Redefining Russian: Identity, Dual Citizenship, and the Politics of Post-Soviet Russian Citizenship

by

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requirements for the degree of Master of Arts**

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ABSTRACT

Since the collapse of the USSR identity has become a contested issue in the former-Soviet Union. In an attempt to sketch out the foundations of an emerging Russian identity, this paper examines citizenship as the marker of membership in the political community. The case study compares the 1991 Law on Citizenship of the RSFSR and the parliamentary debates preceding its adoption with the corresponding parliamentary debates and amendments made to the law in 1993. Put into the context of the Soviet legacy and the pressures of economic and political transition, this study argues that citizenship policy responds to domestic and international political pressures and is instrumentalized to achieve policy objectives, as demonstrated by the development in this time period of an expanded institution of dual citizenship.

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CHAPTER 1

INTRODUCTION

To say that the dissolution of the Soviet Union was a momentous event is somewhat of an understatement. It produced innumerable consequences for many different people, not the least of whom are the citizens of the former USSR. It has changed their lives in the most fundamental of ways by posing the multidimensional question of identity. In other words, what happened to the Soviet identity, assuming that one existed, after the Soviet Union ceased to exist? How do these people now see themselves in a post-Soviet world? And to which political community, if any, do they now belong?

Taking a step back from these implausibly broad questions, this paper hopes to go a small way towards the illumination of these issues in the Russian case and to providing some context for their consideration. This paper will attempt to examine a smaller, more manageable chunk of that complex bundle, the civic component. More precisely formulated, what is at issue is how will the new Russian state define its political constituency, that is, the citizenry. These civic identity options are made available by the state to its population primarily, though not exclusively, through its citizenship policy. It is this policy which sets the boundaries of the political community of the state, determining who will be legally entitled to citizenship and under what conditions. The task which this paper has set for itself is to sketch out the development of Russian citizenship policy, through an examination of the citizenship legislation as well as the debates and issues surrounding it.

The definition and solidification of a national community is seen as a central project of the successor states and each has, to varying degrees and by a variety of approaches, engaged in state and nation-building practices. This task has been complicated as each has inherited incomplete and under-developed national and state structures. The post-independence regimes of the newly independent states continue to go about the business of setting political and community boundaries, using the full range of instruments available to sovereign states.

The use of the concept of citizenship raises both terminological and theoretical problems. The terms nation and state are often used interchangeably and it would be helpful to define these terms right from the outset in order to avoid the confusion that muddies many discussions of identity. This is especially true of the Russian case, where the concept of nation has been historically bound up with ethnicity. In order to explore the implications of citizenship and how it is employed, less elastic formulations of the key terms of nation and state are required, as well as a clear understanding of what is meant by citizenship. In keeping with the historic linkage of nation and ethnicity in the Soviet and post-Soviet Russian discourse, for the purposes of this paper, nation will be used as an ethnocultural designation. The state will be defined in classical Weberian terms as that set of public institutions which make and enforce decisions which are binding upon all members of society and enjoy the legitimate use of violence.¹ T. H. Marshall defined citizenship in his 1949 lecture at Cambridge as:

a status bestowed upon those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed. There are no universal principles that determine what those rights and duties shall be, but societies in which citizenship is a developing institution create an image of an ideal citizenship against which achievement can be measured and aspiration can be directed.²

¹M. Weber, "Politics as a Vocation," chap. in *From Max Weber: Essays in Sociology*, trans. and eds. H. H. Gerth and C. Wright. Mills (New York: Oxford University Press, 1958), 78.

²T. H. Marshall, "Social Class and Citizenship," in *Class, Citizenship, and Social Development*, (Garden City, NY: Anchor Books, 1965), 92.

To fully understand the implications of citizenship as a package of rights and duties and membership in the political community of a state both components must be detailed and placed within an historical and political context.

This paper will argue that the development of citizenship in post-Soviet Russia is a significant and fundamental process of democratization and transition with important implications going beyond the apportioning of rights and obligations. The claim is that these emerging citizenship practices are central to state-building in post-Soviet Eurasia, having a direct impact on the shape these new states will assume and the identity options that they make available to their residents, citizens and non-citizens alike. They also have a direct impact on the relations between the successor states, almost all of whom have significantly mixed ethnic populations. Russian citizenship policy will not only determine which population belongs to Russia, but it will have a momentous effect on the relations between the Russian Federation and those states which host the large ethnic Russian and russophone diasporas. The status and fate of these groups have been a constant and complicating feature in Russian relations with the other former republics. The most obvious examples, though by no means the only ones, are those of Latvia and Estonia.

The citizenship discourses developing in Russia since the dissolution of the Union will form not only the basis for future debate and policy, but structure the very bounds of the emerging citizenship tradition. The Soviet legacy notwithstanding, in this time of transition a dialectical process of inclusion and community formation is underway. The debate on Russian citizenship will effectively determine who is included within the Russian state, as well as to whom membership will be made available and upon what terms. At the same time, the reality of who takes up this membership and how they exercise their rights and discharge their obligations gives shape and definition to the untested concept of a post-Soviet Russian identity. As these

processes proceed simultaneously they feed off each other, operating under the influences and within the constraints of social, political, and economic transition.

It is important to assess how Western concepts of democracy and pluralism play out in the development of citizenship practice. A broadly inclusive Russian citizenship policy, cast in a discourse of human and civil rights can have a very different meaning for its neighbors with significant ethnic Russian and Russophone populations. The Russian debate on citizenship has been conducted almost exclusively within a discourse of human rights and international legal norms. This has proven to be the most effective in terms of garnering international support in its disputes with its neighbors, such as Estonia and Latvia.³ This is not to suggest that the progressive content of the legislation is mere posturing. It does, however, point-up some of the tensions between Western models of democratic transition and the politics of sovereignty and national liberation. If the Russian citizenship policy is implemented consistently, which has yet to be demonstrated, it would go a long way to creating improved conditions for democratization and economic reform. It remains to be seen if national minorities, as Rogers Brubaker has suggested, are right to view such liberal democratic and pluralist policies "as ideological masks for substantively ethnocratic forms of rule"⁴.

At the same time, the development of this citizenship policy reflects a political reality, shaped by both domestic and international factors. In any consideration of its formation it is necessary to examine internal political debates and those practices emerging in the other former republics. This takes on additional meaning when one considers the significant number of ethnic Russians in these states and the incompatibility of certain aspects of the Russian citizenship policy, most notably in the area of dual citizenship, with those of some of the other successor states. In other words, while Russia appears to be extending its potential citizenship pool into these

³Lowell Barrington, "The Domestic and International Consequences of Citizenship in the Soviet Successor States," *Europe-Asia Studies* Vol. 47, No. 5, 751-755.

⁴Rogers Brubaker, "Nationhood and the National Question in the Soviet Union and Post-Soviet Eurasia: An Institutionalist Account," *Theory and Society*, 23 (1994), 68.

states, they are faced with responding to those competing claims to potential constituents or the exclusion of these populations from the citizenry of the states in which they reside. The citizenship policies of each have particular practical and symbolic implications for the others.

HYPOTHESES

The research for this project has revealed some noteworthy observations in the development of Russian citizenship policy. First, in response to the collapse of the Soviet Union, the issue area of citizenship in the Russian Federation shifted from an instrument for the assertion of sovereignty to a tool for state-building and the achievement of foreign policy objectives. Second, that as the Russian citizenship policy developed it became increasingly more reactive to the policy developments in other former republics, in large part due to its failure to achieve desired foreign policy objectives. Third, the emergence of a liberalized institution of dual citizenship following the 1993 amendment to the Law on Citizenship, which created large, potential constituencies beyond the borders of the Russian Federation perpetuates the possibility of a Russian identity which is not congruent with and will not be contained by the present borders of the Russian Federation. Fourth, the relative unanimity among the Russian political elite on the issue of citizenship reflects a general consensus that the Russian and russophone diasporas constitute a very real part of their constituencies, whose rights and interests they are obliged to protect.

The picture of Russian citizenship policy suggested by this research raises the general questions of why citizenship has evolved in this way and what factors have been driving it. In an attempt to answer these questions four hypotheses will be proposed. First, that certain values, institutions, and issues have been inherited from the Soviet system. Chief among these is the tradition of instrumentalization of citizenship policy, as well as the outstanding issues of citizenship deprivation, dual

citizenship, and the general harmonization of citizenship legislation with international legal norms and human rights observance.

Second, that the sequence and dynamics of the collapse of the Soviet Union had a formative impact on the development of Russian citizenship. The speed with which the Union disintegrated and the early and decisive moves on the part of the Baltic states, in particular served both to shift the focus of the citizenship debate and reset the terms of this debate. This resulted in the move from symbolic to substantive issues and defined the largely reactive nature of Russian citizenship policy.

Third, that domestic and international political pressures served to forge a general elite consensus on citizenship policy. Among these pressures were the effects of the newly created Russian diaspora populations in the other successor states and their influence on post-Soviet inter-state relations, the issue of in-migration of ethnic-Russians and Russophones from these other former republics, and the demands of an inclusive state-building project for multi-ethnic Russia.

Finally, that the evolution of the discourse surrounding citizenship issues had a profound effect on policy development. From the *perestroika* period onwards, the debate on Russian citizenship has been cast in terms of a discourse of rights, first with respect to sovereignty demands, then later in a more general formulation of basic human and civil rights. This has served to reshape the laws, for example in the areas of citizenship deprivation and the institution of dual citizenship. In addition to affecting substantive changes in policy, there appears to be a dialectical relationship between citizenship discourse and policy outcomes, especially with respect to relations with other former republics.

PARAMETERS

This case study will focus on the Russian citizenship law of 1991 and the amendments made to it in 1993. The original version of the law shows the beginnings

of a coherent citizenship policy, but with an eye to increased sovereignty within some sort of all-Union structure. The developments of the following year and half indicate the direction in which the policy moved and how the issue had matured in the post-Soviet context in response to both internal and external pressures.

Beginning with a short definitional discursis of the concepts of nation, state and citizenship, a theoretical framework will be proposed, within which the evidence of emerging identity options in the Russian Federation will be analyzed. This brief review will consist of assessing what each of these concepts and their theoretical development adds to an understanding of group identities and their construction, attempting to place them within historical and contemporary Russian context.

The two chapters following the theoretical discussion will deal with the 1991 Law on Citizenship and the amendments made to the law in 1993, respectively. Each chapter will begin with an account of the development of the legislation, placing it within the contemporary political context, followed by a discussion of the debates and the readings of the laws in the Supreme Soviet of the Russian Federation. The chapters will then proceed with an analysis of the text of the law, its innovations and significance in the context of the Russian and Soviet tradition of citizenship, as well as its implications for relations between the Russian Federation and the other former republics.

From the analysis in the previous chapters of the development of citizenship policy in the Russian Federation since the collapse of the Soviet Union some tentative conclusions will be made about trends in the Russian polity, the emerging shape of the civic community, and what it might say about the processes of democratization and transition.

CHAPTER 2

TOWARDS A THEORETICAL FRAMEWORK

Since 1991 the Russian Federation has been pursuing its own, independent citizenship policy which will define the political community through both its reach and its degree of inclusiveness. This chapter is intended to go some small way towards answering the questions of how this emerging policy is to be interpreted and what its implications are for state-building in Russia and the path of economic and political transition. To that end, it will outline a theoretical framework for examining the implications of citizenship policy for identity construction and the role of this process in state-building. The concepts and constructs being presented are those which are felt to be most appropriate for this study. Special attention must be paid to what they contribute to the understanding of the Russian case, as well as where they fall short. It is hoped that they will frame the issues of citizenship in a manner which reveals not only its theoretical dimensions but also its implications for contemporary politics and identity.

The understanding of human collectivities and collective identities which informs this paper comes out of the critique of traditional approaches to nationalism, which can be traced back to the late 1960s with the work of Karl W. Deutsch and found its fullest expression during the early 1980s in the works, among others, of Benedict Anderson, Ernest Gellner, and Eric Hobsbawm and Joseph Rothschild.

Traditional approaches to the study of nations and nationalism, despite their various definitions of nations and their differing accounts of the sources of their cohesion, held in common the assumption that the nation is the natural and inevitable

form that any viable collectivity must assume. This common thread runs through works dating back to the German romanticism of Johanne Gottfried Herder, Edmund Burke's eighteenth century notion of peoples as "corporations", John Stuart Mill's idea of "communities of recollection" right through to Otto Bauer's "communities of fate", Oswald Spengler's "spiritual unities", and Friedrich Meinecke's distinction between *Kulturnation* and *Staatsnation*.¹ Despite the insistence in later works, that the nation is an 'artificial' entity, the creation of a voluntary and willful association, the choice of association is between nation, not between distinct forms of human collectivities. Under these terms of debate and scholarship, it was possible only to envision a world of nations, while the question of why the nation, rather than some other community, should be the dominant form of association and identification is not addressed. These questions about how and why nations are formed were for the most part not even asked; this was an even more pronounced problem in studies of the Russian polity, due to the relative isolation of Sovietology from the mainstream of the humanities and social science.

Ronald Suny very aptly summarizes the distinction between traditional approaches and what he calls the constructivist critique in his book, *The Revenge of the Past*, referring to the former as the 'Sleeping Beauty' approach and the latter as the 'Bride of Frankenstein' school². It is this critique, which has only recently appeared in examinations of the politics of East-Central Europe and the former-Soviet Union, that will form the basis for the theoretical understanding of collective identities employed in this project.

Benedict Anderson's *Imagined Communities* provides a truly innovative and comprehensive approach to the question of why the nation has become the primary site for collective identification. Anderson claims that in order to make sense of their lives,

¹ For a thorough account of the development of theories of nationalism, see Peter Alter, *Nationalism*, trans. Stuart McKinnon-Evans (London: Edward Arnold, 1985), especially pages 7 to 25.

² Ronald Grigor Suny, *The Revenge of the Past: Nationalism, Revolution, and the Collapse of the Soviet Union*, (Stanford, California: Stanford University Press, 1993), 3-4.

people must meaningfully locate themselves in time and place. To this end, people imagine themselves as part of a larger collective, somehow connected to each other and to a greater purpose.³ From this, the central question of this approach becomes why a collective identity would take the form of the nation. For Anderson, the key is the rise of what he terms 'print capitalism' during the Enlightenment and its profound and transformative effects on social communication. These processes fundamentally altered perceptions of language, dynastic rule, and time, eroding the legitimacy of the old order in Europe and restructuring ways of imagining the self and community.

He describes the formation of a national consciousness as a consequence of the emergence of print-capitalism, which both eroded the position of traditional elites and created a community of readers, and what Anderson calls 'pilgrimages', those looping routes one must travel to gain access to power within a given polity, which described the boundaries and shape of the nation. The claim here is that as a result of these transformations, the modern nation was formed in the eighteenth century, and once created it became 'modular', transportable, and transplantable to "a variety of social terrains"⁴, able to merge with different ideologies and politics.

Anderson describes both those nationalisms which develop in response to the state (nationalisms of resistance) and those which are a product of the state (the so-called 'official' nationalisms). It is this state-sponsored 'nationalism' which is key to this paper. Anderson aptly describes this reaction of dynastic states in the mid-nineteenth century to challenges to their legitimacy and authority from the popular national movements of an ethnically and linguistically diverse population as "stretching the short, tight, skin of the nation over the over the gigantic body of the empire."⁵ Official nationalism is identified not only with the old dynasties of Europe, but with their revolutionary successors, as well. This often takes the form of imitative practices

³Benedict Anderson, *Imagined Communities*, rev. ed. (London: Verso, 1991), 36.

⁴Ibid., 14.

⁵Ibid., 86.

and the use of the structures and traditions, such as the Soviet decision to once again make Moscow the capital and use the Kremlin of the Czars as the seat of Communist power. What remains essential in this account is that this nationalism comes from the state and is employed as a ruling strategy by the state.⁶

What Anderson describes is a general model for understanding the evolution and persistence of nationalism. However, as his primary question is why people imagine themselves to be primarily members of nations, the limitations of this approach for the present study of Russian citizenship quickly become apparent. Indeed, citizenship does not even figure in this model and despite the inclusion of examples from the Soviet and Russian cases, these hardly constitute the core of his study. Other concerns include the rather elastic use of the term nation to encompass all modern collectivities, including empires and multi-ethnic states. While he distinguishes between types of nations and nationalisms, they are presented as necessarily competing identities, as opposed to potentially compatible ones within a tiered identity complex.

What is useful about this approach for this study is the dynamic that it describes for collective identity formation and the state-sponsored policies of mobilization around a given, civically defined site of identification. This serves as the foundation for an understanding of how states may attempt to construct bases of citizenship constituencies.

The next question is how citizenship is to be understood, for which the pioneering work of T. H. Marshall will serve as the jumping-off point. Using Great Britain as his case study, he proposed an evolutionary model of citizenship spanning roughly from the eighteenth to the twentieth centuries. Citizenship rights were divided into three components; civil, political, and social rights. As it was evolutionary in character, each bundle of rights was identified with a broad time period of extension and a particular set of institutions through which they could be articulated.

⁶Ibid., 159-160.

Civil rights, extended during the eighteenth century, refer to those rights necessary for individual freedom, such as freedoms of speech, expression, faith, and thought, liberty of person, the right to own property, the right to justice and the right to conclude contracts, which are protected through the courts. Political rights guarantee participation in the political process either directly or through representation as an elector to parliaments and local councils and were associated with the nineteenth century. Social rights are those which entitle bearers to enjoy what Marshall termed "the full social heritage" of society, as well as guarantees of a basic level of economic security and welfare.⁷

Prior to the eighteenth century, the civil, political, and social elements were combined and were associated with the single, fused institution of feudal relations. With modernization and the economic transformations wrought by capitalism came the long, simultaneous processes of the functional differentiation of the institutions responsible for each of the three elements and the provision rights on a national scale, rather than a local one. Marshall suggests that citizenship and the successive attachment of rights to the status of citizen was a means of managing class inequality and providing the necessary conditions for economic development. This served to create a uniform body of rights to which all members of the political community were entitled.⁸ What is crucial for this paper in Marshall's understanding of citizenship is its use as a ruling strategy for the management of class conflict and the 'nationalization' of status which defines the boundaries of the political community.

While Marshall's work constituted a new and instructive way of looking at citizenship, critics have raised some significant questions about this understanding and its universal applicability. Particularly thought provoking is the critique contained in Michael Mann's 1988 book, *States, War, and Capitalism*, in which he questions the

⁷T. H. Marshall, "Social Class and Citizenship," in *Class, Citizenship, and Social Development*, (Garden City, NY: Anchor Books, 1965), 78-79.

⁸*Ibid.*, 77, 79, 129.

appropriateness of the use of Britain as a model and disputes the characterization of the development of citizenship as evolutionary⁹. As Mann is quick to point out, the traditions of the particular polity have a profound impact on the development of its citizenship practices, despite the transformative and standardizing effects of the industrial revolution¹⁰.

Mann develops Marshall's notion of citizenship as a ruling class strategy for the management of class conflict into a comparative framework by casting the British case as one of five possible strategies in which industrialized states engage. He terms these strategies liberal, reformist, authoritarian monarchist, Fascist, and authoritarian socialist. Each of these managed class conflict through its own mix of citizenship rights and institutional arrangements, emphasizing the role of ruling class in content and application of these strategies. In an implicit critique of Marshall's failure to consider the British case within the context of international relations, Mann maintains that the durability of these arrangements has less to do with their internal efficiency than with geopolitics, specifically the outcomes of the two World Wars.¹¹ This has particular relevance to the Russian case, where, it will be argued that, international relations have played a critical role in the development of citizenship policy.

Mann, in turn, has come under criticism for casting the origins of citizenship exclusively in terms of class, rendering his model unable to deal with the factors of nationalism, ethnicity, religion, and gender and his reduction of the citizen to the passive recipient of rights and ignores the oppositional and revolutionary aspects of citizenship rights¹². The first point is important for Soviet and post-Soviet citizenship policy, where the management of ethnic conflict often overshadowed the issue of class.

⁹Michael Mann, "Ruling Class Strategies and Citizenship," in *States, War, and Capitalism* (Oxford: Basil Blackwell, 1988), 189.

¹⁰*Ibid.*, 190.

¹¹*Ibid.*, 190-191.

¹²For example, see Bryan Turner, "Outline of a Theory of Citizenship," in Chantal Mouffe, ed. *Dimensions of Radical Democracy: Pluralism, Citizenship, Community* (London: Verso, 1992), 43-44.

Indeed, according to the prevailing ideology of the Soviet period, class conflict had been resolved, in no small measure through the citizenship policy of the Teens and Twenties. And while acknowledging that the top-down view of citizenship is incomplete and leaves out the rich and important question of the nature and content of citizenship rights, it is precisely the use of citizenship as a ruling strategy for state-building that is the focus of this paper.

Having proposed that citizenship can be used as a ruling strategy to achieve foreign and domestic policy aims, it is necessary to examine the institution which assumed a pivotal role in the development of the Russian citizenship repertory. As an institution in a citizenship regime, dual citizenship presents complex problems. In an attempt to understand how it challenges traditional conceptions of citizenship, Tomas Hammar claims that debates about dual citizenship are not about legal status, but rather, concern the political and meta-political aspects of citizenship, stemming from basic notions about the nature of states, nations, peoples, and territory¹³. It is not the implications of dual citizenship for international law which make it so problematic, but the perceived challenges that it poses to state sovereignty, state boundaries, and national identification.

Hammar sees controversy surrounding dual citizenship stemming from seven general sources: maintenance of order, people and populations, loyalty to the state, ethnic and national identification, the nation, national security, and democracy¹⁴. In addressing the Russian case, it may be more useful to reformulate these into three basic issue areas: concerns about order and conceptions of the nation-state, loyalty and national security, and dual citizenship as an instrument of state strategy.

The first category refers to an understanding of the world as being divided into nation-states, where a national group is congruent with the borders of the state and

¹³Tomas Hammar, "State, Nation, and Dual Citizenship," in William Rogers Brubaker, ed. *Immigration and the Politics of Citizenship in Europe and North America* (Lanham, MD: University Press of America, 1989), 86.

¹⁴*Ibid.*, 86-87.

membership is sacred and unique¹⁵. Dual citizenship violates this principle by allowing an individual membership in more than one state. That this vision of order is at odds with the existing conditions of the modern world is nowhere more apparent than in the national patchwork encompassed by the Russian state.

Loyalty and national security refers to the possibility of competing state loyalties of an individual with dual citizenship. Hammar dismisses this as a threat to national security due to the prevalence of common security arrangements in international relations¹⁶.

Hammar understood dual citizenship as a strategy to deal with the fundamental anti-democratic nature of the existence of large alien populations in the states of Western Europe¹⁷. This instrumentality, for this and other purposes, may be the most salient feature of dual citizenship for the present study. An expanded notion of dual citizenship as a strategy to include the pursuit of foreign policy goals and a response to domestic political pressures may help to explain the role of this institution in Russian citizenship policy.

TOWARDS A THEORETICAL FRAMEWORK

This chapter has attempted to sketch out an understanding of citizenship policy as a tool for state-building and a strategy for policy achievement. It began by outlining an understanding of the political community, defined by citizenship, as a collectivity by drawing on the work of Anderson and others of the constructivist school. Anderson is describing a broad historical process, whose determining structures and contours are now being redrawn in the new Russia. The collapse of the Soviet Union can be seen as the decline of one form of collective imagining requiring the emergence of a new one in

¹⁵For a discussion of the conception of citizenship and the modern Western nation-state see William Rogers Brubaker, "Introduction," in William Rogers Brubaker, ed. *Immigration and the Politics of Citizenship in Europe and North America* (Lanham, MD: University Press of America, 1989), 3.

¹⁶Hammar, "Dual Citizenship," 87.

¹⁷*Ibid.*

its stead. It is in these initial stages that new pilgrimages will be established and new borders mapped out for this new socio-political space.

Having established what is understood as the political community, it becomes possible to describe how citizenship policy can be used as a ruling strategy and instrument for the realization of policy. This description began with a model of modern citizenship based on the work of T. H. Marshall and the later critique by Michael Mann. Combinations of citizenship rights and institutional arrangements allowed citizenship policy to be employed by a regime as a ruling strategy through the institutionalization of class conflict. This was generalized to encompass all forms of conflict between social groups within a given polity.

To complete this rough sketch of the instrumentalization of citizenship, it is suggested that it can also be used to pursue foreign policy goals, as well as to satisfy domestic political pressures, through the use of the institution of dual citizenship. The extension of citizenship status to constituencies beyond the state's borders is to extend sovereignty over populations of other states. The role of protector of these extraterritorial citizens has the potential of involving one state in the domestic affairs of another.

Any study of post-Soviet identity formation must first deal with the values and institutions inherited from the Soviet past. The Soviet system provided a rather rigidly defined tiered-model of identity. Reflecting the structure of the state and the official policy on questions of nationality, one's identity had supra-national, national and territorial components. This identity structure was dynamic and evolved in response to the changes in leadership and the political needs of the day¹⁸. For the purposes of introduction, it is useful to briefly sketch out its structure and to highlight the

¹⁸Oleh S. Fedyshyn, "The Role of the Russians Among the New, Unified "Soviet People", in Edward Allworth, ed. *Ethnic Russia in the USSR: The Dilemma of Dominance*, (New York: Pergamon Press, 1980), 150-151.

contradictions inherent in the conflicting demands of ideological rigidity and political realities.

The supranational, Soviet element was embodied by the much vaunted concept of *sovetskii narod* (Soviet people). In a useful summary of the theoretical literature on the subject Ruslan O. Rasiak provides a definition of the Soviet people as "the world's first interethnic socialist community of people", its emergence being identified with a new historical era, whose beginnings were to be found in the Bolshevik revolution¹⁹. It is worthwhile to quote the description of its characteristic features at length in order to illustrate the implications such an ideological and programmatic policy had for civic identity options. Soviet theoreticians further defined the Soviet people as having:

a single common territory (the USSR), a single ideology and world view (Marxism-Leninism), a common purpose and goal (the building of a communist society), proletarian internationalism and Soviet patriotism, and peaceful and harmonious relations between classes and ethnic groups. In addition, the Soviet people aggregate is said to be characterized by unity of class and ethnic interests, a high and growing degree of socioeconomic homogeneity, a single common multiethnic culture, common features of spiritual make-up and psychology, bilingualism and widespread, increasing use of Russian as the language of interethnic communication, the preeminence of the working class and its vanguard - the communist party.²⁰

A non-national, civic identity was not unique to the Soviet period, as evidenced by the existence of the imperial concept of *rossiiskost'* or 'Russian stateness', which was never the exclusive preserve of ethnic Russians²¹. What is unique about the concept of *sovetskii narod* is its entirely ideological content and function and its emphasis on class identity.

It is in no way surprising that this formula satisfies the four criteria - commonality of language, territory, economic activity and psychological make-up - set

¹⁹Ruslan O. Rasiak, "The Soviet People: Multiethnic Alternative or Ruse," in Edward Allworth, ed. *Ethnic Russia in the USSR: The Dilemma of Dominance*, (New York: Pergamon Press, 1980), 160.

²⁰*Ibid.*, 161.

²¹Fedyshyn, "Role of the Russians," 150.

out for the existence of a nationality by Joseph Stalin in his 1913 *Marxism and the National Question*²². According to Marxist-Leninist doctrine, the Soviet people was not a Soviet nation or a supra-ethnic group, but a multi-ethnic community. It was simply a transitional form of collectivity, just as socialism was a transitional system on the way to full communism²³.

The use of the term and its content possessed a certain flexibility in response to the character and demands of the leadership. During the Stalin and Brezhnev periods a greater emphasis was placed on the Russian component of this communal identity, thus deepening the possibility of slippage between *sovetskii* and *rossiiskii*²⁴.

The content of this Soviet people, as defined above, claimed to be socialist, working class²⁵, and multiethnic. This Soviet identity was in no small part realized through citizenship policy, which made claims to a specific constituency. This overarching Soviet identity was the uppermost tier in the identity complex. In the post-Soviet era, it is the residue of this identity that the successor states must confront in their state-building efforts.

The next tier down in the Soviet identity complex was national identity. This referred to an individual's ethnicity. This identity was reinforced both by its explicit official status (as evidenced in its use in statistical data and accounting and its manifestation in the internal passport system²⁶) and the ethno-territorial administrative

²²Alter, *Nationalism*, 16.

²³Rusiak, "Soviet People," 161.

²⁴Fedyshyn, "Role of the Russians," 151.

²⁵It is important to note that the harmonious class relations referred to the period following the elimination of hostile and enemy classes. For more on this subject see Valery Chalidze, *To Defend These Rights: Human Rights and the Soviet Union*, trans. Guy Daniels (New York: Random House, 1974), especially pages 9-14.

²⁶For an excellent account of the history and development of the Soviet passport regime see Mervyn Matthews' *The Passport Society: Controlling Movement in Russian and the USSR*; (Boulder, Colorado: Westview Press, 1993); this point is also extremely well developed in Rogers Brubaker's article "Nationhood and the National Question in the Soviet Union and post-soviet Eurasia: An Institutional Account" in *Theory and Society* 23, 1994, 47-78, which will be discussed below. It is interesting to note that according to a 1994 interview with chief of the Russian Federation Presidential Staff Citizenship Issues Administration, Abdulakh Kasbulatovich Mikitaev, the proposed new Russian Federation identity cards, which are to replace internal passports, retain the nationality section, but its completion will be voluntary. ("*Grazhdanin Rossi*", *Trud*, 23 November 1994, 2.).

structure of the Union. It also played out significantly in language and education policy and the census. The role of ethnic identities and official ethnic labeling would have to be reconsidered by the new post-Soviet states as the supranational framework which had formerly contained them dissolved.

The final identity-tier was territorial. This component stemmed from the simple fact of one's place of permanent residence. In addition to the usual emotional and professional ties to the place of residence, there existed an official dimension in the form of registration and restriction on freedom of settlement²⁷.

The processes of the dissolution of the Soviet Union and the unraveling of this identity complex seemed to feed off of each other dialectically. The supra-national identity was dependent on those institutions and structures which inculcated common values and experiences, and offering incentives and rewards, as well as coercion. The CIS, which arguably was never set up for such a purpose, has so far proven to be too weak and diffuse to provide a substitute identity option. The loss of this identity option creates a space for the construction and promotion of new national identities as the successor states attempt to constitute themselves as sovereign national communities.

In the case of the former Soviet Union, the collapse of the supra-national, all-Union identity was compounded by the question of how these new states would choose to redefine themselves. In other words, would they elect to become ethnically or civically defined entities. The roots of these choices are the legacy of Soviet administrative and nationalities policies, whose contradictions and consequences have been outlined in the seminal work by Teresa Rakowska-Harmstone on the Union's ethno-territorial structure²⁸ and later in Rogers Brubaker's work on the inherent tensions between what he has termed the institutions of "national territories and personal nationalities" under the Soviet regime and their implications for post-Soviet

²⁷Matthews, "Passport Society," 44.

²⁸Teresa Rakowska-Harmstone, "The Dialectics of Nationalism in the USSR," *Problems of Communism*, vol. 23, no. 3 (May-June 1974), 1-22.

Eurasia.²⁹ Brubakers maintains that two distinct and contradictory definitions of nation were institutionalized in the Soviet system, one territorial and the other ethnocultural. In essence, once the drive towards independence had discredited the overarching supra-national identity, competing strains within the process of state-building pitted the two remaining identity components, the territorial and the ethnic, against each other where, as was often the case, they did not happen to be congruent. While the accounts provided by Rakowska-Harmstone and Brubaker are helpful in describing the legacy of Soviet nationalities policies and the resultant contradictory dynamics which ultimately tore the Union apart, they were never intended to explain the emergence of Russian citizenship policy. Having established the bases on which Soviet identities were formed, it is necessary to turn to the present in order to locate the current social and political factors affecting identity formation.

It would appear that one of the results of casting independence movements in terms of national liberation is the tendency to narrow identity options available to citizens. The results of such struggles, when successful, are new states constituted in ethnically exclusive terms. Perhaps the most obvious cases of this trend can be seen in Estonia and Latvia. Both states have engaged in the construction of an ethnically-based nation-state, reflected in their restrictive citizenship policy with respect to non-titular nationalities. This outcome seemed to be a foregone conclusion rather early on. Both republics had increasingly conceived of themselves in ethnic terms in their respective drives for independence, despite the problems, both domestic and inter-state, inherent in such exclusive definitions.³⁰ For multi-ethnic Russia, the situation was not so simple. As suggested above, the multiplicity of national and ethnic groups in the Russian Federation, the reliance of the Russian government on the support of its

²⁹Rogers Brubaker, "Nationhood and the National Question in the Soviet Union and Post-Soviet Eurasia: An Institutional Account," *Theory and Society*, 23 (1994), 55.

³⁰An excellent theoretical treatment of the development of the ethnic based state-building policies of these states is presented in Graham Smith's "The Ethnic Democracy Thesis and the Citizenship Question in Estonia and Latvia," *Nationalities Papers* vol. 24, no. 2 (June 1996), 199-216.

constituent ASSRs, and the dynamics of the Russian struggle for sovereignty established a civic-territorial basis for the emerging independent Russian state.

The question central to this project is what is a post-Soviet, all-Russian identity, how has it developed and where is it going. More specifically, in order to characterize a post-Soviet Russian civic identity, if indeed one exists, it becomes necessary to discover its content, the bases upon which it is constituted, and the level of its inclusiveness. The collapse of the Soviet Union was accompanied by a necessary collapse of a Soviet identity, as the structures and institutions lost their capacity to provide goods and demand loyalty, along with whatever remaining legitimacy they possessed. It put into question such fundamental issues as where the borders of the successor states would be located and what the criteria for membership in these new constituencies would be. If Russia was to be defined in ethnic terms, this would exclude the significant number of national minorities. This could be especially problematic, given that within Russia itself were situated a number of ethnically defined republics, the former ASSRs. These issues of identity and community were replicated within the Federation itself. The relationship of Russia with the ethnic Russian and russophone populations living beyond its borders in the newly independent states would prove to become an especially thorny question. There emerged the possibility of a tug of war of allegiances for this new diaspora, as ethnic and territorial identities vied for primacy. These questions have profound implications for both domestic politics and foreign policy.

In the Russian case this debate is further complicated by the Soviet legacy of the dominant role played by both the Russian Federation (the former RSFSR), as both the historical centre of the Union and the largest of the Union republics, and ethnic Russians, evidenced in their overwhelming preponderance in the Party elite³¹ and the

³¹For an interesting discussion of this phenomenon in the nomenklatura system and the use of ethnic Russians as second secretaries in the Union and Autonomous republics see John H. Miller, "Cadres Policy in the Nationality Areas: Recruitment of CPSU First and Second Secretaries in the Non-Russian Republics of the USSR," *Soviet Studies* 29, 1 (January 1977), 3 - 33.

use of Russian language as the primary medium of Soviet culture and "interethnic communication"³². This led to a blurring of Soviet and Russian identities on both an institutional and a personal level. This legacy was to play out in the competing claims and complaints which surfaced during the power struggles between the Union centre and the Union republics in the final days of the Soviet Union and in the aftermath of the Union's collapse. It is within this context that the Russian Federation simultaneously decried the ruinous effects of its subordination to the centre and proclaimed itself the centre's heir and successor.

The concept of citizenship will be used in an attempt to pin down a collective identity for the inhabitants of the Russian Federation. Despite the vast theoretical literature on citizenship, it appears to be a rather neglected issue in the study of Eastern Europe. Indeed, prior to 1989 the topic went virtually without mention. Many Western commentators, as well as dissidents, viewed Soviet law as completely subordinated to the requirements of the Party and the state and often at odds with international legal norms, especially with in the area of human rights³³. It was perceived to be of purely of nominal value, its implementation being either arbitrary or illegitimate. Even under Gorbachev, despite attempts at legal reform in the latter part of *perestroika*, Soviet citizenship law continued to fall short of international norms and was often employed selectively. However, as George Ginsburgs argues, it is important both in its effect on Soviet citizens and for what they said about Soviet political and legal culture.³⁴ Soviet citizenship practices serve as the foundation and

³²This point is developed in Jonathan Pool's "Whose Russian Language? Problems in the Definition of Linguistic Identity," in Edward Alworth, ed. *Ethnic Russia in the USSR: The Dilemma of Dominance*, (New York: Pergamon Press, 1980), 237 - 248. Particularly relevant is the discussion of the Russian language as the site of identity construction as both the language of the Russian people and the language of Lenin, 239 - 240.

³³For example see Robert Sharlet, *Soviet Constitutional Crisis: From De-Stalinization to Disintegration*, (Armonk, New York: M. E. Sharpe, Inc., 1992) and Valery Chalidze, *To Defend These Rights: Human Rights and the Soviet Union*, translated by Guy Daniels (New York: Random House, 1974).

³⁴George Ginsburgs, "From the 1990 Law on the Citizenship of the USSR to the Citizenship Laws of the Successor Republics (Part I)," *Review of Central and East European Law*, vol. 18, no. 1 (1992), 2.

experience of citizenship for the successor states, pointing up some of the very same substantive issues faced by these states today.

This relative lack of interest in citizenship seems to have survived the regimes which inspired it. In the literature on transition, nation- and state-building in Central and Eastern Europe citizenship appears as the subject of only a few articles by a handful of authors. However, if one interprets citizenship as a marker of political and legal membership in 'national community', which defines the relationship between citizen and state, and articulates the citizens' rights and obligations, then it cannot be ignored. It is in this regard that citizenship policy can be linked to the one of the broader processes of transition and democratization, namely constitutionalism. Constitutionalism encompasses the broad package of political pluralism, free elections, government accountability and legally guaranteed civil rights. It limits or regulates the power of the state through an institutional framework providing for the separation of powers and the rule of law, as prescribed by a constitution.³⁵

While Communist citizenship discourse was dominated by the provision of public goods to citizens by the state, post-communist citizenship is being used by states to work out competing claims for constituencies and territory, despite the fact that these claims are often, if not exclusively articulated in terms of civil and human rights. Ralf Dahrendorf suggests that in Eastern Europe in the transitional period following the collapse of communism there has been a shift in citizenship from a question of "the substance of civic entitlements to boundary questions".³⁶

As will be discussed below, citizenship is a multidimensional issue with both juridical and philosophical components. It is precisely this richness that makes it such a fertile area for study. This is especially true in the case of Russia, where the content of citizenship is now being remade. The focus of this paper will be on what Dahrendorf

³⁵Ziyad Motala, *Constitutional Options for a Democratic South Africa*, Washington, DC: Howard University Press, 1994, 6-7.

³⁶Ralf Dahrendorf, "The Changing Quality of Citizenship," *The Condition of Citizenship*, ed. Bart van Steenberg, Thousand Oaks: SAGE Publishing, 1994, 17.

has identified as one of the most basic aspects of citizenship, the question of new civic boundaries, the division of populations into new citizen-constituencies, and the implications of these processes for state-building.³⁷

Having developed this preliminary understanding of citizenship the next step is to apply it to the Russian case. The purpose of this exercise is to see how the Russian Federation has employed citizenship policy in mapping out the political community, responding to domestic political pressures, and as a policy tool in its relations with other states, particularly those of the so-called 'near-abroad'.

³⁷Ibid.

CHAPTER THREE

SOVIET CITIZENSHIP POLICY

This chapter will present a brief outline of the development of Soviet citizenship policy and the issues which surrounded it. A citizenship tradition does not spontaneously materialize, but draws on the history and experience of the particular polity. As argued above, tradition matters and it is out of the Soviet experience that Russian policy will be developed. It is hoped that this chapter will illustrate the claim that the Soviet legacy was a causal factor in the development of the particular path that Russian citizenship policy followed. It is through this analysis of the roots of Russian citizenship that the present discussion may be placed in both an historical context and an analytical framework.

Based on this review of Soviet citizenship legislation, it will be argued that Soviet citizenship proceeded through four phases of development, none of which correspond to Western theoretical models of citizenship and all of which saw its politicization as it was variously deployed to achieve regime objectives. These phases will be identified as: 1) an intensive state-building phase, where a single common citizenship was constructed with an emphasis on inclusion and exclusion on the basis of class; 2) a centralization phase, where orthodox practices were consolidated; 3) a instrumental phase, where citizenship became a political weapon of the regime to be used against dissidents; and 4) finally, a political sovereignty phase, where the issue of citizenship was used by competing forces to stake out federal and republican claims to constituencies and legitimacy.

Soviet and Western sources will be examined to show a major shift occurred in the role of citizenship as an issue in the late Gorbachev period, which set the stage for the development of contemporary discourse on Russian citizenship. The political events which shaped these policy shifts will be dealt with briefly below, as an explanation for the reactive changes in the area of citizenship legislation. This chapter will cover up to the period just prior to the adoption of the Russian citizenship law of 1991, which predated the collapse of the Soviet Union by just over a month. This somewhat artificial break-point in the continuous and fluid development was chosen for analytical purposes, establishing the context in which citizenship issues evolved and facilitating a comparative treatment of the laws of 1991 and 1993.

The study of Soviet citizenship has traditionally received scant attention in the West. The literature that does exist is almost exclusively from the field of international law, with its focus on international legal standards, observance of human and civil rights, and compliance with international treaties and conventions. The foremost expert in the field is George Ginsburgs, whose comprehensive works on Soviet citizenship laws, Soviet constitutions, and participation in international agreements, forms the bulk of the literature available in the English language. With his exhaustive use of primary, Russian language sources, his body of work is the authoritative voice on the subject of citizenship from an international law perspective.

One of the more recent and analytical, albeit brief, Western accounts of the development of Soviet citizenship is provided in Mann's *States, War, and Capitalism*. Focusing on the Stalinist era, Mann characterizes the system as the quintessential example of an authoritarian socialist ruling strategy, which precluded civil rights entirely and provided limited political rights in only the most formal and nominal sense. The exercising of these rights, when possible, was rarely meaningful. The regime relied heavily on repression and established structures of pervasive state control instead of the institutions of civil society. What the regime did provide was a relatively broad

package of social citizenship rights. Most prominent of these were full employment, free public education, health care and the guarantee of a basic level of subsistence. In addition, provisions were made for cultural development, although these were applied inconsistently and when pursued it was within very restricted bounds and always subordinated to political motivations.¹

Soviet literature on the issue of citizenship also treats the subject in a primarily juridical context; it is rarely considered political. This is not to say that there was no scholarly debate on the topic. The discussions of Soviet theorists, however, largely centred on the nature of the relations between individual and state and the enumeration of rights and duties, which are a consequence of this relationship and serve to differentiate between the status of citizens and that of alien. These legal relations are characterized as stable and not being subject to limits of time or territory.² These discussions, however, were conducted within very strict ideological parameters, concentrating on defining the essence and content of Soviet citizenship. The Soviet commentaries highlight the development of a Soviet citizenship distinct from and superior to 'bourgeois' variants and portray Soviet citizenship as the ideal institution for the realization of a person's full and developed identity, which reflected the fundamental equality and democracy of the Soviet system³. The development of citizenship and citizenship legislation was described with the obligatory praises of the construction of the most advanced model of "democratism and elevated humanism"⁴.

Bourgeois citizenship was said to have emerged in order to guarantee bourgeois economic and political domination by 'nationalizing' the population of the state through the abolition of legal distinctions between classes, while simultaneously preserving the

¹Michael Mann, *States, War, and Capitalism* New York: Basil Blackwell, 1988, 203-204.

²Shevtsov, V. S. *Grazhdanstvo v sovetskom Soiuзnom gosudarstve*, Moscow: Iuridicheskaja literatura, 1969, 13.

³For example, see such classic texts as V. S. Shevtsov's *Grazhdanstvo v sovetskom soiuзnom gosudarstve* (ch. 2) and his chapter in *Sovetskoe gosudarstvennoe pravo* (ch. 4); V. M. Safronov's *Konstitutsiia SSSR i sovetskoe grazhdanstvo* (ch. 2).

⁴V. S. Shevtsov, *Grazhdanstvo SSSR*, Moscow: Moskovskii rabochii, 1980, 27.

privilege of the propertied class. This was said to cause an inherent tension between the formal legal equality of all citizens and the subjugation of citizens to the bourgeois state. In contrast, no such contradiction was said to exist in Soviet citizenship, which was based on the power of the people, socialist humanism, and proletarian internationalism. As the power flows directly from the people, they were able them to participate in all aspects of economic, social, and political life.⁵

While the works of Ginsburgs, Shevtsov, and Safronov constitute the main source of historical commentary, this information must be employed critically, along with an analysis of the texts of Soviet citizenship laws from the Revolution up to the collapse of the USSR. To that end, this chapter will proceed with a brief account of each of the four phases of Soviet citizenship policy with reference to the specific legislative acts through which it was affected.

The first phase, intensive state-building, corresponds to the early Soviet period when the Bolsheviks were consolidating their power, from the October Revolution, through the Civil War, into the mid-1920s. Legislatively speaking, this period begins with the 10 (23) November 1917 Decree of the All-Russian Central Executive Committee (*Vserossiiskii Tsentral'nii Iсполnitel'nii Komitet* or *VTsIK*) "On the Abolition of Social Estates and Civil Ranks" ⁶. This replaced the legally sanctioned social standings and their differential rights with "the single designation of citizens of the Russian Republic ... for the entire population of Russia." The last legislative act of this period was the 29 October 1924 "Union Citizenship Rules," which established a single citizenship and procedures for all Union republics⁷.

⁵Shevtsov, *Grazhdanstvo*, 12; V. Shevtsov, *Citizenship of the USSR: A Legal Study*, (Moscow: Progress Press, 1979), 24-25; It is interesting to note that the critique of bourgeois citizenship is essentially the same as Marshall's account of the development of modern British citizenship without, of course, the Marshall's belief in the empowering effect of accumulated citizenship rights for the working class.

⁶*Ibid.*, 17.

⁷"Decree on the Abolition of Social Estates and Civil Ranks, Issued by the All-Russian Central Executive Committee and the Council of the People's Commissars," in Yuri Akhupkin, comp., *First Decrees of Soviet Power* (London: Lawrence & Wishart, 1970), 34.

In this first period, Soviet sources pay attention almost exclusively to the Russian case, claiming that analogous developments were occurring in the other Soviet republics and emphasizing the leading role of the RSFSR.⁸ On the one hand, this would appear to be another example of the portrayal of the Russians as the big brother to their fellow Soviet nationalities, leading them along the path to full socialist development, which was so prominent in nationalities Soviet discourse. However, as the Bolsheviks extended their control throughout the territory of the former empire, they installed virtually identical bodies of law in each republic⁹.

Soviet commentators highlight the struggle against antagonistic class elements and the establishment of a single, equal citizenship. On the basis of these class relations only workers and peasants who did not employ others were eligible for automatic citizenship or naturalization. Legislative provisions were made for the naturalization of aliens belonging to the toiling classes residing on the territory of the RSFSR (and in exceptional cases and through direct application to the Chairman of the *TsIK* for those residing outside the republic)¹⁰, as well as for the deprivation of citizenship for those Russians who resided outside the territory of the RSFSR and those belonging to anti-revolutionary classes of organizations¹¹.

Dissident literature on this period gives a similar historical account, though with a markedly divergent interpretation. Valery Chalidze cites class discrimination as an integral part of Soviet doctrine. The primary expression of this discrimination was

⁸V. Shevtsov, *Grazhdanstvo SSSR* (Moscow: Moskovskii rabochii, 1980), 17.

⁹For example, the 1919 Constitution of the Ukrainian Socialist Soviet Republic outlines virtually identical rights for its citizens and the same criteria for the exclusion of those belonging to enemy classes for exclusion from citizenship; see "Konstitutsiia Ukrainskoi Sotsialisticheskoi Sovetskoi Respubliki, in *S"ezdy sovetov Soiuzu SSR, soiuznykh i avtonomnykh sovetskikh sotsialisticheskikh respublik: sbornik dokumentov v trekh tomakh, 1917-1936 g. g.* (Moscow: Gosudarstvennoe izdatel'stvo iuridicheskoi literatury, 1959-60), 2: 57.

¹⁰"Dekret o priobratanii prav rossiiskogo grazhdanstva," in *Dekrety Sovetskoi vlasti* (Moscow: Gosudarstvennoe izdatel'stvo politicheskoi literatury, 1958), 2: 40-41.

¹¹Shevtsov, *Grazhdanstvo SSSR*, 18, 19.

through the instrumentalization of law (including citizenship policy), which was used against the so-called 'enemy classes' to deprive them of citizenship rights.¹²

This use of citizenship policy in the interest of the working class was illustrated in Article 23 of the 1918 Constitution (Basic Law) of the RSFSR, where certain individuals and groups were identified as class enemies and were to be deprived of citizenship rights, which they would no doubt use against the socialist revolution¹³. Article 20 ensures that foreigners on the territory of the RSFSR who are members of the working class or peasants who do not employ the labour of others are entitled to the same social and civil rights as Russian citizens¹⁴. Responsibility for all citizenship matters, including the granting and stripping of status, as well as the rights of foreigners lay with the *VTsIK* and the *Vserossiiskii S"ezd Sovetov* (VSS) according to point 16 of Article 49¹⁵. Shevtsov notes that in this period questions of citizenship regarding the 'toiling classes' were the responsibility of local Soviets, while the *guberniia* Executive Committees were responsible for citizenship matters for all other classes¹⁶.

The first all-Union citizenship rules appeared in the 1922 "Basic Points of the Constitution of the Union of Soviet Republics (RSFSR, Ukraine, Belorussia, Caucasian Federation)". It stipulated in Article 10, point 17 that all basic legislation in the area of Union citizenship and with respect to the rights of foreigners fell within the competency of the All-Union *TsIK*¹⁷. Under the "Agreement on the Formation of the

¹²Valery Chalidze, *To Defend These Rights*, trans. Guy Daniels (New York: Random House, 1974), 9-10.

¹³"Konstitutsii (osnovnoi zakon) Rossiiskoi Sotsialisticheskoi Federativnoi Sovetskoi Respubliki," in *S"ezdy sovetov Soiuz SSR, soiuznykh i avtonomnykh sovetskikh sotsialisticheskikh respublik: sbornik dokumentov v trekh tomakh, 1917-1936 g. g.* (Moscow: Gosudarstvennoe izdatel'stvo iuridicheskoi literatury, 1959-60), 1: 74.

¹⁴*Ibid.*

¹⁵*Ibid.*, 1: 79.

¹⁶Shevtsov, *Grazhdanstvo*, 19.

¹⁷"Osnovnye punkty Konstitutsii Soiuz Sovetskikh Sotsialisticheskikh Respublik," in *S"ezdy sovetov Soiuz SSR, soiuznykh i avtonomnykh sovetskikh sotsialisticheskikh respublik: sbornik dokumentov v trekh tomakh, 1917-1936 g. g.* (Moscow: Gosudarstvennoe izdatel'stvo iuridicheskoi literatury, 1959-60), 2: 307.

Union of Soviet Socialist Republics" of 1923 this provision is repeated verbatim in the enumeration of All-Union government responsibilities (Article 1, point 20)¹⁸, as well as establishing a single, uniform, Union citizenship for all citizens of the Union republics (Article 21)¹⁹.

The 1924 Union Constitution reiterated that legislation of Union citizenship was the responsibility of the higher organs of the USSR government (Article 1, point 21)²⁰ and explicitly stated that a single Union citizenship was established for all citizens of Union republics (Article 7)²¹.

The "Union Citizenship Rules" of 29 October 1924 allowed for both republican and all-Union Executive Committees to administer admission to, revocation, and reinstatement of Soviet citizenship²². The 1924 rules are significant not only for the establishment of uniformity in citizenship procedure throughout the USSR, but also for the relatively important functions assigned to the republican structures.

It is interesting to note that the establishment and instrumental usage of the internal passport system seemed to mirror developments in citizenship policy. Labour books were initially required for members of the bourgeoisie for the dual purpose of labour recruitment and the derivation of labour rights and freedom of movement for these classes²³. Following the chaos of the Civil War, the NEP period necessitated a relaxation in social policies, resulting in the very short-lived right of all citizens to freedom of movement and residence and the cancellation of labour books and identity

¹⁸"Dogovor ob obrazovanii Soiuza Sovetskikh Sotsialisticheskikh Respublik," in *S"ezdy sovetov Soiuza SSR, soiuznykh i avtonomnykh sovetskikh sotsialisticheskikh respublik: sbornik dokumentov v trekh tomakh, 1917-1936 g. g.* (Moscow: Gosudarstvennoe izdatel'stvo iuridicheskoi literatury, 1959-60), 3: 18.

¹⁹*Ibid.*, 3: 21.

²⁰"Osnovnoi zakon (Konstitutsiia) Soiuza Sovetskikh Sotsialisticheskikh Respublik," in *S"ezdy sovetov Soiuza SSR, soiuznykh i avtonomnykh sovetskikh sotsialisticheskikh respublik: sbornik dokumentov v trekh tomakh, 1917-1936 g. g.* (Moscow: Gosudarstvennoe izdatel'stvo iuridicheskoi literatury, 1959-60), 3: 43.

²¹*Ibid.*, 3: 44.

²²Shevtsov, *Grazhdanstvo*, 20-21.

²³Mervyn Matthews, *The Passport Society: Controlling Movement in Russia and the USSR* (Boulder: Westview Press, 1993), 17.

cards²⁴. These developments had a profound impact on the contents of Soviet citizenship, variously expanding or reducing the rights and duties attached to the status of citizen.

This first phase in the development of Soviet citizenship law saw the creation of potential constituencies with the aim of establishing a state of workers and peasants by the selective inclusion of populations on the basis of class. This occurred first on the republican level then, with the end of the civil war, the formation of the Union, and the consolidation of Soviet power, on the all-Union level. Despite the assumption of primary responsibilities by the all-Union structures under the constitution and citizenship rules of 1924, the republics continued to play a significant role in the administration of the citizenship regime.

The second phase, which has been identified as a period of centralization, can be more accurately characterized as an uneven development, variously restricting and extending the competencies of lower levels of government (Union republics, Autonomous republics, and Autonomous regions), while generally tending to concentrate the powers over granting, deprivation, and restitution of citizenship under federal control.

The USSR Citizenship Rules of 13 June 1930 represented substantial procedural changes in both the definition of the constituency eligible for Soviet citizenship and the conditions for deprivation. More significant for the present discussion was the reclassification of the functions of naturalization, restoration, and renunciation of citizenship as the exclusive responsibility of the Presidium of the Central Executive Committee (*Tsentral'nii Ispolnitel'nii Komitet* or *TsIK*)²⁵. While these measure were partially undone with the 22 April 1931 USSR Citizenship Rules,

²⁴*Ibid.*, 19.

²⁵Shevtsov, *Grachdanstvo*, 21.

powers were once again centralized in the 1938 Law on Soviet Citizenship which superseded it.

The 1931 rules gave greater prominence to republican citizenship, which now had to be granted simultaneously with Union citizenship. The republican Presidium TsIKs were also allowed to make rulings on deprivation and reinstatement and new powers over acquisition of citizenship for permanent residents of the USSR were given to the Autonomous republics and regions.²⁶

The administrative gains in citizenship policy of the Union and Autonomous republics were soon reversed. The 1936 Constitution explicitly stated in the section outlining the state structure that Soviet citizenship legislation was the exclusive responsibility of the higher bodies of the federal government (Article 14, point 22)²⁷, while Article 21 proclaims the existence of a single Union citizenship for all USSR citizens and states that all citizens of Union republics are USSR citizens²⁸.

In the spirit of the 1936 Constitution, the 1938 law abolished the powers that had been granted Autonomous regions and republics seven years earlier, while withdrawal from and deprivation of citizenship once again became an exclusively federal preserve, under the Presidium of the USSR Supreme Soviet. According to Article 8 of this law the classification of those individuals residing on Soviet territory, who held neither Soviet nor foreign citizenship as 'stateless persons' (*lits bez grazhdanstva*) was introduced into Soviet citizenship policy.²⁹

Ginsburgs identifies these provisions of the 1936 constitution and the 1938 law on citizenship as legislative 'high water marks' in the trend towards centralization,

²⁶*ibid.*, 22.

²⁷"Konstitutsiia (Osnovnoi Zakon) Soiuzu Sovetskikh Sotsialisticheskikh Respublik," in *Sbornik zakonov SSSR i zakonov Prezidiuma Verkhovnogo Soveta SSSR, 1938-1975* (Moscow: Izdatel'stvo Izvestiia Sovetov Deputatov Trudiashchikhsia SSSR, 1975), 1: 6.

²⁸*ibid.*, 1: 7.

²⁹"O grazhdanstve Soiuzu Sovetskikh Sotsialisticheskikh Respublik, Zakon ot 19 avgusta, 1938 g." in *Sbornik zakonov SSSR i zakonov Prezidiuma Verkhovnogo Soveta SSSR, 1938-1975* (Moscow: Izdatel'stvo "Izvestiia Sovetov Deputatov Trudiashchikhsia SSSR, 1975), 1: 117-118.

serving to place citizenship firmly within the competency of the all-Union structures³⁰. Despite their different tone, the Soviet sources on these two legislative acts seem to support his interpretation of the supremacy of union citizenship and the consequent devaluation of republic citizenship. This is said to be the result of the need to balance the independent initiatives of the Union republics with the a unified, centralized leadership for the country as a whole. The All-Union government's responsibility for the fundamental legislation for Union citizenship is the only explicit reference to competencies for citizenship policy in the 1936 Constitution and the division of federal and republican powers was not explicitly addressed. While Union and Autonomous republics were to responsible for the regulation of their own republican citizenship, this was to be done in accordance with the established the basic legislation on Union citizenship.³¹

This law remained in force for forty years, periodically supplemented by decrees by the Presidium of the USSR Supreme Soviet in order to deal with issues not covered by the original law. 1940 and 1941 decrees established Soviet citizenship for the inhabitants of the annexed territories Lithuania, Latvia, Estonia, Bessarabia ,and Northern Bukovina, while a 1948 decree allowed for the acquisition of Soviet citizenship by Lithuanian, Estonian, and Latvian citizens and natives of Bessarabia residing in Latin America³². A series of decrees were issued for the acquisition of Soviet citizenship by direct descendants of Imperial Russian subjects living in

³⁰George Ginsburgs, *The Citizenship Law of the Soviet Union*, The Hague: Martinus Nijhoff Publishers, 1983, 2-3.

³¹Shevtsov, *Grazhdanstvo*, 95-96.

³²"O poriadke priobretenii grazhdanstva SSSR grazhdanami Litovskoi, Latviskoi i Estonskoi Sovetskikh Sotsialisticheskikh Respublik (Ukaz ot 7 sentiabria 1940 g.)" in *Sbornik zakonov SSSR i zakonov Prezidiuma Verkhovnogo Soveta SSSR, 1938-1975* (Moscow: Izdatel'stvo "Izvestiia Sovetov Deputatov Trudiashchikhsia SSSR, 1975), 1: 118-119; "O vosstanovlenii v grazhdanstve SSSR zhitelci Bessarabii i o priobretenii Sovetskogo grazhdanstva zhiteliami Severnoi Bukoviny (Ukaz ot 8 marta 1941 g.)" in *Sbornik zakonov SSSR i zakonov Prezidiuma Verkhovnogo Soveta SSSR, 1938-1975* (Moscow: Izdatel'stvo "Izvestiia Sovetov Deputatov Trudiashchikhsia SSSR, 1975), 1: 119-120; "O poriadke priobretenii grazhdanstva SSSR grazhdanami Litovskoi, Latviskoi, i Estonskoi Respublik i urozhentsami Bessarabii prozhivaioishchimi v stranakh Latinskoi Ameriki (Ukaz ot 30 marta 1948 g.)" in *Sbornik zakonov SSSR i zakonov Prezidiuma Verkhovnogo Soveta SSSR, 1938-1975* (Moscow: Izdatel'stvo "Izvestiia Sovetov Deputatov Trudiashchikhsia SSSR, 1975), 1: 128.

Manchuria, France, Yugoslavia, Bulgaria, Belgium, Czechoslovakia, and Japan between 1945 and 1947³³. These decrees served to broaden the potential citizenship pool, but did not alter the division of federal and republican powers in any way.

World War II and the wartime and post-war border changes, with their resultant incorporation of territories into the Soviet Union, created large populations of displaced persons, both within and beyond the borders of the USSR. Following the war the USSR entered into mutual repatriation treaties with Czechoslovakia and Poland. Two agreements were concluded between the USSR and Czechoslovakia. The first, in June 1945, provided for population exchanges the with the Soviet Trans-Carpathian region, while the second 1946 agreement covered repatriation for the Volhynia region of the UkSSR.³⁴ The corresponding Soviet decree states that, in accordance with the agreements between the governments of Czechoslovakia and the USSR, individuals of Czech or Slovak nationality and their families exit Soviet citizenship upon leaving the USSR for Czechoslovakia. Ethnic Russians, Ukrainians, and Belorussians and their families leaving Czechoslovakia are to be granted Soviet citizenship upon arrival on the

³³ "O vosstanovlenii v grazhdanstve SSSR poddanykh byvshei Rossiiskoi Imperii, a takzhe lits, utrativshikh Sovetskoe grazhdanstvo, prozhivaiushchikh na territorii Man'chzhurii (Ukaz ot 10 noiabria 1945 g.)," in *Sbornik zakonov SSSR i zakonov Prezidiuma Verkhovnogo Soveta SSSR, 1938-1975* (Moscow: Izdatel'stvo "Izvestiia Sovetov Deputatov Trudiashchikhsia SSSR, 1975), 1: 120; "O vosstanovlenii v grazhdanstve SSSR poddanykh byvshei Rossiiskoi Imperii, a takzhe lits, utrativshikh Sovetskoe grazhdanstvo, prozhivaiushchikh na territorii Frantsii (Ukaz ot 14 iunia 1946 g.)," in *Sbornik zakonov SSSR i zakonov Prezidiuma Verkhovnogo Soveta SSSR, 1938-1975* (Moscow: Izdatel'stvo "Izvestiia Sovetov Deputatov Trudiashchikhsia SSSR, 1975), 1: 121-122; "O vosstanovlenii v grazhdanstve SSSR poddanykh byvshei Rossiiskoi Imperii, a takzhe lits, utrativshikh Sovetskoe grazhdanstvo, prozhivaiushchikh na territorii Iugoslavii (Ukaz ot 14 iunia 1946 g.)," in *Sbornik zakonov SSSR i zakonov Prezidiuma Verkhovnogo Soveta SSSR, 1938-1975* (Moscow: Izdatel'stvo "Izvestiia Sovetov Deputatov Trudiashchikhsia SSSR, 1975), 1: 122-123; "O vosstanovlenii v grazhdanstve SSSR poddanykh byvshei Rossiiskoi Imperii, a takzhe lits, utrativshikh Sovetskoe grazhdanstvo, prozhivaiushchikh na territorii Bolgarii (Ukaz ot 14 iunia 1946 g.)," in *Sbornik zakonov SSSR i zakonov Prezidiuma Verkhovnogo Soveta SSSR, 1938-1975* (Moscow: Izdatel'stvo "Izvestiia Sovetov Deputatov Trudiashchikhsia SSSR, 1975), 1: 123; "O vosstanovlenii v grazhdanstve SSSR poddanykh byvshei Rossiiskoi Imperii, a takzhe lits, utrativshikh Sovetskoe grazhdanstvo, prozhivaiushchikh na territorii Iaponii (Ukaz ot 26 sentiabria 1946 g.)," in *Sbornik zakonov SSSR i zakonov Prezidiuma Verkhovnogo Soveta SSSR, 1938-1975* (Moscow: Izdatel'stvo "Izvestiia Sovetov Deputatov Trudiashchikhsia SSSR, 1975), 1: 124; "O vosstanovlenii v grazhdanstve SSSR poddanykh byvshei Rossiiskoi Imperii, a takzhe lits, utrativshikh Sovetskoe grazhdanstvo, prozhivaiushchikh na territorii Chekhoslovakii (Ukaz ot 5 oktiabria 1946 g.)," in *Sbornik zakonov SSSR i zakonov Prezidiuma Verkhovnogo Soveta SSSR, 1938-1975* (Moscow: Izdatel'stvo "Izvestiia Sovetov Deputatov Trudiashchikhsia SSSR, 1975), 1: 124-125.

³⁴ Eugene M. Kulischer, *Europe on the Move: War and Population Changes, 1917-47* (New York: Columbia University Press, 1948), 287-288.

territory of the USSR.³⁵ Under the 1945 and 1946 agreements with Poland former Polish nationals, who had become USSR citizens under the Soviet annexation of eastern Poland in 1939, were repatriated to Poland from Ukraine, Belorussia, and Lithuania, as well as many war-time evacuees to Central Asia, while a large population of Ukrainians and other Soviet nationalities were transferred in the opposite direction, acquiring USSR citizenship.³⁶ Shevtsov cites this as an example of the elimination of statelessness and the preclusion of dual citizenship in the Soviet citizenship regime³⁷

The next phase is characterized by the routine use of citizenship deprivation as a political tool by the regime to deal with dissidents and opposition. While it is true that, as noted above, provisions for the deprivation of citizenship had been included from the very first, and there were short lists of those who had been subjected to such punishment in both 1938 and 1939³⁸, it is only in 1970 that such measures became a prominent function of Soviet citizenship policy. This is significant not only as one of the grossest examples of instrumentalization of citizenship, but also because, as will be discussed below, of its prominence as an issue for the drafting of the 1991 RSFSR Law on Citizenship.

Beginning in 1970 with the stripping of Soviet citizenship from Svetlana Iosifovna Allilueva, who was residing in the United States at the time, a pattern of high profile announcements of deprivations (without the publishing of the actual Presidium edict) began to develop, which was repeated with A. A. Zinoviev in 1971, and V. Chalidze and Zh. Medvedev in 1972³⁹. The next step was to come with the famous expulsion and deprivation of citizenship of A. I. Solzhenitsyn in 1974 and was to befall

³⁵"O vykhode iz Sovetskogo grazhdanstva lits cheshskoi i slovatskoi natsional'nostei, pereseliaiushchikhsia iz SSSR v Chekhoslovakiiu, i priobratanii Sovetskogo grazhdanstva litsami russkoi, ukrainskoi i belorusskoi natsional'nostei, pereseliaiushimisia iz Chekhoslovakii v SSSR," in *Sbornik zakonov SSSR i zakonov Prezidiuma Verkhovnogo Soveta SSSR, 1938-1975* (Moscow: Izdatel'stvo "Izvestiia Sovetov Deputatov Trudiashchikhsia SSSR, 1975), 1: 126.

³⁶Kulischer, *Europe on the Move*, 291-292.

³⁷Shevtsov, *Grazhdanstvo SSSR*, 37-39.

³⁸Ginsburgs, *Citizenship Law*, 240.

³⁹*Ibid.*, 241.

other prominent intellectuals and artists, including M. L. Rostropovich and T. Mamonova, right up until 1983⁴⁰.

The 1977 Constitution of the USSR outlined the basic principles of Soviet citizenship in the second section, which was entitled "The State and the Individual". Like its predecessors, it establishes a uniform federal citizenship and declares all citizens of Union republics to be citizens of the USSR (Article 33). One noteworthy innovation is the explicit declaration of the equality of all citizens before the law in Article 34. Procedures and grounds for entry to and exit from Soviet citizenship are to be found in the Law on Citizenship of the USSR.⁴¹

The 1978 Law on Citizenship, long delayed due to the drawn-out wait for the 1977 Constitution did little to change the responsibilities for citizenship issues. Ginsburgs maintains that it is noteworthy primarily for establishing a comprehensive citizenship regime to replace the outdated 1938 document and its long list of appended decrees⁴².

The general provisions of the law repeat the articulation of a uniform Soviet citizenship and the naming of all citizens of Union republics as Soviet citizens (Article 1)⁴³. Other significant points include the non-recognition of dual citizenship in Article 8⁴⁴ and the Article 18 provision for the deprivation of citizenship for anyone who has "has committed actions bringing discredit on the calling of USSR citizen or damaging the prestige national security of the USSR"⁴⁵.

Article 26 covers the delineation of which state bodies are to rule upon which matters of citizenship. The presidium of the Supreme Soviet of the USSR was to rule on applications from foreigners and stateless persons outside the territory of the USSR,

⁴⁰Ibid., 242-244.

⁴¹"Constitution (Fundamental Law) of the Union of Soviet Socialist Republics (October 7, 1977)," in *Legislative Acts of the USSR, 1977-1979* (Moscow: Progress Publishers, 1981), 1: 36.

⁴²Ginsburgs, *Citizenship Law*, 6.

⁴³"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), 1: 353.

⁴⁴Ibid., 1: 355.

⁴⁵Ibid., 1: 357.

and on matters of restoration, termination, and reinstatement of citizenship.

Applications for Union republic citizenship (which would also confer Union citizenship upon the applicant) by foreigners or stateless persons already residing on the territory of that Union republic were to be considered by the Presidium of the Supreme Soviet of the Union republic, unless there had been a previous ruling on the application by the Presidium of the Supreme Soviet of the USSR.⁴⁶

This document, which preserved the virtual monopoly of the Presidium of the Supreme Soviet of the USSR on citizenship matters and strengthened the legal basis for the deprivation of citizenship, articulated the instrumentalization of citizenship policy by the regime for the purpose of managing internal dissent.

It was only with the political reforms introduced by Mikhail Gorbachev that citizenship was put on the negotiating table of federal-republican relations. As early as 1988 the Popular Front movements in the Baltic states had seized upon citizenship as a vehicle for pursuing sovereignty goals.⁴⁷ Claims of the supremacy of republican citizenship combined with their refusal to recognize their incorporation into the USSR as legal constituted a serious challenge to the institution of federal citizenship. The All-Union government reacted by the drafting of new Soviet citizenship legislation during the course of 1989 and 1990. These reforms were generally interpreted as a move on the part of the central government to counter the secessionist trends of some of the Union republics, notably the Baltics, by attempting to re-assert its jurisdiction over the citizenship agenda, thereby erecting legal and political impediments to separation.⁴⁸

Ginsburgs identifies the main issues to emerge from the debate surrounding the new law as deprivation and restitution of citizenship, dual citizenship, the role of the

⁴⁶Ibid., 1: 359-360.

⁴⁷See Lowell Barrington, "Nations, States, and Citizens: An Explanation of The Citizenship Policies in Estonia and Lithuania," *Review of Central and East European Law*, 1995, No. 2, 103-148.

⁴⁸George Ginsburgs, "Soviet Citizenship Law: Recent Practices and Proposed Reforms," *Osteuropa Rechts* 1990, Heft 4, 251.

republics in deciding matters of citizenship, administrative reform, and the harmonization of the Soviet law with international legal norms.

The deprivation of citizenship had been a prominent feature of Soviet citizenship practices, used in dealing with dissidents and those who had applied for emigration. With *glasnost* this practice became the topic of intense discussion, focusing on in which situations its employment would be appropriate and, indeed, the very legitimacy of its use. This was accompanied by a discussion of restitution of citizenship for those who had been deprived of it, which was no less contentious. There existed four categories of denaturalized individuals: those who voluntarily renounced citizenship; those who acquired foreign citizenship; those who emigrated via the so-called 'Israel conduit' (where denaturalization was a precondition for receipt of an exit visa, which resulted in expatriation, voluntary or otherwise); and for those behavior had been deemed not "to meet the high calling of Soviet citizenship". While more moderate voices advocated a wholesale reinstatement of citizenship for those who had been involuntarily stripped of this status, conservative opinions advocated the continuation of the *ad hoc* situation by which the state, of its own accord, offered reinstatement to certain prominent figures, such as Rostropovich and Solzhenitsyn, (on what seemed to be an entirely arbitrary basis), while the (non-celebrity) majority of cases had to petition for restitution.⁴⁹

Ginsburgs suggests that the area in which debate was most politicized was on the question of the level of republican involvement and responsibility in issues of citizenship. In all previous legislation the republics had been largely excluded from all matters concerning citizenship. However, in their drive to greater autonomy, several republics had made claims to the preserve of the citizenship portfolio, enhancing their claims of sovereignty by carving out the basis for a political constituency. On the

⁴⁹Ginsburgs, "Soviet Citizenship Law," 262-264; George Ginsburgs, "From the 1990 Law on Citizenship of the USSR to the Citizenship Laws of the Successor Republics (Part I)," *Review of Central and East European Law*, 1992, vol. 18, no. 1, 31-34.

federal side, the office of the presidency with its wide ranging powers seemed to signal an effort on the part of the central government to preempt any such usurpation of responsibility and power by the republican structures.⁵⁰ This issue would prove to be central in the evolution of the 1990 law and the development of late-Soviet and post-Soviet citizenship practice in general, subordinating all substantive legal and philosophical concerns.

In his commentary of the 1990 citizenship debate, Ginsburgs accords pride of place to the efforts to bring Soviet citizenship law in line with international legal norms, arguing that this had a twofold purpose. The first was to project an image of the regime internationally as sharing these universal norms and values. This was to demonstrate the Soviet commitment to human rights and freedoms and to show its capability as a leader in international affairs. The second reason was internal. The dominance of this discourse was intended to induce the legal bureaucratic structures to embrace the regime's reforms.⁵¹ This interpretation, while acknowledging the real advances that were made in Soviet human rights and legal practices, seems to support the hypothesis that citizenship policy was instrumentalized in an effort to respond to domestic political pressures and to achieve foreign policy goals.

In his analysis of the citizenship debate preceding the drafting of the 1990 Soviet citizenship law, Ginsburgs cites a list of concerns that can be placed into two categories. the first group are problems of administration and implementation, such as the time lag between the stating of commitment to reform and its actual enactment and acts of bureaucratic ignorance or sabotage. The second category encompasses all cases of the continued subordination of substantive citizenship issues to the political ends. He is particularly critical of how most decisions were taken with an eye to maximize the position of the central government vis-a-vis the republics, leading to decisions made for short-term, political advantage and expediency at the expense of due process and legal

⁵⁰Ginsburgs, "Soviet Citizenship Law," 264-5

⁵¹*ibid.*, 267- 269.

consistency.⁵² This second complaint, the politicization of the issue of citizenship also appears to support this paper's general hypothesis about the instrumentalization of citizenship policy. Given the Soviet history of instrumentalization of law in general and citizenship policy in particular, such a dynamic should come as no surprise.

The result of this debate was the last Soviet citizenship law, which was enacted on 23 May 1990. It stands as both a record of the failure of the regime to wholeheartedly embrace a reformation of Soviet legal culture to bring it into accord with international standards and as a last ditch effort by an increasingly weakened central government to consolidate its loosening grip on what it saw as one of the bases of legitimacy and mandate, the citizenship portfolio. A brief review of the law will provide a better picture of the state of citizenship affairs inherited by the former republics.

The preamble defined citizenship as the reciprocal nature of the ties between state and citizen and affirming the right of all individuals in the USSR to citizenship. Perhaps more significantly, it states that no one may be stripped of their citizenship arbitrarily or denied the right to change their citizenship.⁵³ This provision constituted the first half of the half-measure compromise on reforming citizenship deprivation.

Republican gains include the redefining of citizenship as 'multi-tiered', rather than the former formula of a 'single' citizenship. All citizens of union republics were simultaneously declared to be Soviet citizens (Article 1)⁵⁴.

Article 2 proclaims equality of citizenship, regardless of the method of acquisition, as well as regardless of "origin, social or property status, racial or national affiliation, type and nature of occupation, place of residence, duration of residence in a given location, and other circumstances"⁵⁵. Other significant features include the

⁵²Ibid., 270-271.

⁵³"O grazhdanstve (23 maia 1990 g.)," in *Vedomosti S"ezda narodnykh deputatov SSSR i Verkhovnogo Soveta SSSR*, no. 23 (6 iunია 1990 g.), 589.

⁵⁴Ibid.

⁵⁵Ibid.

continued inclusion of the non-recognition of dual citizenship (Article 11) and the innovative elevation of the citizenship of autonomous republics to statutory level in Article 6⁵⁶. While this represented a federal move in line with the general trend of the devolution of power out from the centre, it also served to impede the sovereignty drives of the union republics by strengthening competing claims of their constituent ASSRs.

Also significant were the changes to the provisions for the loss of citizenship in Article 20. The five ways in which citizenship could be lost were through exit, forfeiture, deprivation, by international agreement, as well as by any other basis envisaged by the law. Forfeiture of Soviet citizenship was reserved for three categories of individuals: those entering into the service of the military, security, police, administrative, or justice apparatus of a foreign state; the failure by a person permanently residing outside the USSR to register with a local consular office for five years without a valid reason; and for obtaining Soviet citizenship through knowingly submitting false data or counterfeit documents (Article 22)⁵⁷. It is reasonable to assume that this provision was intended as a threat to Soviet citizens participating in those strategic structures, which served as potential loci of sovereignty in the independence-minded republics.

Article 23 outlines the conditions under which a citizen may be deprived of Soviet citizenship. A far cry from abandoning the practice which was decidedly at odds with accepted international norms, only the conditions under which the practiced could be employed were altered. The dubious offense of "casting dishonour upon the high calling of Soviet citizenship" was replaced with "acts inflicting significant injury to the interests of the state or state security"⁵⁸ as grounds for stripping an individual of their citizenship. While somewhat less far-reaching and vague, the provision continued

⁵⁶Ibid., 590-591.

⁵⁷Ibid., 593

⁵⁸Ibid.

to allow for significant discretion on the part of the federal authorities in its use of essential arbitrary denaturalization.

Of particular interest to the present study is the delineation of powers over matters of citizenship. In what may be interpreted as another federal attempt at centralization, the young institution of the Presidency was invested with the overwhelming majority of citizenship powers. Article 32 stipulates that the President is to rule on applications by foreigners and stateless persons residing outside the borders of the USSR, foreigners and stateless persons on whose applications there have been prior rulings, all matters of reinstatement and deprivation, as well as exit from Soviet citizenship by citizens residing beyond the borders of the USSR. When a case involves the interests of a Union republic or an ASSR, that republic will be consulted.⁵⁹ These provisions represent the concentration of enormous power in the office of the presidency.

For their part, the highest republican government organ or official was to rule on applications for republican citizenship by foreigners and stateless persons either domiciled in the republic or living beyond its borders, as well as exit from republican citizenship by both those domiciled in the republics and those residing beyond its borders. It is explicitly stated in each provision that entry to or exit from republican citizenship entails a simultaneous acquisition or loss of federal citizenship.⁶⁰ This is a clear linkage between federal and republican citizenships, implying that republican citizenship has no meaning or legitimacy on its own.

This chapter has attempted to demonstrate that throughout its history Soviet citizenship has been instrumentalized. Citizenship policy has been politicized and used by the regime as a tool for state-building, as well as a response to both domestic and international pressures. Central to this understanding is the assumption that history matters in the development of citizenship policy. There would appear to be a mutually

⁵⁹ibid., 595.

⁶⁰ibid., 596.

reinforcing process whereby the political demands of the day structure the regime's use of citizenship and the ways in which citizenship is deployed structure the way in which citizenship is understood.

Policy development has been divided into four rough phases, each corresponding to a dominant regime objective towards which citizenship was employed. These developments were in response to the broader political processes at work in the USSR. Much of this chapter has been spent recounting which layer of government had which powers over citizenship at what point in time. This is not to deny that the content of Soviet citizenship, that is, the rights and duties attached to the status of citizen and the ability of citizens to exercise them, and its development had significant consequences. However, the focus of this paper is how that citizenship policy was used as a tool for state-building and for what purposes and to what effect the regime deployed the various discourses surrounding citizenship. In the final stage of Soviet citizenship development, this became increasingly clear, as citizenship became one of the arenas of contestation between federal and republican sovereignty claims.

It is against this backdrop that the first time since 1922 a Russian citizenship law, which assumed full responsibilities over all aspects of citizenship was drafted. Still within the confines of the Soviet political structure, these issues and the focus on competing claims for power and sovereignty would come to dominate the Russian debate and have a formative role in the building of a new citizenship regime.

CHAPTER 4

THE 1991 LAW ON RUSSIAN CITIZENSHIP

On November 28, 1991 the Supreme Soviet of the RSFSR adopted a new law on citizenship on its first reading. The timing of the legislation and the speed with which it was adopted give some hint as to the importance placed upon the issue of citizenship by the Russian government. The passage of this first law on citizenship marked the first time since 1922 that the now sovereign RSFSR had complete control over its own citizenship policy. It will be argued that the development of Russian citizenship policy took place in the context of the legacy of Soviet citizenship policy, inheriting both the accumulated practices and outstanding issues from the old regime, and was shaped by contemporary Russian and Soviet politics. These developments occurred during what has been identified in the previous chapter as the final stage of Soviet citizenship policy, where citizenship issues became a battleground for competing federal and republican sovereignty claims. These processes, the reformist and the efforts at power enhancement were by no means discrete and there was a great deal of overlap between them. Indeed, they often seemed to feed off each other, the former being used to justify the latter. It will be argued that there was a gradual shift in emphasis, or at least importance from the former to the latter, as political events pushed, then overtook the positions of both the centre and the republics. It is also interesting to note that the development of citizenship debate reflects the changes in political climate, as illustrated by the shift in emphasis in Russian citizenship discourse from one of sovereignty to one of international legal norms and rights (curiously

echoing earlier Soviet formulas), as republican unity dissolved along with the Soviet Union.

This chapter will examine the beginnings of this Russian citizenship policy and its significance for the time period up to and including the coming into force of the November 1991 law "On Citizenship". Its purpose is to examine the sources of this policy and to explore how these played out in the debates that arose over the issue of citizenship and ultimately in the passage of this first law in order to sketch out how these political demands were to shape the emergence of Russian citizenship.

As noted above, the existing material on this subject, both Western and Soviet, comes from a legal studies perspective and concentrates for the most part on the procedural aspects of the policies and legislation, as well as their implications for international law. Accordingly, like the legislation and pronouncements they analyze, they engage in a discourse of rights and international legal norms. Attempts to contextualize these developments and link them to the macro-level are evident in the work on the foremost Western authority on the subject, George Ginsburgs.

A 1990 article by Ginsburgs, in which he identifies the issue area of citizenship as a legislative battleground during the final year of the existence of the USSR, serves as an excellent jumping-off point for this discussion. This struggle pitted the All-Union and republican governments against each other, as each tried to maintain or carve out a constituency to serve as a legitimate source of authority.

In his summary of attempts at domination of the citizenship portfolio on the part of the All-Union government Ginsburgs includes the law on the procedure for the republican secession (3 April 1990), the allocation of federal and republican competencies (26 April 1990), the law on the *militia* (6 March 1990), the pre- and post-coup Union Treaty proposals, and the Declaration of Rights and Freedoms (5 September 1991), as well as its most obvious attempt to dictate the agenda, the 1990

Law on Citizenship of the USSR.¹ Each of these contained provisions and safeguards for the status of Soviet citizens and can be viewed as an unsuccessful legislative assertion of the continued significance of federal citizenship in the face of increasing republican sovereignty.

With respect to Russia, it would seem logical, at least in terms of policy, to date the first involvement in the area of citizenship by the RSFSR to the first of a series of bilateral accords with other union republics guaranteeing the rights of the citizens of each on the territory of the other. However, with respect to the emergence of a distinct Russian citizenship policy, Ginsburgs is quite correct in citing the 12 July 1990 Declaration of Sovereignty as the critical turning point².

These early bilateral treaties, beginning in November and December of 1990 with Kazakhstan and Belorussia, respectively, are significant in establishing a pattern and policy that would later emerge as a major component in the implementation of the early stages of the Russian Federation's citizenship policy. In addition, they also established a dynamic of inter-republic communication and cooperation which, in effect, increasingly bypassed the centre³.

But it was the sovereignty declaration which marks the turning point in this discussion, with its provisions for the protection of the rights and freedoms pursuant to the RSFSR constitution, the USSR constitution and international norms. This guarantee applied to all citizens of the RSFSR and individuals on its territory without citizenship. A republican citizenship was established throughout the territory of the RSFSR and the declaration explicitly stated that the protection and defense of the rights of Russian citizens would extend beyond the borders of the RSFSR.⁴ It is important to

¹ George Ginsburgs, "From the 1990 Law on the Citizenship of the USSR to the Citizenship Laws of the Successor Republics (Part II)," *Review of Central and East European Law*, vol. 19, no. 3 (1993), 233-234.

² *Ibid.*, 251.

³ Furtado, Charles F., Jr. and Andrea Chandler, "Introduction," in eds. Charles F. Furtado and Andrea Chandler *Perestroika in the Soviet Republics: Documents on the National Question*, Boulder, Colorado: Westview Press, 1992, 7.

⁴ Ginsburgs, "From the 1990 Law," 254.

point out that in the chronology of sovereignty declarations, Russia was among those near the bottom of the pack, the tenth of the fifteen republics. This suggests that Russian policy at this stage was largely reactive, both to the efforts of the more aggressive republics, such as the Baltic republics and Georgia, and the efforts of the central government to rein in those rebellious republics. It was in this atmosphere of crisis and the contestation of central authority that Russia was impelled to create a citizenship policy. The Presidium of the Supreme Soviet of the RSFSR resolved to form a Commission on Citizenship Questions on 9 August 1990, which was charged with the task of developing a draft citizenship law. The resolution named the chairman and deputy chairman of the new Commission, as well as four additional members. It stipulating that People's Deputies were, who were not members of the Commission were allowed to participate in their meetings and that the Commission could invite representatives of government bodies, the general public, and the mass media to its meetings.⁵

The following twelve months saw an intensification of these centre-republic struggles at the All-Union level, as the Baltic republics, Georgia and Armenia declared independence. The situation in Ukraine was rapidly moving in the same direction. It would seem not unreasonable to locate the effective end, in terms of power and legitimacy, for the Soviet Union in the failed coup attempt of August 1991. The hard-line members of the Soviet government tried to not only to turn the tide of dissolution of the Union, but also to reverse those reforms which had been responsible for that trajectory. In their attempt to pre-empt the signing of a new and looser Union Treaty and to remove Gorbachev from power, the coup plotters only succeeded dissolving whatever power and influence the centre had managed to retain. This afforded the ever-stronger republican regimes the opportunity to break up the USSR once and for all.

⁵"Ob obrazovanii Komisii Prezidiuma Verkhovnogo Soveta RSFSR po voprosam grazhdanstva," in *Vedomosti S"ezda narodnykh deputatov RSFSR i Verkhovnogo Soveta RSFSR*, No. 10 (9 August 1990), 171-172.

These events were to have a profound effect on the development of Russian citizenship policy. Before August 1991 Russian citizenship had been envisaged exclusively within the framework of a larger Union citizenship, despite the fact that the form of such a Union was uncertain. It was with this understanding that the November 1991 Russian citizenship law had been drafted. The coup attempt must be seen as a critical juncture in the development of citizenship policy, for it is at this point that citizenship begins to make the transition from a largely symbolic sovereignty issue in the struggle between the centre and the RSFSR to a substantive policy issue for a newly emerging state.

Faced with the growing probability of the disintegration of the Union, the Russian Federation was spurred to forge a coherent citizenship policy. This was reinforced by the rush towards independence on the part of some of the other republics, complete with citizenship policies of their own⁶. As early as the end of September of that year Iu. V. Zaitsev, chairman of the Commission of the Presidium of the RSFSR on the Supreme Soviet for Citizenship issues, was quoted as saying that a new draft law on citizenship was ready for examination by the Supreme Soviet. He outlined the document's major innovative points as the abolition of citizenship deprivation, the institution of a simplified procedure for citizenship acquisition for compatriots abroad, and the possibility of dual citizenship under the terms of bilateral treaties. Zaitsev explicitly voiced the expectation that a regime of such dual citizenship treaties with all the other union republics would be created⁷. These were precisely the issues that the moderate and reformist voices had pressed for in the discussion leading up to the adoption of the 1990 Soviet Citizenship law. These provisions obviously addressed the failures of previous legislation to bring citizenship laws into line with international legal norms and accepted standards of human rights observance. Equally important

⁶For example, Lithuania enacted its post-sovereignty citizenship law on 3 November 1989; see Lowell Barrington, "The Domestic and International Consequences of Citizenship in the Soviet Successor States," *Europe-Asia Studies*, Vol. 47, No. 3 (1995), 733.

⁷"Deputy Views New Citizenship Law," *FBIS Daily Report - Soviet Union*, FBIS-SOV-91-189 (30 September 1991), 57.

was the fact that this demonstrated that the Russian state could implement these reforms in the interests of its citizens, which the USSR was either unwilling or unable to undertake.

On 30 September 1991 in response to this pressure and what was termed the consequent infringement of rights of those "linked ethnically to the peoples of the Russian Federation", the State Council under the President of the RSFSR pledged to protect and defend the rights, lives, honour, and worth of these persons within the bounds of international legal norms, while respecting the right of peoples to self determination and of republics to independence⁸. It is interesting that these concerns should surface so early in the development of Russian citizenship policy. This would appear to further evidence the breakdown of any republican solidarity after the common enemy, the Soviet centre, had been, for all intents and purposes, defeated. The Russian reaction to the nationalist orientation of the other republican regimes with respect to 'co-nationals' residing in those republics would set the tone for the new, post-sovereignty phase of Russian citizenship policy. In these early stages of Russian citizenship policy, issues of economic reform were largely absent from the debate. One heard little or nothing about property rights, the right to conclude contracts, or the free movement of labour in connection with questions of citizenship.

It is in the combination of these two announcements, occurring in the space of only two days, that it is possible to see the foundations of a citizenship policy that appears to operate on two levels, the quest for dual citizenship through a regime of bilateral accords and the unilateral declaration of the right (and obligation) to protect the interests of 'compatriots'. It is also significant that both of these positions are constructed in terms of rights (human and civil) and international legal norms.

On 25 October 1991 *Rossiiskaia gazeta* reported that the RSFSR Presidium Press Service had announced that the draft law on citizenship had been examined by the

⁸"State Council to Defend Rights of Russians," *FBIS Daily Report - Soviet Union*, FBIS-SOV-91-190 (1 October 1991), 52.

Commission on the National-State Structure and Inter-ethnic Relations, which concluded that it should be submitted to the Supreme Soviet for discussion⁹.

At this point, for the purposes of analysis, it would be useful to outline the significant provisions of law itself before reviewing the presentation on the law by Commission chairman Zaitsev and issues raised at the two joint sessions of the Soviet of the Republic and the Soviet of Nationalities during which the legislation was debated.

THE 1991 LAW ON CITIZENSHIP

The preamble of the law makes specific reference to the coherence of the legislation with the norms of international law and the provisions for the citizenship and human rights of the RSFSR Constitution. Article 1 goes on to declare the right of every person in the RSFSR to citizenship and states that no one may be stripped of their citizenship¹⁰. The placement of the abolition of citizenship deprivation in the very first article of the law signals its significance, revealing this measure as a government priority.

With respect to the republican sub-units within the Federation, Article 2 states that RSFSR citizens residing permanently on the territory of these republics will simultaneously hold Federation and republican citizenship¹¹. This is the only mention of the constituent units of the federation in the legislation. There were no further provisions for any role in federal citizenship for the regions and republics.

Another area in which the Russian citizenship law went further than the Union legislation was in the area of dual citizenship, covered by Article 3. Dual citizenship would be permitted in the event that an international agreement on the matter existed

⁹"Call for Citizenship, Refugee Law Debate," *FBIS Daily Report - Soviet Union*, FBIS-SOV-207 (25 October 1991), 31.

¹⁰"Law of the Russian Soviet Federative Socialist Republic "On Citizenship"," trans. William B. Simons, *Review of Central and East European Law*, 1993, No. 3, 293.

¹¹*Ibid.*

between Russia and another state. This meant that applicants for Russian citizenship from that state would not be required to renounce prior citizenship and that Russian citizens would be able simultaneously to hold citizenship of that state. This provision carried the qualification that dual citizenship could not be used to evade one's civic duties and obligations.¹² It is important to keep in mind that at this point in time the architects of this legislation envisaged the creation of comprehensive regime of bilateral dual citizenship treaties with the other republics as a cornerstone of Russian citizenship policy.

The Article on identification evidencing citizenship reflects the transitional nature of the citizenship regime. Article 10 envisages either an RSFSR identification document or passport as proof of Russian citizenship, but birth certificates or other documentation containing reference to a person's citizenship would be acceptable prior to receipt of the aforementioned documents.¹³

Chapter II of the law outlines the procedures for acquisition of RSFSR citizenship, enumerating the seven methods of citizenship acquisition: by recognition, by birth, by registration, by restoration, by choice in the event of the transfer of territory from one state to another, or by other provisions of the Law on Citizenship.

Of these, recognition and registration take on special significance given the transitional nature of this time period in citizenship policy, serving to establish a citizenship independent of that of the USSR. The recognition route provides for all permanent residents of the RSFSR, as well as those born on Russian territory on 30 December 1922 or thereafter and their direct descendants, to be recognized as citizens of the RSFSR (Article 13)¹⁴.

Registration, as outlined in Article 18, was a route available to a large number of categories of prospective citizens, having either blood or marriage ties to a Russian

¹²*Ibid.*, 294.

¹³*Ibid.*, 295.

¹⁴*Ibid.*, 296.

THE DEBATES

The developments described above, namely those in the Baltic republics and in Moldova overtook the provisions of the 1991 citizenship law of the Russian Federation. An examination of the debates on the amendments to the law in the Supreme Soviet in June 1993 reveal that the crucial changes being proposed dealt mainly with the provisions for the institution of dual citizenship. The perception of increased threat to the Russian diaspora and the infringement of their rights led to calls from both inside and outside government circles for a more aggressive, interventionist policy to ensure their protection. The failure of the pre-independence inter-republic treaties to establish a citizenship regime suitable to Russian interests was compounded by the inability of the Russian government to conclude bilateral dual citizenship agreements with most of the former republics and the implausibility of a common CIS citizenship.

The amendments to the law on citizenship were debated in both the Soviet of Nationalities and the Soviet of the Republic a total of five times over a period of two weeks during the Sixth session of the Supreme Soviet. All of the session proceeded in the same manner with a short presentation of the draft followed by questions on the various points, except for the last session in the Soviet of the Republic, which was simply a vote to adopt the legislation.

The draft legislation was first presented to the Soviet of Nationalities on 2 June 1993. The introduction and explanation of the amendments by Commission chairman Mikitaev outlined the five major, proposed changes to the legislation.⁵⁴

⁵⁴Abdulakh Kasbulatovich Mikitaev, *Biulleten' No. 14 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (2 June 1993) (Moscow: Izdania Verkhovnogo Soveta RF), 12.

The first amendment was merely a change in the name of the state. In accordance with the official name change, all references to the RSFSR were to be replaced with the Russian Federation (Russia).

The second change was in the operation of the institution of dual citizenship. This amendment to the law would spark the most debate and would have the most far-reaching implications. It was proposed that the renunciation of prior citizenship no longer be required for the acquisition of Russian citizenship, thereby widening the potential pool of dual citizens far beyond those states with which Russia had concluded the corresponding treaties. This measure was aimed at allowing compatriots in both the near and far abroad to acquire Russian citizenship without jeopardizing their status in the state in which they permanently reside⁵⁵.

The third amendment called for an extension of the cut off date for registration for citizenship. The rationale behind this was that one year was simply not enough time for people to make informed decisions on a matter as important as citizenship, especially in a situation as fluid and dynamic as in the former Soviet Union.⁵⁶

The fourth amendment addressed the rather serious procedural problem of the *propiska*. The original law required the possession of a permanent residence permit in order to obtain citizenship by registration, which presented a problem for anyone returning to the Russian Federation after living in one of the former republics. The draft recommended that this requirement be replaced by having a place of permanent residence and employment in the Russian Federation.⁵⁷ This was not designed as an attempt to reform the internal passport system, which was the subject of an entirely separate legislative project. The goal of this amendment was to more effectively facilitate the registration procedures for citizenship acquisition.

⁵⁵This does not account for cases in which the country of permanent residence has forbidden dual citizenship.

⁵⁶Abdulakh Kasbulatovich Mikitaev, *Biulleten' No. 14 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (2 June 1993), (Moscow: Izdania Verkhovnogo Soveta RF), 12.

⁵⁷*Ibid.*

The final amendment was designed to ease the situation of students from other former republics attending institutions of higher education. The provision would allow these people to qualify for citizenship by registration.⁵⁸

Throughout his presentation Mikitaev stressed the unanimity of the various committees and deputies involved in the drafting of the legislation and the urgency of the issue, which required that the legislation be adopted with the utmost speed.⁵⁹ What all of these amendments had in common was the goal of enlarging the pool of those eligible for Russian citizenship and facilitating its acquisition by these groups.

The debate and all of the questions centred on the institution of dual citizenship and the proposed changes to its availability and operation. The first of these questions had to do with the propriety of addressing this issue unilaterally. People's Deputy M. I. Etyryntyna thought that this matter should first be addressed by the Interparliamentary Assembly of the CIS and that dual citizenship should be regulated through bilateral and multilateral treaties worked out within that institutional framework.⁶⁰ Mikitaev agreed that such a multilateral arrangement, indeed expanded to include not only CIS states but all the former republics, would be preferable. However, in the meantime, this legislation was the least that the Russian Federation could do to address the problem⁶¹.

Perhaps the most controversial aspect of the revisions to the rules governing dual citizenship were connected to fears about how wide these measures would open the gate to Russian citizenship. These are precisely the concerns which address the

⁵⁸Ibid.

⁵⁹Ibid..

⁶⁰M. I. Etyryntyna, *Biulleten' No. 14 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (2 June 1993) (Moscow: Izdania Verkhovnogo Soveta RF), 12; M. I. Etyryntyna, *Biulleten' No. 15 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (8 June 1993) (Moscow: Izdania Verkhovnogo Soveta RF), 6.

⁶¹A. K. Mikitaev, *Biulleten' No. 14 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (2 June 1993) (Moscow: Izdania Verkhovnogo Soveta RF), 12; A. K. Mikitaev, *Biulleten' No. 15 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (8 June 1993) (Moscow: Izdania Verkhovnogo Soveta RF), 6.

definition and demarcation of the civic community. These questions can be broken into two general categories, property and crime.

The question of access to property and property rights in connection with the process of privatization was the very first to be raised in the debate. Deputy Ettyryntyna was concerned that without the requirement to renounce prior citizenship for acquisition of Russian citizenship there existed the possibility of persons applying for Russian citizenship for the sole purpose of acquiring property or land.⁶² These concerns were echoed in the question of Deputy G. M. Benov, who feared that foreigners who had easily acquired Russian citizenship could buy up both land and industry with hard currency under the existing privatization program⁶³. In response to these questions Mikitaev reiterated that these measures were aimed only at the Russian populations of the near and far abroad and that there is no need to fear an influx of opportunist foreigners, as each case must be approved by the appropriate responsible state organ on a case-by-case basis. This procedure would assure that Russian citizenship would not be open to any and all who might see it as advantageous. In addition to these procedural assurances, Mikitaev repeated that there can be no justification for forcing those compatriots in the far abroad to give up everything they have built up in their country of permanent residence, especially when they are able to bring valuable capital and skills back to Russia.⁶⁴ This exchange lay at the heart of the debate over dual citizenship. Mikitaev clearly sees this as a way of protecting the rights and interests of compatriots and institutionalizing their links to the Russian Federation. Benov, among others, fears that foreigners will take advantage of such provisions in

⁶²M. I. Ettyryntyna, *Biulleten' No. 14 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (2 June 1993), (Moscow: Izdania Verkhovnogo Soveta RF), 12; M. I. Ettyryntyna, *Biulleten' No. 15 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (8 June 1993), (Moscow: Izdania Verkhovnogo Soveta RF), 6.

⁶³G. M. Benov, *Biulleten' No. 14 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (2 June 1993) (Moscow: Izdania Verkhovnogo Soveta RF), 13.

⁶⁴A. K. Mikitaev, *Biulleten' No. 14 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (2 June 1993) (Moscow: Izdania Verkhovnogo Soveta RF), 12-14; A. K. Mikitaev, *Biulleten' No. 15 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (8 June 1993), (Moscow: Izdania Verkhovnogo Soveta RF), 6.

order to exploit Russia, rob her of her wealth, and diminish her status as a great power. It is interesting that neither of these positions are based on legal arguments, but that both fully accept the instrumentalization of the proposed amendment. Implicit in Benov's remarks about "privatization a la Chubais" is a critique of the governments economic reforms. It is also notable that the concerns raised over property rights do not centre on the thorny issues of the structure, extent, and guarantees of property rights which lay at the heart of Western liberal models of citizenship. Rather, these were concerns about foreign access to Russian property, where foreign means outside of the former Soviet Union.

The second set of objections to the removal of the renunciation of prior citizenship and the extension of dual citizenship interpreted these moves as opening up the country to a foreign criminal element. While asking whether these changes would give everyone the opportunity to obtain Russian citizenship, People's Deputy A. A. Kamenev complained that first all are invited to the Russian Federation and then people wonder why there is so much hooliganism⁶⁵. People's Deputy G. V. Saenko complains that there was already an excess of refugees in Moscow enjoying full commercial and trade rights. He goes on to ask how such legislation can defend the interest of the Russian Federation when it allows people to continue to "pilfer" from Russia.⁶⁶ In a later question Saenko insists on using the ethnic term form Russian, *russkii*, rather than the civic *rossiiskii*⁶⁷, though Mikitaev immediately rejects his choice of terms⁶⁸. Finally, Deputy B. B. Beshpalov worries that this law would open Russia to the criminal elements and Mafia structures active throughout the CIS⁶⁹. Mikitaev

⁶⁵A. A. Kamenev, *Biulleten' No. 15 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (8 June 1993), (Moscow: Izdania Verkhovnogo Soveta RF), 7-8.

⁶⁶G. V. Saenko, *Biulleten' No. 15 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (8 June 1993), (Moscow: Izdania Verkhovnogo Soveta RF), 6.

⁶⁷G. V. Saenko, *Ibid.*, 8; Following a complaint by Deputy Dzasokhov from Northern Ossetia later in the debate Saenko apologizes for the inappropriate question and states that he did not mean to offend anyone by the use of the term *russkii*.

⁶⁸A. K. Mikitaev, *Ibid.*

⁶⁹B. B. Beshpalov, *Ibid.*, 9.

replies that it is not the citizenship law that is to blame for the spread of crime, which is to be found throughout the former Soviet Union, even in Russia⁷⁰.

It is important to note that these claims about crime and economic chicanery are not neutral. While concerns about access to property rights and privatization depict foreign-ness as being Western, these issues centreing on crime and trade carry a strong racial component, being identified primarily with the peoples of the Caucasus. Bespalov's remarks seem to imply that criminality and Mafia activity are foreign to Russia and exist there only as imports from other CIS states. This is a form of identification through the opposition of that which is Russian to that which is criminal or corrupt.

One of the most interesting points brought out in the discussion of the draft was the linkage between dual citizenship and integration. Deputy S. A. Mikhailov made a general statement in favour of the amendments, contending that it is not only a question of ethnic Russians, but also of other nationalities who now form minorities in former republics. These people are now identified with the Russian language and culture. He went on to argue that dual citizenship was instrumental in the creation of a common economic space, which was necessary for the success of economic reform.⁷¹ Deputy N. I. Mal'kov identified dual citizenship as a route for future political integration⁷². These linkages between dual citizenship and greater economic and political integration are very significant. They signal a widely-held Russian desire for some form of integration with the other former republics, although this does not necessarily imply imperial ambitions.

By extending the potential citizenship pool beyond extra-territorial ethnic Russians to all former Soviet citizens, this dual citizenship provision contributes to a civically-based conception of citizenship. Herein lies the irony of this instrumentalization of dual

⁷⁰A. K. Mikitaev, Ibid.

⁷¹S. A. Mikhailov, Ibid., 11-12.

⁷²N. I. Mal'kov, Ibid., 12.

citizenship in particular, and with Russia's inclusive, liberal citizenship policy in general. These very characteristics which mark progress in democratism and rights observance simultaneously threaten the sovereignty of Russia's neighbors.

What comes out of this look at the parliamentary debates are some suggestions about where citizenship policy was heading and its implications for Russian identity. While the policy still suggests a civically based Russian identity, this debate differs from the one on the 1991 law in its linkage to concrete issues of Russian domestic politics, such as economic reform and crime. There appears to be a continued consensus on the broad reach of Russian citizenship, but it would appear that citizenship issues will now be viewed through the prism of domestic political concerns.

Citing these exchanges from the debates on the amendments to the law served to highlight the concerns raised by Russian citizenship policy and the questions raised by the proposed amendments. These points were expressed by individual deputies and it is difficult to assess how wide-spread and how deep these concerns were. It would appear, however, that the belief that the change in the situation of the russophone populations outside the Russian Federation necessitated these measures. Despite the reservations about the consequences of such an open citizenship policy the amended law was adopted by both the Soviet of Nationalities and the Soviet of the Republic on 17 June 1993⁷³.

This chapter has examined the development of the first two years of post-Soviet Russian citizenship policy. As noted above, the process has been largely reactive to events occurring in the other former republics and the policies of these states. When it became apparent that the construction of a common citizenship regime to Russia's liking would not come to pass, Russian policy was altered in an attempt to achieve these results unilaterally. This was accomplished largely through the expansion of the

⁷³*Biulleten' No. 16 zasedaniia Soveta Natsional'nostei, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (17 June 1993), (Moscow: Izdania Verkhovnogo Soveta RF), 4; *Biulleten' No. 15 zasedaniia Soveta Respublik, 6-aia sessiia Verkhovnogo Soveta Rossiiskoi Federatsii* (17 June 1993), (Moscow: Izdania Verkhovnogo Soveta RF), 14.

institution of dual citizenship in the June 1993 amendments to the Law on Citizenship. However, this study also revealed the development of two additional trends in citizenship issues with respect to domestic pressure in the Russian polity. Challenges to federal citizenship resembling those of the late Soviet period emerged as Tatarstan pursued its campaign to enhance its autonomy, in which citizenship once again became a symbolic sovereignty issue. The second trend was to come up in the parliamentary debates, where citizenship was linked to the issues of law and order and economic reform. What did remain constant through all of this was the general consensus that Russian citizenship should have a civic basis, extending throughout the territory of the former Soviet Union and the continued perception of the persecution and ill-treatment of Russians and Russophones in some of these former republics. It would also appear that an instrumentalized citizenship policy expressed in a discourse of rights would continue to be employed for the achievement of political goals.

CONCLUSION

This project began with the question of what would a post-Soviet Russian identity consist of, what would be the foundation on which it would develop. In the hopes of gaining some insights into this development, a study of Russian citizenship, understood as the marker of membership in the political community, was undertaken. In the process, four hypotheses were proposed to explain the particular path of development of Russian citizenship policy has followed. Roughly put, the factors affecting the course of citizenship policy were identified as the legacy of the Soviet past in the form of certain citizenship practices and institutions, the manner and sequence in which the Soviet Union disintegrated, the demands of international and domestic political pressures with respect to the achievement of policy goals and state-building, and the evolution of citizenship discourse in the post-Soviet space.

Reviewing each of these hypotheses in light of the observations of this study will help to present a clearer picture of the development of Russian citizenship policy, as well as outlining what this study can and cannot reveal. The first hypothesis referred to the inheritance of both the outstanding issues and certain practices connected with citizenship policy from the Soviet period. This set the agenda for the citizenship debate in the early period of its development, having a profound impact on the manner in which the policy was designed and how it was intended to operate. In establishing provisions under which dual citizenship could be held and by abandoning the practice of citizenship deprivation, the Russian government showed itself able to act decisively and progressively (from an international legal perspective) where the Soviet regime could not. This served to enhance the position of the RSFSR in its power struggle vis a vis the centre, as citizenship became yet another tool in the drive for increasing sovereignty.

This point also implies the continuation of certain practices which characterized Soviet policy, namely the instrumentalization of citizenship and the concentration of the overwhelming majority of citizenship powers in the office of the president. While the process of policy development was not the focus of this paper, the documents and media reports reviewed do suggest that it was a purely governmental affair with little outside or popular involvement. This exclusion of popular participation in the process of policy development and the preponderance of citizenship powers being held by the presidential administration could pose a serious threat to the civic and democratic nature of the policies outlined in the citizenship legislation.

Russian citizenship policy had to be re-thought when it became apparent that the desired comprehensive regime of bilateral, dual citizenship agreements among the successor states would not materialize. In response to this failure, the institution of dual citizenship was liberalized and deployed by the Russian government in order to manage both international and domestic political pressures around sensitive issues such as the large Russian and russophone diaspora residing in the other former republics. The persistence of the instrumentalization of citizenship policy surfaced as a major characteristic of Russian citizenship. By opening up the possibility of acquiring Russian citizenship to all citizens of the former Soviet Union who applied within the prescribed time period, the Russian government was able to present its policies as protecting the interests of extra-territorial Russians, while gaining a powerful policy lever in its dealings with the former republics hosting this large diaspora.

The second hypothesis asserts the order of events leading up to the dissolution of the USSR and the course of the relations between the various successor states had a profound impact on the direction in which Russian citizenship policy developed. While this claim may initially sound merely tautological, it is significant in that it suggests the reactive nature of the Russian policy, whose measures intended and intended outcomes were often overtaken by political developments beyond Russian control. For example,

the original version of the 1991 Law on Citizenship envisioned a Russia within the political context of the some type of Soviet Union, making explicit reference to a two-tiered Russian-Soviet citizenship. That the USSR fell apart just over a month after this law was passed not only necessitated expunging all references to the USSR from the legislation, but a fundamental shift in the nature of citizenship as an issue, as it was transformed from a largely symbolic question in the pursuit of greater sovereignty into a substantive issue of state-building. The reactive nature of Russian citizenship policy was again demonstrated in the renovation of dual citizenship described above in response to the intransigence of some of the other former republics, notably the Baltics, in bilateral relations.

These political pressures cited above and how the Russian government used citizenship policy to manage them is the subject of the third hypothesis. That the issue of citizenship was so uncontroversial in both the press and the parliamentary debates on the relevant legislation during a period in which the Russian political climate was characterized by confrontation and crisis suggests an extraordinary level of elite consensus on the question. The policy which emerged was flexible enough to respond to the political pressure of both the interests of the Russian diaspora and the demands of an inclusive, multi ethnic state-building project. It also allowed for a diffuse and fluid conception of the identity flowing from the status of citizen, not necessarily congruent with the borders of the Russian Federation. What is important to note is that the legislation represents the rejection on the part of the regime of a narrowly conceived, ethnically based Russian identity.

The fourth and final hypothesis dealt with the nature of the discourse surrounding the issue of citizenship. The debate has been almost exclusively in a language of human rights and international legal norms. This has resulted in laws which are liberal and inclusive in character and, as noted above, resulted in the early resolution of issues such as the recognition of dual citizenship and the end of

citizenship deprivation. As will be discussed below, whether this serves to deepen democratization will depend on how the laws are implemented. There does, however, appear to be the possibility of a contradiction between the inclusiveness of the Russian laws and the imperial threat that they may pose to her neighbors. One of the most effective tools at Russia's disposal in its disputes with the Baltic states has been the charge of human rights infringement in the area of citizenship.

The citizenship legislation that emerged from the newly independent Russia in November 1991 was a liberal and inclusive policy, especially in comparison to those of the other former republics. However, it was a policy based on the presumption of the development of a similarly open citizenship regime throughout the political space of the former Soviet Union. This arrangement never came to pass and in response to shifts in the political landscape, both domestic and international, the law was amended in 1993 to better serve Russian interests. What does emerge from an examination of the development of the debate is the impact that this discourse has had in shaping relations with other former republics and the possibility that these liberal measures may have illiberal consequences for Russia's neighbors.

This study relied primarily on the analysis of the citizenship legislation and the parliamentary debates which preceded its passage. A comparison of the laws reveals a consistently open citizenship policy, under which most citizens of the former USSR were able to claim Russian citizenship. The amendments to the original text of the 1991 law provided for the expansion of the institution of dual citizenship and the extension of the time periods for registration for Russian citizenship. This facilitated the unilateral enlargement of potential citizenship pool in the face of intransigence on the part of the other former republics on the issues of bilateral citizenship treaties and the perceived ill-treatment of Russian and Russophone minorities.

When considering what this case reveals about Russia and her political developed, it may be instructive to look at what issues changed and which features

remained constant. A comparison of the debates from 1991 and 1993 revealed a change in the type of issues and concerns raised in connection with the citizenship law. The first debates centred on largely procedural concerns about what forms the new institution would take and how it would operate. The second set of debates saw the appearance of questions related to the issues of economic reform and crime. This took the form of concerns over the access of foreigners to Russian property and the openness of the law allowing an influx of criminal elements. While neither issue threatened the passage of the amendments, their appearance is significant as a sign of the effects of the transition on political issues and the potential influence of domestic issues on citizenship. In the intervening months certain ethnic republics within the federation became increasingly more demanding, creating new centrifugal pressures, which were also reflecting in the development of citizenship policy.

What remained constant, both in the debates and the legislation, was the commitment to a broadly-based, inclusive citizenship policy under which most former Soviet citizens would qualify for Russian citizenship, whether they were residing permanently on the territory of the Russian Federation or not. The issue also continued to be presented in terms of human rights, with Russia acting as the guarantor of these basic rights throughout the former Soviet Union. This proved to be a particularly effective strategy in the struggles over citizenship rights of the Russian and Russophone minorities in the Baltics, allowing Russia to bring the international community on side.

As noted above, throughout this period, as in Soviet times, citizenship was effectively instrumentalized for the achievement of the regime's political goals. This subordination of the civic to the political lies at the heart of some very serious theoretical concerns, which will have significant practical consequences. This again raises the question of a possible contradiction between the civic goals which fall out of the liberal democratic form of Russian citizenship discourse in general, and of the

legislation in particular, on the one hand and the instrumental policy goals of Russia, vis a vis the other former republics, on the other. It remains to be seen whether these provisions which extend Russian interests into other sovereign states will pose any real threat and how such measures will influence the processes of democratization and transition within the Russian Federation.

The creation of these large potential constituencies within the borders of other independent states also suggests the possibility of contradictions between the democratic ideals espoused in the language of the legislation and the specter of a resurgence of Russian imperialism. Many of the states hosting these diaspora populations see Russian citizenship policy as yet another threat to their sovereignty.

Russian citizenship policy is still very young and largely untested. In the coming years the consequences of these policies, both domestic and international, will become increasingly more pronounced. This study concentrated exclusively on the 1991 law and the 1993 amendments, providing only a snapshot of the earliest developments. This work can not say anything about the implementation of the law, which is obviously of crucial importance. It is in the implementation of the law that its true character will be revealed and its consequences will be felt. Foremost among these issues is the reception and treatment of those dual citizens from other former republics taking up residence in the Russian Federation

Among other possible topics for further study in the area of citizenship are the subsequent amendments to the law itself, the development of republican citizenships within the federation, the development of a new identity documents regime and the its implications for freedom of movement and place of residence. While the proceedings of the Commission on Questions of Citizenship attached to the Office of the Presidency are not public, a great number of materials including presidential instructions and decrees on implementation and amendments, as well as the legislation itself and the various forms required for registration and petition are readily available. Much

comparative work remains to be done, both in contemporary and historical perspective. With the exception of the Baltic states, the development of citizenship regimes in the other post-Soviet states remains largely unexplored. The post-Soviet apportioning of citizenship may also be placed in the context of the post-imperial development of citizenship, along side, for example, the cases of the former British and Austro-Hungarian empires. The recent steps towards the integration of the Russian Federation and Belarus also have profound implications for the issue of citizenship. Additionally, in the context of economic transition and marketization, civil rights (including the right to conclude contracts and property rights) and social rights will take on greater importance. Whether the imposition of market conditions will result in a citizenship that more closely resembles Western models remains a very open question. With Russian citizenship policy only in its infancy and the story of transition still largely unwritten, the possibilities for further research in this area appear very rich, indeed.

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