁸⁸ Mervyn Matthews, *The Passport Society: Controlling Movement in Russia and The USSR* (Boulder, Colo.: Westview Press, 1993).

spheres as equals. Once liberated as abstract individuals, women citizens would take their place as equal and identical to their male counterparts. This ambitious project ran up against the conservative impulse to preserve the most basic unit of social organization, the family as part of the economic and reproductive systems of society.⁸⁹ The full membership of women in the citizenry was undisputed, but as will be discussed below, this did not necessarily translate into identical obligations to the state in terms of military service.

Women were largely excluded from the public sphere and could not participate in the political institutions of post-Reform Imperial Russia. As discussed in the previous chapter, the extension of political rights in 1905 did not include women in participation in the Duma elections and perpetuated their exclusion from local dumas and zemstvos. While increasing opportunities for urban women of the upper classes for education and associational activity developed rapidly in late Imperial Russia⁹⁰, and women industrial workers experienced the same mobilization as men, limited legal reform regarding the status of women, marriage, and inheritance served to limit women's participation in public life.

While there was a great range of visions for the model of the emancipated Soviet woman, there was a consensus on the diagnosis of the causes of her disadvantage and a prescription for its remedy. With respect to the gendered nature of citizenship, the regime faced a conflict between the revolutionary ideal of absolute equality and the entrenched

⁸⁹ Wendy Z. Goldman, *Women, the State, and Revolution: Soviet Family Policy and Social Life, 1917-1936* (Cambridge: Cambridge University Press, 1993), 337-339; Richard Stites, *The Women's Liberation Movement in Russia: Feminism, Nihilism, and Bolshevism, 1860-1930*. (Princeton: Princeton University Press, 1978), 317-232.

⁹⁰ Richard Stites, *The Women's Liberation Movement in Russia: Feminism, Nihilism, and Bolshevism, 1860-1930*. (Princeton: Princeton University Press, 1978), especially chapter IV.

patterns of the gendered division of social labour identified by activists such as Aleksandra Kollantai as obstacles to the full participation of women in the public life of the new state. While capitalism had compelled women to enter in the labour force in ever-greater numbers, they continued to be responsible for childrearing and housework. The revolutionary solution was to move these activities into the public sphere and to professionalize them with the establishment of public laundries, communal dining, and childrearing performed by state institutions. Stripped of its economic functions for production and reproduction, the family would cease to exist and marriage would evolve into a contract between consenting individuals based on affection and mutual respect. Wendy Goldman aptly summarizes this grand scheme for social reengineering in four principles: “free union, women emancipation through wage-labour, the socialization of housework, and the withering away of the family”⁹¹ No longer bound by domestic duties, women would be transformed into equal citizens with identical duties and rights as Soviet men.

What becomes clear from the pro-natalist construction of women in the development of social rights and the resistance to military obligations for women, this revolutionary project of perfect citizenship equality was begun in law to transform society only to be reversed by the demands of power consolidation and the governing the economy and state. The libertarian, emancipatory project propounded by the female Bolshevik revolutionaries was relatively short lived, finding little support among most party activists by the mid-1920s. The weakening of the Women’s Department within the party was accompanied by a resurgent moral conservatism, which invoked the socialist

⁹¹ Goldman, *Women, the State, and Revolution*, 12.

family as a stable unit of production and reproduction.⁹² To be sure, women were drawn into the labour force, but there was to be no relief from the double burden which women activist in the party had identified as barriers to the full participation of women, as plans for the socialization of housework and childrearing were abandoned. A model of formal equality with identical rights and (almost) identical duties for men and women won out over an all-embracing revolutionary gender equality, in which women would be unburdened by social and cultural barriers that made them lesser citizens.

The most overt expression of the terms of the citizenship regime in Bolshevik Russia can be found in documents of fundamental law. These documents not only enumerate civil, political and social rights, but establish the boundaries of the citizenry. The Declaration of Rights of the Working and Exploited People⁹³, penned by Lenin and adopted by the TsIK on 3 (16) January 1918, then approved by the Third All-Russia Congress of Soviets and the Constitution of the RSFSR⁹⁴ passed by the Fifth Congress are explicit in the enumeration of the rights and duties of Soviet citizens and the qualifications for membership in the political community.

The drafting of legislation defining citizenship during this period can be seen as part of the intensive state-building process in which the Bolsheviks were engaged during the Revolutionary and the civil war periods. One of the central dynamics in this process

⁹² Stites, 337-339; Stites divides the political role of women in Bolshevik Russia into two phases. The first, from the revolution to 1923 saw a small group of high profile women occupying a variety of important posts. Figures included Kollantai, Armand, Krupskaja, Stasov, and Balabanova. Following the years 1923-25 these leading women were removed from influential positions and for the rest of the Soviet experience men dominated all key posts. However, Stites notes that it was during this latter period that women from the lowest strata began to participate politically to the extent possible and that there emerged a stable cadre of female middle administrators and political workers.

⁹³ "Deklaratsiia prav trudiashchegosia i ekspluatiruemogo naroda," *Dekrety Sovetskoi vlasti*, T.I. (Moscow, Gosudarstvennoe izdatel'stvo politicheskoi literatury, 1957) 321-323.

⁹⁴ "Konstitutsiia (Osnovnoi Zakon) Rossiiskoi Sotsialisticheskoi Federativnoi Sovetskoi Respublik (Priniata v Vserossiiskim s'ezdom Sovetov v zasedanii ot 10 iulia 1918 goda)" in Iu. S. Kukushkin and O. I. Chistiakov, *Ocherki istorii Sovetskoi Konstitutsii* (Moscow, Politizdat, 1987), 239-261.

of redefining the membership of the political community was the exclusion of ‘enemy classes’. This category included all social groups and classes accused by the Bolsheviks of engaging in the defence and reproduction of the old order and participating in the exploitation of the proletariat and other oppressed groups. While the composition of this group experienced some variation over time, as detailed below, the core groups numbered among them included the royal house, Tsarist officials, Imperial Army officers, gendarmes, former police, the clergy, the bourgeoisie (large industrialists and factory owners, businessmen, middlemen, large-scale (and sometimes petty) traders), and all others deemed as exploiting and profiting from the labour of others.⁹⁵

A parallel process worked to equalize the rights of the formerly oppressed classes and peoples. These were to be incorporated into the new Soviet citizenry, ensuring that all citizens would have equal electoral rights in terms of participation and representation. Among these groups were workers (*rabochie*), peasants (*krestiany*), the propertyless, women, and the various national groups (*narody*) of the empire subject to policies of Russification and discrimination under the old regime. Soldiers and sailors were also included in this group. This was followed by the elaboration of what the state could legitimately demand of its citizens (*grazhdane*), what citizens could expect from the state, and the relations between the state and non-citizen aliens.

This process begins almost immediately after the October Revolution with “The Declaration of Rights of the Peoples of Russia”⁹⁶ of 2 (15) November 1917 and the 10 (23) November 1917 VTsK decree “On the Abolition of Social Estates and Civil Ranks.” The first measure began the long process of delineating the class and national

⁹⁵ *Ibid.*, Article 65;

⁹⁶ “Declaratsiia prav narodov Rossii,” in *Dokumenty Sovetskoi vlastei*, Vol. I (Moscow, Izdatel'stvo politicheskoi literatury, 1971), 39.

composition of Soviet citizenry. The new state was to be a community of peasants, soldiers, sailors, and workers. It was also to be a free union of peoples. In contrast to the imperial polity, which Lenin had described as a “prison house of peoples” in “The Revolutionary Proletariat and The Right of Nations to Self-Determination,”⁹⁷ no people or group would be compelled to be in the new citizenship community. It proclaimed the equality and sovereignty of all peoples of Russia, the right to self-determination for all peoples, and the abolition of privileges and restrictions on national (*national'nie*) and national-religious grounds. The free development of national minorities and ethnographic groups was also guaranteed.

The second decree explicitly eliminated the Imperial social estates (*soslovie*) and civil ranks (*chin*), as well as titles such as prince and baron, establishing for the first time a “single designation of citizens (*grazhdan*) of the Russian Republic ... for the entire population of Russia.”⁹⁸ This initial stage of legislative institution-building ends with the 29 October 1924 “Union Citizenship Rules,” which established a single citizenship for all Union Republics.⁹⁹

The Declaration of Rights addresses the Bolsheviks’ key constituencies, workers, peasants, and soldiers and declares all of them to be emancipated. However, it also addresses the national question, which had bedevilled the Russian Empire, proclaiming the equality of all peoples, their right to national self-determination, and their right to free

⁹⁷ Vladimir Lenin, “The Revolutionary Proletariat and the Right Of Nations To Self-Determination,” in *Collected Works*, 4th English Edition, Vol. 21, (Moscow, Progress Publishers, 1964), 413.

⁹⁸ “Decret VTsIK i Sovnarkom ob unichtozhenii soslovii i grazhdanskikh chin,” in *Dokumenty Sovetskoi vlastei*, Vol. I (Moscow, Izdatel'stvo politicheskoi literatury, 1971), 71.

⁹⁹ “Polozhenie o soiuзnom grazhdanstve (priniatoe 2 sessiei TsIK SSSR 2 sozyva 29 oktiabria 1924 g),” reproduced in S. S. Kishkin, *Sovetskoe grazhdanstvo* (Moscow: Iuridicheskoe izdatel'stvo NKIu, 1925), 93-96.

development.¹⁰⁰ Again, this tension between the ideological demands for equality and concessions to particular national groups for pragmatic reasons was reflected in the framing of the national question and the resulting nationalities policies. It should be added that there was an ideological ‘backdoor’ rationale for such measures. Nationalism was regarded as a false consciousness and associated with a particular phase of historical development. Once these peoples had undergone the requisite transformations that would result from life under socialism, these identities and the demands and institutions they generated would fall away. As is often the case, theory and practice diverged and the national question, which had proven to be one of the most intractable issues in late imperial Russia, had a lasting impact on the establishment and development of the Soviet citizenship regime.

Lenin addresses the national question in his 1914 work *On National Self-Determination*.¹⁰¹ He concluded that national self-determination is not necessarily incompatible with Marxism, as it is typical of bourgeois revolution. He warns of the danger of Great Russian nationalism as a form of oppression, inflaming the nationalist tendencies among the minority nations of the empire. According to Lenin, the proletariat had a double role, acting both to combat all nationalisms and to ensure the equal rights of all, including the right to national self-determination.¹⁰²

¹⁰⁰ “Declaratsiia prav narodov Rossii,” in *Dokumenty Sovetskoi vlastei*, Vol. I (Moscow, Izdatel’stvo politicheskoi literatury, 1971), 39-41.

¹⁰¹ *Lenin Collected Works*, Vol. 20, (Moscow: Progress Publishers, 1972), 392-454.

¹⁰² Richard Pipes contends that the self-determination of nations, which made its first appearance in the Russian Social Democratic Party program passed at its 1903 Second Congress, was for the Bolsheviks a declarative statement, rather than a substantive principle. In his examination of the development of Lenin’s thought on the subject and his debates with allies and opponents, Pipes persuasively argues while Lenin regarded national sentiments as bourgeois and potentially divisive for the proletariat, he also recognized that in cases where the interests of nationalists coincided with those of the proletariat, tactical alliances should be made. The pragmatic Bolsheviks realized that the revolution would require the cooperation of non-proletarian elements. This was coupled with the ideologically derived belief that capitalism would

The Constitution of 1918 effectively established the boundaries of the political community with its provisions for active and passive suffrage. This was achieved through a combination of class exclusion and the inclusion and the equalization of groups which had experienced discrimination under the old order. Article 64 declares the right of citizens to elect and be elected to soviets for all citizens above the age of eighteen, regardless of religion, nationality, gender, or place of residence, so long as they are engaged in “socially productive labour,” or serve in the Soviet army or Navy, even if they have somehow lost the ability to work. Among the other political rights addressed in the Constitution, Article 7 ensures the class purity of the government, stating that “there should be no room for exploiters in any government agency.”

Foreign citizens resident in the RSFSR were also to enjoy these rights, so long as they belonged to the working class or peasantry and did not use hired labour. Here again, class trumps nation. Flowing from the solidarity of workers of all nations, the Russian Republic extends all of the political rights to which its citizens are entitled to foreigners living on the territory of Russia and were members of the working class (*rabochii klass*), engaged in working activity (*trudovoe zaniatia*), and not employing the labour of others. This provision demonstrates the primacy of proletarian internationalism over a territorially based concept of citizenship rights. (Article 20)

The definition of citizenship remained quite stable in fundamental law, simply repeating the previous formulas. A single Union citizenship was established in the first

dissolve national affiliations and that the source of national sentiment was oppression. According to this formula, once the economic motivations for nationalism had been eliminated by the forces of history and the psychological sources of nationalism had been removed by the overthrow of the Tsarist regime and the offer of national self-determination, national sentiment itself would wither away. See his *The Formation of the Soviet Union: Communism and Nationalism, 1917-1923*, revised ed. (Cambridge, MA: Harvard University Press, 1997), 33, 35, 49.

All-Union constitution (Article 7), which was adopted by the Second Session of the Central Executive Committee of the USSR 6 July 1923 and the Second Congress of Soviets of the USSR on 31 January 1924. This extended and standardized citizenship policies and the rights and duties of citizens throughout the Soviet republics, as citizens of each republic became automatic citizens of the Soviet Union.¹⁰³ This provision was repeated in the first article of the Union Citizenship Rules of 29 October 1924.¹⁰⁴ This decree again promotes an internationalist (rather than a territorial) conception of political community, as Article 2 guarantees all of the political rights of Soviet citizens to foreigners who are members of the working classes.

The obligation of labour was central to the revolutionary citizenship regime. As noted above, the Bolshevik conception of labour emphasized that which was designated as ‘socially productive.’ This privileged physical labour, particular industrial and, to a lesser extent, agricultural labour, relative to intellectual labour and household labour. Labour was the key attribute of the proletariat, and as such it served as a criterion for membership in the political community of the workers’ state. The form of the labour obligations of workers in the socialist state was in large part dictated by the demands placed on the Bolsheviks in their attempts to consolidate power under the conditions of economic collapse and civil war. This pitted the revolutionary ideal of worker control and self-management against a state-controlled, centralizing model of labour disposition. This organization of labour resources along military lines, at the disposal of the state, was a decisive institution in the formation of the Bolshevik citizenship regime. Ostensibly a

¹⁰³ *Osnovoi zakon (Konstitutsia) Soiuza Sovetskikh Sotsialisticheskikh Respublik, S"ezdy Sovetov v dokumentakh, 1917-1936 T. 3* (Moscow: Gosudarstvennoe izdatel'stvo iuridicheskoi literatury, 1960), 40-54.

¹⁰⁴ “Polozhenie o soiuznom grazhdanstve,” *S"ezdy Sovetov v dokumentakh, 1917-1936 T. 3* (Moscow: Gosudarstvennoe izdatel'stvo iuridicheskoi literatury, 1960), 93-95.

temporary measure, it established patterns of labour relations and organization directly subordinate to the state.

Labour conscription combined practical and ideological goals. It ensured the class purity of the citizenry by exclusion or remediation through labour. At the same time it allowed the Bolshevik regime to make full and free use of labour resources in its struggle to consolidate power. It also set the precedent for the form of document regime that the state would employ as a disciplinary measure. The use of labour books attached individuals to jobs and locations, which would later be replicated in the internal passport regime.

Once in power, the Bolsheviks enshrined labour conscription in the “Declaration of Rights of Working and Exploited People,” which was passed on 25 (12) January 1918 at the Third Soviet Congress. Article II, section four of the Declaration explicitly called for universal labour conscription “[i]n order to eliminate the parasitic sections of society,” as well as an instrument for the organization of the economy.¹⁰⁵ This suggests the possibility of reforming members of the parasitic class through the redemptive power of labour. As noted above, it was then given status in basic law with the explicit linkage of duty to labour and the right to eat in the Soviet constitution of 1918.

The system of labour conscription was to be administered through a regime of labour books. The primary instrument for the administration and operation of this system was the labour book. The old Tsarist passport regime was abolished by Lenin as one of the first acts in the liberation of workers and peasants. However, the chaos and violence of the Civil War inspired flight from the cities, requiring the reintroduction of a system to

¹⁰⁵ “Declaration of Rights of the Working and Exploited People adopted by the Third All-Russia Congress of Soviets,” in Yuri Akhapiin, comp. *First Decrees of Soviet Power* (London: Lawrence & Wishart, 1970), 76-78.

control migration and allocate labour. In response to the collapse of the urban food supply and the abandoning of the shop floor by many workers, the regime of labour books was introduced in two stages through decrees of the Sovnarkom. These documents functioned as pass books, requiring monthly registration at the soviet which had issued them and their presentation to housing committees and enterprises for the allocation of housing and employment. Again, when revolutionary ideals met the necessities of administering a state under siege old practices, which were supported by informal constraints, were revived. The new Soviet document regimes operated in ways reminiscent of the old imperial systems, tying workers and peasants to places of residence and employment.

According to the first labour book decree of April 1918, all of those between eighteen and forty-five who were not serving in the Red Army were required to carry such documents. This group included members of the non-labour classes, such as former government clerks, priests, commercial managers and merchants, former army officers, and other professionals. They were employed in construction and menial labour for a service term of one year, following which they could be re-deployed if necessary.¹⁰⁶

Labour books were particularly significant as the primary form of identification for all citizens, save soldiers. They were required for every official transaction and served as the key to mobility and access to services. During the period of War Communism these documents were required for all aspects of daily life. Without them it was virtually impossible to gain access to employment, housing, social services, and rations. They constituted both a reversal of initial moves to allow for freedom of movement for all citizens and set the pattern for the 1932 passportization of Soviet

¹⁰⁶ *Dokumenty Sovetskoi vlastei*, Vol. III (Moscow, Izdatel'stvo politicheskoi literatury, 1971), 70.

society, which would standardize identification through a strict system of internal passports.

Mervyn Matthews has also noted the use of labour recruitment as an instrument of both control and correction. It was consistent with Lenin's desire to strip the former propertied classes of their status through enforced, socially productive labour. Given the suspect nature of the backgrounds of these members of the former exploiting classes, the requirement of securing productive employment was especially onerous.¹⁰⁷ An additional provision requiring the monthly stamping of labour books by local soviets for all of those not engaged in socially productive labour was added in October 1918.¹⁰⁸

Over the course of 1918 the labour conscription regime developed into a more comprehensive and compelling system, due to increasing labour shortages and a declining food supply. The labour scarcity, resulting from urban depopulation as unemployed workers moved to the countryside in search of work and food, increased the regime's resolve to tie workers to key industries. At the same time, food shortages necessitated the issuing of ration books, which provided the government with an important tool to enforce labour discipline and punish non-compliance. The combination of the urgency of labour shortages and the dependence of rations upon the performance of labour duties resulted in the strengthening of the conscription regime.¹⁰⁹

The labour conscription regime was broadened and deepened in late 1918 and into 1919. The system of labour conscription and the use of labour books were extended to the entire population between the ages of sixteen and fifty under the December 1918

¹⁰⁷ Mervyn Matthews, *Passport Society: Controlling Movement in Russia and the USSR* (Boulder: Westview Press, 1993), 16-17.

¹⁰⁸ *Dokumenty Sovetskoi vlastei*, Vol. III (Moscow, Izdatel'stvo politicheskoi literatury, 1971), 396-7.

¹⁰⁹ Remington, *Building Socialism in Bolshevik Russia*, 84.

RSFSR Labour Code.¹¹⁰ The responsibility for the issuance of labour books was transferred from local soviets to trade unions, which took on the role of labour allocation. This was characteristic of the transformation of the function of trade unions and their increasingly direct subordination to the state. Workers were tied to their places of employment in an increasing number of economic sectors under the emergency powers of the Soviet of Workers and Peasants Defence.¹¹¹ Reflecting identifies this increasing militarization of labour across key sectors of the economy, martial discipline was extended over the labour force and leaving one's place of employ was equated with desertion.¹¹²

The labour conscription regime was at its height during 1919 and on 25 June 1919 a separate Decree of the All-Russia Central Executive Committee on the Introduction of Labour Books in the Cities of Moscow and Petrograd was announced, repeating the provisions of the labour code, identifying it as the primary identity document, necessary for obtaining food rations and extending the measures to Red Army servicemen and sailors.¹¹³

The end of War Communism saw the relaxation of labour conscription, as labour exchanges were re-established and collective agreements were permitted under the 12 October 1922 reversal of labour mobilization. Trade unions assumed a greater role in labour relations, while being increasingly incorporated into the state structure. However, the institution of labour conscription established or entrenched certain patterns in the

¹¹⁰ Kodeks zakonov o trude, *DSV*, T. 4, 166.

¹¹¹ Matthews, *The Passport Society*, 18.

¹¹² Remington, *Building Socialism in Bolshevik Russia*, 85; "Postanovlenie Soveta Raboche-Krest'ianskoi Oborony, Obshchee polozhenie o militarizatsii gosudarstvennykh uchrezhdenii i predpriatii," *Dokumenty Sovetskoi vlastei*, Vol. VI (Moscow, Izdatel'stvo politicheskoi literatury, 1971), 318-21.

¹¹³ Dekret VTsIK i Sovnarkom o vvedenii trudovykh knizhek v gg. Moskve i Petrograde, *DSV*, T. 5, 304.

relations between the state and its workers. This was especially the case with respect to political rights, the obligations of workers to the state, and the structures through which those relations were conducted.

One significant consequence of this episode was the demobilization of industrial labour, which had been a dynamic force in the October Revolution. Bolshevik control over labour policy, the increasing centralization and subordination of formerly autonomous structures to the state, and the chaos of the Civil War all contributed to the workers' inability to bargain effectively for institutionalized political rights within the emerging Soviet citizenship regime. The imposition of labour conscription was a significant part of this process. It both codified certain deep obligations of the worker to the state and established institutional means for limiting autonomy. These patterns of interaction and institutional relations formed the basis for this aspect of the Soviet citizenship regime, subjected to incremental change but resistant to radical transformation.

The New Economic Policy (NEP) resulted in a temporary relaxation of the restrictive labour and economic regulations; the move away from grain requisition and labour conscription allowed for the development of limited markets in industrial and agricultural goods. As part of the restricted market activity, a new law on freedom of movement was passed in January 1922. In the hopes of reviving the labour market and agricultural production a June 20, 1923 decree of the Sovnarkom abolished work books and internal passports, effective 1 January 1924. Any form of personal identification registered by police was to be accepted as valid.¹¹⁴

¹¹⁴ Matthews, *Passport Society*, 19-20.

This relaxation in the identity document regime was short-lived. As early as 1925 a strict document and registration regime was re-imposed under the decree "On the Registration of Citizens." This was followed by a July 1927 decree "On establishing Identities," which introduced a uniform identity card for the RSFSR.¹¹⁵ However, Stalin's Revolution from Above and plans for collectivization dramatically tightened controls over internal migration. The 1932 establishment of the internal passport regime was part of a larger administrative reform to mobilize and allocate human and material resources during Stalin's industrialization campaign. Building on the institutional forms and practices of the War Communism labour book system, its primary feature was to tie access to housing, food, and employment to a comprehensive document system operated by the police in conjunction with the management of industrial enterprises and collective farms. Significantly, collective farmers were not issued internal passports and could not access housing, food, or employment beyond the collective farm without special permission. The system facilitated the creation of closed cities, improved control over urban-rural migration required by collectivization and industrialization, as well as the suppression and marginalization of 'anti-Soviet elements'.¹¹⁶

These developments reflected a tension between ideology of equality in building socialism and tactical requirements of difference for consolidation and state formation. It is within this context that labour conscription formed part of a comprehensive, if uneven, citizenship regime. Emerging in the early revolutionary period, it would leave lasting institutional traces on the development of Soviet and post-Soviet citizenship in Russia.

¹¹⁵ Ibid, 20-21.

¹¹⁶ See Nathalie Moine, "Passeports et territoire à l'époque stalinienne," 1932-1953 *Revue d'Histoire Moderne Et Contemporaine*, vol. 50, no. 1 (Jan-Mar 2003), 145-169 and Gijs Kessler "The Passport System and State Control over Population Flows in the Soviet Union, 1932-1940," *Cahiers du Monde Russe*, vol. 42 nos. 2-4 (Apr-Dec 2001), 477-503.

Labour obligations offer a useful perspective on the development of the Soviet citizenship regime in the period of War Communism and its impact on later practices and institutional developments. It occupied pride of place as the key to inclusion in the new political community. It revealed both areas of congruence and emerging tensions between the universalistic impulse that animated the revolution and the demands of consolidating power and governing the economy. The positive valorization of labour was an important impetus and resource for the construction of dictatorship of the proletariat. However, this period also saw the subordination of workers' organizations to the Party and state structures through the operation of labour boards and restrictions on trade unions. What comes out most strongly is the use of labour conscription and labour books as a disciplinary technique enforcing compliance of members and the exclusion of out groups, which would serve as a model for later citizenship practice.

I now turn to the classic citizenship duties to examine how their early development during the period of Soviet institution-building impacted the overall trajectory of the Soviet citizenship regime.

Duties

The obligation of paying taxes seems less informative in the Soviet case at first blush. It retained some importance for revenue generation for the state prior to the consolidation of control of the economy. This would correspond to the periods of War Communism and the New Economic Policy. Taxes remain significant, as they speak to the nature of the relationship between the individual and the state in their enumeration of a particular duty of individual citizens. This is often expressed in the mix indirect and

direct taxation. Indirect taxation is often hidden from consumer and relatively easy to collect, whereas direct taxation, often in the form of income taxes with the potential for self reporting, relies on citizens governing themselves and responsible for their own contribution. Aliens and class enemies may be subjected to discriminatory tax regimes as part of the larger class war effort.

Taxation ceases to be an instrument in class warfare once the Bolsheviks establish control over the economy and claim to have eliminated enemy classes. This classic citizenship obligation loses much of its salience for the Soviet citizenship regime as it is transformed into a mechanism planning and budget transfers. In the absence of any self-reporting function it becomes a passive behaviour, demobilizing this aspect of the citizenship regime.

The structure of the armed forces and its relationship to citizenship duties also broke down along similar lines. The ideal of the citizen soldier participating in a volunteer militia competed with effectiveness of a professional army complete with a hierarchical officer corps and universal male conscription. This debate assumed special importance as Russia was still engaged in the First World War at the time of the revolutions, soldiers constituted a key constituency for the Bolsheviks, and the regime was soon plunged into the Civil War. This struggle was to pattern the future development of the Soviet armed forces and the nature of the duty to perform military service.

Taxation

The development of taxation policy in the formative state of the Bolshevik citizenship regime reveals more than simply the typical operation of the conflict between ideology and practice, important as this is. It also illustrates the structural disadvantaging of the rural population, which the Bolsheviks shared with their Tsarist predecessors. Additionally, the move away from a taxation policy that required the active participation of autonomous citizens demonstrates the antipathy of the regime for voluntaristic citizen behaviour and the space that requires. Finally, these policy choices reveal the importance of modern taxation as a tool of class warfare aimed at establishing the borders of the citizenship community.

In the immediate post-revolutionary period and under the conditions of War Communism, the pattern of a bold, ideologically-driven policy transformed through a pragmatic recognition of domestic and international conditions was repeated in the area of taxation. It was also enlisted in the arsenal of exclusionary instruments used to define the citizenship community. The use of taxation policy as an instrument in class war and a tool for the encouragement of sanctioned economic activities was tempered by the requirements of funding the state budget and economic recovery. This was reflected in the tension between the ideals of equality and class justice and the demands of power consolidation and the resourcing of state functions.

Initial Bolshevik taxation policies emphasized direct taxation, progressive taxation, and heavily discriminatory taxation of non-labouring classes. These policies were intended to be appropriate to the conditions of early socialism, when the mode of production and the economic order retained many of its bourgeois features. Prior to the

October Revolution, the Bolsheviks had been unsurprisingly critical of the reliance of the Tsarist regime on indirect taxation and the failure of the Provisional Government to implement direct and progressive taxes. Taxation issues were debated at the Seventh Party Conference in April 1917 and at the Sixth Congress in August. There was a call for an overall tax system reform, including a reduction in indirect taxation, a reduction of the tax burden of workers and peasants, the introduction of property and capital gains taxes, and true assessment of income in the regions and centre.¹¹⁷ Later that same year Lenin called for a progressive income tax with very high rates for large and very large incomes in his pamphlet *The Impending Catastrophe and How to Combat It*. He criticized the weakness and bourgeois nature of the tax regime of the Provisional Government, claiming that inflation made its tax regime a fiction that failed to extract income from speculators and profiteers.¹¹⁸

While the Bolsheviks expressed a commitment to a progressive taxation system in order to more equitably distribute the tax burden, there was no explicit plan or program for the implementation of these principles and they remained confident that the construction of communism would conform to Marx's general descriptions of an economy without money, where labour and goods would be freely exchanged, such as in the *Communist Manifesto*.¹¹⁹ However, there was also the general belief that during the period of transition to communism, monetary and taxation policy could be used as a weapon in the class warfare and the destruction of the bourgeoisie.¹²⁰

¹¹⁷ "Ob ekonomichskom polzhenii," *KPSS v rezolutsiakh i resheniakh s'ezdov, konferentsii i plenumov TsK* (Moscow: Gosudarstvennoe izdatel'stvo iuridicheskoi literatury, 1953), ch. 1, 378.

¹¹⁸ Vladimir Lenin, "The Impending Catastrophe and How to Combat It, *Collected Works*, Progress Publishers, Moscow, Volume 25, 1977, pp. 323-69"

¹¹⁹ Marx, *The Communist Manifesto*, 54.

¹²⁰ Michael A. Newcity, *Taxation in the Soviet Union*. New York, Praeger, 1986, 5-6.

During the period of War Communism the Bolsheviks increasingly demonetized the economy, especially in the dealings of the state with its citizens. Forced grain requisitioning was introduced to manage the economic crises resulting from civil war and the general chaos inherited from the war and to foster socialist economic behaviours and activities, largely displacing taxation.¹²¹ However, in the first months of Bolshevik power the government continued to attempt to collect existing taxes through the workers' soviets, though this generated little revenue.¹²² Local authorities were given the power to impose additional taxes over the course of the 1918, such as "extraordinary revolutionary taxes." These were temporary taxes, designed to generate necessary revenues for local soviets that the central government was unable to provide. Typically levelled against the wealthier classes, they also contributed to the effort to break their social and economic power.¹²³

A crisis in tax collection was evident as early as 1918. In his *Immediate Tasks of the Soviet Government* of that year, Lenin notes that taxation policy remains primarily in the form of indemnities and property confiscation from the bourgeoisie. He identifies the development of more efficient income and property taxation as necessary for the success of Bolshevik economic policies. This would require the employment of techniques of administration and the expansion of state capacity in the economic realm.¹²⁴ This would be necessary for the effective discharging of citizenship duty of paying taxes. To this end

¹²¹ For an extended discussion of War Communism see Nove, *An Economic History of the USSR*, 37-72.

¹²² Newcity, 6.

¹²³ See for example "Dekret VTsIK i Sovnarkom o edinovremennom chrezvychainom desiatimilliardom revolutsionnom naloge", *Dekrety Sovetskoi vlasti*, t. 3 (Moscow: Izdatel'stvo politicheskoi literatury, 1968), 465; "Dekret VTsIK i Sovnarkom o edinovremennykh chrezvychainykh revolutsionnykh nalogakh, ustanavlivaemykh mestnymi Sovdepami," *Dekrety Sovetskoi vlasti*, t. 3 (Moscow: Izdatel'stvo politicheskoi literatury, 1968), 495

¹²⁴ Lenin, *Collected Works*, 4th English Edition, Progress Publishers, Moscow, 1972 Volume 27, pages 235-77

he proposed the monthly collection of income tax through deductions from salaries. However, given the severely limited administrative capacity of the Bolsheviks, this proved to be possible only for state employees.¹²⁵ New, more invasive measures were adopted in October 1918, including a tax in kind on farmers and an extraordinary revolutionary tax.¹²⁶ The latter was intended to wipe out the capital accumulation of bourgeois elements and was expected to raise 10 billion rubles. However, by 1920 it had only managed to generate 1.6 billion rubles.¹²⁷

War communism rendered money taxation all but insignificant, as the economy was effectively demonetized and the market eliminated. Revenue from individual taxes also diminished, as wages were increasingly paid in kind, money circulation plummeted, and barter dominated economic transactions. Nonetheless, the urban bias evident in this period would become a durable feature of taxation practice within the Soviet citizenship regime.

Ideological pronouncements aside, War Communism taxation policy proved anything but equal. Peasants bore a disproportionate and particularly harsh burden, as the government relied heavily on the requisitioning of grain and other produce (not technically regarded as taxation), which was later replaced by a tax in kind. The pattern of taxation in agriculture and the taxation of the peasants reflected the emerging bargaining process between the state and the peasantry. The rhetoric of equality aside, the peasants were subjected to an extractive regime that reflected both the material needs

¹²⁵ Newcity, 7.

¹²⁶ “Dekret VTsIK i Sovnarkom o edinovremennom chezvrechainom desiatimilliardom revolutsionnom naloge”, *Dekrety Sovetskoi vlasti*, t. 3 (Moscow: Izdatel'stvo politicheskoi literatury, 1968), 465; “Dekret VTsIK i Sovnarkom ob oblazhenii sel'skikh khoziaev natural'nym nalogom v vide otchisleniia chasti sel'skokhoziaistvennykh produktov”, *Dekrety Sovetskoi vlasti*, t. 3 (Moscow: Izdatel'stvo politicheskoi literatury, 1968), 469.

¹²⁷ Newcity, 8.

of the state-building process and the economic recovery on which that depended. This regime orientation also reflected the ideological privileging of the industrial economy and the workers and the peasantry as parochial and narrowly self-interested.

In the period dating from the revolution to the introduction of the NEP, a food quota (*prodol'stvennaia razverstka*) was collected by agents of the state sent into the countryside. This consisted of the confiscation of all agricultural production beyond what was required for subsistence. The requisitioning of the entire agricultural surplus depressed agricultural output and sparked peasant uprisings against Bolshevik power.¹²⁸ What emerges from this description is the unequal tax burden on citizens. The regime dedicated to ending the exploitation of all toiling classes would resort to coercion to enforce its disproportionately heavy claims upon the group that had historically been most oppressed, the peasantry.

Changes in the nature of agricultural taxation and the taxing of peasants accompanied the reintroduction of market mechanisms into the economy as part of NEP. On 28 March 1921 requisitioning was replaced with a produce tax.¹²⁹ Under this system agricultural taxes would be in kind and calculated as a function of the productivity of the farm and the remaining surplus could be sold on the open market. Such a system was in the interest of peasants who were required to remit a percentage of their production to the state, rather than the requisitioning of their entire agricultural surplus.

Lenin explained the justification for the new taxation policy in his pamphlet entitled *The Tax in Kind*, published in April 1921. He noted that the intervening years had been especially difficult for the peasants, the war having been compounded by

¹²⁸ Ibid., 9-10.

¹²⁹ Dekret Sovnarkom o razmere prodovol'stvennogo natural'nogo naloga na 1921-1922, *Sobranie uzakonenii RSFSR*, № 21, 134-147.

drought. Under this policy, taxation in kind was intended as transitional measure aimed at reducing the disproportionate burden on peasantry, as well as to restore the productivity to agriculture necessary to feed the country and revive the industrial economy.¹³⁰ This amounts to an admission of the differential duties of different groups of citizens and a justification for reversals on the road to achieving communism.

As the economy stabilized, taxes in kind were gradually converted into taxes payable in cash. By 1926 the government was able to use agricultural taxation as a weapon in class warfare with preferential rates for poorer peasants. This also marked the beginning of the conversion of the agricultural tax into a true income tax, where the incomes of rural households were taxed, rather than the amount of arable land and the type of production.¹³¹

The NEP period saw the reintroduction of the income tax in 1922 along with the income-property tax, which applied to urban dwellers. These measures tax increasingly targeted class enemies, initially only taxing the unearned income generated by the private capital of legal entities and several other forms of earned income. 1923 and 1924 amendments extended these taxes to apply to a broader range of activities, underlining their role as an instrument of class discrimination. The use of taxation as a tool in class struggle was continued in the 1926 legislation, which introduced progressive scales for all incomes deemed to be unearned. These were punished with markedly higher rates of taxation, while industrial workers were rewarded with the lowest tax rates. Local

¹³⁰ Lenin, *Collected Works*, 1st English Edition, Progress Publishers, Moscow, 1965, Volume 32, pages 329-365

¹³¹ Newcity, 12-13.

governments were empowered to levy excess profit taxes on individuals and enterprises with profits more than four times the minimum income level liable to taxation.¹³²

There was also a direct cash tax levied on the agricultural population, which was the functional equivalent of the income tax paid by urban dwellers. This afforded the Bolsheviks another tool in the discriminatory treatment of the politically disenfranchised, class enemies. Holzman notes that the overwhelming trend in the agricultural taxation during the 1920s was the favourable terms afforded the poor peasants (*bedniaki*, *malomoshchnie*) compared to those applied to the middle peasants and kulaks.¹³³ These measures included the progressive expansion of exemptions for the lowest income stratum, so that almost all of the poor peasants were no longer liable for taxation by 1927. Holzman emphasizes that while this was consistent with ideological concerns, it was also not particularly costly for the state, as agricultural taxes accounted less than ten percent of all tax revenues. Subsequent legislation in 1928 saw not only the expansion of exemptions for poor peasants, but a dramatic increase in rates for middle peasants and the imposition of a special tax on kulaks, so that private farmers paid ten times what collective farmers did and kulaks paid ten times more than private farmers. This trend was only deepened in the subsequent taxation legislation issued over the balance of the 1920s. The NEP policies were progressively dismantled and the state began to reduce the non-agricultural private sector. This extended to taxation policy, where class warfare was reflected in preferential rates imposed on workers and poor peasants.¹³⁴

¹³² Holzman, *Soviet Taxation: The Fiscal and Monetary Problems of a Planned Economy* (Cambridge, MA: Harvard University Press, 1955), 188.

¹³³ *Ibid.*, 190-191.

¹³⁴ Newcity points out that even as these communist principles were being applied to income and agricultural taxes, their importance for the overall budget was declining. He attributes this to a loss of collection capacity necessary for effective direct taxation during the period of war communism and the lack of sophisticated accounting procedures in Soviet industry, resulting in massive tax evasion. This led to one

The development and practice of taxation policy reflects the ongoing and dynamic tensions of this founding. Ideological priorities are pitted against practical necessities of administering the state, while the policies themselves are used for the purpose of inclusion and exclusion through discriminatory tax regimes. As with other areas of citizenship duties and rights, the form that particular policies take reflect the particular bargaining strength of the state vis-à-vis the significant groups affected.

There return to more traditional institutional arrangements and patterns that accompanied the declaration of socialism in one country. With the exception of the agricultural tax, the legislation of the 1940s altered the pattern of direct taxation. In 1941 the pro-natalist tax on bachelors, single citizen, and citizens with small families was adopted and a decree on income tax came out in 1943.¹³⁵ The agricultural tax was amended through a 1953 decree as part of an overall effort to extend the conditions of citizenship over the rural population. As Newcity argued, despite later amendments, it was in this period that individual taxation received its basic outline.

Newcity has demonstrated that despite Khrushchev's rhetoric of lowering the burden of individual taxation, the proportion of personal income spent on taxes, levies, and duties remained relatively stable from 1960 to 1980, despite increases in the minimum income not subject to taxation.¹³⁶ Again, the nature of the command economy meant that the bulk of the taxation burden on individuals was indirect and unseen, achieved through manipulation of prices and wages.

of the central paradoxes of Bolshevik taxation policy in the 1920s, as reliance on indirect taxation, such as excise taxes on consumer goods, resulted in a disproportionate tax burden falling on the very segments of the population communism was supposed to benefit, workers and poor peasants. See Newcity, *Taxation in the Soviet Union*, 15-16.

¹³⁵ "On the Income Tax on the Population" [*Vedomosti Verkhovnogo Soveta SSSR*, no. 17 (May 1, 1943), 4.

¹³⁶ Newcity, 74.

The income tax decree perpetuated the traditional institutional separation of urban and rural populations, as it excluded state farm and collective farm workers, who would be subject to the agricultural tax. (Article 1, Article 3). The status of this tax as a citizenship duty is to a certain degree subject, as it applies to all employed on the territory of the USSR. However, the possibility of treaties with other states to prevent double taxation mitigates this concern to a certain extent.

Article two of the decree outlines the several categories of income exempt from individual taxation. These include individual incomes below the minimum taxable income level; the incomes of military personnel, including reservists called up for training, while veterans' liabilities are reduced by half; incomes from pensions not exceeding the tax-free maximum are eligible for reduced taxation rates; and incomes from state prizes.

Workers employed in the state sector had the tax calculated and taken off at the source by the enterprise, reinforcing the passive nature of this duty. These workers were not responsible for preparing income tax returns. However, those who earned income from private activities, such as handicrafts or the professions, were responsible for filing tax returns.

Changes to the income tax and agricultural tax occurred in 1982 and 1983, respectively, though these changes were in the order of codification rather than fundamental reform.¹³⁷ There was a modification of the provision for the exclusion of collective farmers from the income tax, stating that their incomes from collective farms

¹³⁷ "On the Introduction of Additions and Amendments to the Decree of the Presidium of the USSR Supreme Soviet 'On the Income Tax on the Population'" was amended by a decree of 20 October 1983 by the Presidium of the Supreme Soviet of the USSR [*Vedomosti Verkhovnogo Soveta SSSR*, no. 43 (October 26, 1983), item 653, 695.]

would not be subject to the income tax, leaving their incomes from private plot and from interkolkhoz enterprises liable (Article 3).

There is an additional exemption from taxation for those who became invalids in the Great Patriotic War or those who have equivalent status for the awarding of pension, requiring possession of Certificate of an Invalid of the great Patriotic War or a Certificate of an Invalid Concerning the Right to Privileges. Social security and state benefits are also exempt from taxation (Article 5).

The special taxes on childless citizens and those with small families, popularly known as the bachelor's tax, were part of an overtly pro-natalist population policy which developed in the 1930s.¹³⁸ However, this tax also implies particular citizen duties for the repopulation of the state expressed through taxation policy. The 1941 decree established the tax on unmarried men between the ages of 20 and 50 and on unmarried, childless women between the ages of 20 and 45. A 1945 decree extended this tax to citizens with less than three children. As part of an overall attempt under Khrushchev to reduce direct taxation, a 1957 decree exempted childless women and citizens with children from the bachelor's tax, while a 1958 decree exempted various military personnel and their spouses and those receiving state honours.¹³⁹

Taxation provides an interesting case for testing the foundational impact of the Civil War period. What emerges from the above discussion is that the key developments in the establishment of the Soviet taxation regime occurred in 1921 with the advent of the New Economic Policy. Rather than invalidating my contention that War Communism

¹³⁸ See Helen Desfosses, "Pro-natalism in Soviet Law and Propaganda," in Helen Desfosses, ed. *Soviet Population Policy: Conflicts and Constraints* (New York: Pergamon Press, 1981).

¹³⁹ Ibid.

was the founding for the Soviet citizenship regime, I believe this suggests a more nuanced interpretation of foundings and their implications.

This clearly demonstrates that foundings are not about determining the shape of membership, rights, and duties with finality. They are but one key to the development of institutions and exist within a matrix of contingent historical circumstance. As the economy is increasingly demonetized under the conditions of War Communism, taxation itself recedes. However, as meaningful taxation policy returns during NEP, key practices regarding this aspect of the citizenship regime emerge. Taxation was employed as one of the tools of class warfare, targeting wealthier and middle peasants for discriminatory tax rates and favouring collective farming over individual plots.

Military Service

Military service is among the most central and emblematic of citizenship duties and it was the subject of intense ideological debate and practical concern for the Bolsheviks upon their seizure of power. Soldiers played an important part in the seizure and consolidation of Bolshevik power in Petrograd. Throughout the period of the Civil War they were able to forge a favourable bargain with the Bolsheviks, securing for themselves significant status and privileges in return for their loyalty and service. The importance of military service also closely tied citizenship and full membership for all adult males in the political community with the duty and privilege of military service. The gendered nature of military service created particular tensions within the Soviet claim of equality of the sexes under a unified citizenship.

The ideological debates surrounding the issue of what type of military force appropriate to the world's first communist state centred on two key questions. The first was whether it should constitute a territorial defence force for Russia (and later the Soviet Union) or an internationalist force for globalizing socialist revolution. This debate had a direct bearing on who would be liable for military service and the criteria for assessing eligibility. The second and related issue had to do with the nature and organization of the armed forces. Many believed that only a voluntary militia composed of proletarian citizen-soldiers was consistent with communism. On the other side of the debate it was argued that a professional standing army was required to defend the fledgling communist state against an adversarial and hostile international community. Part and parcel of this question was the issue of specialists and professionals from non-proletarian class backgrounds and the desirability of class purity.¹⁴⁰

This would be essential in determining what type of service citizens would perform and under what conditions. Both of these questions were resolved through a pragmatic compromise of ideological principles with the prevailing pressures and requirements of domestic and international developments. The determination of the military service obligation entailed in citizenship followed a pattern typical of this period. The initial, ideologically determined, revolutionary positions had to be altered or compromised to accommodate the exigencies of the consolidation of Bolshevik power in Russia. The standing, territorial-conscript model prevailed by the end of the period of civil war and would continue to form the organizing principle for the Soviet army.

¹⁴⁰ Joshua Sanborn, *Drafting the Russian Nation*, 133-147; Mark von Hagen, *Soldiers in the Proletarian Dictatorship: The Red Army and the Soviet Socialist State, 1917-1930*, Studies of the Harriman Institute (Ithaca: Cornell University Press, 1990), 20-22, 29-30; Brian D. Taylor, *Politics and the Russian Army: Civil-Military Relations, 1689-2000* (Cambridge: Cambridge University Press, 2003), 140-141.

These changes reflect the prevailing domestic crisis, the hostile international context of the First World War, and the relatively strong bargaining position of rank and file soldiers in the context of the Bolshevik need to consolidate domestic power.

The militia model remained a powerful ideological resource, occasionally coming to the fore. This aspect of the Bolshevik citizenship regime retained elements of revolutionary pedigree, being used as an instrument in class warfare both in the physical battle to defend socialism in the guise of Bolshevik power and as an instrument of exclusion from citizenship and full membership in the political community.

Soldiers constituted one of the most mobilized groups within Russian society on the eve of the revolution. The systematic deprivation of political, civil, and social rights under the old regime and the grinding burden of the First World War had radicalized soldiers and given rise to a remarkably consistent demand for reforms, becoming involved in urban soviets and agitating for democratization. These demands included higher pay and improved living conditions, better benefits for their families and for disabilities, as well as the democratization of certain activities in the army itself.¹⁴¹

Their decisive role in the events of February 1917 gave them a strong position bargaining from which to make their demands vis-à-vis the bodies claiming state power during the period of dual power. This was evidenced by the rights granted to soldiers under the Petrograd Soviet's March 14, 1917 Order No. 1, which prohibited abuse of conscripts by officers, abolished salutes in civilian circumstances and proposed the election of officers by troops.¹⁴² The subsequent Declaration of Soldiers' Rights by the

¹⁴¹ von Hagen, *Soldiers in the Proletarian Dictatorship*, 14.

¹⁴² Order No. I of the Petrograd Soviet, March 14, 1917, *The Avalon Project at Yale Law School website*, http://www.yale.edu/lawweb/avalon/eurodocs/soviet_001.htm, accessed 9 October 2003.

Provisional Government increased social benefits for soldiers' families and permitted peasant soldiers to return home for harvest.¹⁴³

The Bolsheviks recognized the soldiers as part of their natural constituency, resembling workers in many ways. At the same time the Bolsheviks' vision of a new armed force was not the traditional standing army, but a volunteer militia which was more consistent with socialist ideals and doctrine. Standing armies were viewed as the tool and pillar of autocratic, imperial order, enabling the ruling class to exploit all others. The commitment to volunteer militia forces was rooted in the European revolutionary socialist tradition, dating back to Engels and the Red Guard embodied that ideal of the citizen-soldier defending the revolution. Two of its leaders were included in the All-Russian Collegium to Organize a Worker-Peasant Army. The "Declaration of the Rights of the Labouring and Exploited" passed at the Third Congress of Soviets mandated the bearing of arms for all labourers, the formation of a Red Army, and the disarming of the property owning class.¹⁴⁴

The importance of the class composition of the armed forces was revealed by the intense debate at the Congress on Demobilization in November 1917. At issue was the participation of officers from the Imperial army as military specialists. The Congress ended with a compromise resolution which attempted to guarantee a "proletarian core" in a new armed force made up of workers, soldiers and peasants. Additionally, all citizens volunteering for the Red Guard were required to obtain a recommendation from a

¹⁴³ Robert Paul Browder and Alexander F. Kerensky eds., *The Russian Provisional Government, 1917: documents* (Stanford, Calif., Stanford University Press, 1961).

¹⁴⁴ von Hagen, *Soldiers in the Proletarian Dictatorship*, 20-21.

socialist organization of workers, peasants, or soldiers or from a revolutionary socialist party.¹⁴⁵ This was both a question of loyalty and a measure to exclude enemy classes.

The Third Congress defined citizenship by restricting it to only those engaged in productive labour, reserving the privilege and duty of bearing arms in defence of the state to citizens. This relegated the property holding classes to forms of military duty which would not require the bearing of arms.¹⁴⁶ Non-labouring classes were to be of suspect loyalty and inferior status as non-citizens.

The initial success of the urban Red Guards in defending against counterrevolutionary violence on the streets of the capital seemed to suggest that this form of military organization was a viable alternative and encouraged the Bolsheviks to continue with this model when they began to expand the purview of their control. However, their subsequent disastrous performance against the disciplined, professional German army cemented the decision to favour the conscript army model.¹⁴⁷ The institution of the conscript army became increasingly entrenched in a system opting for centralized control rather than autonomous and participatory action.

It was at the Fifth Congress of Soviets, following the rebellion and expulsion of the Left SRs, that the Bolsheviks promulgated their centralized and professionalized vision of the military. The order affirmed compulsory service with a centralized, hierarchical recruitment structure, the use of military specialists, the training of Red commanders to replace the specialists, the reinstatement of the death penalty for treason, the enhanced status of the commissars, and the dissolution of all institutions and

¹⁴⁵ Joshua Sanborn, *Drafting the Russian Nation*, 39.

¹⁴⁶ *S"ezdy sovetov Soiuza SSR, soiuznykh i avtonomnykh sovetskykh sotsialisticheskikh respublik: sbornik dokumentakh v trekh tomakh, 1917-1936 .g.g* (Moscow: Gosudarstvennoe izdatel'stvo iuridicheskoi literatury, 1959-60), 27-28.

¹⁴⁷ *Ibid.*, 24-25.

structures of local and rank and file autonomy.¹⁴⁸ This echoes the subordination of the trade unions to Soviet power under the conditions of labour conscription and both developments signalled the demise of autonomous, local participatory practices.

The Fifth Congress for the also incorporated the obligation of military service into the RSFSR Constitution. This document was based on the “Declaration of Rights” passed at the Third Congress and echoed its provisions for citizenship. The bearing of arms was now classified as a duty and not simply a right for all citizens and the propertied classes were to be disarmed (Part 1, Chapter 2, point ‘zh’).¹⁴⁹

Under the conditions of the Civil War, the regime sought to strike a bargain with segments of the population upon whose support their victory depended. Social policies affecting families of soldiers and the overall policies of the regime in the countryside were the two primary bargaining chips in this process. This tactical bargaining with particular mobilized and strategic segments of society would become a standard policy motif, in what would later be identified in the Sovietology literature as a tacit social contract.

The expansion of military service and the terms of service benefits is one of the clearest cases of how the prevailing conditions and the relative strengths of the state and its bargaining partner, in this case the soldiers, shaped the citizenship regime. The structure of the military service obligation of the armed forces was shaped in large part by the conditions of external and internal military threat. In response, the Bolsheviks appropriated ever-increasing authority and found the methods and models of the old

¹⁴⁸ “Ob organizatsii Krasnoi Armii (Postanovlenie – 10 iulia 1918g.),” *S”ezd sovetov v dokumentakh, 1917-1936*, t. 1, 67-70.

¹⁴⁹ “Konstitutsia (Osnovnoi Zakon) Rossiiskoi Sotsialisticheskoi Federativnoi Respublik,” *S”ezd sovetov v dokumentakh, 1917-1936*, t. 1, 70-84.

imperial state and bureaucracy the most expedient. Just as the soviet was transformed from an autonomous body into a organ of centralized state power and industrial democracy on the shop floor was replaced by one-man management with the concomitant subordination of the trade union movement, the ideal of the urban, volunteer militia was superseded by the model of the universal conscript army with all of its hierarchy and martial discipline.

The Bolsheviks with their explicitly emancipatory project opened up military service to women, in theory. There were women in Red Guard detachments and women played an important role in the military during the Civil War. This included work as Red Sisters (front-line army nurses), positions in the bureaucracy, and even combat duty. Richard Stites points out that the civil war writings of Bolshevik women, including Kollantai, Krupskaja and Balabanova, promoted an image of active revolutionary women, partaking in all activities, including combat, as part of the equality gained in the Revolution. By the end of the Civil War in 1920 women were even being conscripted into the armed forces for non-combat duty.¹⁵⁰

The official position on the role women in the military was issued by the All-Russian Main Staff of the Red Army in August 1918, supported fully by Trotskii, which determined that women could serve in the Commissariat of War and in the upper bureaucracy of the military, but were not to be on the battlefield or to serve in units with direct contact with the front. The only exception to this rule was to be the Red Sisters.¹⁵¹ In his 1919 "Letter to the Revolutionary War Councils of the Fronts and the Armies and to All Responsible Workers in the Red Army and the Red Navy" of 31 October 1920

¹⁵⁰ Stites, *The Women's Liberation Movement in Russia*, 317-318.

¹⁵¹ Joshua Sanborn, *Drafting the Russian Nation* (De Kalb: Northern Illinois University Press, 2003), 154.

Trotsky associated the presence of women in areas of army operation with the breakdown of discipline and the abuse of privilege by officers. He was especially critical of “above all and in the main, evening parties with drink, with women present,” and recommended the “prohibition of entry by women into the areas where the army is operating.”¹⁵² In spite of the revolutionary rhetoric concerning the equality of the sexes, traditional gender concepts about women and war-making had survived the October Revolution in tact.

Addressing the Fourth Moscow City Conference of Non-Party Working Women on 23 September 1919, after claiming that Soviet Russia alone among states has given women true equality by pointing to laws on divorce and child support, Lenin outlined women’s work under the conditions of war as being “helping the army or carrying on agitation in the army,” as well as “work in the sphere of food distribution, on the improvement of public catering and everywhere opening dining-rooms.”¹⁵³ In a speech where Lenin extolled socialism for relieving women of the double bondage of household labour and their subordination to men, he confined their support of the army to traditional gendered activities.

The problem of women in the armed forces was taken up again at a 1919 Conference of Women Workers under the auspices of The Women’s Department of the Bolshevik Party (*Zhenotdel*) and The Universal Military Training Administration (*Vsevobuch*), which resolved to launch a campaign of military training for women workers and especially communists. The overriding motivation was not the military

¹⁵² Leon Trotsky, “Letter to the Revolutionary War Councils of the Fronts and the Armies and to All Responsible Workers in the Red Army and the Red Navy,” *The Military Writings of Leon Trotsky, Volume 2, 1919: How the Revolution Armed: The Organisation of the Red Army*, Marxist.org Internet Archive, <http://www.marxists.org/archive/trotsky/works/1919-mil/ch12.htm>, accessed 23 September 2004.

¹⁵³ V. I. Lenin, “The Tasks Of The Working Women’s Movement In The Soviet Republic,” *Collected Works*, 4th English Edition, Progress Publishers, Moscow, 1965, Volume 30, pages 40-46

preparedness of the republic but to enable women to become full citizens in line with the ideal of the citizen soldier. Joshua Sanborn has argued that the relegation of women to secondary positions because of perceptions of their special/different biology revealed an unresolved tension between a lesser citizenship stemming from unequal capacities and the revolutionary demand for full equality.¹⁵⁴

In her 1921 *Women Workers and Peasants and Soviet Russia*, Aleksandra Kollontai claimed that the Soviet state had a new approach to women's involvement in military matters. In contrast to bourgeois societies, which regarded the military as an exclusively male affair, Soviet women were required to participate in the military effort. Their active role was necessitated not simply for the practical reason that all resources were required to ensure victory in this class war. Kollontai argues that the participation of women workers and peasants were required for their own emancipation and to consolidate the rights they won in the October Revolution. She notes their participation from the very start at the barricades and in the ranks of the Red Guards. Kollontai acknowledges their absence from combat duty in the Red Army, claiming that their mass participation was not possible, though she does not elaborate on the reasons for this. However, women were required to serve in the struggle against the Whites and made their contribution through agitational and educational work or medical service if they were not inclined to agitation.¹⁵⁵

Sanborn argues that the military took an interest in the development of the bodies of women not to turn them into soldiers but because of their role in producing soldiers as

¹⁵⁴ Sanborn, *Drafting the Russian Nation*, 157; see also Elizabeth A. Wood, *The Baba and the Comrade: Gender and Politics in Revolutionary Russia* (Bloomington, IN: Indiana University Press, 1997), 52-56.

¹⁵⁵ Aleksandra Kollontai, "Rabotnitsa i Krest'ianka v Sovetskoi Rossii," in *A. M. Kollontai: Izbrannye stat'i i rechi*, (Moscow: Izdatel'stvo politicheskoi literatury, 1972), 328-332.

mothers.¹⁵⁶ Again, what this reveals is the tension between competing visions of the basis of women's citizenship and the persistence of traditional gender roles regarding the duties and contributions of women, grounded in their biology and their social roles as mothers.

Following the civil war the army discharged all of the women soldiers, commanders and commissars from its ranks.¹⁵⁷ The 1925 law on military service affirms the right of women citizens to perform military service, but excludes them from conscription.¹⁵⁸ The issue of women's role in the military in general and combat duty for women in particular remained at the margins of the debate on military service and the proper organization of the military force for the workers' state. Even the most radical proponents of equality, such as Kollontai appeared to accept that military duty for women meant the promotion of their work for the military in the roles of helper, such as clerks, in sanitary units, and as supporters of their soldier-husbands. Far more contested was the debate over the role and the status of the citizen-soldier.

The obligation of military service is both a key component of the citizenship regime and one of the clearest illustrations of the institutional stickiness of foundations, the power of bargaining and the tension between ideology and the exercise of power. The Civil War demanded a disciplined and effective fighting force, which the militia model could not supply. In this instance, the egalitarian and universalistic model of the militia army was sacrificed to the requirements of power consolidation. A standing army and a system of citizen conscription and a skilled officer corps were required for the Bolsheviks over the Whites. As one of the most highly mobilized groups in society, the military was

¹⁵⁶ Sanborn, *Drafting the Russian Nation*, 158.

¹⁵⁷ Stites, *The Women's Liberation Movement in Russia*, 328.

¹⁵⁸ Sanborn, *Drafting the Russian Nation*, 156.

able to bargaining successfully with the regime for benefits for themselves and their families. Once established during this period of institution building, the obligation of military service remained essentially unchanged for the entire Soviet period.

Rights

Civil Rights and the Judiciary

An inventory of civil rights is guaranteed for members of the working classes in part two of the Constitution. Freedom of expression was to be ensured through the abolition of the dependence of the press on capital (Article 14). Working people were to enjoy freedom of assembly, freedom of association, and free access to education (Articles 15-17). However, Article 23 reserves the right for the government of the deprivation of individual and groups rights which may be employed in counter-revolutionary activity.

The study of civil rights in the Soviet Union suggests fundamental questions for the possibility and practice of citizenship in the USSR.

The development of the Soviet court system has been described as cycles of oscillation between a legal nihilism and legalization. The former identified codified law with bourgeois domination and envisioned the same withering away of formal legal institutions as had been projected for the state. The latter recognized the need to impose some kind of legal order in the interest of the consolidation of power and the functioning of the dictatorship of the proletariat.

This tension was reflected in the debates within Marxist legal theory. While offering a critique of bourgeois legal institutions, the works of Marx and Engels gave

precious little direction on the form and content of communist law. A spirited debate developed regarding the very possibility of proletarian law.

The development of Soviet law and legal institutions may be broken down according to the accepted stages of Soviet economic history: the revolutionary period and war communism (1917-1921); NEP (1922-1928); the first two Five Year Plans (1928-1937). This should not be surprising, as early Soviet leaders and legal theorists identified the legal system with the prevailing mode of production. In the effort to move from war communism to genuine communism, developments in this period focused on the eradication of legal institutions and the establishment of new institutions of control.

The first period of legal nihilism and the demolition of the old 'bourgeois' judicial order began on 22 November (5 December), 1917 with the first decree on the court system. Decree No. 1 on Courts¹⁵⁹ dissolved all of the courts of the old imperial order except Courts of the Peace, which were suspended. These were to be reconstituted as local courts with a local judge and two lay assessors, directly elected organized by local soviets. Investigative institutions and the Bar were disbanded and citizens of "unblemished character" were empowered to serve as prosecutors and counsels for defence. Decisions were to be based on the laws of the old regime which had not been replaced or superseded, though in cases of uncertainty or gaps in legislation, judges were to be guided by revolutionary consciousness. There was no provision for appeal, but cassation was permitted.¹⁶⁰

¹⁵⁹ *Sobranie zakonov i raspoiazhenii RSFSR*, 1917, Item 50 (22 Nov./5 Dec. 1917)

¹⁶⁰ Appeal refers to the review of a verdict of a lower court by a court of a higher instance on the merits of the case, including evidence, and procedure, while cassation only allows for review of procedure by a court of a higher instance. Accordingly, appeals may involve new rulings, while cassation can only confirm the rulings of lower courts or suspend rulings and send cases back to the court of first instance.

This decree also established a system of extraordinary courts, called revolutionary tribunals, to judge counterrevolutionary activities. These included economic offences by enemy classes, as well as acts of sabotage.

Missing from this decree was any provision for a court provided for rural areas. This would be addressed later through a decree of 9 February 1918 on the Organization of Soviet Power in Volost's of the Department of Local Administration of the People's Commissariat of the Interior. For the new volost' courts two judges were elected by the assembly of village representatives and the senior judge was to be a member of the volost' executive committee. The judges were to base their rulings on customary law and revolutionary consciousness, but not the laws of the old regime. There was no formal provision for appeals and any complaints against the rulings of the volost' courts had to be taken up with the volost' soviet, an administrative body.¹⁶¹

Another omission from the first decree was the absence of a court of higher instance than the local courts, which were initially designed to deal relatively less serious offences. The rectification of this and other shortcomings were the object of Decree No. 2 on Courts. This decree provided for the establishment of circuit courts, which would handle cases out of the jurisdiction of the local courts. They were to have three professional judges and four assessors in civil courts and one professional judge and twelve assessors in criminal courts. Civil and criminal procedures continued to be regulated in accordance with the codes of 1864, where they had not been replaced and did not violate revolutionary consciousness (Article 8). This decree also provided for cassation within the province courts, whose members were elected by the general

¹⁶¹ Samuel Kucherov, *The Organs of Soviet Administration of Justice: Their History and Operation* (Lieden: E. J. Brill, 1970), 34-35.

assembly of circuit courts. It also created a body of supreme judicial control which was to interest contradictory decisions of the court of cassation and its decisions could be overturned only by the legislature.¹⁶²

The preservation of many of the aspects of the pre-revolutionary system is reflective of the debate over socialist legality and has been attributed to the influence of I. Steinberg, the Socialist Revolutionary Commissar of Justice, within the coalition government.¹⁶³ These concessions to the old order were removed once the coalition with the SRs broke down and the Commissariat of Justice was controlled by the Bolsheviki. These changes found their expression in Decree No. 3 on Courts, issued on 20 July 1918.

Decree No. 3 on Courts eliminated all mention of the 1864 legal codes and calls for all decisions to be based on revolutionary consciousness and the decrees of the government. It abolished the provincial courts and the supreme judicial control, creating in its place a Cassation Court in Moscow with separate departments to deal with civil and criminal cases respectively.

In response to dissatisfaction with the complexity of the system resulting from the first three decrees on courts and calls from the First Conference of the Provincial and Regional Commissars of Justice in April 1918,¹⁶⁴ the government introduced the Statute on the One and Single People's Court, which dissolved the circuit courts and the court of Cassation, creating a single court throughout the RSFSR. It prohibited the use of pre-revolutionary law and insisted on the use of revolutionary consciousness in the absence of existing revolutionary law. It also established district-level Councils of People's

¹⁶² *RSFSR Sob. zak*, 1918, Item 420. (347) (15 Feb. 1918)

¹⁶³ Kucherov, 36;

¹⁶⁴ Kucherov, 41.

Judges, which were to act as an instance of cassation and oversee the activity of People's Courts in their district.¹⁶⁵

The People's Court Act was published on 21 Oct. 1920, amending the procedure for the selection of judges and, more significantly for this study, transferring the supervisory functions and examination of complaints to the presidium of the council of the people's court.¹⁶⁶ A later administrative order of the Commissariat of Justice of 6 November of the same year strengthened the class character of the court by tightening the proletarian credentials of the assessors by making party membership and the performance of civic duties, such as participation in elections prerequisites for selection.¹⁶⁷

Berman stresses the revolutionary character of legalization of the NEP period. Laws which on the surface appear identical to corresponding legislation of the continental European countries contain provisions which aim at and are inspired by the transition from the "strategic retreat" of NEP to genuine communism, such as the limitations on civil rights in Article 1 of the Civil Code of 1922. (34-37) The acceptance of the necessity of law, even bourgeois law, is predicated on the goal of the withering away of law.

The revolution from above begins with the first Five Year Plan and continues through the second, altering the focus of legal activity to special courts and tribunals under the control of the military, the OGPU and the NKVD.

¹⁶⁵ *Sob. uz, RSFSR*, 1918, Item 889. (30 Nov. 1918)

¹⁶⁶ *Sob. uz, RSFSR*, 1920, Item 541. (21 Oct. 1920)

¹⁶⁷ *Sob. uz, RSFSR*, 1920, Item 542. (6 Nov. 1920)

1936 saw a dramatic ideological reversal with the abandoning of class warfare, the declaration of the peaceful coexistence of friendly classes and the final elimination of hostile classes, and socialism in one country. Instead of the withering away of state and law, there would be a socialist reconstruction of these institutions. Previous historical events were given a new meaning, as 1917-1936 was declared the first stage of development of the Soviet state and post-1936 was to be the second socialist stage of development. This required the acceptance of legal institutions as permanent and socialist.

Political Rights and Representation

The keystone political right, suffrage, assumed a critical significance in this period, as the questions of who was entitled to vote and the extent of voting rights developed through the legislation. The vote constitutes the most important direct link between the individual and the state under the conditions of mass politics. This was especially important in Russia, given that so many groups had been excluded from this form of political participation in the representative institutions that developed in the late Imperial period. It also richly illustrates the tensions between the revolutionary ideal of inclusive and equal electoral participation embodied in the early electoral legislation and the problem of the consolidation of power and preservation of the revolution. The former is illustrated by the "Decree on the Right of Recall Issued by the All Russia Central Committee,"¹⁶⁸ issued on November 21 (December 4) 1917, while the latter can be seen

¹⁶⁸ "Decret VTsIK o prave otvyza delegatov," in *Dokumenty Sovetskoi vlastei*, Vol. I (Moscow, Izdatel'stvo politicheskoi literatury, 1971), 115.

in acts such as the dissolution of the Constituent Assembly, which abrogated the electoral rights of the newly enfranchised.

The idea of holding a Constituent Assembly emerged under the first Provisional Government in February 1917 in response to pressure from the socialist parties and the organized industrial workers. It was to be elected by all male and female citizens over the age of twenty-one. After being delayed by successive Provisional Governments, the date for the elections was finally set for November 12 (25). While the October Revolution transformed the political scene, the Council of People's Commissars (Sovnarkom) decided to go ahead with the Constituent Assembly on the date selected by the Provisional Government¹⁶⁹, rather than delaying it further or cancel it altogether. This proved to be a tactical error, as the Bolsheviks managed to win only one fourth of the seats. Lenin belatedly tried to correct this error with the VTsIK decree on the right of recall, so that non-Bolshevik representatives could be removed through the mobilization of supporters, but this mechanism would prove too cumbersome and time consuming to use in practice. The Constituent Assembly met for the first and only time on 5 January 1918 at the Tauride Palace. After the Constituent Assembly denounced the Bolsheviks and refused to pass the Declaration of the Rights of the Workers and Exploited People at its first session the Sovnarkom issued a decree dissolving the Constituent Assembly on 6 January 1918.¹⁷⁰

The decree stated that as only the soviets were the true representative of workers and exploited, only they would work for their political and economic freedom. The

¹⁶⁹ "Postanovlenie Rabocheho i Krest'ianskogo Pravitel'stva o sozyve Uchreditel'nogo sobraniia v naznachennii srok," in *Dokumenty Sovetskoii vlastei*, Vol. I (Moscow, Izdatel'stvo politicheskoi literatury, 1971), 25-26.

¹⁷⁰ "Dekret o rospuske uchreditel'noe sobraniia, 6 (19) ianvaria 1918 g.," in *Dekrety Sovetskoii vlasti*, T. I (Moscow, Izdatel'stvo politicheskoi literatury, 1957), 335-36.

Constituent Assembly was branded a form of bourgeois parliamentarism, which was in league with the bourgeois counter-revolution to overthrow Soviet power. The institution was described as completely incompatible with the establishment of socialism, and it was claimed that only a class-based body (such as the soviets), rather than an all-national one, could defeat the resistance of the propertied classes and lay the foundations of a socialist society. The actions of the Constituent Assembly proved it to be an enemy of Soviet power and the October Revolution through the rejection of the programs and declarations of the soviets so the TsIK was forced to order its dissolution. This ended the first and only Soviet experience of free and direct elections.¹⁷¹

In his work on the first Soviet constitution, the Soviet constitutional historian O. I. Chistiakov traces many of the features of the Bolshevik model of suffrage to the example and experience of the workers' soviets.¹⁷² The workers' soviets were councils established during the 1905 Revolution, initially acting as strike committees. However, their activities soon expanded to include the coordination of anti-regime protests and even the provision of municipal services in areas where local government control had broken down. These institutions continued to play an active role in the life of many urban centres in Russia.

Chief among these were the institutions of the immunity of deputies and the right of recall. Immunity was intended to ensure the independence of deputies from external pressure and the threat of criminal prosecution should they challenge the government. According to the 1918 Constitution, deputies were to serve in the soviets for a period of

¹⁷¹ For a detailed treatment of changing Bolshevik position on the Constituent Assembly see Roy Medvedev, *The October Revolution*, George Saunders, trans. (New York: Columbia University Press, 1979), especially chapter 9.

¹⁷² O.I. Chistakov, *Konstitutsiia RSFSR 1918 goda*, 2nd ed. (Moscow: Zertsalo-M, 2003).

three months. Recall was intended to guarantee that deputies remained true to their mandates and accurately represented their constituents. Constituents would have the right to recall their deputies at any time should they lose their confidence and to hold new elections in accordance with the general rules.

The evolution of the soviets from strike committees and the class-based nature of their character was evident as only workers had the right to elect and to be elected and the bourgeois 'exploiters' were deprived of the right to vote.¹⁷³ The exclusion of the 'enemy classes' only intensified after the October Revolution, as the Bolsheviks extended their power throughout urban centres and in the soviets. In a state of workers, peasants, and soldiers, the exploiting, enemy classes were suspect and their interests were thought to be opposed to the construction of socialism. In theory, the lines between classes, between exploiters and exploited were quite clear. However, in practice this determination was very problematic. As I will discuss below, identifying enemy classes for the purposes of exclusion was an extremely complex and changeable process, open to interpretation and even arbitrariness. The chief political right denied to those classified as bourgeois or exploiters was suffrage, but exclusion from citizenship also meant the denial of social rights, employment, and housing.

The debate over the denial of electoral rights to bourgeois elements was played out at the Third All-Russia Congress of Soviets, where the Menshevik Iulii Martov attacked the class exclusion as a violation of the will of the people.¹⁷⁴ This was a challenge to the very heart of the Bolshevik claim to power and their reasoning for

¹⁷³ Ibid., 174.

¹⁷⁴ Ibid., 177; *S"ezdy sovetov Soiuza SSR, soiuznykh i avtonomnykh sovetskykh sotsialisticheskikh respublik: sbornik dokumentakh v trekh tomakh, 1917-1936 .g.g* (Moscow: Gosudarstvennoe izdatel'stvo iuridicheskoi literatury, 1959-60), 27-29.

dissolving the Constituent Assembly. The issue at stake was the ultimate source of a popular mandate to rule and membership in the political community. However, the Bolshevik position carried the day, as this instrument of class warfare was strengthened with the Declaration of the Rights of the Workers and Exploited People of January 18 (31), 1918, which was adopted by the Third All-Russia Congress of Soviets, barring exploiters from participation in the organs of power.¹⁷⁵ The declaration states that “in the moment of the struggle against the exploiters (*eksploitatory*) there can be no place for them in the bodies of power. Power must belong completely and exclusively to the working masses and their plenipotentiary representatives, the soviet of workers, soldiers, and peasants.” (Article IV)

Characteristic of the effort to deprive enemy or alien classes of electoral rights was the fear that such groups could conceal themselves, thus evading detection and deprivation. This was especially noted in the countryside, where those designated as wealthy peasants employing the labour of others (*kulaks*) might also work their land themselves, and thus claim to be toilers. To that end, many soviets formed special local commissions prior to elections to identify the class backgrounds of all citizens in order to effectively deny voting rights to exploiters.¹⁷⁶ This local and decentralized activity was particularly prone to arbitrary action or abuse, presenting a profound challenge to the application of a universal policy across the territory.

¹⁷⁵ “Declaratsiia prav trudiashchego i eksploatiruemogo naroda,” in *Dokumenty Sovetskoi vlastei*, Vol. I (Moscow, Izdatel'stvo politicheskoi literatury, 1971), 343.

¹⁷⁶ Chistiakov, *Konstitutsiia RSFSR 1918 goda*, 178. This issue is treated in depth in Golfo Alexopolous' *Stalin's Outcasts: Aliens, Citizens, and the Soviet State, 1926-1936* (Ithaca: Cornell University Press, 2003), which examines the social and legal construction of citizens and *lishentsy* and the processes of appeal and citizen reinstatement during the decade between 1926 and 1936. See also Sheila Fitzpatrick, *Everyday Stalinism: Ordinary Life in Extraordinary Times: Soviet Russia in the 1930s* (New York: Oxford University Press, 1999).

Another problem that the constitution sought to resolve was the inequality of voting rights of various groups of citizens by establishing universal norms of representation. This was especially important given the explicitly discriminatory nature of electoral regulations for the Duma and zemstva, barring some groups entirely and ensuring the under-representation of others. Following the February Revolution urban and rural soviets had employed different formulas for determining the number of voters per deputy, putting rural citizens at a disadvantage. There were also inequalities within the various categories of soviets, as professional or party affiliation could confer additional voting powers to particular individuals, as well as the existence of a variety of direct and indirect, secret and non-secret delegate selection processes.¹⁷⁷

In its opening articles, the constitution declares Russia to be a republic of soviets of workers' and peasants' deputies with all power vested in the soviets and reaffirms the right to self determination of the nations, being established on the principle of free union. Article 3 provides for the arming of all working people, reflecting the ideal of the volunteer militia. Throughout the document, the exclusion of enemy classes from participation in the political life of the state is central, as in Article 7, which excludes exploiters from any post in all government agencies.¹⁷⁸

The list of those denied suffrage rights include those who employ hired labour for profit; those living off unearned income; private traders and middlemen; monks and ministers; employees of the former police, gendarmerie, and secret police; members of the former imperial family; the legally insane; and those convicted of serious crimes (Article 65).

¹⁷⁷ Chistiakov, *Konstitutsiia RSFSR 1918 goda*, 178-79

¹⁷⁸ *Konstitutsiia (osnovoi zakon) Rossiiskoi Sotsialisticheskoi Federativnoi Sovetskoi Respublik. Priniata Piatom Vserossiiskim s'ezdom sovetov. Sbornik DSV, T. 2, 545-566.*

It should also be noted that the deprivation of voting rights had consequences well beyond the prohibition on participation in elections. Those who were denied this right (*lishentsy*) were subject to discrimination in all other of life treated below, including discriminatory tax rates, labour conscription, harsher legal punishments, and restricted access to education and social services.¹⁷⁹ The apparatus for this exclusion and persecution was established during the period of civil war. The recentralization the economy that accompanied the first Five Year Plan following the relative liberalization of the NEP operated through these same institutions and channels to once again impose limits on autonomous activity.

Elections functioned not simply as important occasions for citizens to select their representatives (as limited as these choices were) and as symbolic legitimation acts. They were also mechanisms for determining membership of the citizenry, categorizing citizens, and gatekeeping, all of which were integral to the maintenance of the citizenship regime. Golfo Alexopoulos has emphasized the importance attached to elections by the regime as a 'school' for citizens in the building of socialism and for the exclusion of aliens and enemies.¹⁸⁰ Eligible citizens were enumerated in a process of 'electoral accounting', which recorded the social data used to determine the eligibility of individuals. This data included the social origins, occupation, party membership, and nationality of a person. The gatekeeping function of this process arose from the linking of the franchise to access to employment and the social rights resulting from full citizenship. The disenfranchised were subjected to increased persecution during the first five-year plan, often arbitrarily and at the discretion of local authorities. Sanctions

¹⁷⁹ Elise Kimmerling, "Civil Rights and Social Policy in Soviet Russia, 1918-1936," *Russian Review*, vol. 41, no. 1 (Jan., 1982), 26-30.

¹⁸⁰ Alexopoulos, *Stalin's Outcasts*, 18-23.

included the loss of employment, eviction, ineligibility for social benefits and healthcare, as well as administrative exile.¹⁸¹ From an institutional perspective, what is significant is that all of these prefigured in the class warfare employed in the boundary setting for the citizenry during civil war, that founding that established the architecture of the system.

Social Rights

In the formative period of the Soviet citizenship regime the progressive plans for social rights remained largely on paper, as the crisis in the economy soon overtook the workers' revolution. The first legislation was a 30 October 1917 Decree on social insurance from the People's Commissariat of Labour, extending universal accident and sick benefits, pensions for widows and health care for all workers in agriculture and industry. These were to be funded exclusively by employer contributions.¹⁸² The Bolsheviks also established generous maternity leave benefits and labour laws to protect pregnant women from being forced to work long hours.¹⁸³

Longstanding privileging of industrial workers soon influenced this policy, as a 22 December 1917 decree increasing the levels of these benefits restricted coverage to wage earners. This exclusion of peasants and artisans was met with strong opposition and the need to gain peasant support for the Bolsheviks resulted in a new decree in October 1918 which extended coverage to these groups as well. This measure also banned private social insurance.

¹⁸¹ See Alexopolous, especially chapter 2 and Elise Kimerling, "Civil Rights and Social Policy in Soviet Russia, 1918-1936," *Russian Review*, Vol. 41, No. 1 (January 1982), 24-46.

¹⁸² Dorena Caroli "Bolshevism, Stalinism, and Social Welfare (1917-1936)," *International Review of Social History* (2003), vol. 48, 31-32.

¹⁸³ Wendy Goldman has noted that these policies often had the perverse effect of promoting discrimination in hiring practices, as managers sought to avoid paying out benefits by not hiring women and by firing them first when obliged to cut workers; see *Women, the State, and Revolution*, 115, 290.

War Communism vitiated the social insurance regime; the resources for the provision of benefits were simply not available. What little there was available was assigned to priority industrial sectors, while rural bodies responsible for peasant welfare were converted into mutual aid societies in 1920. This collapse of state and employer capacity would reinforce the marginalization of the rural sector and limit their entitlements that would persist throughout the Soviet citizenship regime.

The NEP only reinforced the privileging of industrial sector and the valuing of production over egalitarianism. This period witnessed a sustained narrowing of welfare coverage, beginning with the 15 November 1921 Law on Social Insurance. This decree once again restricted the eligibility to wage earners, providing for pensions to be paid for workers who had become incapacitated or to their dependent in case of their deaths. It was financed through deductions made by the employer and transferred to an insurance fund.¹⁸⁴ The benefits were dependent on the labour contribution of the worker, being a function of the location of the worker and number of years of employment.¹⁸⁵

The developed of social rights was also a gendered process. Elizabeth Wood has characterized the policies of the NEP as a threat to the social contract that the regime had made with women, as it abandoned the commitments to equal employment and social welfare benefits for women as mothers.¹⁸⁶

The welfare state of the period of revolution and civil war was in its infancy, promising much and delivering modestly. Many of the most significant developments in

¹⁸⁴ "Polozhenie SNK o sotsial'nom strakhovanii lits, zaniatym trudom,"

¹⁸⁵ Caroli, "Bolshevism, Stalinism, and Social Welfare," 35; For a discussion of the development of the Soviet pension system see Andrea Chandler, *Shocking Mother Russia: Democratization, Social Rights, and Pension Reform in Russia, 1990-2001* (Toronto: University of Toronto Press, 2004), 24-43.

¹⁸⁶ Elizabeth A. Wood, *The Baba and the Comrade: Gender and Politics in Revolutionary Russia* (Bloomington, IN: Indiana University Press, 1997), 123.

Soviet social rights occurred in the post-Stalin period, such as the 1956 Pension Law, extending old age pension benefits most of the population.¹⁸⁷ Nonetheless, this foundational period established durable patterns in the social rights regime, including the expectation of reward on the part of those who had sacrificed so much in the 'building of communism.' It offers a logic for those claims that were negotiated by the regime, managing the tension between the ideological imperative to reward labour and the demands from the elderly and other materially disadvantaged groups for recognition and recompense.

Conclusion

The second founding in the Russian citizenship tradition produced a revolutionary Soviet citizenship. As I have argued in this chapter, this founding in the period of violence and chaos of the Civil War and War Communism established the basic institutional architecture and citizenship practices. These beginnings of the Soviet citizenship regime did not operate as an enforceable social contract. This was a period of instability, violence, and coalition building. Both the resources and the predictability necessary for even a tacit social contract were absent in this turbulent period. However, there is evidence of some of the patterns of bargaining that would later facilitate such a social contract. Chief among these was the system of separate deals for different types of workers that resulted from the compromising of revolutionary ideals in the interest of the consolidation of power and the construction of the industrial economy. This founding also established patterns of exclusion for class enemies which would later be employed against 'enemies of the people,' 'punished peoples,' and dissidents.

¹⁸⁷ Chandler, *Shocking Mother Russia*, 39-43.

As suggested by my second and third hypotheses, membership qualifications and citizenship rights and duties were established through a bargaining process between the state and mobilized sectors of society, which involved the compromising of ideological principles in the interest of power consolidation by the regime. These compromises in the interest of political expediency were part and parcel of the brokering of deals with particular segments of society, upon whose support power depended. As the international and domestic threats abated and the capacity of the state increased, these bargains were subject to renegotiation. However, the institutional foundations laid in War Communism continued to exert an influence, opening up particular policy options and allowing for old methods of control and accommodation to be updated and redeployed.

The emancipation of women through the radical reengineering of the family was subordinated to the economic requirement for the household as a unit of production and reproduction, revealing both the limitations of the state in its failed attempt to socialize the household and the conservative morality of the majority of revolutionaries. Early measures to provide for the freedom of movement of all citizens were reversed as the state attempted to revive the industrial economy in the face of mass flight to the countryside and emergency measures to requisition labour laid the groundwork for the enduring Soviet institution of the internal passport. In both the armed forces and the labour force early moves in the direction of autonomy and internal democracy were overtaken by the requirements of international isolation and Civil War, as the army reverted to hierarchical structure staffed by a professional officer corps and the trade unions were subordinated to the Party and the central planning authorities.

These events occurred during a foundational moment, a complete restructuring of political, social and economic relations which would rewrite the ways in which rulers and ruled interacted. In the period between the October Revolution and the end of War Communism the social and civil categories that had structured life in Imperial Russia were destroyed and new relations established. The Bolsheviks began with an ideologically informed agenda of a revolutionary citizenship regime of free and equal proletarian and peasant citizens. Enemy classes, loosely defined through occupation, economic position, and sometimes behaviour were to be excluded from the new political community, while foreign members of the exploited classes were to be welcomed.

However, the ideal of revolutionary citizenship proved to be unstable. The realities of this period of violent and chaotic regime consolidation and state-building forced the Bolsheviks to make compromises and bargains. Highly mobilized groups such as soldiers, certain nationalities, and sometimes peasants had to be accommodated. The skills of some members of enemy skills were required. The tension between this ideology and these demands shaped the development of the institutions of emerging citizenship regime. While the citizenship regime of the Soviet Union would continue to develop, the bargains struck at the moment of foundation, during institution building would establish particular patterns of operation and behaviour.

The Soviet citizenship rights regime remained fairly stable, though there was incremental development and adjustment in reaction to domestic and international pressures. The limited nature of political rights was established during the subordination of local soviets to central organs of power. The largely formal nature of these rights

remained a constant in the Soviet Union until Gorbachev's reforms, which paved the way for the first popular elections.¹⁸⁸ Much the same could be said for the state of civil rights.

There was substantial development in the area of social rights, as a comprehensive system of old pensions was established for workers, which was later extended to collective farmers and other rural citizens.¹⁸⁹ The post-Stalin expansion of the Soviet welfare state was an acknowledgement of the shortcomings of the system¹⁹⁰ and a key part of the social contract. My claim here is not that these rights developed in this particular way because of the unfolding of this Bolshevik founding. It is simply that the institutions which emerged from the foundational period established patterns of citizen-state interaction which predisposed the Soviet citizenship regime to a set of historically contingent development paths and policy outcomes. The combination of this set of possible outcomes with relative strength of mobilized groups pressing for recognition of claims for particular benefits, the politics of inter-elite competition, and the pressures of international competition with capitalist economies produced this particular set of social rights.

Citizenship duties in the Soviet Union also remained relatively stable. Even allowing for changes in the length of service and the modification of service exemptions, once the model of the conscription-based, standing army triumphed over the reserve militia model, obligatory military service became the accepted norm. The citizen obligation of paying taxes also proved remarkably stable over the span of the Soviet Union. War Communism's extension of state control over the economy, which directly

¹⁸⁸ Stephen White, *Gorbachev in Power* (Cambridge: Cambridge University Press, 1990), 26-29.

¹⁸⁹ Chandler, *Shocking Mother Russia*, 24-43.

¹⁹⁰ For example see *Decisions of the Twenty-First Extraordinary Congress of the Communist Party of the Soviet Union, January 27-February 5, 1959* (Moscow: Foreign Language Publishing House, 1959), especially "Section IV: Further Improvements of the Well-Being of the Soviet People," 130-140.

subordinated enterprises to the state served as the model for economic relations following the abandonment of the relatively open market condition of the NEP and the implementation of the first Five Year Plan.¹⁹¹ Having been relegated to a non-transparent and automatic procedure at the enterprise level, taxation was reduced to a passive obligation, effectively detached from citizen behaviour.

Nowhere is the formative effect of this Bolshevik foundation period seen more clearly than in the area of document regimes and freedom of movement. A disciplinary technique revived from the Tsarist time, the regime of internal passports tying individuals to places of residence and employment was elevated to a new level of comprehensiveness and penetration under Soviet power. Initially imposed as a temporary measure for the effective allocation of labour and exclusion of enemy class elements, they would come to be a feature of daily life required for all official and public interaction. The system of internal passports, labour books, pension books, residence permits, and military service books formed the core of an extensive system of discipline and access.¹⁹² The nature of one's documents signified the rights to which one was entitled and the obligations one was to perform. The labour book regime of War Communism laid the foundations and set the institutional precedent for these practices.

I have tried to demonstrate in this chapter that the period of Civil War and War Communism constituted a founding in the Russian citizenship tradition. The citizenship community was redefined and the relations between the state and its citizens were reordered. However, this was not the year zero that the Bolsheviks claimed. Bolshevik policies reacted to the old Tsarist order. Despite their revolutionary claims many

¹⁹¹ Alec Nove, *An Economic History of the USSR*, second ed. (New York: Penguin Books, 1989), 126-138.

¹⁹² See Mathews, *Passport Society*, especially chapters 3 and 4.

practices were retained or revived, underlining the importance of informal constraints in any institutional change. The policies that made up the citizenship regime were the product of asymmetrical bargaining between the Bolshevik state and mobilized groups within society upon whose support they depended for their consolidation of power. This involved the compromise of revolutionary ideology to accommodate the requirements of politics. These practices did not determine the shape of Soviet citizenship, like some preordained unfolding of history. However, they did establish the institutional foundations for the developing citizenship regime, providing precedents and practices for regulating relations between the Soviet state and its citizens.

These retreats from revolutionary idealism under the conditions of war and civil war occurred at a critical point in state- and institution-building and were preserved as those institutions continued to develop. This gave shape not only to the institutional form of the Soviet state, but also to its citizenship regime. This came to define what the state could legitimately demand from its citizens, what the citizens could expect from the state, and the terms of membership in the political community.

Chapter 3 - Out of the Ashes: The Post-Soviet Citizenship Regime

Introduction

The analysis of the post-Soviet period is perhaps more daunting than the examination of the previous two moments in this study, if only because this latest iteration is still in progress and constitutes something of a moving target. Despite the absence of hindsight and the wealth of historical material available for the Imperial and Revolutionary citizenship regimes, important, if more modest observations and claims can be made about the present period in the development of a Russian citizenship regime.

In this chapter I argue that the emergence of an independent Russian Federation out of the collapse of the USSR was another founding in the Russian citizenship regime. The establishment of fifteen new successor states required the renegotiation of the boundaries of the Russian citizenship community as new states began to claim particular populations and former Soviet citizens attempted to claim a particular state (or states) as their own. The transition to democracy and a market economy with its new role for state action and citizen participation necessitated the negotiation of a new set of citizen rights and duties. However, in spite of the discontinuous nature of this radical change, many patterns of relations and practices have been retained from the Soviet period. This is particularly true on the areas of public order and discipline.

Part of the explanation for this lies in my next claim that the shape of the particular rights and duties that make up the Russian citizenship regime are the product of bargaining between the Russian state and mobilized groups in Russian society. This bargaining occurs over specific issues, such as liability for military service or eligibility

for social benefits. This process is shaped in large part by the relative strength of the state and those societal groups involved. As suggested above, the relatively strong position of the military and security establishment, whose elites date from the Soviet period and the presence of similar elites in the government promote continuity in areas they contest. However, an additional, significant factor in influencing the bargaining process and issue outcomes is the nature of the public sphere. In the unfolding of this founding the public sphere has appeared to contract over the course of decade and a half of post-communism through a combination of demobilizing political disenchantment and economic hardship, an attempt by the state beginning in 2000 to increasingly manage or subsume significant parts of this public space. However, as I argue below, this perceived contraction of the public sphere is a reflection of changes in state capacity, that is as state capacity grows it is increasingly able to colonize the public sphere.

These changes in the public sphere and the relation of citizens and the state to it lead me to my final claim. The elite who dominated the Russian state at the outset of this founding were animated by an anti-Sovietism that expressed itself in an economically and politically liberal orientation. In the course of the consolidation of state power, aspects of this liberalism have been compromised or modified under the pressure of modern politics. Much of this occurred within the context of the bargaining over particular citizenship rights and duties. This has produced a unique bundle of rights and obligations that has been influenced by the past legacy of the Russian citizenship tradition and the historically contingent political outcomes in the decade and a half of post-communism.

In many ways post-Soviet Russia was a revolutionary state, seeking to overturn (certain) traditional elites, destroy traditional Soviet institutions, and fundamentally

reorder the relations between the Russian state and its citizens. A new liberal ideology was declared, even if it was not convincingly professed or enacted. Despite my assertion that this process is not yet over, it is possible to discern two distinct moments in this founding, which roughly coincide with the two presidencies of post-Soviet Russia. Citizenship policy under Boris Yeltsin was largely inclusive and consolidationist, reflecting both the liberal ideology of his regime and the need to build coalitions in order to maintain his hold on power.

Drawing of the typology developed by Kenneth Jowitt in "Inclusion and Mobilization in European Leninist Regimes,"¹ the regime of 1991 to 1993 can be viewed as transitional, while its core task changed to consolidation following the violent suppression of the opposition in October 1993 and the promulgation of the December 1993 Constitution. However, neither the processes of transition nor consolidation were completed, resulting in a hybrid reformist-revolutionary regime.

During the initial transition period the 'democrats' under Boris Yeltsin battled the forces of conservatism and reaction, both on the Russian and the Soviet levels. The failure of the August 1991 coup attempt gave the 'democrats' a strategic advantage, as their competitors were discredited and weakened. However, they were not able to simply impose their will on the population and entered into bargaining with particular groups within society upon whom their hold on power depended.

Key to the transformation of the polity was the de-Sovietization of political life and institutions, including those comprising the citizenship regime. This anti-Soviet orientation was manifested in and symbolized by the political and economic liberalism

¹ Kenneth Jowitt, "Inclusion and Mobilization in European Leninist Regimes," *World Politics*, vol. 28, no. 1 (Oct. 1975), 69-96.

adopted by the reformist regime. I argue that this self-declared liberalism and an orientation towards the West was animated not so much by a commitment to values but by its symbolic opposition to the old regime and its defenders. So while the institutions had liberal designs, there was a disconnect with the norms and values that animated them. Exogenous factors also contributed to the transformation of the citizenship regime. Institution founding was profoundly affected by the opening up of the system at a moment when liberalism was the dominant ideology of political and economic reform. Samuel P. Huntington argued in his 1991 article on the third wave of democratization that while the “Orthodoxy of neo-orthodoxy” might not be lasting, it has produced significant development.²

Russia under Putin has seen a new direction in citizenship policy, which relies less on coalition building and more on brokering a tacit social contract with broad segments of society. The Brezhnevite social contract as described by Linda J. Cook³ serves as the model, though with radically altered terms. In Putin’s new Russia the government is to provide stability; economic freedom; targeted, limited social welfare; regular (if now apparently symbolic) elections; and physical security. In exchange the citizens offer political quiescence and tax compliance, and fulfilment of military obligations. Part of this process is the re-engineering of what citizens can expect from the state and the claims that the state can legitimately make on its citizens.

Russia’s economic recovery in the aftermath of the spectacular economic crash of August 1998 coupled with high oil prices has provided the government with economic stability and the financial resources to support the new social contract. However, the

² Samuel P. Huntington, “Democracy’s Third Wave,” *Journal of Democracy*, vol. 2, no. 2 (1991), 31.

³ Cook, *The Soviet Social Contract and Why It Failed*; see also Hauslohner, “Politics before Gorbachev,” 41-90.

sustainability of economic growth is uncertain and the availability of skilled labour in the face of the demographic crisis of a shrinking population. The new security environment in the wake of an escalation of terrorism on Russian soil have made issues of migration prominent in debates on citizenship. Putin's stated policy of strengthening the power vertical through federal reforms, including the creation of the seven federal districts, reforms to the Federation Council, new presidential powers to dismiss governors, and most recently the replacement of direct gubernatorial elections with a presidential nomination system have widely been interpreted as recentralizing the federation and bringing the regions to heel.

The issue of state capacity is crucial to the viability of a citizenship regime, as one of the key problems for post-Soviet Russia during the initial phase of transformation and coalition building was the inability of the state to guarantee rights and compel the fulfilment of obligations.

This does not overturn the transitional state of affairs entirely, as mobilized and influential actors and institutions remain key to the bargaining process. However, in a departure from the Yeltsin years, the citizenry are being brought into the bargaining process, though in a diffuse and indirect fashion. In addition to previously established electoral rights defined by the constitution and elaborated in electoral laws, the regime has sought to establish formal links with civil society through large-scale consultations. This operates through events such as the November 2001 Kremlin-sponsored Civic Forum, which brought together representatives from NGOs from across Russia, and cultivated relationships with key organizations representing religious, ethnic, and economic groups. This type of top-down activity amounts to state attempts to colonize

the public sphere and represents an informal institutional practice that has been a constant in the Russian citizenship tradition. It is also seen in the creation of extra-constitutional institutions, such as the Public Chamber, a consultative body of prominent citizens and representatives of public organizations for dialogue with and oversight of federal agencies, which is slated to begin work in November 2005. However, civil society remained weak and subject to state attempts at direction through institutions like the new Public Chamber and events like the Civic Forum, while the electronic media, which is the main information source for the general public, was increasingly concentrated in the hands of the state or those loyal to it.

These state-society relationships have structured much of the development of the citizenship regime since 2000, enabling policies of welfare retrenchment, increasingly selective membership rules, increasingly stringent but liberal taxation policies, and a continued reliance on conscription.

In the balance of the chapter I will investigate the emergence of the post-Soviet citizenship regime through these two phases of development, outlining transformations and innovations in citizen membership, rights, and duties, as well as using case studies to explore the bargaining processes between the state and mobilized groups and organizations, which give shape to the various aspects of this set of citizen-state relations.

However, with the exception of the issues of the boundaries of the citizenship community, this debate occurred on an issue-specific basis, largely unconnected to a larger debate of the shape of post-Soviet Russian citizenship. This lack of a comprehensive discussion of the Russian citizenship as a whole is part of both the political and the analytical problem interpreting the specifics of the regime. This

founding is a work in progress and its study requires an additional strategy. The inventory of state-citizen claims must be supplemented. In the course of this chapter two particular citizenship claim issues will be examined in greater depth to reveal the nature of bargaining in the post-Soviet citizenship regime. The first excursus will explore alternative civilian service. It is instructive because it combines a duty to serve with the right to choose and its realization was hotly debated by mobilized groups in society. The second excursus will focus on the monetization of social benefits. It is significant as it is the clearest example of the present government's vision of the reformed welfare state. It occasioned rare public protests from a normally quiescent and weakly organized social group.

In an attempt to bring more clarity to the larger picture, I will begin by analyzing the transformations in the constitutional framework for citizenship, then move chronologically through the definition of the boundaries, rights, and duties of citizenship in the two periods of post-Soviet Russia. The constitution provides the ideological and legal framework for this regime, but it is the elaborating legislation that gives character to the individual rights and duties of citizenship, as well as sets and resets the boundaries. As will become clear in this chapter, there has been much spirited debate about various features of the citizenship regime.

Membership: Renegotiating the Boundaries of Citizenship

Negotiation Membership in Post-Soviet Space: Consolidationist Citizenship under Boris Yeltsin

Russian citizenship emerged as a political issue even before the dissolution of the USSR with a highly charged and symbolic value in the context of the conflict between

the All-Union government and the Union Republics in the last years of the Soviet Union. In the struggle to renegotiate the terms of the union and redistribute the powers between the centre and the republics, each side claimed that its laws took precedence in case of a conflict between levels of legislation. As early as 1988 the Baltic republics deployed the language of citizenship to assert their sovereignty goals.⁴ In response the central government attempted to take the initiative by asserting the primacy of All-Union citizenship with the drafting of new Soviet citizenship legislation over the course of 1989-1990. Consonant with the spirit of *glasnost* and the 'new thinking' of Gorbachev's government and in a bid to bolster its legitimacy, the central debate on All-Union citizenship focused on bringing Soviet practice into accord with international legal norms, especially in the area of citizenship deprivation.

Deprivation had been a routinely used against dissidents and defectors. Among the most prominent of these were Aleksandr Solzhenitsyn and Vladimir Bukovsky, who were stripped of their Soviet citizenship when they were expelled from the USSR in 1974 and 1976, respectively.⁵ Under the Soviet citizenship regime denaturalization could occur for four reasons: the acquisition of foreign citizenship; the voluntary renunciation of Soviet citizenship; expulsion or emigration in the case of Soviet Jews, where receipt of an exit visa required denaturalization; and for actions regarded by the authorities which did not "meet the high calling of Soviet citizenship."⁶

⁴ For a useful treatment of genesis and development of citizenship claims and practices in the Baltic states see Lowell Barrington, "Nations, States, and Citizens: An Explanation of the Citizenship Policies in Estonia and Lithuania," *Review of Central and East European Law*, vol. 20 (1995), no. 2, 103-148.

⁵ On dissidents and their repression see Joshua Rubenstein, *Soviet Dissidents: Their Struggle for Human Rights* (Boston: Beacon Press, 1985); Peter Reddaway, "Dissent in the Soviet Union," *Problems of Communism*, 6 (November-December 1983), 1-15.

⁶ "Law of the Union of Soviet Socialist Republics on the Citizenship of the USSR (of December 1, 1978)," in *Legislative Acts of the USSR, 1977-1979* (Moscow: Progress Publishers, 1981), 351-353.

The resulting 1990 law went some way to reforming this practice, prohibiting the arbitrary deprivation of citizenship and guaranteeing the right to change citizenship.⁷ The clause referring to the casting of dishonour upon the high calling of Soviet citizenship was replaced by the almost equally vague “acts inflicting significant injury to the interests of the state or state security.” (Article 23)

The second innovation in the late Soviet citizenship law debates was the inclusion of a role for the Union Republics in the citizenship regime. Again, this was in response to the push by the more restive of the republics to claim their own citizenship regimes, independent of the All-Union citizenship, as one more attribute of sovereignty. In a departure from the old formulation of a unified citizenship, the 1990 law introduces a multi-tiered citizenship, whereby citizens of union republics are automatically Soviet citizens and the citizenship of Autonomous republics was elevated to a statutory level (Article 6). This latter change was intended to provide a counter-balance to the claims of Union republics by enhancing the power and claims of their constituent units.⁸ This enhancement of the status of Autonomous Republics was part of the outbidding process which would strengthen the hand of regional elites, improving their relative position in the struggle over the shape of Russia’s post-Soviet citizenship regime.⁹

The problem with the All-Union strategy was that on these aspects of the reform of the citizenship regime, namely devolution of powers and international legal standards

⁷ “O grazhdanstve (23 maia 1990 g.),” in *Vedomosti S’ezda narodnykh deputatov SSSR Verkhovnogo Sovet SSSR*, no. 23 (6 iunia 1990 g.), 589.

⁸ According to Article 82 of the 1977 Soviet Constitution, “an Autonomous Republic is a constituent part of a Union Republic. In spheres not within the jurisdiction of the Union of Soviet Socialist Republics and the Union Republic, an Autonomous Republic shall deal independently with matters within its jurisdiction. An autonomous Republic shall have its own Constitution conforming to the Constitutions of the USSR and the Union Republic with the specific features of the Autonomous Republic being taken into account.”

⁹ Philip G. Roeder, *Red Sunset: The Failure of Soviet Politics* (Princeton: Princeton University Press, 1993), 228.

with respect to deprivation, the Union republics were able to go farther. It was precisely this struggle between the centre and the Union republics that structured the citizenship policies of the RSFSR under Boris Yeltsin. A central dynamic of the Yeltsin policy was to 'out-reform' the reformer, Gorbachev. To have a more legitimate mandate he stood for popular election after Gorbachev was elected president by the Congress of Peoples' Deputies. Russia's political and economic reform programs were more radical than Soviet ones. In the debate on citizenship this was achieved without significant cost because, unlike Gorbachev, Yeltsin did not have to contend with a reactionary constituency. He had a freer hand in policy formation and in his attacks on old conventions and policies.

This is clearly demonstrated in the November 1991 RSFSR Law "On Citizenship," which elaborated the principles laid out in the RSFSR Declaration of Sovereignty of 12 July 1990, establishing an RSFSR citizenship and providing for the extraterritorial protection of the rights of Russian citizens.¹⁰ It should also be noted that the failed August 1991 coup attempt had a profound impact on the debate and the legislation. First, this action only served to weaken the centre's position and to thoroughly discredit the conservative voices calling for a rolling back of reforms. Second, it became increasingly clear that this process was not simply part of a centre-region power struggle, but would lay the foundations for the citizenship regime of an independent state.

The most significant features of the Law "On Citizenship" were the abolition of the deprivation of citizenship (Article 1, Point 2) and the introduction of a mechanism for

¹⁰ "O Grazhdanstve RSFSR," *Vedomosti S"ezda narodnykh deputatov Rossiiskoi Federatsii i Verkhovnogo Soveta Rossiiskoi Federatsii*, 1992, No. 6, 243.

the recognition of dual citizenship through bilateral treaties (Article 3). These provisions addressed the deficiencies of the last Soviet citizenship law in terms of measuring up to international legal standards in the area of the reduction of statelessness with the abandoning of the practice of deprivation. The claim that the RSFSR authorities under Yeltsin could deliver on important reforms in citizenship practice was part of an overall transitional effort to discredit the Soviet elites and their heirs in Russian institutions.

It should also be noted that the status and fate of 'compatriots' or 'co-nationals', ethnic Russian and russophone populations in other Union Republics, emerged as an issue in the fall of 1991, as the newly independent Baltic republics began to develop increasingly exclusionary citizenship regimes.¹¹ Latvia and Estonia in particular instituted policies which granted citizenship only to those who had been resident on their territory prior to Soviet occupation and their direct descendants, excluding the vast majority of their ethnic Russian populations.¹² The issue of the rights of the so-called compatriots in other former Soviet republics would come to play a major role in the development of the Russian citizenship regime, having a deep impact on the policies regarding dual citizenship and, as will be discussed below, becoming one of the prime loci of the instrumentalization of citizenship policy to achieve foreign policy goals.

In earlier work I have argued that the 1993 amendments to the citizenship law were largely a reactive measure, opening up dual citizenship by dispensing with the need for prior bilateral treaties. This suited the domestic agenda, which demanded at least rhetorical protection for the Russian and russophone minorities in other former Soviet

¹¹ "State Council to Defend Rights of Russians," *FBIS Daily Report – Soviet Union*, FBIS-SOV-91-190 (1 October 1991), 52.

¹² See Lowell Barrington, "The Domestic and International Consequences of Citizenship in the Soviet Successor States," *Europe-Asia Studies*, July, 1995

states, while providing the government with another weapon in relations with those states, an instrumentalized citizenship policy capable of creating millions of extraterritorial citizens.¹³

In a July 1996 interview the Chairman of the Commission for Citizenship under the President of the Russian Federation, Oleg Kutafin, stressed the liberal and inclusive nature of Russia's citizenship law, especially compared to other former Soviet Republics. He contrasted the provisions of the 24 October 1994 Presidential Edict, whereby former citizens of the RSFSR now resident in other former Soviet republics could be reinstated into Russian citizenship simply by registering with local interior ministry agencies with the exclusionary policies of the Baltic States, which he considered punitive.¹⁴

While the amendments of 1993 were to some extent a reactive policy response to the failure of the development of a comprehensive regime of bilateral treaties for dual citizenship among former Soviet states, there was some movement on this front. Treaties allowing Russian citizens residing in Kazakhstan and Kyrgyzstan simplified access to the citizenships of those countries were ratified by the State Duma on 25 April 1997. While there were only 707, 000 Russian citizens registered in Kazakhstan, which had a population of 16.5 million, 5.5 million of Kyrgyzstan's population of 15.5 million held Russian citizenship. The Duma was urged to ratify the treaties without delay, as those not applying for citizenship of the country of residence would be treated as aliens.¹⁵

¹³ Peter Waisberg, "Redefining Russian: Identity, Dual Citizenship, and the Politics of Post-Soviet Russian Citizenship (MA Thesis), Carleton University, 1996.

¹⁴ "Russia: Kutafin on Citizenship Law Problems," Moscow *Rossiyskiye Vesti* in Russian, 11 Jul 96 p 3, *FBIS Daily Report – Central Eurasia*, FBIS-SOV-96-160-S.

¹⁵ "Russia: Duma Ratifies Kazakhstan, Kyrgyzstan Citizenship Accords," Moscow *ITAR-TASS* World Service in Russian 1506 GMT 25 Apr 97, *FBIS Daily Report – Central Eurasia*, FBIS-SOV-97-115.

In disputes over the rules of membership there was also the possibility of recourse to the Constitutional Court. As argued above, mechanisms for the enforcement of rights are essential for citizenship regimes. The inclusive character of the law regarding those born on the territory of the Russian Federation was affirmed by Constitutional Court decision No. 12-P of May 16, 1996 in “Regarding the Constitutionality of Clause “d” of Article 18 of Law of the Russian Federation “On Citizenship of the Russian Federation” in Connection with a Complaint by A.B. Smirnov.” Aleksei Smirnov was born in 1950 in Moscow Oblast’, where he lived until 1979, when he was registered in Lithuania in connection with his marriage, He did not take out Lithuanian citizenship following the collapse of the USSR and following his divorce returned to Khimki, where he was denied Russian citizenship reinstatement by the local registration office. Instead, he was told that he would have to complete the process for citizenship acquisition. He appealed this rejection to the Basmannii raion court in Moscow, the Moscow City Court, and the Supreme Court, all of whom upheld the rejection. Upon appeal to the Constitutional Court, it was ruled that under clause ‘d’ of Article 18, Smirnov qualified for admission to citizenship, as he was born on the territory of the Russian Federation, had held Soviet citizenship, and had not willingly given up Russian citizenship. Further, while he had left the territory of the RSFSR, he had not left the USSR and had not accepted the citizenship of another state. Having returned to the Russian Federation for permanent residence he was therefore entitled to receive Russian citizenship.¹⁶

¹⁶ Postanovlenie Konstitutsionnogo Suda RF ot 16 maia 1996 g. N 12-P “Po delu o proverke konstitutsionnosti punkta ‘g’ stati 18 Zakona Rossiiskoi Federatsii “O grazhdanstve Rossiiskoi Federatsii” v sviazi s zhaloboi A.B. Smirnova,” http://www.ksrf.ru:8081/SESSION/S_UAA2yGzf/PILOT/main.htm, accessed 13 January 2005.

A draft federal law entitled "On Changes and Additions to the Law on Citizenship" was submitted by Yeltsin to the State Duma in early May 1997. The amendments were intended to bring the legislation into line with the Constitution, the body of Russian law, and the resolution of the Constitutional Court of 16 May 1996. Special emphasis was placed on the prohibition of citizenship deprivation and the right of Russian citizens to change their citizenship. The new draft also removed the provision allowing for the extradition of Russian citizens to foreign countries according to international law and bilateral treaties, replacing it with a prohibition on expulsion or extradition of Russian citizens. Dual citizens residing outside the territory of the Russian Federation are also entitled to protection by the Russian state within the limits of international law.¹⁷

The effort to bring Russian citizenship policies into line with international norms continued in late 1998 with the submission of the European Convention on Citizenship to the State Duma for ratification by President Yeltsin, arguing that this document was in line with the national interests of Russia.¹⁸ At the level of policy, the harmonization of Russian legislation with international norms serves to integrate Russia into the international legal system and contributes to the fulfilment of Russia's duties as a signatory to international conventions on human rights and the reduction of statelessness. On a political level this provided the regime with added legitimacy.

The regime of dual citizenship regulated through bilateral accords continued with the signing of an agreement between Poland and the Russian Federation in July 1999,

¹⁷ "Russia: Yeltsin Submits Amendments to Citizenship Law to Duma," Moscow *ITAR-Tass* in English 1324 GMT 4 May 97, *FBIS Daily Report – Central Eurasia*, FBIS-SOV-97-124.

¹⁸ "Russia: Yeltsin Wants European Convention on Citizenship Ratified," Moscow *ITAR-TASS* World Service in Russian 0712 GMT 1 Dec 98, *FBIS Daily Report – Central Eurasia*, FBIS-SOV-98-335

which replaced a 1965 convention banning dual citizenship between the People's Republic of Poland and the USSR. The new agreement provided for military service for dual citizens to be discharged in the country of residence.¹⁹

A new presidential law on citizenship was introduced into the State Duma on 19 April 2001. According to Oleg Kutafin, the Chairman of the Commission for Citizenship under the President of the Russian Federation, the 1991 law contravened the Russian constitution and did not meet European standards. Among the notable changes in the draft law was the extension of the residency requirement from 3 years to five, the requirement for the submission of declarations of legitimate income, and the exclusion of applicants convicted of offences indictable in Russia. Perhaps most significant were the changes in the dual citizenship regime. Unlike the old law, which allowed for dual citizenship as a general rule, the new law would restrict this institution to a limited number of states with which bilateral agreements had been concluded. This was intended to pertain only to other former Soviet states, in recognition of the large Russian and Russophone populations of these states, as well as Russia's responsibilities as the legal successor to the USSR. Dual citizenship with Israel was explicitly excluded from these provisions, as no such bilateral treaty exists between the two states.²⁰

In an explanatory note accompanying the draft President Putin indicated that the decision to redraft the law was taken in 1997, when it became clear that the original law, as a transitional document, could not take into account developments in Russia's legal system and its relations with other former Soviet states. He also noted that the draft law

¹⁹ "Russia, Poland Sign Dual Citizenship Protocol," Moscow *ITAR-TASS* in English 1527 GMT 27 Jul 99, *FBIS Daily Report – Central Eurasia*, FBIS-SOV-1999-0727.

²⁰ "Russia: Draft law on citizenship submitted to Duma," Moscow *ITAR-TASS* in English 1353 GMT 19 Apr 01, *FBIS Daily Report – Central Eurasia*, FBIS-SOV-2001-0419.

took into account Russia's obligations under the European Convention on Citizenship, which it signed in 1997.²¹

The President's draft law received passage on its second reading on 20 February 2002. The draft was introduced by Deputy Head of the Duma Committee on State Development, who informed the deputies that the proposed residency requirement would be at least five years from the date an applicant obtained a residency permit, that knowledge of the Russian language would be required, and that citizenship could be denied to those who had committed premeditated crimes, though the president could grant citizenship in such cases.

The Deputy Chairman of the Duma Committee on State Development, Valerii Grebennikov, agreed that knowledge of Russian should be a requirement, as Russian is the state language. This position was supported by Aleksandr Kotenkov, the president's representative to the Duma, but opposed by a group of deputies headed by Viktor Alksnis, who objected that such a provision was akin to the discriminatory policies of the Baltic States. This latter position did not garner broader support.

The draft also eliminated the provision of the former law which allowed holders of foreign citizenship who were born on the territory of the Russian Federation to obtain Russian citizenship through a fast-track procedure. Such individuals would now be treated like all other applicants.

Finally, the Duma rejected amendments from the State Council of the Republic of Tatarstan to allow for citizenship of Russia's constituent republics to be granted simultaneously with Russian citizenship for individuals residing on the territory of those

²¹ "Russia: Putin asks Duma to pass federal law on Russian citizenship," Moscow *RIA* in Russian 0554 GMT 19 Apr 01, *FBIS Daily Report - Central Eurasia*, FBIS-SOV-2001-0419

republics.²² This firmly asserted the new balance of power, as the citizenship policy of the strongest republic was effectively deemed illegitimate, as will be discussed below.

President Putin promoted the new law on a trip to Kazakhstan where he argued that it would provide the basis for a migration policy that would balance the need for skilled labour, the well being of Russian citizens, and the interests of ‘compatriots’. The new law provided for a fast-track procedure for foreign citizens and stateless persons possessing skills or qualifications needed by the Russian Federation (Article 13, Point 2d), for admission by simplified manner for former Soviet citizens resident in another former Soviet republic who had not left that republic or taken its citizenship (Article 14, Point 1b).²³ He suggested that it would provide the tools to deal with abuse of the migration and naturalization systems.²⁴

The new law was passed in its third and final reading on 19 April 2002 by a vote of 252 to 152, requiring new citizens to complete a continuous five-year residency period following the acquisition of a residence permit, a legal income, and knowledge of the Russian language.²⁵

Critics of the new law, such as Duma Deputy and Deputy Chairman of the Duma Committee for CIS Affairs Anatolii Chukhoev, argued that the government had turned its back on the so-called ‘compatriot’ community in the CIS by restricting their access to Russian citizenship. Chukhoev argued that the government had been only too happy to assume control over the valuable and desirable assets as the legal successor to the USSR,

²² Stenogramma zasedaniia Gosudarstvennoi Dumy, 20 fevraliia 2002 g.,

[http://wbase.duma.gov.ru/steno/nph-sdb.exe?B0CWJF11&20.02.2002&F11&20.02.2002&F11&&F258&^&\]X1390](http://wbase.duma.gov.ru/steno/nph-sdb.exe?B0CWJF11&20.02.2002&F11&20.02.2002&F11&&F258&^&]X1390).

²³ “O grazhdanstve Rossiiskoi Federatsii,” *Rossiiskaia gazeta*, 5 iunia 2002g., N^o 100 (2968)

²⁴ “Russia: Putin says law on citizenship now necessary measure,” Moscow: *Interfax* in English 0816 GMT 2 Mar 02, *FBIS Daily Report – Central Eurasia*, FBIS-SOV-2002-0302 (02 Mar 2002).

²⁵ “Citizenship, Anticloning Bills Receive Final Nod,” *RFE/RL Newslines* Vol. 6, No. 75, Part I, 22 April 2002.

but was shirking its responsibilities for former Soviet citizens both through these restrictive policies of residency requirements and the overall lack of support given to Russian communities in other CIS states. He decried the treatment of Russians abroad as a mere labour pool, cast doubt on the ability of the government to absorb migrants, and blamed poor legislation and lack of political will for problems with migration policies and the spread of corruption in that field.²⁶

This new law proved too restrictive and the government was under pressure from both the left and the right to ease the conditions for citizenship acquisition for the so-called compatriots of other former Soviet states. A group of NGOs involved in human rights, migration and refugee issues and advocacy groups published an open letter to the president decrying the restrictive nature of the legislation and calling for more liberal access to Russian citizenship for former Soviet citizens.²⁷ In September of that same year the State Duma adopted a resolution authored by Russian Regions deputy Viktor Alksnis, asking the president to ease the restrictions imposed by the 2002 law, which had caused “serious difficulty for millions of our compatriots seeking to receive Russian Federation citizenship.”²⁸

The changes reversing the some of the more draconian measures for former Soviet citizens were quick in coming, as the president submitted a bill waiving the residency restriction, income statement, residence permit, and language test for those registered in Russia as of 1 July 2002 and who file their applications by 1 January 2006.²⁹

²⁶ “Noviy zakon o grazhdanstve RF – posledniaia tochka v razvale Sovetskogo Soiuza,” *Pravda.ru*, 5 March 2002, <http://news.pravda.ru/politics/2002/03/05/37886.html>

²⁷ “Open letter from a coalition of non-governmental organisations to Vladimir Vladimirovich Putin, President of the Russian Federation,” 21 May 2003, <http://web.amnesty.org/library/index/engeur460512003>

²⁸ “Duma Wants To Revise Law on Citizenship,” *RFE/RL Newslines* vol. 7, no. 172, Part I, 10 September 2003.

²⁹ “Bill Eases Rules for Citizenship,” *The Moscow Times.com*, Thursday, Sep. 25, 2003. Page 3.

This latest episode in the development of the membership rules for Russian citizenship attempted to balance three distinct positions with respect to issues of membership in the citizenship community of Russia. Nationalist and restorationist political elites of both the brown and the red variety expressed patriotic and paternalistic sentiments with respect to the extraterritorial Russians. Their primary interests were the protection of the rights of ethnic Russians living outside of the Russian Federation and they favoured inclusive citizenship policies as a means for the peaceful and incremental restoration of the Soviet Union. Inclusive citizenship policies also appealed to liberals and advocates for migrants, though for very different reasons. Their main concern was for the observance of human rights concerns and the reduction of statelessness. The final groups would comprise pragmatists concerned about Russia's impending demographic and labour crises. Citizenship policy determines legal migration flows and they see the Russian speaking populations of the other former Soviet republics as needed labour pools.

The end of the Soviet Union did not close the book on supranational citizenship projects for the Russian Federation. In the Russian case, membership has the potential for multiple dimensions or tiers. In the next section I will briefly outline cases of membership contested and abandoned, subnational and supranational citizenship.

Supranational Possibilities: Russia-Belarus Union Citizenship

On 3 April 1997 Belarus and the Russian Federation signed the Union Treaty and adopted a Memorandum of Understanding on questions pertaining to the amendment and adoption of the Charter of the Belarus-Russia union. The Russia-Belarus union treaty

went into effect on 11 June 1997 with the exchange of the two countries' ratification documents. In the fall of 1998 Belarus began to push publicly for Russia-Belarus Union citizenship legislation. By that time President Aleksandr Lukashenka had already submitted corresponding draft legislation to the Belarusian parliament allowing Russian citizens residing on the territory of Belarus to participate in local elections. Primary emphasis was placed on moving forward with common migration policies and visa regulations.³⁰

The Parliamentary Assembly of the Russia-Belarus Union approved the draft law on citizenship at its 2 November 1998 session. The legislation defines the legal status of Union citizens, ensures equal legal status for citizens of member states across the territory of the Union, and states that they will not be considered foreigners on each other's territory. Union citizenship is automatically granted to those who acquire the citizenship of one of the member states.³¹

Following numerous changes and delays, the Treaty on the Formation of a Union State was signed on December 8th, 1999, as a "further stage in the process of unification of the two countries".³² The primary focus of the Union is economic integration, but both treaty documents speak of forming a common state and provide for a Union citizenship. According to Article 14, the citizens of both member-states are subject to the same rights and obligations on the territories of the member states, unless otherwise specified in a bilateral agreement. Citizens of the member states have the right to vote and run for

³⁰ "Belarus: Belarus Says Union with Russia Requires Union Citizenship," Moscow *Interfax* in English 1223 GMT 11 Sep 98, *FBIS Daily Report – Central Eurasia*, FBIS-SOV-98-254.

³¹ "Russia: Russia, Belarus Approve Draft Law on Union's Citizenship," Moscow *ITAR-TASS* in English 1729 GMT 2 Nov 98, *FBIS Daily Report – Central Eurasia*, FBIS-SOV-98-306.

³² "Dogovor o sozdanii soiuznogo gosudarstva," website of the Belarus-Russia Union Parliamentary Assembly, <http://www.belarus.ru/obshie/osnovy/dogovor7/article.shtml?part1.shtml>, accessed 22 April, 2005.

elected office in Union parliament and gain employment in the institutions of the Union state. The citizens of member states have the right to form Russia-Belarus Union societal associations.

However, this Union exists almost exclusively on paper and while Yeltsin would display interest in fits and starts, Putin has largely turned his back on the whole affair. The citizenship legislation has yet to be ratified by the Russian State Duma and the common identity documents have yet to be approved and issued. Additionally, the weakness of these institutions and their distance from the daily lives and experience of Russian citizens have made the Union citizenship somewhat irrelevant. This has effectively rendered Russia-Belarus Union citizenship a dead letter, with neither content nor status.³³

Citizenship is an essential attribute of a state. The failure of Russia-Belarus Union citizenship to assume any substantive content reveals the Union itself to be an empty shell. However, this founding in the development of the Russian citizenship regime would give rise to another perplexing phenomenon: citizenship claims by the constituent units of the Russian Federation. Whereas supranational citizenship has failed to generate interest or consequence, the development of sub-national citizenship was hotly contested. Where Russia-Belarus Union citizenship seemed to be an unrealized project for the future, Tatarstani citizenship resembled a spectre of the past.

³³ Ruth Deyermond, "The State of the Union: Military Success, Economic and Political Failure in the Russia-Belarus Union," *Europe-Asia Studies*, December 2004, Vol. 56, No. 8, Pp. 1191-1205.

Sub-National Challenges: Citizenship of Tatarstan

Present-day Tatarstan is located in the middle Volga region of the Russian Federation. At the time of the collapse of the Soviet Union, Tatarstan had the status of an Autonomous Soviet Socialist Republic within the Russian Socialist Federative Soviet Republic (RSFSR), an ethno-federal territorial unit one rank below that of a Union Republic. The status of the republic constitutes one of the main historical grievances in relations between Moscow and Kazan. Tatarstan had been one of the most assertive republics within the Russian Federation and while it has been steadily acquiring many of the attributes of a sovereign state over the course of the 1990s, the area of citizenship is particularly politically significant and theoretically challenging. At the most basic level it raised the question of precisely what would be the content and function of a republican citizenship within the new Russian citizenship regime.

The issue of citizenship had been extremely prominent at the time of the 1990 Declaration of Sovereignty and the first attempt to enact such legislation occurred in 1992. However, the 1992 draft law was deemed too radical by the government of President Mintimer Shaimiev, as it tied citizenship to Tatar nationality, and it failed on its first reading in the Tatarstani parliament. Work on the law quietly continued culminating in the swift and little remarked upon passage of the first reading of the draft law in the spring of 1998. This was part of larger policy orientation of the Shaimiev government, which sought to balance the demands of Tatar nationalists with the interests of ethnic Russians within the republic, while maximizing the level of sovereignty it could wrest from the centre. Citizenship policy functioned both as a lever in federal-regional

relations and as an instrument of consolidation used by the Shaimiev regime at the republican level.

These institutions of sovereignty are not merely symbolic, but are both sources of distributive power and legitimacy. Additionally, the bargaining power of the centre steadily eroded from its high-water mark immediately following the abortive coup of 1991. The struggles between the legislative and executive branches of the federal government both diverted resources from the federal-regional arena and forced both sides in the federal dispute to curry regional support. While Moscow was able to force concessions as late as 1994, as evidenced by certain conditions of the Division of Powers treaty, signed in February of that year, this weakening trend facilitated the efforts of Tatarstan to maximize its sovereignty claims. As discussed above, this state of federal-regional relations began to change again in late 1999 with the balance of power once again shifting towards the federal centre.

An essential aspect of this story is how the issue of citizenship, originally the preserve of radical nationalists and conceived of in primarily ethnic terms, was taken over by the political establishment, represented by the republican executive headed by Shaimiev. His administration simultaneously used it to either co-opt or marginalize the nationalist opposition and to recast republic citizenship in territorial and civic terms.

According to the 1989 Soviet census, 48.5 percent of the population of the Republic of Tatarstan was ethnic Tatar and ethnic Russians constituted 43.2 percent³⁴, although by 1995 local officials were claiming that Tatars made up a little more than 50

³⁴Ron Wixman, "The Middle Volga: Ethnic Archipelago in a Russian Sea," in *Nations & Politics in the Soviet Successor States*, Ian Bremmer and Ray Taras, eds. (Cambridge: Cambridge University Press, 1993), 438.

percent of the population.³⁵ The high proportion of non-Tatars in the republic meant that ethnic outbidding and an exclusivist, ethnically-based citizenship policy were not viable options for Shaimiev, a leader who was interested in consolidating his grip on power by appealing to all the residents of Tatarstan and strengthening his bargaining position vis-à-vis the central government.

Tatar nationalism persisted throughout the Soviet period, resurfacing when openings for contestation and negotiation appeared. The demands for an upgrading of the status of Tatarstan to that of a union republic would be the most significant of these self-assertions, occurring during the drafting processes for both the 1936 Stalin constitution and the 1978 Brezhnev constitution. Despite the size of the population and territory of the republic and the existence of a distinct Tatar culture these demands were rejected on both occasions on the grounds that Tatarstan lacked an external border.³⁶

Soviet ethno-federalism and nationality policy served not only to reify (or in some cases to generate) particular identities, but as Teresa Rakowska-Harmstone argued, provided many national groups with the formal structures of statehood.³⁷ While Stalin's nationality policy was relatively successful in playing groups off against each other and ruling through intimidation and punishment, ethno-territorial units managed to hive off significant jurisdictional powers. This was always a dynamic process of successive gains and losses, but with de-Stalinization the stakes were lowered and the sub-national units were able to pursue more assertive policies. These aspirations and historical grievances

³⁵Mintimer Shaimiev, "Dear Readers of the Journal," *International Affairs*, no. 1 (1995), 3.

³⁶Edward Walker, "The Dog that Didn't Bark: Tatarstan and Asymmetrical Federalism in Russia," [article on-line] (Department of Foreign Affairs of the President of Tatarstan website; accessed 12 May 1997); available at http://www.ksu.ru/tat_rpbl/dfa/f_media/tatar.htm, 9.

³⁷See for example Teresa Rakowska-Harmstone, "The Dialectics of Nationalism in the USSR," in *The Soviet Nationality Reader: The Disintegration in Context*, Rachel Denber, ed. (Boulder, CO: Westview Press, 1992), 391-416.

would form much of the content and context for the battles between the centre and the regions at the next political opening provided by *perestroika*.

The citizenship policy of Tatarstan is inseparable from its drive for greater sovereignty within the Russian Federation. On 30 August 1990 the Supreme Soviet of the Republic of Tatarstan issued its Declaration on State Sovereignty. As the Soviet government continued to lose control over the centrifugal forces threatening to destroy the Union, Tatarstan was asserting its autonomy from both the Soviet and Russian governments. It was widely noted that the sovereignty declaration not only asserted the supremacy of Tatarstani laws on the territory of Tatarstan, but made no mention of being part of the RSFSR.³⁸ While initially supportive of Tatarstan's sovereignty claims, Yeltsin was soon to find the demands of Tatarstan as vexing as Gorbachev found those of Russia.

As early as March of 1990, the leadership of the USSR attempted to enlist the support of the autonomous regions in its struggle with the union republics in the drafting process of the renewed Union Treaty. The 10 April 1990 Law on Economic Relations and the 26 April 1990 Law on the Demarcation of Powers implicitly upgraded the status of autonomous republics in these areas.³⁹ Again this provided an opening for Tatarstan to press for an formal upgrading of its status and increased sovereignty and power within a renewed union, which the republic used to demand a seat at the table. Edward Walker has suggested that in its struggle against Russia for enhanced sovereignty, Tatarstan regarded the Soviet government as a natural ally.⁴⁰ In March of 1991 Yeltsin attached a

³⁸“*Declaration of State Sovereignty of the Republic of Tatarstan* (30 August 1990) [legislation on-line], (Department of Foreign Affairs to the President of Tatarstan website; accessed 12 May 1997); available at http://www.ksu.ru/tat_rpbl/dfa/decl1.htm; for more on this issue see Elizabeth Teague, “Russia and Tatarstan Sign Power-Sharing Treaty,” *RFE/RL Research Report* vol. 3, no. 14 (8 April 1994), 23.

³⁹John Russell, “Improbable Unions: The Draft Union Treaties in the USSR, 1990-1991,” *Review of Central and East European Law* (1996) no. 4, 393-394.

⁴⁰ Walker, “The Dog that Didn’t Bark,” 15.

question to Gorbachev All-Union referendum on the preservation of the Union, asking Russian voters to approve the creation of the office of RSFSR President. Tatarstan defiantly refused to add the question.

The Union Treaty was never signed, as the failed coup attempt of August 1991 hastened the dissolution of the USSR. The years 1991 and 1992 were the low point for relations between Moscow and Kazan and at that time many were more concerned about the possibility of violent conflict in Tatarstan than in Chechnia.⁴¹ These tensions were mirrored by growing polarization of Russians and Tatars within the republic. During this time radical nationalists, such as Ittifak's Fevzia Bairamova, played a prominent role, pushing the bounds of discourse to the extreme. Among her demands was that citizenship be reserved for ethnic Tatars unless resident Russians learned the Tatar language and chose Tatar citizenship over Russian.⁴²

In contrast to the extreme rhetoric coming both from the radical nationalist and from alarmists in Moscow, Shaimiev maintained his commitment to *mnogonatsionalnost'* ('multinationalism') as a historic legacy of Tatarstan and included it in every major piece of legislation, beginning with the Sovereignty Declaration.⁴³ However, relations between the centre and Tatarstan were further inflamed by the announcement of a referendum on the status of the republic on 21 February 1992. Despite repeated warnings from the Russian Supreme Soviet, pleas from Yeltsin, and a ruling by the Constitutional Court that the referendum was unconstitutional, the referendum was to be conducted as planned.⁴⁴

⁴¹"Tatar Republic President Interviewed on Ties to Moscow" (text) Warsaw: *Rzeczpospolita* in Polish (28 October, 1996, p.8) *FBIS Daily Report - Central Eurasia* 28 Octobers 1996 (FBIS-SOV-96-218).

⁴²Hafeez Malik, "Tatarstan: A Kremlin of Islam in the Russian Federation," *Journal of South Asian and Middle Eastern Studies*, vol. XVII, no. 1 (Fall 1993), 9.

⁴³*Declaration of State Sovereignty*

⁴⁴Anne Sheehy, "Tatarstan Asserts Its Sovereignty," *RFE/RL Research Report*, vol. 1, no. 14 (3 April 1992), 2-3.

It is interesting to note that the 16 March 1992 session of the Supreme Soviet of Tatarstan reaffirming the commitment to the 21 March referendum explicitly ensures dual citizenship with Russia.⁴⁵ This move was clearly aimed at calming the fears of ethnic Russians in the republic, as well as federal officials. Shaimiev repeatedly affirmed his commitment to dual citizenship, which appeared in both republican constitutional drafts then under consideration.⁴⁶

In the frenzy surrounding the referendum on the status of the republic, little media attention was given to the preparation of a citizenship law in Tatarstan. In most respects, the draft was typical of many post-Soviet citizenship laws with the exception of the call for a bilateral treaty with Russia recognizing dual citizenship. It employed the so-called 'zero-option', whereby all permanent residents are automatically given citizenship, as well as special provisions for automatic citizenship for those who left the republic upon its establishment (in 1920). For all other applicants, there was to be a five year residency period and the ability to speak one of the state languages was required.⁴⁷

Shaimiev continued to refuse to sign the 31 March 1992 Federation Treaty, while bilateral negotiations on a Treaty on the Delimitation of Powers produced a protocol of intentions, which was to lay the groundwork for the coming sessions.⁴⁸ While agreement in principle was reached on a number of legal issues, such as the both parties assuming responsibility for the observation of human rights, problems remained in the area of citizenship. Tatarstan's Vice President, Vasilii Likhachev, called for the adoption of a

⁴⁵ "Tatarstan Referendum to Keep 'Original Form'," (text) Moscow: *Interfax* in English (19:17 GMT, 16 March 1992) *FBIS Daily Report - Central Eurasia* 17 March 1992 (FBIS-SOV-92-052), 50.

⁴⁶ "Shaymiyev Forecasts Positive Referendum Results," Moscow: *Rossiia* in Russian (No. 12, 18-24 March 1992, p 4) (excerpt) *FBIS Daily Report - Central Eurasia* 20 March 1992 (FBIS-SOV-92-055), 64.

⁴⁷ "Tatarstan Prepares Law on Citizenship," Moscow: *Interfax* in English (16:59 GMT, 13 March 1992) *FBIS Daily Report - Central Eurasia* (FBIS-SOV-92-052), 54.

⁴⁸ "Tatarstan Leadership 'Optimistic' Over Russia," Moscow: *Rossiiskaia gazeta* in Russian (8 April 1992, first ed.) p 7, *FBIS Daily Report - Central Eurasia* 9 April 1992 (FBIS-SOV-92-069), 41

special agreement, which would provide for dual citizenship and a self-standing citizenship of Tatarstan.⁴⁹ Another sticking point was the conditions under which citizens of Tatarstan would serve in the military.⁵⁰ However, it must be noted that the majority of outstanding issues were economic ones.⁵¹

Against this backdrop of ongoing bilateral negotiations, Tatarstan passed a constitution on 6 November 1992. The second section of the constitution, entitled “The Person and the State,” outlines citizenship, the equality of citizens, human and civil rights, and duties and freedoms. Article 19 states that the republic shall have its own citizenship and that it shall be governed by the citizenship law of Tatarstan. Citizens of Tatarstan are automatically admitted to citizenship of the Russian Federation. It guarantees the right to citizenship and to change citizenship, and allows for dual citizenship when an appropriate agreement exists between Tatarstan and another state. Finally, it prohibits deprivation of citizenship.⁵² While this maintained the linkage between Tatarstani and Russian citizenship, it did not address the contentious issue of a self-standing citizenship for Tatarstan. These provisions were pretty standard fare in the post-Soviet context, reflecting the frequently stated desire to bring such legislation in line with international legal norms and to facilitate the observance of human rights, especially the provision prohibiting the deprivation of citizenship. This establishment of the

⁴⁹Ibid., 41-42

⁵⁰The issue of military service for Tatarstan would continue to be an significant issue. In an article detailing difficulties with AWOL personal and draft evasion, the assistant to the Kazan military garrison commander states that in addition to the usual problems, citizenship has began to play a role. It is unclear, in the absence of the proper legislation and treaties, if a Tatarstan citizen would be able to renounce Russian citizenship and thereby be disqualified for military service. See “Officer notes Difficulty with Draft in Tatarstan,” Moscow: Krasnaia Zvezda in Russian (26 November 1993), p 3. *FBIS Daily Report - Central Eurasia* 1 December 1993 (FBIS-SOV-93-229), 55.

⁵¹For a detailed description of the negotiation process see Walker, “The Dog that Didn’t Bark,” esp. 22-31.

⁵²*Constitution of the Republic of Tatarstan* (6 November 1992) [legislation on-line] (Department of Foreign Affairs of the President of the Republic of Tatarstan website; accessed 12 May 1997) available at http://www.ksu.ru/tat_rpbl/dfa/inform/const2.htm

constitutional framework for Tatarstani citizenship was another pre-emptive move in the direction of sovereignty.

The power-sharing agreement was finally signed on 15 February 1994. It details those powers which were to be exercised exclusively by Tatarstan, those which would be the joint responsibility of Tatarstan and Russian, and those for which Russia would be responsible. This is not the place for a thorough examination of the treaty, but for the purposes of this discussion of citizenship it is important to outline what both the gains and losses on that issue were and their implications for republican citizenship within the Russian Federation.

Article II of the treaty begins by recognizing the Constitution and legislation of the Republic of Tatarstan and enumerates the areas of exclusive republican control, which include the resolution of all questions of republican citizenship.⁵³ No aspect of citizenship was to be administered jointly, although there was a provision for both parties to be responsible for ensuring the human and civil rights of national minorities.⁵⁴ In Article IV Russia is to assume responsibility for "The regulation and protection of human and civil rights and freedoms; citizenship in the Russian Federation; the regulation and protection of national minorities."⁵⁵

The language of the treaty was sufficiently vague to allow for broad interpretation. There was no mention made of self-standing Tatarstan citizenship in the treaty and according to the constitutions of both Russia and Tatarstan citizens of Tatarstan were automatically citizens of the Federation. However, the referent law on the

⁵³"Text of the Russian Federation-Tatarstan Treaty," Moscow: *Rossiiskaia gazeta* in Russian (18 February 1994) first ed., p 5, *FBIS Daily Report - Central Eurasia* 23 February 1994 (FBIS-SOV-94-036), 34.

⁵⁴*Ibid.*, 35.

⁵⁵*Ibid.*

citizenship of Tatarstan was still in the drafting process, its basis and content still in question.

The Vice President of Tatarstan, Vasiliï Likhachev, was quoted as saying that the treaty would provide the path for the development of Tatarstan's domestic and foreign policy, the reform of the state apparatus, the formation of the legal system, and the solution for the complex of "humanitarian questions", which included citizenship, the protection of individual rights, and civil obligations.⁵⁶ He went on to claim that the treaty, by acknowledging the bilateral nature of relations between the Republic of Tatarstan and the Russian Federation, solved the problem of the status of Tatarstan. Such an association recognized Tatarstan as a state and its right to participate in international relations, and that it was on this basis that Tatarstan could enact legislation "pertaining to the sphere of international relation", such as citizenship.⁵⁷

Among the more contentious issues in the citizenship debate during the drafting process was the status of migrants. Between 1993 and 1996 over 185,000 CIS citizens came to the Republic, 37,000 of whom were designated as refugees or forced migrants by the migration service. The majority of these people came from Central Asia and almost 80 percent of them were ethnic Tatars. Although a law on the condition of refugees in the republic was passed in 1992, providing for the allocation of land, loans, and assistance in finding employment, the resources proved insufficient when they were

⁵⁶"Tatar Vice President on Relations with RF," (text) Kazan: *Izvestia Tatarstana* in Russian (8 September 1994, p.1-2) *FBIS Daily Report - Central Eurasia* 8 September 1994 (FBIS-SOV-94-102).

⁵⁷*Ibid.*

available at all.⁵⁸ Had these individuals had access to citizenship it is possible that their rights may have been more adequately protected.

Another issue which influenced the debate over citizenship was the long-delayed issuing of the new passport of the Russian Federation in the fall of 1997, which quickly became another site for the struggle over the shape of republican citizenship. The parliament of Tatarstan passed a resolution to suspend the issuing of the new passport to protest the omission of the identification of the bearer's nationality (*natsionalnost'*) and the absence of any mention of republican citizenship. President Shaimiev concurred with these objections, on the grounds that the Constitution of the Republic of Tatarstan and the bilateral treaty both provide for dual citizenship.⁵⁹ This issue was later resolved by a compromise measure suggested by Moscow. Passports issued in the ethnic republics of the federation would differ from those issued in the regions [*oblasti*] by the addition of a second title page in the document in the language of the republic, duplicating the information on the first page and including the nationality of the bearer. According to Tatarstan State Council Chairman Farid Mukhametshin, this model was acceptable and precluded the need for the republic to issue its own identity documents.⁶⁰

By early 1998 the conciliation commission of the Supreme Soviet of Tatarstan had completed its work and President Shaimiev again voiced his support for the adoption of a law on citizenship of Tatarstan in February of 1998. Under his influence the conciliation commission had removed provision allowing for the renunciation of Russian

⁵⁸"Russia: Migrants Face 'Catastrophic' Situation in Tatarstan," (text) Moscow: *Pravda* in Russian (27 March, 1996, p.2) *FBIS Daily Report - Central Eurasia* 27 April 1996 (FBIS-SOV-96-061).

⁵⁹"Tatar President Says Tatarstan May Issue Separate Passports" (text) Moscow: *Interfax* in English (13:10 GMT, 20 October, 1997) *FBIS Daily Report - Central Eurasia* 20 October 1997 (FBIS-SOV-97-293).

⁶⁰"Russia, Tatarstan Reach Compromise on Passports," *RFE/RL NEWSLINE* Vol. 3, No. 33, Part I, 17 February 1999.

citizenship by citizens of Tatarstan. Shaimiev deemed such an approach to dual citizenship as unacceptable and too radical, giving rise to the possibility of “serious complications and ... undesirable repercussions.” He claimed that the new version of the law was drawn up in accordance with the Tatar constitution and also corresponded to the provisions for dual citizenship in the Russian citizenship law.⁶¹ This revealed the limited nature of Shaimiev’s citizenship project, which did not project beyond the borders of the Russian Federation. However, the Russian presidential representative to the Federation Council, Anatolii Sliva, characterized the issuing of citizenship laws by republics as unacceptable, given that only the Russian Federation, not the particular republics, were subjects of international law. He added that such a move was politically motivated, but that “the Tatar parliament would not take such a step.”⁶² He was quickly proven to be mistaken.

On 15 April the law on citizenship passed the first reading in the State Council of Tatarstan. In addition to the provision of dual Russian-Tatarstani citizenship, the draft was reported to have extended citizenship to all those born on the territory of the republic, as well as their children and grandchildren. President Shaimiev expressed his approval of the changes to the draft legislation and rejected any attempts to link the law to separatism. He insisted that as a republic, Tatarstan had the right “to state symbols, including a republican constitution, emblem anthem, and also citizenship.”⁶³

The second draft of the citizenship law passed in the State Council in October 1998. It resembled the Russian citizenship law in most respects, some sections being

⁶¹“Russia: President Shaimiev Supports Law on Tatar Citizenship” (text) Moscow: *Interfax* in English. (12:35 GMT, 25 February, 1998) *FBIS Daily Report - Central Eurasia* 25 February 1998 (FBIS-SOV-98-056).

⁶²*Ibid.*

⁶³*Ibid.*

replicated word for word. Again, the one outstanding issue remained the nature of dual Russian-Tatarstani citizenship. While provisions for a self-standing citizenship for Tatarstan were eliminated with the revisions made to the first draft, the question of the ability of Tatarstan to grant Russian citizenship when conferring its own, as well as the ability of the centre to confer Tatarstani citizenship, remains unsolved. According to this draft, these matters are to be settled by a bilateral treaty, which as yet does not exist.⁶⁴

On the face of it, the adoption of a law on citizenship would appear to contradict Tatarstan's status as a constituent unit of the Russian Federation, yet throughout the drafting process the government of Tatarstan has insisted that it is not interested in outright independence. The text of the law itself offers precious little information about the significance of Tatarstani citizenship. However, the process of the drafting of such a law and its relation to the broader assertions of the republic is itself instructive.

The case of republican citizenship does not fit neatly into the framework of rights claims and obligations. However, it speaks to the renegotiation of citizenship communities, at least in the symbolic sense. At the level of republican politics the citizenship debate was about the appropriation and moderation of nationalism by Shaimiev's government on the local level. It became one of the instruments to consolidate power, marginalize the nationalist opposition, and promote an inclusive vision of the Tatarstani political community. An inclusive citizenship policy was also able to incorporate ethnic Russian Tatarstanis into the sovereignty movement, while satisfying ethnic Tatar aspirations and concerns about co-ethnics in other former Soviet republics. This moderate policy orientation, backed by the distributive resources of the

⁶⁴ *Proekt: Zakon Respubliki Tatarstan <<O grazhdanstve Respubliki Tatarstan>>*. October 1998, personal copy.

apparatus of the oil-rich republic, allowed for the relative political stability within the republic.

In terms of federal-regional relations, this issue is interesting in what it says about the ways in which citizenship policy may be used and the evolving shape of Russian federalism. This issue played out as an inter-elite game.⁶⁵ On the national level, the policy consistency and moderation, coupled with the aforementioned economic strength, translated into a bargaining position of strength at a time when the power of the central government was in decline. The ambiguities of asymmetrical treaty federalism allowed both sides to accept the outcomes after agreement was reached on the Treaty of Demarcation of Powers in February of 1994. While the formalization of Tatarstani citizenship has the potential to create confusion in the emerging Russian citizenship regime, the open disavowal of any claims to outright independence by Tatarstan appears to have ensured the ambiguity, which was the post-Soviet political *modus vivendi* under Boris Yeltsin. Under the presidency of Vladimir Putin, this opening bargaining has ended. However, Putin's reappointment of Shaimiev as the president of Tatarstan does indicate that some form of bargaining continues. As for the strange issue of republic citizenship, it constitutes something of a spectre of citizenship, all form and no content. As such it constitutes one of the more curious survivals of the Soviet citizenship regime, which provided autonomous republics with the formal institution of citizenship, which had no possibility of substantive content until the terms of citizenship could be renegotiated.

⁶⁵Jean-Robert Raviot, "Territoire et ethnicité au Tatarstan," *Archives europeennes de la sociologie*, XXXIV (1993), 185-187.

The cases of moribund Russia-Belarus Union and the status of Tatarstan within the Russian Federation demonstrate the relatively stability of post-Soviet borders and nature of the inter-elite bargaining that occurred around citizenship constancies. The trend has been away from multiple spaces of citizenship and towards a unified status that conforms to the operation of nation-state sovereignty. Accordingly, the Russia-Belarus Union has yet to make any legitimate claims on citizens. By contrast, the Russian state compels obligations from Tatarstanis in much the same as from other Russian citizens, as demonstrated in the discussion of taxation and military service below.

Citizenship Duties

Military service

As stated above, military service (along with taxation) is of the locus classicus of state claims upon citizens. These claims can be constitutive of the relationship between the state and its citizens, being onerous and demanding sacrifice. These claims are also often gendered, differentiating the respective duties of male and female citizens that have often been used to justified unequal rights claims. Post-Soviet Russia inherited the citizenship obligation of military service from the USSR and its ideal of conscript army. As discussed in the preceding chapter, the Soviet military service was seen as both a school for citizenship and essential for the integrity of the Soviet state.

The initial development of the terms of the military service obligations of was largely shaped by the inheritance of the Soviet military machine with all of its pathologies and the bargaining between the military establishment, mindful of its humiliating loss of control over Soviet conscription policy, and the liberal-reformist state, which had openly committed itself to ending the draft. Civil society was largely

excluded from this process, despite the work of the most mobilized and high-profile public organizations in this area. Groups that had achieved a certain level of influence and success in the policy arena during *glasnost*' in the late Soviet period found themselves increasingly isolated from the centres of powers, as former institutional allies were dissolved or transformed and the military increased its bargaining power through the Yeltsin regime's growing indebtedness.⁶⁶

The most prominent of these groups, The Committee of Soldiers Mothers, had enjoyed success around the issues of student deferments in the late Soviet period as a result of its cooperation the new Congress of Peoples' Deputies, which was eager to exercise its democratic mandate and test its new powers. This occurred at a time when the military had suffered a moral defeat as a result of the tragic, abortive attempt to rein in pro-independence demonstrators in Lithuania and as the military increasingly lost control over the institution of draft boards, especially in the non-Russian republics.⁶⁷

Conditions could not be more different in independent Russia. Yeltsin's dependence on the loyalty of the military brass established in the failed coup of August 1991 only deepened with his calling out the tanks to subdue the rebellious Supreme Soviet in October 1993. In the face of drastically reduced defence budgets that were never honoured in full, other rewards, such as concessions on military reform, formed an essential part of this bargain. The Russian parliament, which had been friendly to activists for military reform during the last years of *glasnost*', took on an increasingly hawkish complexion, as so-called patriotic forces and Communists emphasized the duty

⁶⁶ Steven L. Solnick has described the connection between the breakdown of the Soviet state and the loss of control of the draft by the Soviet military. See chapter 6 of his *Stealing the State* (Cambridge, MA: Harvard University Press, 1998).

⁶⁷ *Ibid.*

of citizens to serve and the need for a strong military to protect Russia's national interests.⁶⁸

This is not to say that military service became uncontroversial or universally accepted. Many independent military analysts promoted the idea of a professional army to meet the new security challenges of the post-Cold War world. Non-governmental organizations (NGOs), such as Soldiers Mothers and the Antimilitarist League, continued their agitation for ending the draft and assisted draft-aged men in evading the draft. Most significant is the increasing non-compliance of those subject to conscription in the face of the unresolved problems of brutal hazing (*dedovshchina*), the exploitation of conscript labour for non-military purposes, and the grinding wars in Chechnya.

The legal basis for military service is found in the constitution and most significantly elaborated in the laws "Military Duties and Military Service," and "On the Status of the Servicemen," while the provisions for alternative civilian service are covered in separate legislation only passed in 2004. Article 6 Point 2 of the Constitution states that "Every citizen of the Russian Federation shall have all the rights and liberties on its territory and bear equal duties, stipulated by the Constitution of the Russian Federation.," though this does seem to overlook the gendered nature of military service. Article 62, Point 2 stipulates that possession of foreign citizenship by a Russian citizen does not exempt that individual from citizenship duties. However, the article to most directly address the duty of military service is Article 59, which states:

1. Defense of the homeland shall be a duty and obligation of the citizen of the Russian Federation.

⁶⁸ Amy Caiazza, *Mothers and Soldiers: Gender, Citizenship, and Civil Society in Contemporary Russia* (New York: Routledge, 2002), 137-139.

2. The citizen of the Russian Federation shall do military service in conformity with the federal law.
3. The citizen of the Russian Federation whose convictions and faith are at odds with military service, and also in other cases stipulated by the federal law shall have the right to the substitution of an alternative civil service for military service.⁶⁹

Two major issues dominated debates over the citizenship obligation of military service: professionalization of the army and alternative service. Military reform has been one of the most difficult policy issues in post-Soviet Russia. The military establishment constitutes a very powerful interest group and has good relations and deep connections with the highest levels of power. However, it has been under increasing pressure to engage in meaningful reform so as to respond to the new security environment inaugurated by the end of the Cold War. A key part of any reform would involve some level of professionalization of the army. The large number of conscripts under arms and their relatively low level of training have been identified as two of the army's most serious weaknesses and linked to other problems, such as low morale and discipline problems.⁷⁰

The government's military reform plans have included the elimination of conscription since 1996 when Boris Yeltsin pledged to eliminate the draft by 2000 and proposals for contract soldiers have been around since 1993.⁷¹ The 1993 "Law on Military Service and Military Obligation" was amended in 1998 to allow for the contracting not simply of officer, but also of enlisted personnel.⁷² However, the Defence Staff have consistently argued that the conversion to an all volunteer force would be too

⁶⁹ Constitution of the Russian Federation, December 12, 1993.

⁷⁰ Pavel Felgenhauer, "Low Morale, Little Loyalty," *The Moscow Times* (April 19, 2005)

⁷¹ Alexander Golts, "Conscription Syndrome," *Yezhedelnyi Zhurnal*, no. 48 (2 December 2002) in *Johnson's Russia List*, #6602 (16 December 2002), #12.

⁷² "O voinskoi ob"iazannosti i voennoi sluzhbe (28 marta 1998 g.),"

expensive and unfeasible under current conditions. They have jealously guarded the draft, not only resisting reductions in the annual call-up quotas, but pushing for the rolling back of existing exemptions and service terms reductions, such as deferments for those enrolled in institutions of higher education. Russia's Defence Minister recently admitted that Russia will always need conscription.⁷³ This commitment to the draft lay at the centre of the other controversial issue connected with military service obligations: alternative civilian service.

Alternative Service: An Excursus

The 2004 spring call up of conscripts for the Russian armed forces saw the first opportunity for conscientious objectors to claim their right to alternative civilian service under federal legislation. While this right has been constitutionally guaranteed since 1993, a law elaborating its operation was only passed in July 2002, coming into force in 2004. Alternative civilian service has been a particular contentious issue, inextricable from sensitive debates over citizenship rights and duties, religious freedom, and military reform. I treat alternative service in greater detail because it lies at a particularly telling junction, combining the obligation to serve one's state, usually associated with republican citizenship and the ideal of the citizen soldier, with the recognition of an individual's right to conscientious objection, stemming from ideas of freedom of conscience and religious toleration. The conditions for the exercising of this right and the discharging of this duty cast a light on both the structure and character of this particular citizenship regime.

⁷³ "Minister Admits Russia Will Always Need the Draft." *RFE/RL Newslines*, vol. 9, no. 22, part 1, 3 February 2005.

As with many provisions in the constitution the particulars of exercising this right, such as who qualifies as a conscientious objector, the length and nature of alternative civilian service, and where such service is to be performed, was to be elaborated in corresponding federal legislation. The process of drafting and passing this legislation took almost nine years, during which alternative service claimants were for the most part denied their constitutional right. This delay resulted from a number of factors, some political and others merely practical or administrative.

In the case of alternative civilian service the military establishment constituted a powerful interest, which was well represented on the State Duma defence committee. It was consistently opposed to the legislation and intent on both frustrating the drafting and passage of such legislation and made every effort to make any legislation that did see the light of day particularly difficult to use. In large part these objections were framed in terms of national security and military preparedness, as the option of alternative civilian service would rob the armed forces of a valuable pool of conscript labour.⁷⁴ While there were non-governmental champions of alternative civilian service, namely Soldiers Mothers and the Antimilitarist Radical Association, they were able to exert little if any influence on the drafting process. Finally, the antagonistic relationship between the State Duma and the executive branch and the institutional predisposition to legislative gridlock in the second republic under the Yeltsin presidency served to retard the legislative process through partisan confrontation and the proliferation of nuisance legislative initiatives.⁷⁵

⁷⁴ Caiazza, *Mothers and Soldiers*, 138.

⁷⁵ For a detailed account of the tortured nature of the legislative process see Thomas M. Nichols, *The Russian Presidency: Society and Politics in the Second Russian Republic*, Macmillan, 1999, especially pp.120-122.

Under the Putin presidency the matter of alternative civilian service was resolved in a relatively timely manner as part of the general effort to complete the foundation and edifice of the 'dictatorship of law' and as one of the first tentative steps towards military reform. That said, it should be noted that the version of this legislation signed into law in July 25, 2002 was perhaps the more attractive to the military establishment, short of having no law at all.

The debate over the alternative civilian service and the resulting institutions are significant for Russia's emerging citizenship regime for a multiplicity of reasons. The course of the debate and the resulting legislation can tell us much about the relative strength of particular institutions and groups within civil society, their ability to bargain effectively with the state over particular rights and duties, and the nature of the public sphere. These issues address the gravity of citizenship obligations and the extent to which citizenship rights are actual and substantive.

Important issues in the development of the law on alternative civilian service include the course of debates surrounding the drafting of this legislation, the efforts of the military and civil society organizations to influence the terms of alternative service, including eligibility, duration, and place of service, and local municipal legislative innovations aimed at enabling conscientious objectors to both exercise their constitutional right and serve the state.

The conflict between the demands of states for universal, compulsory, male military service and the claims of individuals for exemption on the grounds of freedom of conscience may be mediated through the institution of alternative civilian service.⁷⁶

⁷⁶ An in-depth treatment of this topic may be found in Michael F. Noonan Jr.'s "Legal Aspects of Conscientious Objections: A Comparative Analysis," in *The New Conscientious Objection: From Sacred to*

Alternative civilian service simultaneously affirms the legitimacy of the state's claim that citizens must serve and defend the state, while recognizing the rights of individual citizens to freedom of conscience. However, this institutional compromise raises a number of practical questions, the determination of which reflects the character of the citizenship regime of a particular state.

Provisions for alternative service are necessarily restrictive, lest they open the floodgates to mass evasion of military duty. States with conscription which provide for alternative service must find the correct institutional balance to allow for the exercise of particular guaranteed rights, while preserving the integrity and equality of conscription.

As demonstrated below, it is difficult to insulate the issues of conscientious objection from larger issues of military reform, as proponents and opponents of alternative service use the limits of conscientious objection to promote their own vision of the relationship between citizen and state and the extent of the legitimate demands of the each on the other. This instrumentalization of the institution of alternative civilian service may be unavoidable in the development of Russia's citizenship regime and that the debate and its outcome provide the institutional framework for citizenship practice.

As noted above, alternative civilian service is not without precedent in Russian history, though its application was most restrictive. While several non-violent religious communities in Imperial Russia pressed for the right to alternative service, only the Mennonites were successful in securing, combining an historical claim with a strong bargaining position vis-à-vis the state. The Bolsheviks made allowances for conscientious objection and civilian service for both tactical and ideological

Secular Resistance, Charles C. Moskos and John Whiteclay Chambers II, eds., Oxford University Press, 1993.

considerations, as they were in need of allies to consolidate power and objectors could be viewed as common opponents of Tsarism. Restrictive provisions for alternative service were made from 1919, reaffirmed in the 1925 Law on Conscription, but were then dropped from the 1939 version of the legislation on the grounds that so few claimants had come forward, achieving the uniformity of civic duties and revolutionary consciousness in law if not in deed.⁷⁷

The concept of alternative civilian service returned to Russia during *glasnost*' when public space opened for discussion of previously taboo topics. It emerged both in the growth of new religious groups, and the diminution of barriers to freedom of conscience and in the context of discussions of the military reform in the wake of the disastrous Afghan War, which eroded much of what was left of public confidence in Soviet military and the ideal of universal military service.

Many of the ideas which emerge during *glasnost*' were carried forward by reformist forces in the newly independent Russian Federation. The inclusion of a provision for alternative civilian service in the constitution was part of a larger effort to construct liberal institutions and legislative frameworks as a means of anti-communist rehabilitation and an effort to bring Russian legislation and institutions into accordance with international standards.

From the very beginning the military establishment was opposed to the idea of civilian alternative service. Harsh conditions in the Russian military, especially for conscripts resulted in massive draft evasion. Poor food and housing conditions low wages, the rampant hazing of young recruits by older conscripts and officers, and the

⁷⁷ Baumann, *Universal Service Reform*, 31.

conflicts in Chechnia all contributed the deepening recruitment crisis.⁷⁸ In addition to the ideological opposition of the military establishment and many conservative politicians, it was feared that any provision for alternative civilian service would be abused by draft evaders seeking a legally sanctioned means for avoiding military service.

Following the approval of the new constitution in December 1993 a legal void was created in the area of alternative civilian service. An initial draft of an alternative service law passed first reading in the State Duma in December 1994⁷⁹, only to be returned to committee for further discussion and amendment. Progress on the bill was slow and in May of 1996 it was reported that work on the law on ACS continued during the difficult passage of the law on defence, which provides the legislative basis for the organization and regulation of the defence establishment.⁸⁰ It was not until October 7, 1998 that the draft law on ACS returned to the State Duma for its second reading, only to be rejected.

The prolonged absence of federal legislation led to a multiplicity of ad hoc and improvised approaches to the claiming of the right to alternative civilian service guaranteed under the constitution. Claims to alternative service were routinely rejected outright by draft boards, often resulting in fines or imprisonment to innovative local initiatives, which attempt to provide a framework and institution for the performance of alternative service.⁸¹ The variation in outcomes had the effect of compromising the principle of universality and in many cases constituted a clear violation of the

⁷⁸ "Who Will Serve in the Russian Armed Forces," *Rossia*, no. 1 (8 May 2001), translated by the WPS Monitoring Agency, in *Johnson's Russia List*, #5263 (21 May, 2001).

⁷⁹ "Conscientious Objection to Military Service in Russian Federation," Statement Submitted by the Transnational Radical Party, *Radical Party website*, <http://www.radicalparty.org/comm55/item%2011.htm>, accessed 18 March 2005.

⁸⁰ Doug Clarke, "Federation Council Approves Defense Law," *RFERL Newslines*, 16 May, 1996, <http://www.rferl.org/newsline/1996/05/1-rus/rus-160596.asp>, accessed 16 March 2005.

⁸¹ Guy Chazan, "Alternativniks" Challenge Russia's Conscript Army, *Wall Street Journal*, May 10, 2002.

constitutional rights of particular Russian citizens. State Duma Deputy Iulii Rybakov revealed that he had learned from the General Staff at the Defence Ministry that 1,966 individuals who had been drafted asked to perform alternative civilian service.⁸² Of this number of claimants it was reported that 3 had been jailed for draft evasion.

In the midst of this legal void a number of municipalities stepped into the breach by providing their own mechanisms for the exercise of the right to alternative civilian service. First among these was Nizhnii Novgorod. Under a program initiated by a municipal order of June 27, 2001, alternative civilian service claimants provided a much needed labour pool for the provision of arduous and low status jobs in local hospitals. The program began operation in the fall of 2001, when the twenty successful claimants (out of a total of fifty-one applicants) began work at City Hospital No. 1.⁸³ Designed and administered by the City Administration Committee on Servicemen Affairs of Nizhnii, the program had the approval of the mayor and the governor of Nizhnii Novgorod Oblast', Gennadii Khodyrev.

According to the provisions of the program the conscientious objectors were to serve as orderlies in local hospitals, working eight hours a day for 354 roubles per month for a period of three years. In order to determine the legitimacy of a claim, applicants were made to visit seriously ill patients and a morgue in a hospital, which in combination with the long service terms of three years (compared to two years for military in the army) and low pay was intended to scare off false claimants.

⁸² Yelena Roudneva, "Alternative Service Pioneers Fear Draft," *gazeta.ru*, February 13, 2002. See also Tatyana Titiova, "Christian Conscientious Objector Imprisoned," *Keston News Service*, 19 April, 2001, <http://www.starlightsite.co.uk/keston/kns/2001/010419RU.htm>, accessed 11 March 2005.

⁸³ Guy Chazan, "Alternativniks" Challenge Russia's Conscript Army, *Wall Street Journal*, May 10, 2002.

Local officials stressed the high costs for conscientious objectors participating in their alternative civilian service program. While describing the physical demands of the hospital work, the Chair of the City Administration Committee on Servicemen Affairs, Lev Pavlov stated that he “personally would never have done it.”⁸⁴

An analysis of the Nizhnii experiment by the General Staff Main Mobilization Department revealed that the introduction of the option of civilian service had no effect on the number of draft evaders. Out of a total of 9885 recruits called up for the annual draft in 2001, only 60 requested alternative civilian service and of those only 15 reported for duty at the hospital to perform this service.⁸⁵ During this period the proportion of draftees opting for evasion remained relatively stable in comparison to past years. However, the program was put in place by the city administration without the support of the local draft board.⁸⁶ While this arrangement did allow potential conscientious objectors to exercise their constitutional right, it was a clear infringement by a local government on a federal competency.

Senior officials in the Defense Ministry were extremely critical of these local experiments on the grounds that matters of defense policy were the preserve of the federal government and these localities had intruded on an area of exclusive federal competence. The Head of the Administration for the Organization and Mobilization at the Defense Ministry, Vladislav Putilin, insisted that alternative civilian service should only be offered following the passage of a federal law.⁸⁷ This view was echoed by

⁸⁴ Sarah Karush, “Russian Pacifists Serve in Hospitals,” *AP*, February 14, 2002.

⁸⁵ “Alternative Service Introduction to Have No Effect on Number of Dodgers,” *Interfax/AVN*, December 6, 2001.

⁸⁶ Vladimir Dolgodvorov, “Smes’ konstitutsionnogo s nizhegorodskim,” *Trud*, 9 November 2002, <http://www.trud.ru/Arhiv/2001/11/09/200111092070802.htm#>

⁸⁷ “Defense Ministry Accuses Regions of Meddling in Matters of National Security,” *RFE/RL NEWSLINE* Vol. 6, No. 24, Part I, 6 February 2002.

President Vladimir Putin, who voiced his support for the concept of alternative civilian service but insisted that experimentation prior to the passage of federal legislation was illegal and that all activities in that sphere should be referred to the Office of the Prosecutor General.⁸⁸ He was even more stinging in his criticism of the Nizhnii experiment, dismissing it as the politicization of the issue by an unpopular mayor seeking re-election.⁸⁹

One of the problems for those who select alternative service under these experimental municipal schemes was that because they were not recognized by the federal government and the armed forces there was no guarantee that those who have completed the alternative service will not be called up again for military service. High-ranking military and Defence Ministry officials hinted as much during criticism of the Nizhnii experiment. When the decree by the mayor authorizing the alternative service experiment was overturned by a February 2002 regional court decision, the General Staff ordered the conscientious objectors working in Nizhnii to report for military duty, prompting them to quit their jobs at the hospital and effectively ending the experiment.⁹⁰

Demonstration effect was another motivation for the federal for opposition to the Nizhnii experiment. The city of Perm very quickly followed the Nizhnii example, allowing the Perm Centre for the Support of Democratic Youth Initiatives to place individuals who had been approved for alternative civilian service.⁹¹ Even as late as

⁸⁸ "Putin Says He Supports Alternative Military Service..." *RFE/RL NEWSLINE* Vol. 6, No. 49, Part I, 14 March 2002.

⁸⁹ "...As He Slams Nizhnii Novgorod's Experiment." *RFE/RL NEWSLINE* Vol. 6, No. 49, Part I, 14 March 2002.

⁹⁰ Conscientious Objectors Caught in Battle between Center and Region, *RFE/RL NEWSLINE* Vol. 6, No. 116, Part I, 21 June 2002.

⁹¹ "Regional NGOs Force Military to Accept Alternative Service, EastWest Institute Russian Regional Report, (Vol. 7, No. 6, 13 February 2002), *Center for Security Studies at the Swiss Federal Institute of*

March 2002, as the government was preparing to release its draft legislation, the city of Petrozavodsk announced plans to introduce its own local program for up to 300 claimants who would serve only 2 ½ years.⁹²

In late 2001 there was significant progress on the issue of alternative civilian service on several fronts. The Kremlin sponsored 'Civil Forum' which was widely derided as an attempt to manage civil society, provided a forum for a face-to-face meeting between Defence Ministry officials and NGOs active in the campaign for the realization of alternative civilian service.⁹³ Debate also occurred at the cabinet level. A draft law on alternative civilian service was prepared by the government and presented in January 2002, which was based on recommendation of the General Staff and the Defence Ministry.⁹⁴ The provision under this draft were particularly onerous, outlining a four year service term, as well as stipulating that the service should be extraterritorial, meaning that it should be performed outside the objector's place of residence, and that the service is to be performed in non-combat roles in the military. This draft also required the claimant to prove to the draft board that military service would violate his convictions, religious or otherwise. However, the draft produced by the Defence Ministry was not the only variant developed by the government.

Given its responsibility for the administration of labour resources, the Labour Ministry was also charged with the preparation of draft, which outlined the economic

Technology <http://www.isn.ethz.ch/researchpub/publihouse/rrr/docs/rrr020213.pdf>, accessed 8 February 2005.

⁹² "Another Russian City Plans to Offer Alternative Military Service," *RFE/RL Newslines* Vol. 6, No. 42, Part I, 5 March 2002.

⁹³ "Regional NGOs Force Military to Accept Alternative Service, EastWest Institute Russian Regional Report, (Vol. 7, No. 6, 13 February 2002), *Center for Security Studies at the Swiss Federal Institute of Technology*, <http://www.isn.ethz.ch/researchpub/publihouse/rrr/docs/rrr020213.pdf>, accessed 8 February 2005.

⁹⁴ "Government Drafts Bill on Alternative Service," *RFE/RL Newslines* Vol. 6, No. 6, Part I, 10 January 2002

sectors and professions in which alternative service can be performed. It was then decided that a compromise government draft, based on the Labour Ministry version but amended in consultation with the military and the Defence Ministry was to be presented to the State Duma by Labour Minister Aleksandr Pochinok. This variant allowed for civilian service to be performed near one's place of residence and for the possibility of being enrolled in institutes of higher learning while performing alternative service.⁹⁵

More than one commentator on military affairs believed that the selection of the more liberal Labour Ministry draft was part of a larger effort to force the General Staff and Defence Ministry to more actively pursue military reforms.⁹⁶ There had been little movement on professionalization of the armed forces, which could eventually render conscientious objection and alternative service a dead letter and significantly alter the obligations constituting the institution of citizenship. Even those who insisted that the primary significance of this was the concretization of a constitutionally guaranteed right admitted that such rapid movement after years of glacial progress was likely a function of the desire to reform the military on the part of the bill's sponsors.⁹⁷

The draft legislation was introduced for first reading on April 17, 2002. The State Duma was to consider four variants of the legislation, but one was withdrawn just prior to the session. This left the deputies to choose from the government draft, an independent 'democratic' draft authored by Iulii Rybakov, Eduard Vorobiev, V.N. Lysenko, A.E.

⁹⁵ "... Reaches Compromise on Alternative Service," *RFE/RL Newswire* Vol. 6, No. 27, Part I, 11 February 2002

⁹⁶ John Boyle, "Analysis: Rampages Ignite Russian Debate on Army Reform," *Reuters*, February 17, 2002.

⁹⁷ Yuri Filippov, "How to Serve Fatherland without Arms in Hand." *RIA Novosti* (Moscow), April 9, 2002.

Barannikov, and Oleg Shein, and a 'radical' draft from V. Semenov.⁹⁸ The government draft was presented by Labour Minister Pochinok. He explained that the government took a balanced approach to alternative civilian service, allowing successful claimants to serve in or near their place of residence and to continue with their studies.⁹⁹

Rybakov introduced the 'democrat' draft by maintaining that a professional army would be more effective and Russia should follow the example of Western countries, where laws are not made by generals. After labeling the government's proposal as general's draft, he emphasizing that his draft would not require any evidence or substantiation of convictions by conscientious objectors before draft boards and that it envisaged an alternative service term equal to that of military service.¹⁰⁰ This version would dramatically reduce the costs of conscientious objection by allowing for service in the place of residence and no extension of the service term.

In Semenov's address to the State Duma he explaining that the true goal of his draft was the promotion of the refusal of military service in general. He also highlighted his extremely liberal stand on the issues of term of service, place of service, and type of work which would be available to conscientious objectors.¹⁰¹ The aim of this draft was to challenge the ideal of the citizen-soldier and to question the claim of the state on its citizens for the performance of military service. Such a vision of the citizenship regime went well beyond the unrealized liberal conditions set down in the 1993 constitution.

⁹⁸ Tat'iana Smol'iakova, "Chelovek bez ruzh'ia," *Rossiiskaia gazeta*, April 4, 2002, http://www.rg.ru/Anons/arc_2002/0417/1.shtml accessed 16 March 2005.

⁹⁹ *Plenarnye zasedaniia Gosudarstvennoi Dumy Rossiiskoi Federatsii*, 17 apreliia 2002 goda, Dnevnoe zasedanie, http://www.akdi.ru/gd/PLEN_Z/2002/04/17-04_d.htm accessed 16 March 2005.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

Representatives of the Defense Committee and the Legislation Committee also made presentations at the daytime session. Andrei Nikolaev reported that the Defense Committee was a co-initiator of the government draft and had based its decisions on the central question of whether male citizens must fulfill their duty to defend the Motherland. Having reached the conclusion that all young men must perform this duty, they suggested that those of draft age not called up for military service should perform alternative service as required by the state.¹⁰² It should not be surprising that the Defense Committee would emphasize duty and state security, as well as the role of the state in directing the disposition of alternative service labour resources.

Pavel Krashennnikov, representing the Legislation Committee highlighted the need to ensure the exercise of the constitutional right to alternative civilian service through legislation which is not discriminatory. He dismissed Semenov's draft out of hand as romantic and criticized Rybakov's draft for ignoring the rights of the indigenous small-numbered peoples, whom he claimed should qualify for alternative service if they practice traditional, aboriginal lifestyles. While he acknowledged that the longer service terms were discriminatory, the committee believed that the government draft was the best and recommended its adoption in the first reading.¹⁰³

Representatives of all of the major fractions in the Duma spoke during the open to discussion and debate of the drafts at the evening session of the April 17, 2004. Unity, Fatherland-All Russia, Peoples Deputies, and Russia's Regions all supported the government draft. The Communist Party of the Russian Federation claimed that the legislation was inopportune, as the priority should be on solving the current problems of

¹⁰² Ibid.

¹⁰³ Ibid.

the military, such as hazing and the sending of conscripts to 'hot spots,' such as Chechnia, while the imposition of alternative service would only make matters worse.¹⁰⁴ They appeared to be entirely unconcerned with the constitutional rights of conscientious objectors. In a similar vein the Agrarians opposed all of the drafts, claiming that the prime concern should be national security and that young people should be called up to work with computers rather than chamber pots. Both Yabloko and Union of Right Forces criticized the government draft for what they saw as an excessively long service term. Rybakov added that the government draft was unworkable and that it would only result in the poor having to serve in the military while those that who were able to bribe their way out compulsory service would successfully evade their civic duty.¹⁰⁵

In the voting that followed the drafts by Rybakov and Semenov were rejected, while the government draft was approved by a narrow margin, gaining 245 votes in its favour. The draft was then adopted in its first reading in a vote of 251 for the motion.¹⁰⁶

The reaction of civil society groups who had campaigned for the passage of alternative civilian service legislation overwhelmingly negative. Valentina Melnikova of the Russian Union for Soldier's Mothers Committee claimed that the provisions were humiliating and impossible for conscientious objectors to fulfill.¹⁰⁷ It is telling that much of the critical reaction centred on the restrictive terms of alternative service, which constructed alternative service as a necessary option for allowing young men to avoid the dangers of army life. Such a provision would have such an elastic definition of

¹⁰⁴ *Plenarnye zasedaniia Gosudarstvennoi Dumy Rossiiskoi Federatsii*, 17 apreliia 2002 goda, Veчерnee zasedanie, http://www.akdi.ru/gd/PLEN_Z/2002/04/17-04_v.htm accessed 16 March 2005.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Vladimir Kovalev, "Russia: Lengthy Alternative," *Transition Online*, 16-22 April, 2002, <http://www.tol.cz/look/TOL/article.tpl?IdLanguage=1&IdPublication=4&NrIssue=33&NrSection=6&NrArticle=4209> accessed 16 March 2005.

conscientious objection that the very institution of military service obligation would itself be challenged.

At the other end of the spectrum, the Defence Minister, Sergei Ivanov said that he was satisfied with the draft, but that he would have preferred a service term of 6 years for alternative civilian service.¹⁰⁸ This length was based on a calculation of hours of service for military personnel, noting that they are on duty twenty-four hours a day and do not receive holidays. It also clearly demonstrates a preference on the part of the military establishment for terms of alternative service so onerous as to be all but impossible to fulfill.

The second reading of the government draft occurred on June 19, 2002, resulting in only minor changes despite the hundreds of amendments submitted by liberal deputies. The most significant change was the reduction in the term for alternative service from four years to three and a half years for those without higher education and from two years to twenty-one months for those with higher education. Those who performed their service on military installations would have their terms reduced by six months. The controversial clause requiring claimants to prove their convictions before draft remained unchanged. The decision as to where alternative service was to be served was also left up to the discretion of the military, rather than automatically being in their place of residence.¹⁰⁹

¹⁰⁸ "Duma Adopts Bill on Alternative Service," *RFE/RL Newswire* Vol. 6, No. 73, Part I, 18 April 2002.

¹⁰⁹ *Plenarnye zasedaniia Gosudarstvennoi Dumy Rossiiskoi Federatsii*, 19 iuniii 2002 goda, Veчерnee zasedanie, http://www.akdi.ru/gd/PLEN_Z/2002/06/19-06_v.htm

The final reading of the draft took place on June 28, 2002, and it was adopted with a vote of 237 in favour,¹¹⁰ thereby preserving the changes made in the second reading. It quickly passed the Federation Council without significant debate¹¹¹ and was signed into law by the president on July 28, 2002.

The final text of the law retains its restrictive character, both in terms of the length of service and the process for the verification of pacifist convictions, which was left to the discretion of representatives of the military on the draft boards. Critics have argued that these provisions have made the right to alternative civilian service all but impossible to exercise. There are real questions about whether the law will allow conscientious objectors to exercise their rights. States may legitimately make alternative civilian service less attractive and more costly than military service through measures such as extended service terms in an effort to limit free riding by would be draft dodgers. However, conditions which unnecessarily put the lives of conscientious objectors in danger, such as placing them in combat units where they are likely to suffer abuse, compromises the right that the legislation was intended to protect.

At the same time, the passage of the legislation is a significant step in filling in the institutional and legal framework of the citizenship regime. A restrictive federal law elaborating a citizenship right, however flawed, is far superior to no federal law. The inability of liberal politicians and human rights activists to influence the drafting process reflects the current political realities in Russia and the continued strength and conservatism of the military establishment. However, military reform in some form is

¹¹⁰ *Plenarnye zasedaniia Gosudarstvennoi Dumy Rossiiskoi Federatsii*, 28 iunii 2002 goda, Vechemee zasedanie, http://www.akdi.ru/gd/PLEN_Z/2002/06/28-06_u.htm

¹¹¹ "Series of Landmark Bills Race through Upper Chamber..." *RFE/RL Newslines* Vol. 6, No. 128, Part I, 11 July 2002.

inevitable. When it happens the terms of conscientious objection, alternative service, and universal military service will be reconfigured. The drafting process may be viewed as not simply the a conflict between 'reformers' and the military establishment over issues of military reform and manpower, but also the contestation over what the state can legitimately claim from its citizens and the extent and purchase of particular citizenship rights.

The debate over alternative civilian service and the final text of the law offer a particularly telling view of the operation of the citizenship regime and the development of the rights and duties of citizens. The founding of the citizenship regime opened the opportunity for radically remaking the obligation of military service. The formally liberal and anti-Soviet orientation of the drafters of the Constitution allowed for the possibility of alternative civilian service in the place of military service. The public sphere was relatively open and served as the forum for a debate among mobilized groups from society opposed to conscription and in favour of alternative civilian service. However, the strength of these groups relative to conservative elements within the military establishment made them weak bargaining partners, as the shape of military service was contested. The final version of the law on alternative civilian service resulted from the compromising of the initial revolutionary impulse which envisioned alternative civilian service by the requirement of the state to make concessions to the military in order to consolidate and maintain power.

The case of taxation offers a different policy trajectory, demonstrating how the outcomes of these bargaining processes can vary from issue to issue and over time, according to the players involved and the capacity of the state.

Taxation

The significance of taxation in a citizenship regime lies in the recognition by citizens that taxation, while not necessarily popular, is legitimate. The bargaining takes place over the levels and extent of taxation. Abnormally high levels of tax evasion or non-compliance, such as those that existed in Yeltsin's Russia, suggest a breakdown in the citizenship order rooted in a crisis of state capacity or legitimacy or both.

Throughout this work I have emphasized the pattern of the initial ideological orientation of attempts to restructure citizenship which then collides with the practical demands of governance and rule. While post-Soviet taxation conforms to this pattern, it also exhibits the unique characteristic of the eventual realization of original ideal of citizen-taxpayer, albeit in a more radical form. In large part this is due to the absence of a powerful, mobilized constituency opposed to the dominant regime's vision and policy. This is not to say that there was no opposition to the transformation of the taxation system, as the Communist-dominated State Duma was able to frustrate government reform plans throughout the 1990s. However, the real resistance to taxation policy was in the form of unorganized tax evasion by the citizenry.

Tax reform played a central part of the negotiation of a new social contract between the Russian state and its citizens that has emerged under the Putin presidency. Compliance with low levels of taxation involves the acceptance of a taxpayer identity. Linda Randall has argued that the lack of cultural support and popular legitimacy of the

Russian government under Yeltsin led to widespread evasion of both personal and business taxes.¹¹²

Post-Soviet tax policy is an innovation, given the absence of a real tax culture in the Soviet Union. In the command economy taxes were predominantly an instrument for budgetary transfers and planning, rather than income extraction. Soviet citizens did pay taxes, which were even listed on pay stubs, but the levels were nominal, the taxes were more or less invisible as they were taken off at the source, and without the requirement to file returns taxation was not part of everyday lived experience.¹¹³ The transition to a market economy necessitated a real tax policy, as the state gave up its role in controlling the economy and divested itself of many of its assets. Revenue generation quickly emerged as a pressing issues and a demand developed for tax administration capacity.

Particular tax policies result from bargaining both between state institutions and between the state and those liable for and dependent upon taxes. Margaret Levy argues in *Of Rule and Revenue* that states will seek to maximize extraction but are constrained by mobilized groups and institutions.¹¹⁴ To this game theory explanation of state behaviour I would add an ideational component, which informs preferences. It is important that the government drafting tax policies was liberal-reformist in its economic orientation, while the main opposition to these policies came from the Communist-dominated parliament.

Income tax policy under Yeltsin began even before the collapse of the USSR with the 1991 Law on Basic Principles of Taxation. It provided for a five-tiered system of

¹¹² Linda M. Randall, *Reluctant Capitalist: Russia's Journey through Market Transition* (New York: Routledge, 2001), 151.

¹¹³ Newcity, *Taxation in the Soviet Union*, 15-16.

¹¹⁴ Margaret Levi, *Of Rule and Revenue*, Berkeley: University of California Press, 1988.

progressive income tax rates. The conditions under which this law was drafted played an enormous role in its performance. This law emerged in the context of the struggle between Yeltsin and Gorbachev for the support of the regional party bosses. The bargaining with these powerful regional elites yielded a flexibility in the law to impose additional taxes at the regional level. This resulted in the proliferation of the number of taxes and a system that became excessively complicated and made compliance too expensive.

There were two unsuccessful attempts at comprehensive tax reform under Yeltsin. The first was in the late 1991 under the stewardship of Yegor Gaidar and the second was attempted under the tenure of Anatolii Chubais in 1997. Both aimed at simplifying the system through the reduction of the number of tax brackets and the lowering of tax rates. Daniel Treisman and Andrei Shleifer locate the failure of both of these attempts to the subordination of economic reform to centre-regional bargaining, which militated against transparent tax and the clear division of tax bases between levels of government (even when passed into law, as in the Case of the 1991 “Law on the Basic Principles of Taxation”) structures.¹¹⁵ In addition, these attempts were blocked by the antagonistic parliaments, dominated by Communist and so-called ‘patriotic’ parties, who opposed proposals to lower rates for high income earners or any other attempts to further liberalize the tax regime. This repeats the typical patterns of politics under Yeltsin of centre-periphery bargaining increasing decentralization, while antagonism between the legislative and executive branches of the federal government resulted in political and legislative gridlock.

¹¹⁵ Andrei Shleifer and Daniel Treisman, *Without a Map: Political Tactics and Economic Reform in Russia* (Cambridge, MA: MIT Press, 2000), 141.

Tax administration efforts to improve compliance followed two parallel tracks, both of which were aimed at drawing income out of the grey economy. The first involved what Gerald Easter has called bureaucratic-coercive measures in his work on the primary institution involved charged with this work, the tax police.¹¹⁶ The Tax Police was established in 1991, combining policing with revenue generation. This organization ceased to exist as an autonomous body in 2003, when it was absorbed into the interior Ministry under its Economic Crimes Directorate.

In response to the problem of evasion of personal taxes, Deputy Prime Minister Viktor Khristenko raised the issue in the Provisional Emergency Commission for Tightening Fiscal and Budget Discipline in May 1998. The improvement of collection data and the individual registration of tax payers were cited as important steps to improving collection, as well as closing loopholes in the tax legislation.¹¹⁷

In January 1999 taxation minister Georgii Boos stressed the importance of the creation of conditions under which citizens would not choose to conceal income, including the reduction of arbitrary action by the police, the bureaucracy and the tax administration, protection from criminals, an operational banking system, and a judicial system which could offer protection and redress. Boos agreed that the existing legislation was a 'paper tiger', but he emphasized the necessity of such legislation as one of the multiple instruments that should be at the disposal of the state to ensure compliance. This corresponds to the second approach; the promotion of voluntary self-declaration through a simplified tax system and lower rates, so as to improve compliance and the assignation of individual tax identification numbers to all taxpayers to facilitate reporting.

¹¹⁶ Gerald Easter, "The Russian Tax Police," *Post-Soviet Affairs*, vol. 18, no. 4 (Oct.-Dec. 2000), 332-362.

¹¹⁷ "Russian Commission Views Income Tax Evasion by Individuals," *Moscow Interfax in English* 1525 GMT 29 May 98, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-98-149).

There were repeated attempts to reduce both the number of brackets and the overall rates of taxation between 1997 and 1999. The government submitted new progressive income tax rates to the State Duma on 17 November 1997. The legislation established taxation rates of 12, 16, 20, and 35% for incomes up to R40 million, R70 million, R150 million, and over R150 million respectively. The measure was adopted by the Duma on 19 December 1997, passed by the Federation Council on 24 December, and signed into law by the president 2 January, 1998.¹¹⁸ A subsequent proposal to further reduce rates and lower bracket thresholds was rejected by the Duma in July 1998.¹¹⁹

In a foreshadowing of things to come Deputy Prime Minister Aleksandr Shokhin announced that plans for a flat income tax of 20% with an exemption for citizens with very low incomes in September 1998.¹²⁰ However, this plan was not realized and at the end of October the head of the State Tax Service, Georgii Boos, announced the more modest reduction in the number of tax rates in the progressive scale from 6 to 5 with the elimination of the 30% rate. The new scheme would see rates of 12%, 15%, 20%, 25%, and 35%.¹²¹

¹¹⁸ Gennadiy Yezhov, "Russia: Russian Government Submits New Tax Rates to Parliament," Moscow: *ITAR-TASS World Service in Russian* 1724 GMT 17 Nov 97 in Russian, translated by the Foreign Broadcast Information Service, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-97-322); Russia: Yeltsin Signs Income Tax Law, Moscow: *ITAR-TASS in English* 1033 GMT 2 Jan 98 *ITAR-TASS in English* (Friday, January 2, 1998) *FBIS Daily Report – Central Eurasia* (FBIS-SOV-98-002).

¹¹⁹ "Russia: Duma Votes Down Income Tax Bill in Second Reading," Moscow *Interfax in English* 1041 GMT 17 Jul 98, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-98-198).

⁸ "Russian to Pay Maximum Income Tax on Income of R240,000," Moscow *Interfax in English* 0846 GMT 30 Oct 98, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-98-303).

⁹ "Russia: Government Proposes new Income Tax System," Moscow *Interfax in English* 1619 GMT 7 Dec 98, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-98-334).

In February 1999 the IMF highlighted tax compliance as one of its major concerns, urging the government of the Russian Federation to do more in terms of education and improved assistance to taxpayers.¹²²

The real tax revolution followed the election of Vladimir Putin as president. In May 2000 the Russian government announced its proposals for a 13% flat tax for all individuals beginning in 2001.¹²³ This measure was intended to raise tax compliance by simplifying the system and lowering the rate to make payment more palatable. In practical terms, it was aimed at drawing hidden incomes into the legitimate economy. However, it also was the boldest move towards the free market ideal that had animated all previous reform efforts; minimal taxes were to be assessed in a transparent and non-redistributive manner, further removing the state from the social sphere and the economy. The tax was universal both in the application of a single rate to all taxpayers and by the inclusion of previously exempted categories of state worker, including judges, prosecutors, and other state officials, as well as military personnel. The measure was passed by the Duma as part of four chapters of the new tax code on 19 July 2000.¹²⁴

Senior officials from both the Finance Ministry and the Ministry for Economic Development and Trade affirmed the government's commitment to the single tax rate for a period of at least 5 to 10 years.¹²⁵ The new flat tax would not eliminate the need for annual individual tax returns, as was widely rumoured, but rather would eliminate most at

¹²² "Russia: IMF Urges Improved Tax Law Compliance," Moscow *Interfax* in English 1043 GMT 17 Feb 99, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-99-217).

¹²³ "Russian Government Proposes Single Income Tax Rate," Moscow *Interfax* in English 0918 GMT 25 May 00, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-2000-0525).

¹²⁴ "Russian Duma Passes 4 Chapters of Tax Code in Final Reading," Moscow *Interfax* in English 1527 GMT 19 Jul 00, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-2000-0719).

¹²⁵ "Russia: Minister Has 'No Plans' To Raise 13 Percent Tax Rate," Moscow *Interfax* in English 1702 GMT 30 Jul 00, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-2000-0730); Russia: Deputy Minister Says Flat Income Tax Rate To Remain in Force, Moscow *Interfax* in English 1319 GMT 1 Aug 00, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-2000-0801).

source tax deductions. Taxpayers would be required to file documentation of their eligibility for deduction, such as children's tuition or medical treatment for low income individuals. Annual tax returns would remain one of the foundations for the relationship between the citizen and the state, in this case through its agent, the tax inspector.

Efforts at improving compliance were not confined to tinkering with rates. The government also planned to implement its program of assigning individual identification numbers to taxpayers, beginning in the second half of 1999 with pilot projects in Moscow, Moscow oblast, Leningrad oblast, St. Petersburg, Novgorod, Udmurtia, and Kabardino-Balkaria. The projected completion date by which all taxpayer would have numbers was 2001.¹²⁶ Nonetheless, by November 2000 approximately 40% of the working population or close to 30 million citizens had been assigned identification numbers and the government projected that all individuals would have the numbers by the 2002 at the latest.¹²⁷

Beginning in March 2001 the government began reporting a sharp increase in the revenues from personal income taxes. While it was admitted that inflation had contributed to the increased levels, it was also noted that the burden per citizen had also dropped and the flat tax was hailed as a success.¹²⁸ However, the number of income declarations received by the tax authorities for 2000 was only 2.663 million, down from

¹²⁶ "Russia: Tax Revenues in 1999 Amount to R28.9 Billion", Moscow *ITAR-TASS* in English 1223 GMT 27 May 99, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-1999-0527). The work of assigning taxpayer identification numbers to all citizens had occasioned the unanticipated opposition of the Orthodox Church, which feared that names would be replaced by numbers and that individuals might be assigned Satanic numbers.

¹²⁷ "Tax Deputy Minister Explains Social, Income Tax Changes," Moscow *Vremya MN* in Russian 21 Nov 00 (FBIS translation), *FBIS Daily Report – Central Eurasia* (FBIS-SOV-2000-1121).

¹²⁸ "Russia: Deputy Finance Minister Says Income Tax Revenues at Record Level," Moscow *Interfax* in English 0927 GMT 21 Mar 01, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-2001-0321); "Russian Tax Minister Says Single Income Tax Rate 'Works'," Moscow *ITAR-TASS* in English 1446 GMT 4 Apr 01, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-2001-0404); "Russian 13 Percent Income Tax Rate Hailed as Success," Moscow *Rossiyskaya Gazeta* in Russian 20 Jul 01 P 10, *FBIS Daily Report – Central Eurasia* (FBIS-SOV-2001-0720).

the 3.74 million who declared the previous year.¹²⁹ This declaration rate remained stable the next year with 2.6 million taxpayers complying.¹³⁰ This indicates that while more income tax is being collected at the level of the enterprise, Russian citizens have been reluctant to assume the new identity of taxpayer, an essential component of the new terms of the social contract. It throws into question whether the state has been given citizens compelling reasons to pay taxes.

The success of income tax reform can best be understood through situation of bargaining where the state faces no opposing mobilized and organized segment of society. It is revealing that the effective reconstruction of this duty is only possible once state capacity is sufficient to impose such an outcome. This does not immediately and necessarily translate into compliance and the adoption of a taxpayer identity on the part of citizens. However it does suggest the possibility of the development of a tax culture within the Russian citizenship regime.

Citizenship Rights

In addition to setting the parameters of membership in the community of citizens, the Constitution also outlines the particular rights and duties of the citizen. It gives the outlines of the civil, political, and social rights to be enjoyed by all citizens. The operation of these rights would later be elaborated in issue-specific legislation. It is important to note that the constitution was adopted in a controversial referendum in December 1993, following the October 1993 dissolution of the Russian parliament by

¹²⁹ "Russian Tax Agencies Receive over Two Million Income Declarations for 2000," Moscow *ITAR-TASS* in English 0922 GMT 24 May 01, FBIS *Daily Report – Central Eurasia* (FBIS-SOV-2001-0524).

¹³⁰ "Russian Taxes and Levies Ministry Reports No Increase in Income Declaration," Moscow *Izvestiya* in Russian 21 Jun 02, FBIS *Daily Report – Central Eurasia* (FBIS-SOV-2002-1205).

force on the orders of President Yeltsin. The version promulgated by the referendum was the product of Yeltsin's team and one of the most liberal (and presidentialist) considered at a Constitutional Assembly convened in June of that same year. While the Constitution has the force of fundamental law, it did not represent a consensus on values or institutions.¹³¹ As will be demonstrated in the case studies below, the elaboration of the various rights and duties enumerated in this document required intense bargaining and compromise, which often led to far less liberal outcomes.

Civil Rights

The list of civil rights guaranteed Russian citizens is extensive and familiar to the liberal tradition. The chapter entitled "The Rights and Freedoms of Man and Citizen" begins with a guarantee of human rights and their enumeration over fourteen articles. While these apply to citizens and non-citizens alike, they are important for the citizenship regime as they provide for legal mechanisms necessary for the enforcement of rights claims. This is particularly true of the provisions for the equality of all before the law (Article 19), inviolability of the person (Article 21), and protection from arbitrary detention (Article 22). Citizens are guaranteed the right to own property, which was particularly important under the conditions of the marketization of the economy.

The institution through which civil rights are protected and defended, the judiciary, has seen significant reform in the post-Soviet period. This activity has occurred within the frame of bureaucratic politics and Eugene Huskey has attributed much of the success of judicial reform in the first half of the 1990s to championing role

¹³¹ On the absence of social and political agreement on the Constitution see Igor Klyamkin and Lilia Shevtsova, *This Omnipotent and Impotent Government: The Evolution of the Political System in Post Communist Russia* (Moscow: Moscow Carnegie Centre, 1999), 14-15.

of the State Legal Administration of the Presidential Administration.¹³² These efforts at enhancing judicial independence were strenuously opposed by the other government organization involved in the administration of justice, the Ministry of Internal Affairs and the Procuracy.

Of particular significance for the protection of citizenship rights through the courts have been developments in administrative justice. Administrative justice is defined as the court-based protection from or recourse to arbitrary or unjustified actions by the state or its agents. A law on citizens' appeals was passed by the Supreme Soviet in April 1993.¹³³ A study of the performance of administrative justice revealed that citizens experienced high success rates in their suits against the government and that in most cases these decisions were implemented.¹³⁴ These avenue of civil rights protection is often employed to realize access to the next set of rights to be considered, political rights.

Political Rights

Political rights are the exclusive preserve of citizens according to the constitution. Under Article 32 they have the right to participate in managing state affairs directly and through representation. They have the right to participate in referenda, election to bodies of state power and organs of local self-government. However, these rights may be suspended for those imprisoned by a court sentence and those deemed 'unfit' by a court

¹³² Eugene Huskey, "Russian Judicial Reform after Communism," in Peter H. Solomon, Jr., ed., *Reforming Justice in Russia: Power, Culture, and the Limits of Legal Order* (Armonk, NY: M.E. Sharpe, 1997), 326-327.

¹³³ Jane Henderson, "The 1993 Law on Citizens' Appeals," *Review of Central and East European Law* (1995) no. 1, 87-94.

¹³⁴ Peter H. Solomon Jr., "Judicial Power in Russia: Through the Prism of Administrative Justice," *Law & Society* (2004), vol. 38, no. 3, 549-581.

of law. Citizens also enjoy the right to personally address or submit appeals to bodies of state power and local self-government.

The most serious change to electoral laws was the September 2004 move from the direct election of governors to a system of nominations and appointments by the president. These measures were announced in the wake of the Beslan Hostage crisis, where Chechen rebels took 1200 school children, parents and teachers hostage on September 1, 2004, as part of a larger campaign to increase security. It was widely suspected that the true motive for the ending of direct elections for regional leaders, which opinion polls indicated was opposed by roughly forty percent of the population, was to further strengthen the position of the centre within the federation and increase the dependence of governors on the Kremlin.¹³⁵

This raises the question of to what extent these formal electoral rights have substantive content. There is no consensus on this point. Assessments of Russian election range from free but unfair¹³⁶ to the virtual politics thesis, which portrays electoral politics as a fiction manufactured by ‘political technology’ and spin performed at regular intervals and detached from the real operation of power.¹³⁷ Having a share in power and participating meaningfully in the political process are hallmarks of modern citizenship. The development of these rights during this formative period will form durable patterns of citizenship practice.

¹³⁵ “Russian Parliament Gives Final Approval to Putin’s Bill on Governors,” December 12, 2004, <http://www.mosnews.com/news/2004/12/03/dumathird.shtml>, accessed June 4, 2006.

¹³⁶ Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights – Elections, *Final Report on the Presidential Election in the Russian Federation, 14 March 2004*, http://www.osce.org/documents/odihr/2004/06/3033_en.pdf accessed August 3, 2006.

¹³⁷ Andrew Wilson, *Virtual Politics: Faking Democracy in the Post-Soviet World* (New Haven: Yale University Press, 2005).

Social Rights

The section on social rights of the Constitution opens with the declaration that motherhood, childhood, and the family are to be protected by the state (Article 38). This is followed with the declaration that caring for children is the equal right and obligation of parents. However, the state does assume some responsibility in its role as protector, which is expressed in the form of a child benefit. A universal child benefit was introduced in April 1991 in an effort to mitigate the impact of economic reforms on families with children. This replaced the 'material assistance' to alleviate child poverty, which was one of the very few Soviet benefits to be means tested. The new benefit was to be funded from local and regional budgets and soon fell into arrears in most regions. Nizhegordoskaia region implemented means testing to manage the crisis in 1994 on its own initiative. Tatarstan introduced means testing to its poverty assistance programs under the terms of the 1994 the federal centre, which allowed the republic to replace most federally mandated benefits with regional programs. Additionally, many regions paid the benefits in kind in an attempt to reduce the strain on their budgets. Following an instruction from Moscow, most regions shifted to means testing in 1998. Federal legislation further restricted access to these benefits in 1998 and again in 1999 by lowering the maximum family income requirement to receive assistance.¹³⁸

The development of the child benefit illustrates many of the dynamics which will emerge from the in-depth case studies below. Prominent features include the service downloading of federally mandated programs to regional governments; policy defection at the regional level by reformist regions, and the eventual implementation of means

¹³⁸ Irina Denisova, Stanislav Kolenikov, and Ksenia Yudaeva, "Child Benefits and Child Poverty," *Centre for Economic and Financial Research website* (October 2000), <http://www.cefir.org/Papers/cefwp3.pdf> (accessed 10 June 2005), 1-3.

testing to prioritize the distribution of scarce resources. However, means testing is not merely a fiscal strategy. It is part of vision an autonomous, responsible citizen and a limited welfare state. This stands in sharp contrast to the universalism that inspired the initial version of the child benefit law and animated the Soviet welfare state.

The constitution also guarantees the right to housing (Article 40), a safe environment (Article 42), access to education (Article 43), and health protection (Article 41). Health care reform occurred very early in the development of the post-Soviet citizenship regime but progress has been slow and uneven. The reform itself, mandatory health insurance, is quite bold in nature and a radical break from the Soviet system of state-financed medical care. The legislation was first passed in 1991, designating pilot regions for the new system. The system was extended nationally in 1993. The legislation was intended to deal with an anticipated escalation of costs for medical care accompanying economic reforms.¹³⁹

Employers withhold a tax which is paid into territorial fund and a federal fund. The territorial fund then contracts with a private insurer or a medical facility, should there be no registered insurer in the service area. The federal fund is used to cover the unemployed, children, stay-at-home-mothers, pensioners, and the disabled and is distributed to regional funds. Budget arrears and the non-payment of benefits hampered the operation of the system and little change was observed in health care delivery or coverage.¹⁴⁰ What is particularly striking about this reform was the context of its adoption. It was passed by the Russian parliament during its struggle with the Soviet All-

¹³⁹ Edward J. Burger, Jr., MD, Mark G. Field, PhD, and Judith Twigg, PhD, "From Assurance to Insurance in Russian Health Care: The Problematic Transition," *American Journal of Public Health*, vol. 88, no. 5 (May 1998), 755.

¹⁴⁰ Judyth L. Twigg, "Obligatory Medical Insurance in Russia: The Participants' Perspective," *Social Science and Medicine*, vol. 49, no. 3 (Aug 1999), 372-373.

Union government. This prompted an already liberal policy outlook to further radicalize, as the Russian government sought to claim the mantle of the authentic reformers.

Subsumed within the dynamic, this privatization of the health care payment system attracted little opposition. It is now incorporated into the emerging welfare state and sets the precedent for further liberal reforms.

The constitution also explicitly guarantees a state pension for the elderly, the disabled, the infirm, and experience the loss of a breadwinner. However, in a departure from purely state-centred Soviet policies, it also encourages market participation in the provision of social security, as well as a role for charity (Article 39).

Throughout the 1990s there were successive, failed attempts at reform of the social welfare system, including various efforts and plans to target, rationalize, streamline, and reduce transfers by shifting responsibility for welfare from the state to individuals and the market. Linda Cook has identified four main reasons for the failure of these attempts at reform. First, beneficiaries had been able to use their available political rights to oppose reforms. Established benefits create constituencies and the inherited system consisting of universal pensions and special privileges (*l'goty*) for various classes of citizens. The second factor inhibiting reform was the administratively complexity of Russia's well developed welfare system. As social welfare functions were widely dispersed through various levels of government and different agencies, generated institutional values and interests, and were delivered through a multitude of difficult to track and reform in-kind and non-transparent mechanisms. The third factor which impeded previous reform efforts was the crisis of state capacity in terms of regulation, technical knowledge, and administration necessary for reform and retrenchment. The

final reason for the failure of previous reform initiatives was the requirement of the growth in real incomes is for the effective devolution of social policy to the level of the individual and the market, while the 1990s was a period of declining incomes.¹⁴¹

Excursis on Reengineering the Welfare State: from Universality to Targeting

The monetization of social benefits refers to the conversion into cash equivalents of in-kind benefits, including free public transport, free or subsidized medication, free visits to sanatoria, and subsidized telephone rates. It is part of a larger effort to streamline and target social benefits, while providing much needed funds to long-neglected and cash-starved social and public infrastructure. It is significant as a case study because it reflects a comprehensive plan to re-engineer the welfare state and improve fiscal and budgetary governance through increased transparency and accountability. Just as importantly, it is the struggle over the terms of the new social contract and an effort to remake citizens into self-reliant economic individuals, responsible for decisions regarding their welfare under market conditions. It shows in high relief the capacities of respective groups within society and the resources upon which they can draw to engage in bargaining with the state over the shape of various dimensions of the citizenship regime. It also demonstrates popular perceptions and expectations of the nature of social rights and the obligations of the state to its citizens.

Paul Pierson has emphasized the constraining role of supportive interest groups in the politics of welfare retrenchment. Mature welfare states have created entrenched and powerful constituencies with attachments to particular programs and have often promoted

¹⁴¹ Linda J. Cook, "The Russian Welfare State: Obstacles to Restructuring," *Post-Soviet Affairs* (2000), vol. 16, no. 4, 356-357.

the growth of robust networks of interest group and organization. Additionally, there have been changes in the institutions and the patterns of decision making regarding social policies, which implicate and involve multiple levels of government and administration in the welfare state.¹⁴² Pierson also suggests that successful retrenchment might be facilitated by electoral slack (the position of a government strong enough to withstand an electoral backlash resulting from unpopular decisions), budgetary crises, low visibility of reforms, and changes in the rules of the game.¹⁴³

In 2004 the Russian government found itself in the strongest position it had enjoyed in more than a decade with an unprecedented level of political and economic capital. President Putin continued to enjoy extremely high public approval, having been elected by an overwhelming majority of the population; an increasingly cooperative State Duma was dominated by the pro-presidential United Russia party, and the government continued to enjoy budget surpluses as a result of high oil prices. Having completed the bulk of macro-economic reforms, the government now turned its attention to the difficult structural reforms that had been stalled since the transition from communism began. It is not an exaggeration to say that this government would need all of the resources available to it to push through these unpopular reforms, which had been frustrated for more than a decade by a powerful coalition of opposition forces, interest groups, and public opinion. The passage of the monetization legislation in August 2004 generated street protests in Moscow, as pensioners and other beneficiaries voiced their opposition to the reforms. These protests were repeated on a larger scale across the Russian Federation following the implementation of the reforms in January 2005. While the government pledged to

¹⁴² Paul Pierson, "The New Politics of the Welfare State," *World Politics*, 48:2 (1996), 144-47.

¹⁴³ *Ibid.*, 176-77.

continue with their reform agenda, the mobilization of and protests by pensioners did manage to roll back certain features of the monetization agenda and dent the popularity and confidence of the government and United Russia.

That the existing social benefit system was in need of reform was not in doubt. It had proven itself unable to resolve the deepening problems of poverty and dependency under the conditions of economic transition. By the year 2000 almost 30% of the population lived below the minimum subsistence level and that figure dropped only by a couple of percentage points by 2002, well into the economic recovery from the financial crash of August 1998.¹⁴⁴ The non-transparent nature of benefits makes it difficult to know how many Russian citizens receive some form of social welfare benefits, but the World Bank has estimated that 27% of the population (about 145.3 million people) enjoy some form of direct benefits, while some form of social protection impacts 79% of the population directly or indirectly.¹⁴⁵ In the area of public transportation, one of the key targets of the monetization reforms, there were more 64 categories of privileged passengers entitled to reduced or free transport, accounting for 60% of all passengers nationwide in 2002.¹⁴⁶

At the same time, social protection, particularly for the elderly, continues to be a high priority for the majority of Russian citizens. A 2002 VTsIOM poll indicated that 70% of those surveyed chose the right to free education, medical care, and the material wellbeing of the elderly as the most important human rights. These far out-poll the

¹⁴⁴ World Bank Report No. 28923-RU, *Russian Federation: Reducing Poverty through Growth and Social Policy Reform*, [http://www.worldbank.org/ru/ECA/Russia.nsf/ECADocByUnid/E6F1881459145A4BC3256E270038B5F1/\\$FILE/PAR_020805_eng.pdf](http://www.worldbank.org/ru/ECA/Russia.nsf/ECADocByUnid/E6F1881459145A4BC3256E270038B5F1/$FILE/PAR_020805_eng.pdf), accessed March 3, 2005.

¹⁴⁵ *Ibid.*, 94, 88.

¹⁴⁶ "Transport Ministry: System is Collapsing," *The Moscow Times*, July 29, 2002, 7.

liberal democratic rights of property, free speech, freedom of religion, and electoral rights and the figures were consistent with the results of a similar survey conducted in 1994.¹⁴⁷

The Reform Legislation

The legislation entitled “On the Introduction of Changes to Legislative Acts of the Russian Federation and Announcement of the Loss of Force of Various Legislative Acts of the Russian Federation in Connection with the Adoption of the Federal Laws “On the Introduction of Changes and Amendments in the Federal Law “On the Basic Principles of the Organization of the Legislative (Representative) and Executive Organs of State Power of the Subjects of the Russian Federation” and “On the General Principles of the Organization of Local Self-Government in the Russian Federation” altered more than 155 laws related to the provision of social benefits. According to government sources, the bill was designed to ensure fairness and transparency in the provision of social benefits through the conversion of universal in-kind benefits into targeted cash payments. In addition, the legislation would redistribute powers between the centre, the regions, and local governments, and repeal the so-called unfunded mandates, those social provisions for which there are no corresponding financing identified in the budget. The proposed legislation would affect between 12 and 32 million of the roughly 100 million citizens eligible to receive some form government benefit.

The Cabinet announced plans to introduce a bill into the State Duma in May 2004, eliciting widespread concern among beneficiaries and regional officials and sparking street protests in Moscow. A poll conducted by ROMIR-Monitoring indicated

¹⁴⁷ “Right to Free Education, Medical Aid, Support for the Elderly Highest Priorities for Russians,” *Interfax*, December 10, 2002.

that 38% of those surveyed were opposed to changes in the social protection system and 21% disapproved of these plans.¹⁴⁸ The president of the Republic of Karelia, Sergei Katanandov, announced that beneficiaries in his republic would have the choice as to whether they wanted to continue to collect their benefits in kind or in cash.¹⁴⁹

Popular objections to the government plan appear to fall into two categories: recognition and redistribution. Many pensioners worried that the cash payments would not be equal to the value of the in-kind benefits they previously enjoyed. A related fear was that the real value of the cash payments would be eaten away by inflation. The second group of objections is linked to ideas of entitlement and recognition. Many viewed benefits as just rewards for sacrifices and service rendered through labour and the military over a lifetime. This orientation would appear to be incompatible with a neo-liberal welfare state where benefits are targeted to address cases of economic need. This objection exposed the two opposing positions in the debate over the meaning of social rights. The reform plan was opposed by a wide range of political parties and public organizations across the political spectrum, including the Communist Party of the Russian Federation (KPRF), the Motherland Bloc, many human rights activists, and the Federation of Independent Trade Union of Russia.

Public protests, mostly by elderly pensioners also began in Moscow in late May. By early June the Federation of Independent Trade Unions of Russia (FITUR) had helped to organize small protests gatherings of several hundred to several thousand had spread to other cities, including Kaliningrad and Vladivostok. Participants included representatives

¹⁴⁸ "Poll Shows Half of Russians Wary of Cash-for-Benefits Reform," *Itar-Tass*, June 2, 2004.

¹⁴⁹ "Regional Governor Resisting Planned Federal Reform?" *RFE/RL Newslines*, Vol. 8, No. 105, Part 1, June 4, 2004.

of armed forces veterans groups and Chernobyl veterans.¹⁵⁰ Under the organization of FITUR these protests spread to more than 300 towns and cities across Russia on 10 June, though according to various estimates these numbered from the thousands to over a million, far smaller than the 36 million predicted by FITUR deputy Chairman Aleksei Surikov.¹⁵¹ The same day FITUR chairman Mikhail Shmakov met with State Duma Speaker Boris Gryzlov and predicted that should the legislation pass in its original form the government would pay the price. Some observers put this combination of fiery rhetoric and ineffective protest and lobbying activity down to a public relations gesture by a tamed labour movement insulating itself from public criticism.¹⁵² The public protests continued for the first half of June with little effect on the progress of the draft legislation through the Duma Committee process.

The KPRF also organized protest actions against the government's reform plans. They called for a referendum to be held on the draft law, though this idea was rejected out of hand by the Chief of the Central Electoral Commission, Aleksandr Veshniakov, on the grounds that this would violate the both the old law on referendums and the draft law which had been recently been passed by the State Duma.¹⁵³

Hearings on the draft legislation began on June 21 with presentations from the chairs of the concerned State Duma committees. Labour Committee chair Andrei Isaev (Unified Russia) expressed concern that the bill would effectively eliminate the minimum wage and that the proposed budget figures for compensation will be insufficient to cover

¹⁵⁰ "Thousands Rally over Social Policies," *The Moscow Times*, June 11, 2004, 1.

¹⁵¹ "Protest over Social Benefits to Widen," *RFE/RL Newslines*, Vol. 8, No. 108, Part 1, June 9, 2004; "More than a Million March to Defend Benefits," *RFE/RL Newslines*, Vol. 8, No. 110, Part 1, June 11, 2004

¹⁵² See for example Ivan Rodin, "Dumskoe bol'shinstvo gotovitsia k antinarodnoi aktsii. Zakon o monetizatsii l'got deputaty rassmatrivat' eshche do svoikh kanikul," *Nezavisimaia gazeta*, June 22, 2004.

¹⁵³ "Election Tsar Throws Cold Water on Communists' Referendum Plans," *RFE/RL Newslines*, Vol. 8, No. 119, Part 1, June 24, 2004.

the costs of medicines. Ekaterina Lakhova, the chair of the Women, Family, and Youth Committee opposed the transfer of child-assistance payments to the regions, while the Deputy Chair of the Veteran's Committee, Valentin Varennikov, suggested that beneficiaries be given the choice of whether benefits would be paid in kind or in cash.¹⁵⁴

At this stage the critics of the reform measures included an unlikely and organizationally weak grouping of FITUR, opposition politicians from the KPRF, Motherland, and independent Duma deputies. Mikhail Zadornov, an independent deputy commented that reforming social benefits was a good idea but that it would be discredited by poor implementation, as by his calculations nearly half of the regions would not have sufficient funds to finance the social obligations being transferred to them from the federal budget and the pension fund. The Ombudsman for Human Rights, Vladimir Lukin added his voice, warning that certain provisions of the draft legislation violated the constitution's guarantees of human and citizen rights.¹⁵⁵

First reading of the draft legislation took place on July 2, 2004. The bill passed its first reading by a vote of 296 to 116. The KPRF and Rodina, joined by independent deputies continued to oppose the measures. The draft provided for a fixed monetary compensation for certain in-kind benefits (including free public transport, free medicines and medical services, and reduced cost telephone service), where all costs in excess of this amount spent on previously in-kind benefits would be covered by the state. In addition, beneficiaries would receive what the government calls a 'social package', a lump sum which the beneficiary could spend as they choose. The responsibility for the

¹⁵⁴ "Duma Debate Heats up over Benefits Bill," *RFE/RL Newslines*, Vol. 8, No. 117, Part 1, June 22, 2004.

¹⁵⁵ "Oppozitsia splotalis' protiv "Zurabskogo prava". K informatsionnoi atake pravitel'stvennuiu reformu podkliuchilis' "Rodina", KPRF, nezavisimye deputaty i ombudsmen," *Nezavisimaia gazeta*, July 1, 2004.

provision of these services would be devolved to the regional and local administrations, using funds transferred from Moscow.

The successful first reading of the draft legislation was greeted with fresh criticism and protests. Many regional governors appealed to Putin to instruct the government to abandon the reforms.¹⁵⁶ The governors of 10 of the twelve member regions of the Trans-Baikal Regional Interregional Association signed a letter to the president calling on him to suspend the monetization initiative. This constituted the first real public criticism of Putin and the government by the governors. It was all the more surprising as most of the signatories had consistently supported the president since 2000. The fear of being saddled with responsibility for welfare payments without the corresponding transfer of financial resources from the federal budget shook the loyalty of some of the most compliant governors. The action was roundly criticized by the presidential representative to the Far East Federal District, Konstantine Pulikovskiy, who accused the governors of misleading the public into thinking that the federal government was unconcerned with the welfare of its citizens. This was followed by Moscow mayor Yurii Luzhkov declaration to the old benefits and privileges would be retained for Muscovites.

Public protests erupted across Russia again in late July. Small protests were organized in Moscow throughout late July, attended by veterans, pensioners, Chernobyl veterans, and members of opposition political parties. Similar rallies were held across Russia.

¹⁵⁶ "Governors Unite In Opposition To Social Benefits Reform," *RFE/RL Newswire* Vol. 8, No. 141, Part I, 27 July 2004.

One of the most controversial and damaging developments was the exemption of civil servants and Duma deputies from the monetization of benefits. A new law on the civil service signed by President Putin on July 27 preserved the in-kind benefits of bureaucrats,¹⁵⁷ adding insult to injury for the pensioners and other beneficiaries facing the reduction or loss of benefits.

The amendment process saw thousands of amendments proposed for a document over 700 pages in length. Many deputies complained that it was not possible to review the original draft, let alone the amendments in the allotted time. The bill passed its second reading on August 4 in a vote of 304 to 102 following an eight hour session where the United Russia majority was able to secure the approval of almost 5000 amendments to the first draft.¹⁵⁸ Among the most notable developments was that negotiations between the Duma and the government resulted in the preservation of benefits for residents of the Far North and Chernobyl victims and veterans.

The final reading of the bill took place on August 5, passing with 309 in favour and 118 opposed. Responsibility for delivering cash payments to war veterans, the disabled, Chernobyl veterans, victims of Stalinist repression, and survivors of the Siege of Leningrad were transferred to the regions. The legislation not only converted many in-kind benefits to cash payments but also cancelled many so-called unfunded benefits to pensioners, Chernobyl veterans, the disabled, and other vulnerable segments of society. Under the provisions of the law, beneficiaries would receive 'social packages' of 450 roubles beginning January 1, 2005 in lieu of free transit, telephone service, and

¹⁵⁷ "Civil Servants To Keep In-Kind Benefits Despite Government's Reform Effort," *RFE/RL Newswire* Vol. 8, No. 142, Part I, 28 July 2004.

¹⁵⁸ "Benefits Bill Steamrollered Through," *The Moscow Times*, Wednesday, August 4, 2004, 1.

medicines. Beginning in 2006 they would have the option of retaining these payments or accepting government vouchers for these services.

The legislation was passed by the Federation Council on August 8 with 156 votes in favour, 5 against, and 1 abstention. During this session Finance minister Kudrin tried to allay fears that regions will be left on their own to deal with the costs of monetization by announcing the creation of a special reserve fund of R 30 billion for the purpose of balancing regional budgets. The president signed the bill into law on August 28, 2004.

As the implementation date of January 1, 2005 drew nearer the confusion remained about the government's plan for funding the cash benefits systems, despite regular warnings and instructions from Prime Minister Fradkov.¹⁵⁹ The Health and Social Development Ministry revised their October estimates for the number of beneficiaries of 12.3 million people upwards to 13.85 million in November, while the Pension Fund offered an estimate of 15 million recipients.¹⁶⁰

The Protests

The protests that accompanied the passage of the law paled in comparison to the reaction on the streets of Russia in January 2005, when the law was actually implemented. Following the extended New Year holidays that ran until January 9, thousands of pensioners took to the streets January 10. The most widely reported disturbances were in the Moscow suburb of Khimki, where protesters blocked Leningradskoe Shosse, but similar protests occurred in Samara, Starii Oskol, Vladimir, Solnenogorsk, as well as in cities in Udmurtia, Tatarstan, and Bashkortostan. As the

¹⁵⁹ "Russian PM Warns Regions to Prepare for Introduction of New Welfare System", *BBC Monitoring*, Source: Radio Russia, Moscow, in Russian 1100 gmt 4 Oct 04

¹⁶⁰ "The Rich Never Understand the Poor," *Moskovsky Komsomolets*, November 15, 2004

protests continued the same group of opposition parties and unions backed the protesters and called on the State Duma to reconsider the law. Influential voices in society lent support to the protests. There were also reports of dissatisfaction among the police as a result of the loss of free transportation.¹⁶¹ The Patriarch of the Moscow and All Russia, Aleksei II spoke out against the danger of people being deprived of housing, medicines, access to transportation and communications, while Air Force Commander Vladimir Mikhailov warned that monetization would have a detrimental impact on younger officers.¹⁶²

Prime Minister Fradkov blamed the negative reaction to the law on failures of the government to publicize and explain the legislation and blamed negative media coverage for inflaming social tensions.¹⁶³ Duma deputies of the United Russia, such as Labour and Social Policy Committee chair Andrei Isaev, attempted to shift the blame to the regional governments for poor implementation of the policies. However, most independent analysts and commentators found fault with the federal government for poorly coordinating the reforms with the regions and failing to consult with the public.¹⁶⁴

As the protests continued more regions began to grant concessions. Kamchatka and Khabarovsk followed Moscow Oblast in the retention of free public transport¹⁶⁵ and St. Petersburg introduced reduced fares for pensioners.¹⁶⁶ After a week of protests the government was prepared to make concessions. The United Russia faction and the

¹⁶¹ "Police also Criticize New System," *RFE/RL Newswire* Vol. 9, No. 8, Part I, 13 January 2005.

¹⁶² "As Patriarch and Military Official Support Protestors," *RFE/RL Newswire* Vol. 9, No. 9, Part I, 14 January 2005.

¹⁶³ "Premier Orders Broader Promotion of Compensations Law," *Itar-Tass*, January 13, 2005.

¹⁶⁴ Julie A. Corwin, "End Note: Russian Pensioners Say Enough Is Enough," *RFE/RL Newswire* Vol. 9, No. 9, Part I, 14 January 2005.

¹⁶⁵ "Russian Regions Protest at Abolition Of Benefits, with Some Results," *BBC Monitoring*, Source: Radio Russia, Moscow, in Russian 0800 gmt 15 Jan 05.

¹⁶⁶ "St. Petersburg Authorities Compromise in Benefits Protest," *BBC Monitoring*, Source: Ekho Moskvyy Radio, Moscow, in Russian 1400 gmt 15 Jan 05.

federal government agreed to index pensions and increase them by 15% four months earlier than planned. Additionally, Minister Zurabov announced that subsidized transit tickets would be introduced, the price of which would not exceed the cash allotment for public transport.

Talk of a grey revolution following the public protests by pensioners appears to have been premature, but the government's resolve had been shaken and it quietly postponed further difficult and unpopular reforms to the utilities and housing sectors. Shortly after the government's concessions the protests dissipated.

There have been reports that the public protests in January were largely spontaneous or organized by groups of pensioners and that only a few were organized by opposition political parties.¹⁶⁷ Despite the power of the street demonstrations, the organizational and bargaining capacity of the groups claiming to represent the interests of the beneficiaries remained weak and uncoordinated.

Typical of this weakness and absence of coordination was the early, divided position of the organizations representing Chernobyl veterans, which saw the president of the national organization calling for veterans not to participate in street protests, as there was an opportunity to negotiate with government officials and Duma deputies during the amendment process, while local chapters in Moscow, Sverdlovsk, Novosibirsk, and Tula pledged to participate in such actions.¹⁶⁸

¹⁶⁷ Partbossy gotovy primknut' k hebovolnym. Stikhiinye vystupleniia l'gotnikov obrataiut politicheskuiu okrasku,' *Nezavisimaja gazeta*, January 13, 2005; Sergei Borisov "Russia: The Pensioners' Revolt Russia's Senior Citizens Take to The Streets in the Greatest Show of Social Unrest in Years," *Transitions Online* www.tol.cz, January 17, 2005

¹⁶⁸ "As Chernobyl Survivors Are Divided over How to Fight Government Plans," *RFE/RL Newslines* Vol. 8, No. 142, Part I, 28 July 2004.

Implications for the Future of the Russian Welfare State

The Russian government was relatively well placed to initiate welfare system reforms. While there was no budget crisis, there was credible evidence of an impending crisis in the welfare system itself, as sustainability was a prominent public concern. The high visibility of reforms posed one of the most daunting challenges. The transparency inherent in the reform project confronted those losing benefits throughout their daily lived experience, compounded by their symbolic value. However, the president and the government enjoyed almost unprecedented electoral slack and their control of both houses of parliament and power over the regional governors allowed them to initiate changes in the rules of the game. The growth in real incomes required for the effective devolution of social policy to the level of the individual and the market was afforded by high oil prices and the general post-1998 economic recovery. If the Russian government was not able to implement reforms under these conditions it raises the question of its viability and ability to govern under any circumstances.

An important part of the benefit reform crisis was in its implementation, which was seriously hampered both by the institutional nature of benefits provision and the unresolved crisis of capacity in the public sector. The inherited welfare state system implicates and involves multiple levels of government and administration, the orientations and operations of which proved remarkably resistant to change, especially the farther they were from the centre and the heights of power, as federal authorities had exercised little control over the regional and local governments charged with the implementation of many of these efforts.

As noted above, social welfare reforms and retrenchment along the liberal lines favoured by the Russian government relies on state capacity to mobilize and redirect resources and the reforms were seriously impeded by the crisis of state capacity in terms of regulation, technical knowledge, and administration. For all of the talk of the recentralization and strengthening of the state, Russia remains weak in terms of this vital capacity. However, state capacity is only the technical part of the story.

The Russian welfare state did indeed have entrenched constituencies with attachments to particular programs, but few of them were powerful and there was a distinct lack of robust interest group networks and organization, let alone trade unions, social movements, and political parties. Despite this weakness in civil society, the scale of the protest generated by these deeply unpopular reform measures and the participation of one powerful interest group, namely the military and security services, dented the resolve of the government and its reform initiative, though it was not able to break it.

This episode also speaks to the expectations generated by longstanding institutional practices. The Russian Federation inherited the claims made by former Soviet citizens residing on its territory. Key to this set of claims was the right to reward and recompense for sacrifices made in the defence of the motherland, the construction of socialism, and the goals of the state. This was the bargain that the Russian government was attempting to alter.

The nature of the bargaining in the drafting process and even the response to the protests revealed a distinct disdain for unmanaged public consultation and inclusion, as the process consisted of backroom deals between the federal government, the Kremlin, and the party of power. Two additional factors bear mentioning in examining the

government response to the protest action. The first is the effect of the recent event in Ukraine, the so-called 'Orange Revolution'. As a counter model to Putin's managed pluralism this posed a serious threat to the legitimacy of the Russian political elites. The second and related factor is the importance of the maintenance of public order (or at least the appearance of order) as a good which the Putin regime could deliver. If indeed there was a tacit social contract being renegotiated, order and stability was the one thing Putin had on offer.

The State of Russian Citizenship: Leaving the Soviet Union Behind

In this chapter I have argued that this foundational moment for post-Soviet Russia has occasioned dramatic changes in the nature of political authority and economic relations required a new set of citizenship rights and duties. The establishment of fifteen new independent states necessitated the renegotiation of the boundaries of the citizenship community. However new this citizenship regime was, it retained significant continuities with its Soviet predecessor. This was evident as the earliest moves to construct a post-Soviet citizenship order occurred in the last years of the USSR. Struggles between the All-Union and republican governments would produce outcomes in the areas of membership, rights, and duties that would form part of the fabric of the emerging Russian citizenship regime. While this continuity was often in the form of informal constraints, it could also be more concrete, such as assuming control over the structures of the Soviet armed forces, complete with the claims that that would make on the citizenry and their participation in the bargaining over specific citizenship rights and duties.

This bargaining process over state-subject claims and polity membership has shaped the particular rights and duties bundled into Russian citizenship. It has redrawn the borders of that community. The claims by the Russian state on its citizens and over particular populations have been influenced by its position in the international community and by its capacity to administer the territory and population subject to its authority. This has resulted in the increasingly restrictive and selective criteria for admission to Russian citizenship for former Soviet citizens from other republics. The change in the approach to society by the state following the election of Vladimir Putin as president is also telling of the development of this process. The Yeltsin era was dominated by the consolidation of state power. The promulgation of the 1993 constitution through the violent suppression of the opposition was able to provide a framework for the new citizenship regime, but not consensus on direction of development. In contrast, the state under Putin has attempted to forge a tacit social contract with mobilized groups in society. Under the terms of this bargain the state stability, security, relative economic prosperity, and the promotion of national interests. In return, citizens are to accept increasing responsibility for their own welfare (the retrenchment of the welfare state), to discharge their citizenship duties (paying taxes and, should they be male, performing military or alternative service), political passivity.

The participation of societal groups in this bargaining process has been shaped by their relative strength and solidarity and the nature of the public sphere. The public sphere has also undergone a transformation over the past fifteen years. *Glasnost* opened up public space in the late 1980s, but the euphoria of participation was soon eclipsed by the hardships occasioned by *perestroika*. This situation deepened under Yeltsin, as

paradoxical there were few barriers to entering the public sphere (with the notable exception of the events of October 1993) but the economic costs of marketization demobilized social groups and delegitimized politics. Under Putin the situation is reversed. There has been a notable shrinking of the public sphere, as the state has attempted to colonize public space and manage participation. The paradox of the narrowing of public space under Putin is that it entails an institutionalized consultative process, albeit a controlled one, which did not exist under Yeltsin. The crisis of state capacity of the first presidency was misread as freedom and openness. What is emerging now might be an alternative, rather than aberrant, model of the public sphere and configuration of rights and duties.

This sketch of the developments of the rights and duties of Russian citizens and the bargaining process which produced them is necessarily incomplete, as the process is on-going. The terms of the new social contract are not yet firmly established and it remains to be seen whether the state will be able to deliver on its end of the bargain. The quiescence of Russian citizens has also been thrown into question in light of their recent sporadic and disorganized mobilization. Should groups with organizational capacity be able to harness or direct this force coming from society, it could pose a real threat to the current citizenship regime.

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