If Hamilton and Madison Were Merely Lucky, What Hope Is There for Russian Federalism?

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Abstract. Just as the two-headed eagle of imperial and contemporary Russia looks in two different directions, this essay has two objectives: to evaluate, on the basis of the American experience, the prospects for stable democratic federalism in Russia and to reconsider the insights into federalism offered by Madison and Hamilton in The Federalist. The swirl of events in Russia make it difficult if not impossible to confidently render conclusions about the future direction of events and the prospects for meaningful federal domestic relations. However, some theoretical perspective can be gained by looking at the theory of federalism offered in The Federalist Papers, with special attention to Madison and Hamilton's failure to appreciate fully the role political parties would play in the eventual integration of American political institutions so as to establish, in Madison’s words, a “properly structured" federation. Looking as well at the early history of parties in the United States we see, in addition to the usual constitutional provisions associated with federalism, the importance of those things that structure political competition within states. Properly designed, these things encourage the development of political parties that mirror federal relations and integrate regional and national political elites so as to avert center-periphery conflict. Unfortunately, a review of the provisions currently in place for Russia reveals that electoral practices and regional and republic constitutions and proposals are unlikely to encourage parties of the sort that facilitate a stable federal system. This fact, in conjunction with several other trends (notably, corruption and the political instincts of political elites in Moscow), leads to the conclusion that a “federation" of the type currently observed in, say, Mexico is a better scenario of the future for Russia than is a federation that imitates the United States, Australia, Germany, or Switzerland.

1. Introduction

In December 1993, Russian voters ratified a constitution that ostensibly established a democratic federal state. However, it is not yet clear whether that document will move Russia in the direction of its stated objective or whether it merely provides a democratic gloss to a new authoritarian regime, albeit one with a capitalist foundation. Political parties, all born and bred in Moscow, are precarious entities that rise and fall with the fortunes of specific personalities (Fish, 1995; Remington and Smith, 1995). Federal relations remain a struggle between Moscow and Russia’s regions and republics over revenue, resources, and policy (Wallich, 1994). And official interpretations of democracy, including interpretations of a separation of powers and federalism, are suspiciously reminiscent of the comfortable tradition of democratic centralism. Thus, it is not unreasonable to ask: will Russia become a democratic federal state like the United States, Australia, Switzerland, or Germany; a quasi-federal one like Mexico ruled by a single party fed by official corruption; a democratic unitary one like France or Costa Rica; or a federalism like Nigeria that intersperses military dictatorship with democratic process?
The answer to this question cannot be found in any survey of Russia’s current circumstances alone. The swirl of events there leads in too many contradictory directions. On the one hand, we see a political system permeated by corruption in which competing “clans” vie for control of Russia’s resources while exhibiting little interest in investing in a moribund economy (“Political Elites,” 1995). On the other hand we find a Constitutional Court that has just begun to operate in an environment in which there appears to be considerable demand for an arbiter of conflict among those clans and among the varied parts of government. Economic reform proceeds fruitfully in some regions, whereas in others, circumstances are not much different than a decade ago (“Russia’s Regions,” 1995). And although mass elections have gained ascendancy as a way to legitimize political leadership, arrangements are being fashioned that would allow even greater manipulation of election outcomes than is alleged to have occurred in 1993 (“Computerized Systems,” 1995; Sobyanin, 1995).

To make sense of these contradictions requires some theoretical perspective. That is, to assess the interplay of these contradictory processes requires a general understanding of why some federal states are successful and others are not, of Russia’s deficiencies in this respect, of the tools of political institutional design that might remedy these deficiencies, and of the likelihood that those tools will be used. For this we turn to what seems an unusual source insofar as our subject matter is Russia: *The Federalist Papers*. We do this not only because the United States has achieved what seems to be Russia’s contemporary goal—a viable, balanced, democratic federalism—but also because, in setting forth the constitutional prerequisites for achieving a balance between a national government that has laws that are supreme but that is protective of the legitimate autonomy of its states—the twin objectives that currently bedevil the creation of a democratic federal Russia—Madison and Hamilton offer a blueprint for how constitutional parameters could be shaped to reach such an outcome.

The circumstances Madison and Hamilton confronted were, of course, wholly different from those that confront Russians. Among those differences is the fact that states in 1787 were entities with functioning governments that possessed significant if not complete autonomy; it was a national government that the new constitution sought to empower. Russia’s circumstances are the opposite. Except for the ethnic republics that have wrested some autonomy from the center, Russia’s sixty-eight or so nonethnic regions (oblasts, krais, autonomous okrugs) are largely administrative subparts of the national government that have not yet secured a clear constitutional role. Thus, although Hamilton and Madison were concerned with assuring states (and delegates to the New York ratification convention) that the new federal government would not usurp their legitimate authority, Russia must find a way to empower its federal subjects without threatening the dismemberment of the country.

Despite this difference, the central issue addressed by *The Federalist* concerns Russia as much as it did the United States: how to avoid having relations among the separate levels of government become an \(n+1\) person conflictual game in which the \(n\) federal subjects (states) are pitted against each other and the national government, and how to sustain an equilibrium that allows society to realize the benefits of federal decentralization in some natural way—how, that is, states can be made “constituent parts of the national sovereignty” (*Federalist*