

Constitution and narrative: peculiarities of rhetoric and genre in the foundational laws of the USSR and the Russian federation

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Abstract Constitutions are not just legal texts but form a narrative with an engaging plot, a hierarchy of actors and a distinct ideology. They can be read and interpreted as literary texts. The four constitutions in 20th century Russia (1924, 1936, 1977, 1993) can be attributed to specific genres (drama, fairy tale, gospel, performance). Moreover, they interact closely with the official culture of their time (painting, collage, film, literature). The constitutions serve an important task in the cultural self-definition of Russian society which as a rule occurred in moments of ideological crisis. The case of Russia is especially intriguing since the utopian project of a just society needed in every stage of its evolution (revolution, consolidation, “developed socialism”, postcommunism) a new convincing design which was able to guarantee the citizens’ loyalty to the state.

Keywords Soviet and Russian constitutions · Literary reading · Genre of a legal text

The adoption of a Constitution in Russia took a long time. Attempts to create a Constitution were made by Catherine II, Alexander I, and Alexander II. Within the boundaries of the Russian Empire two entities received a constitution quite early: the Grand Duchy of Finland in 1809 and the Kingdom of Poland in 1815. In this respect, Russia followed the spirit of the time: the first European Constitution was adopted in 1791 in Poland, only a few months before the French Constitution. Other

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path breaking examples were the Spanish and Norwegian Constitutions, in 1812 and 1814, respectively. However, because of the constant shifts in liberal and conservative political currents, constitutional ideas did not significantly materialize in Russia before the October Revolution (Bertolissi and Sakharov 2000).

The first official document that resembled a Constitution appeared in Russia only after the 1905 revolution; it, however, stipulated the absolute power of the monarch. Nicholas II deliberately avoided the term “Constitution” in order to quash the notion that he would reform the government (Szeftel 1976, 26), as he considered any encroachment on the monarchy a violation of both the duty entrusted to him by God to govern Russia and the belief that it was not within his rights to share these powers with the Duma or the Council of Ministers (Hosking 1973, 7). The example of Nicholas II confirms that Russia’s constitutional projects are not only legal texts, but also follow a certain discursive ideology. This ideology is transformed into a narrative structure, which has special rhetorical and generic characteristics. Rhetoric and genre define the configuration of the plot and heroes of the constitutional narrative, giving voice to societal values, a desire for prosperity, and the proper behavior of an ideal society. In the case of the Fundamental Laws of 1905, genre and plot are not yet linked: a constitutional text that would really justify its name would need to effectively change the autocratic nature of the protagonist.

This paper undertakes a literary analysis of the Constitution, analyzing its rhetorical techniques and generic features. The Constitutions, adopted in the USSR and Russia, can be read as fictional texts with a distinctive master plot. As works of art, the texts of the Constitutions feature both positive and negative characters, dangerous situations, visions of salvation, and, of course, the promise of a Happy End.

From this perspective the Constitutions are not only fiction, corresponding only partially to reality, but also carefully constructed narratives. They reveal a great deal about their authors’ interpretation of the world. The truth of the Constitution in this sense, however, is always a literary truth: it does not reflect reality, but rather sketches out an envisaged reality.

In the twentieth century, Russia had five Constitutions, the first two of which form an ideological whole: the revolutionary Constitution of 1918 and the first Constitution of the Soviet Union in 1924. This was followed by the Stalin Constitution of 1936, the Brežnev Constitution of 1977, and, finally, by the 1993 Constitution, adopted under Boris Yeltsin. Two questions arise: first, why did the Soviet leaders in general resort to the bourgeois form of a Constitution to define the socialist state? Second, why did the texts of the Constitution change so frequently? (In comparison, the Constitution of the United States is still the original version from 1787 at its core).

These questions cannot be answered within the confines of judicial discourse (Hazard 1978, 5).

All the Soviet Constitutions stand as not only fundamental laws, but also basic texts, framing all derivatives of official ideology and culture. For this reason the Constitution not only affects the political and social regime, but also determines the rhetorical pattern of official discourse.

It is symptomatic that even V.I. Lenin was in haste to create a first Constitution for Soviet Russia and then for the Soviet Union, designed to represent the normative version of the great socialist project. The constitutional text was meant to lend itself

to easy understanding for and retelling among the people, thus legitimizing the young Soviet state and ensuring its survival. The frequent changes of Constitutions can be explained by the fact that the master plot of the Soviet constitutional project thoroughly changed from era to era. These shifts demanded modifications in generic and rhetorical terms. However, not every Soviet leader managed to convert his master plot into a constitutional narrative. It is known, for example, that Khrushchov's efforts to adopt a new Constitution during the Thaw did not meet with success (Ginsburgs 1962, 191–214; Unger 1981, 173–177).

The dramatic struggle between good and evil: the first Soviet constitutions of 1918 and 1924

The natures of the first Russian and Soviet Constitutions of 1918 and 1924, respectively, were completely determined by the rhetoric of the revolutionary struggle. The first Constitution of the Union of Soviet Socialist Republics draws an almost Manichean picture of the world in its preamble:

Since the formation of the Soviet republics, the states of the world have split into two camps: that of capitalism and that of socialism. There, in the camp of capitalism, thrive race hatred and inequality, colonial slavery and chauvinism, national oppression and massacres, atrocities and imperialist war-waging. Here in the camp of socialism we foster mutual trust and peace, national freedom and equality, peaceful co-existence and brotherly cooperation among the nations. (Istorija sovjetskij konstitucii 1957, 226)

There is no doubt that relations between the two parties cannot be amicable after such a declaration. Article 61 obliges the state to wage war against “political and economic counter-revolution, espionage, and robbery”. The text of the first Constitution accurately echoes the rhetoric of V.I. Lenin's orders during the Civil War. For example, in 1918 Lenin ordered the uprising of the peasants in Penza crushed with great brutality:

The uprising of kulaks in five districts must lead to *ruthless* suppression. This is required in the interest of the broader revolution, because now the “last decid[ing] battle” with the kulaks is *everywhere*. An example must be made.

- (1) Hang (hang without exception so that the *people see*) *no fewer than 100* known kulaks, rich men, and bloodsuckers.
- (2) Publish their names.
- (3) Take all the bread from them.
- (4) Designate hostages—as per yesterday's telegram.

Make it so that for hundreds of miles around the people see, tremble, know, and shout: They are *strangling* and will strangle the bloodsucker kulaks! (Lenin 1999, 246)

The militaristic style of Lenin emphasized the special threat the imperialist bourgeoisie posed for the fledgling Soviet state. In 1919 he announced that it is necessary to resolutely defend the revolution:

On the one hand, the international bourgeoisie is full of rabid hatred and hostility to Soviet Russia, and is every moment ready to rush to strangle her. On the other hand, all attempts at military intervention [...] have ended in complete failure. (Lenin 1970a, 114)

In this formulation the paradoxical figure of argumentation used subsequently by Stalin already emerges: on the one hand the enemy is so strong that all solutions are permissible, but, on the other hand, the enemy has no chance of breaking the Soviet regime. This ambivalent argument legitimized any arbitrary power and had far-reaching consequences. During the famine in 1922, Lenin ordered the robbing of churches and the murder of priests:

It is now and only now, when cannibalism is taking place in the starving regions, and the roads are littered with hundreds if not thousands of corpses, that we can (and therefore must) carry out the removal of church valuables with the most frenzied and ruthless energy, not stopping at the suppression of any opposition we meet [...].

So I come to the unconditional conclusion, that we should give precisely now the most decisive and merciless fight to the Black-Hundred clergy and suppress their resistance with such brutality that they will not forget this for decades to come. (Lenin 1999, 516–517)

The Constitution served as a narrative justification for the adoption and execution of such decisions, presenting the government's actions as a necessary means to combat evil. To prevent the classes' exploitation of their constitutional rights, Lenin resorted to a clever rhetorical device. Referring to the French Constitution, which began with a Declaration of Human Rights, the first Soviet Constitution opens with a "Declaration of the Rights of the Working and Exploited People". Thus, the main subject of the Soviet Constitution is not a person or at least a citizen, but "the worker". The implicit logic of this formulation gives the non-worker the status of a non-human that can and should be exterminated. However, it should be noted that the very form of this argument draws on the liberal Western tradition and attains its goal with a slight shift in legal categorization.

The dominant genre related to the early narrative of the Soviet struggle against the evil of the world is drama: two opposing sides fight each other. In the end the virtuous side does not triumph by chance, but on the principle that it represents the highest truth.

This parallel can be expanded. The text of the Constitution of 1918 is remarkable for its implementation of the dramatic principles of Aristotle—the unity of space, time, and action. One area of dramatic action is described in the first chapter: "Russia is declared the Republic of Soviet Workers', Soldiers' and Peasants' Deputies." The territory of Russia becomes a stage upon which a play of global relevance is presented. This transformation also includes the stopping of time. The third chapter explains that the era of imperialistic exploitation has ended:

In the same vein the Third All-Russia Congress of Soviets insists upon a complete break with the barbarous policy of bourgeois civilization, which built the prosperity of the exploiters from a few chosen nations on the

enslavement of hundreds of millions of the working population in Asia, in the colonies in general, and in small countries.

And, finally, in the fifth chapter the general content of the main dramatic action is described:

The main task of the current transitional period of the Constitution of the Russian Socialist Federative Soviet Republic is set on the establishment of the dictatorship of the urban and rural proletariat and poor peasantry in the form of a powerful All-Russian Soviet authority in order to completely suppress the bourgeoisie, abolish the exploitation of man by others, and install socialism, under which there will be neither division into classes nor state power. (Istorija sovetskoj konstitucii 1957, 76–78)

This last formulation reflects the very inner dilemma of all the Soviet Constitutions. They contain a definition of a state that is in an intermediate stage. In Marxist theory this state is bound to disappear when it reaches the next stage of historical development. The dramatic genre of the Constitution in 1918 and 1924 justifies this intermediate state as a fortress against attacks from the imperialist powers. This surrogate state is legitimized in the Constitution of 1924, which describes the dangerous situation threatening the existence of the Soviet state:

All these circumstances imperatively demand the union of Soviet republics into one federal state, capable of guaranteeing external security, internal economic prosperity, and the freedom of national development. (ibd., 226)

The rhetorical formulation of the texts of the Constitutions of 1918 and 1924 recalls the role of the audience in Greek drama. Lenin's belief in world revolution and hope for a spreading of the Socialist revolution around the world endowed readers of the first Soviet Constitution with the role of accomplices in the historical play, causing them to experience an Aristotelian catharsis, and, ultimately, to become the witnesses of revolutions in their own countries. Lenin saw the Constitution as a message to all the oppressed peoples of the world who should look to Soviet Russia. He praised its virtues to an American journalist: "We translate and advocate our Soviet Constitution, which [...] we like better than the 'Western-European' and American Constitution of bourgeois 'democratic' states [...]." (Lenin 1970b, 3)

For Lenin this aspect was always most important:

The word 'Soviet' is now understood by all, and the Soviet Constitution has been translated into all languages, and is known to every worker. He knows that it is a Constitution of workers, that it is the political system of workers, calling for victory over international capital. He knows that this is a conquest, which we have won over the international imperialists. (Lenin 1970c, 325)

An especially visible example appears in articles 20–23 of the second section of the 1918 Constitution, according to which all foreigners of the working class in Russia have the right to citizenship (Istorija sovetskoj konstitucii 1957, 79). The 1924 Constitution even expects those foreign individuals to create their own Soviet

republics and to join the USSR: “[...] access to the Union is open to all Soviet republics, both those existing and those to come in the future” (ibid. 227).

A magic book for a fairy tale life. Stalin’s constitution of 1936

With the rise to power of Iosif Stalin the official mood in the country changed considerably: the widely advertised party struggle with external and internal enemies retreated before the quiet sense of its own strength. Beginning in the thirties, Stalin summed up his achievements with satisfaction:

It is clear that the line of our Party is the only correct line [...]. What did we have in 1918 in the realm of national economy? Ruined industry and arsons, lack of collective and state farms as a mass phenomenon, and the growth of a ‘new’ bourgeoisie in the city as well as kulaks in the countryside.

What do we have now? Reinstated and reconstructed socialist industry, the development of state and collective farms, [...] the dwindling of the ‘new’ bourgeoisie in the city, and the dying out of kulaks in the countryside. (Stalin 1953, 1, 5–6)

A long life was fated for the pathos of Stalin’s formulation; even in a jurisprudence textbook from 1982 reality is replaced by the fictional utopia from the 1930s:

By 1936 our country had changed dramatically, both economically and in the class structure of society. The transition from capitalism to socialism ended with the victory of socialism. The question of a winner in the struggle between capitalism and socialism was decided in favor of socialism. (Portnov and Slavin 1982, 164)

Stalin’s 1936 Constitution declared the triumph of the Soviet system. In the notorious “Brief History of the Communist Bolshevik Party” (*Kratkij kurs*) an entire chapter is dedicated to the Constitution. With the same pathos this textbook repeats the assertion that the problems of the revolutionary era have been overcome and the golden age of socialism has begun:

In the new socialist society crises, poverty, unemployment, and destitution have disappeared forever. We forged the conditions for prosperity and a cultural life for all members of Soviet society. [...] These profound changes in the life of the Soviet Union, these decisive achievements of socialism in the USSR were expressed in the new Constitution of the USSR. [...] The Country of Soviets thus received a new Constitution, a Constitution of the victory of socialism and the workers’-peasants’ democracy. (Istorija vsesojuznoj partii (bol’shevikov) 1938, 329–331)

It is known that Stalin himself carefully edited the “Brief History of the Communist Bolshevik Party”. Vast chunks of text are written by him personally (Medvedev 2005). The Constitution of 1936 dispenses with aggressive rhetoric and

self-confidently formulates the basis of the socialist state. Stalin himself commented on the new Constitution with arrant pride:

Thus the new Constitution project represents the goal of the path traveled; the result of intense struggles. It appears, therefore, as fixation and legislative corroboration of what has been in fact achieved and won. (Stalin 1997, 126–127)

It is remarkable that Stalin's Constitution had no preamble, implying that its contents do not require any further explanation, and, rather, that the perfect society described in the text can take pride in its achievements. In terms of genre, Stalin's Constitution can be read as a fairy tale, in which good always wins in the end. The life of the Soviet people depicted in this foundational text resembles the simple and blissful world of the fairy tale. Along with the sacred "duty and right" to work the 1936 Constitution guarantees the Soviet citizen the right to rest. Residents of the Soviet Union—the main protagonists of this new constitutional text—appear as happy people: they work, not because they must, but because they want to, and, at the same time, they can enjoy free time. In schoolbooks the utopian attitude towards work as enshrined in the Constitution continues to advocate in 1960: "For an increasing number of Soviet people work is gradually becoming a vital necessity" (Karev and Barabašev 1960, 59).

The space of a fairy tale is closed and has no opening towards the outside world. Therefore, the 1936 Constitution meticulously watched over the confined space and ensured that no one left the magical circle. Article 125 guarantees the usual civil liberties—freedom of speech and press, freedom of assembly, street processions, and demonstrations. Citizens may exercise these rights but only "in correspondence with the interests of workers and with the goal of strengthening the socialist system". This important clause does not allow official discourse to move beyond the Stalinist fairy tale:

Every citizen of the USSR is obliged to respect the Constitution of the USSR, uphold the laws, observe the discipline of its labour, perform public duties honestly, and respect the rules of socialist public life. (Istorija sovsotskoi konstitucii 1957, 358)

The range of characters in a fairy tale is limited, limited to the requirements and actions of each person. Stalinist society is a closed society, not only politically, but also in the discursive sense. Happiness is also strictly regulated as in a fairy tale. Outside of the Constitution there is no happy life, and cannot be. One of the many officious books of the period, with the pragmatic title "Our Great Motherland", advocates: "The Constitution is the fundamental law of our public life. Strict observance of the Constitution provides prosperity and power to our country, and, therefore, the personal well-being of Soviet citizens." (Mikhajlov 1949, 402)

The magical effect of Stalin's Constitution already materializes in the typographic design of the book. The frontispiece of the first edition shows Stalin's profile, implying that he is its author and guarantor (despite the fact that the bulk of the Constitution was written by Nikolaj Bukharin, shot in 1938) (Fel'stinskij 1993, 17; Hedeler 1993, 108). In the text are few traces of the catechizing style of Stalin

Fig. 1 Obelisk of the Constitution on Soviet square. Postcard



(Vajskopf 2001, 127), but, despite this, the Constitution was attributed to him. In addition, along with the printed text, which promised bright happiness, and, at the same time, remained a fairy tale invention, there was another “invisible” text that was identified with the personality of Stalin and became the embodiment of his merits.

In contrast to the first Constitution, to which a memorial obelisk in the name of freedom was erected on Soviet Square in Moscow in 1918, the Stalinist Constitution chose another method of self-monumentalization. The 1936 Constitution was not so much materialized as spiritualized—as if the invisible power of ideology dispelled the power of words immortalized in bronze (Fig. 1).

In one photograph from an album commemorating the twentieth anniversary of the USSR released simultaneously in France, Italy, Germany, Spain, Belgium, Poland, Yugoslavia, China, Sweden, and Denmark, the printed text of Stalin’s Constitution deliberately associated itself with youth, whereas the previous text of the Lenin Constitution was petrified as though dead on the obelisk (Fig. 2).

The spirit of the Constitution is immortal and does not require conservation in the medium of the letter. The authorities’ actions in this regard were quite consistent: in 1941 the old obelisk with the statue of Liberty was taken down because freedom



Fig. 2 Young people compare the old Constitution with the new. (1937) (20 Jahre Sowjetunion 1917, 189)

was not a central constitutional value in the tale; the happy path of Soviet citizens was obvious to everyone and merely written down in the Constitution after its true experience in life. The Stalin Constitution claimed not to sketch out a distant utopian future, but instead to describe the ideal present.

Art and film at the end of the thirties continued to propagate the fairy tale theme of happiness guaranteed by the Stalin Constitution. It is notable that the Constitution is portrayed quite abstractly in these media. Consider, for example, Mikhail Nesterov's poster *The Soviet Constitution* (1939), in which the magical book of the Constitution is given a similar iconographic status as the theme of the building of socialism (Fig. 3).

The composition of the image suggests that the Constitution is the centerpiece of Soviet culture, uniting architecture, nature, and society. The open book confirms again that there is a clear link between the text of the Constitution and Stalin. The same semantic structure is used in a series of illustrations for the single articles of the Constitution by El Lissitzky. On the occasion of the adoption of the Constitution Lissitzky created in 1937 a fourfold issue for the propagandistic journal *USSR in Construction* (Margolin 1997, 199): (Fig. 4).

The illustration for the first article of the Stalin Constitution is scaled up to a huge poster, which can be folded out to twice the size of the journal. The fact that the Constitution was considered to be a text for illustration rather than for legal interpretation and application shows the status of the Constitution in public discourse. The Constitution should evoke surprise, like a fairy tale. Lissitzky finished his cycle of collages with the representation of the national holiday under the slogan: "The Stalin Constitution is the happiness of the Soviet people." (*USSR in construction 1937*) (Fig. 5).



Fig. 3 Mikhail Nesterov. *The Soviet Constitution* (1939)

In its composition Vasilij Jakovlev's 1937 painting clearly echoes Ilya Repin's "Zaporozhian Cossacks Writing a Letter to the Turkish Sultan" (1891). The iconographic similarities are paralleled by the almost anagrammatic paronyms Stalin/Sultan. The central motif in Jakovlev's painting is a representation of the Stalin Constitution as a message to the entire Soviet people. No written copy is required for the Constitution to reach its audience: those to whom the Constitution is addressed feel its impact. However, since the addressees do not possess the magical powers of the Constitution's guarantor, they must turn to the medium of letters (Fig. 6).¹

But perhaps the representation of the Stalin Constitution that most clearly belongs to the genre of the fairy tale is expressed in film. In *The Golden Key* (1939),

¹ I am indebted to Tat'jana Lastovka for a discussion of possible interpretations of this painting.

Fig. 4 El Lissitzky: *The Constitution of the USSR* (1937)



directed by Aleksandr Ptuško, Pinocchio and his friends find a mysterious book in a cave, which is meant to bring people happiness (Fig. 7).²

Although the title of the book that is revealed to Pinocchio and his companions remains unknown in the film, it was clear to the audience of the time that the magical book was the Stalin Constitution. The content of the book did not matter—important was the fact that the book that promised universal happiness existed. The book need even not be read, nor does it require legal hermeneutics to be understood, or applied. The presence of the magic book is enough for the realization of constitutional happiness. To show this Ptuško resorted to a realization of the metaphor: the happiness of the Soviet people was commensurate with the size of the book and grew as quickly as the book itself increased in size with the special effects in the film.

G. Aleksandrov's *Circus* (1936) also adapted the Stalin Constitution. At the end of the film, which tells the story of an American actress who must flee from the racist USA to the USSR and finds happiness there, a multinational audience sympathetically sings a lullaby to the black child of Marion Dixon (played by Stalin's favourite actress Ljubov' Orlova). The baby is passed from the Russians to the Ukrainians, then to the Georgians, to the Kirgiz, and finally to the Jews. This

² I am indebted to Konstatin Bogdanov for this information.

Fig. 5 El Lissitzky. *Stalin's Constitution is the Soviet People's Happiness* (1937)



Fig. 6 V.N. Jakovlev: *Miners Write a Letter to I.V. Stalin* (1937)

scene clearly illustrates one of the main issues of the Stalin Constitution: the idea of the friendship of peoples. The lullaby is a song genre consistent with the literary genre of fairy tales, and even complements it. Nothing was explained to the Soviet people: “lulled” by the fairy tale, they fell into a long, deep and happy sleep (Bogdanov 2008).



Fig. 7 Aleksandr Ptuško. *The Golden Key*. Still from the film (1939)

The gospel of developed socialism. The Brežnev constitution of 1977

The Stalin Constitution remained valid for 40 years, longer than any other. In 1977 it was replaced by the Brežnev Constitution. As in previous cases, the change of the Constitution has been linked to the official declaration of a new historical stage: after the 1970s the Soviet Union officially entered the so-called stage of Developed Socialism.

The new Constitution of 1977 was based on the example of the Marxist-Leninist view of history: the October revolution freed the people from capitalist oppression. The Soviet Union was on the path to socialism and even communism, and had achieved a critical milestone (At the 22nd Congress of the Communist Party in 1961, Khrushchov had declared that communism will be achieved by 1980, cf. Thompson 1997, 238). In contrast to the Stalin Constitution, a new preamble was written with historiosophical pathos:

Having won the Civil war and repulsed imperialist intervention, the Soviet government carried through far-reaching social and economic reforms, eradicated the exploitation of man by man, class antagonism, and national enmity. The Union of Soviet Republics in the Union of Soviet Socialist Republics multiplied the forces and opportunities of the peoples of the country in building socialism. Social ownership of the means of production and genuine democracy for the masses gained a foothold. For the first time in human history, a socialist society was created. (Plekhanova 1978, 7)

However, in the 1970s it was clear to every Soviet citizen that the socialist system could not satisfy even the most basic consumer needs. Reports from Western Europe played an important role in disclosing the ubiquitous Soviet backwardness. From this point of view, the Constitution was clearly a piece of literature that had little in common with reality. Its genre was not realistic, but utopian: the Brežnev Constitution can be read as a quasi-religious text, as a sort of gospel. Soviet society creates a paradise on earth, and history progresses not accidentally, but according to the Communist Party's magical power of foresight.

One prime example of a literary text of the time best explains the basic rhetorical device of the Constitution of 1977, because it can be read as an expression of the same political culture. Everything connected with this text, even the figure of the author, is a fiction. The book in question is the so-called trilogy of Leonid Brežnev, the long-standing General Secretary of the Central Committee. This autobiographical epic describes the merits of Brežnev in the Second World War, during the construction of a steel mill in Ukraine, and during the reorganization of agriculture in Kazakhstan. 15 million copies of the trilogy were published in the late 1970s and released to the Soviet book market, making Brežnev one of the most published authors of his time. Brežnev received the Lenin Prize for Literature for "his achievements" in 1980.

Rumors that Brežnev was not the real author of these works began to spread soon enough (Dedkov 1998). According to the testimony of Aleksandr Murzin, the Politburo member K. Černenko was commissioned to raise the profile of the General Secretary by producing an autobiography. The process of the writing of Brežnev's memoirs by journalists from the newspapers *Pravda* and *Izvestija* was supervised by the General Director of TASS Leonid Zamjatin and the deputy editor of *Komsomol'skaja pravda* Vitalij Ignatenko. Significantly, Brežnev never met his ghost writers and made no contribution to the text of his creation (Murzin 2002). Brežnev the hero of the literary narration and Brežnev the author form a double fiction. If the Constitution of 1977 is considered as a Gospel, and the trilogy as the description of Brežnev's calling supplemental to the constitutional text, the journalists who wrote the trilogy can be seen as evangelists and Brežnev, himself, as the Savior.

The passivity of the protagonist is especially notable. The literary hero Brežnev repeatedly stresses that all of his actions were prompted by the Party. The Party prevails throughout the narrative as the most important guiding principle, comparable to the Holy Spirit. The presence of the Party is equated with God's providence, which leads a lost man back to the true path. Some instances of miracles in the life of Leonid Brežnev, in retrospect, seem ridiculous. The introduction of night shifts in a newly-built steel mill is thus due to the intervention of the ubiquitous Party:

We made, I remember, the decision to go to work in two shifts. This made it possible to speed up construction, to implement the plan. But, of course, no lighting in the evening made work impossible. It was almost impossible to find electric light bulbs in the region. And so I decided to write to the Central Committee of the CPSU (Bolsheviks), to comrade Ždanov. I explained the situation and asked for help, to have three thousand light bulbs sent. It took no

more than 3 days before we had not only a positive response, but also the light bulbs. This speaks to the great attention the Central Committee gave even a small request, which concerned the restoration of an industrial giant. (Brežnev 1978, 23)

There may even be a hidden subversive act in this quotation: The narrator's stress on the fact that the light bulbs were actually delivered suggests that in real life this would have been highly unlikely.

Brežnev acts knowing that the Party is watching. Sometimes the story resembles a biblical narrative. As in the Old Testament God appeared in a burning bush, so too did Stalin hide his person. His voice is heard through the magical telephone wires and he appears only to a chosen few—this is a recurring motif of Soviet hagiography. The Scripture—“Pravda”—is strengthened by oral broadcasting. In the trilogy, Stalin emerges as a merciful and simultaneously punishing god, for whom believers should feel awe. Learning of the negative reviews in the newspaper, Brežnev engages as a second Moses in a private dialogue with God:

-In *Pravda*, you understand, we are butchered in front of everyone. For the low rate of recovery of “Zaporozhian Steel”. The language is very sharp. Silence.

-So...—I said.—It means Stalin will call.

[...] At night Stalin actually called me, and the conversation was serious. What we had managed to achieve was considered a success until recently, and then turned suddenly almost to a defeat. [...] And although only at the end of the year had I started to really work, although it could be said that I was not guilty here, the entire burden of responsibility was placed on my shoulders. (Brežnev 1978, 24)

Like Brežnev's trilogy, the establishment of the 1977 Constitution was based on the most holy faith that defined already then the outlines of the bright future. This is confirmed by the names of the chapters of the trilogy: “The Small Land”, “Resurrection”, “Virgin Lands”.

Small land is a sacred land that Brežnev and his comrades valiantly defended from the German invaders. Lenin's call to “conquer the earth” is performed in “Resurrection”, which describes the construction of a steel mill, and in the third part of the trilogy Kazakh virgin land is populated by order of the Party elected by the Soviet people. This is reminiscent of the biblical description of the settlement of land by the people of Israel which was ordered by God himself (cf. Genesis 28, 13). The Constitution and the trilogy are carefully constructed fictions that do not depict reality. They take the reader away to a pseudo-religious world, promising salvation and happiness. Also the style of the constitutional narrative is close to that of the Bible. Textbooks emphasize the simplicity of the language of the Constitution, which is like a new Sermon on the Mount:

The logicity of structure, the clarity of formulation, the verbal form of the expressions of legal norms accessible for understanding—these are the distinctive features of the Constitution of the USSR of 1977. (Portnov and Slavin 1982, 217)

The current constitution from 1993: The conceptual performance of Soviet and human values

The collapse of the USSR in 1991 marked an important milestone in the history of Russia's society and culture. One should not, however, forget about the many traditions linking the Soviet and post-Soviet period. The gradual collapse of the Soviet Union, which began in the late 1980s, was accompanied by the textual expansion of the Brežnev Constitution. Numerous changes since 1988 revoked the leading role of the Party and privileges for members of the Party, and guaranteed private property and the reunion of the Congress of People's Deputies. The post of President was introduced and the state structure became federal. All these changes were, of course, only cosmetic and could not prevent the collapse of the Soviet system.

The text of the last Soviet Constitution lost its credibility along with the authority of the Communist Party, so the first priority of Boris Yeltsin in the 1990s was the creation of a new Constitution. The old requirements were presented to the new text—the Constitution was to implement a new reality: The Russian Federation would not repeat the fate of the USSR and collapse into pieces, and democratic structures had to be set in place at the government level to prevent the danger of totalitarian relapse. A suitable basis was found in the French Constitution of General de Gaulle, adopted in 1958 and still in effect. Like the Russian Constitution, the French Constitution assigns a leading role in the state to the president and gives him broad powers. In general, the Constitution of the Fifth French Republic served as one of the most important models for the drafting of the 1993 Russian Constitution. The conditions of their emergence are also comparable. Both countries were in deep crisis: France had to fight Algerian aims for independence; Russia had to cope with the consequences of its system's transformation and the rising nationalism of its numerous ethnicities (von Steinsdorff 1995).

A literary reading of the text of Russia's current Constitution highlights first of all its fragility. Already in the Preamble contradictory statements combine, and the integrity of the text is provided only by pathos:

We, the multinational people of the Russian Federation, united by a common fate on our land, establishing human rights and freedoms, civic peace and accord, preserving the historically established state unity, proceeding from the universally recognized principles of equality and self-determination of peoples, revering the memory of ancestors who have conveyed to us the love for the Fatherland, belief in the good and justice, reviving the sovereign statehood of Russia and asserting the firmness of its democratic basic, striving to ensure the well-being and prosperity of Russia, proceeding from the responsibility for our Fatherland before the present and future generations, recognizing ourselves as part of the world community, adopt the Constitution of the Russian Federation. (Kudrjavcev 1996, 11)

The Preamble raises more questions than it answers: what is the common denominator for the multinational people of the Russian Federation? What is the basis of the existence of the Russian Federation, if the Constitution, simultaneously

affirms state unity and the self-determination of peoples? Which country should be revered? Should Russians love and respect Russia, Tatars Tatarstan, and Čečens Čečnja? Or should all just love the Federation?

The most important feature of the current Constitution is its pathos, manifested in the very beginning. Yet the second article defines the highest constitutional values—the dignity of man. This formulation resembles the well-known first Article of the Fundamental Law of Germany, adopted after the catastrophic experience of the Nazi regime (“Die Würde des Menschen ist unantastbar”—Human dignity is inviolable):

Man, his rights and freedoms are the supreme value. The recognition, observance and protection of the rights and freedoms of man and citizen shall be the obligation of the State. (Kudrjavcev 1996, 19)

Most often, this passage is interpreted as a distancing from the Soviet legal tradition, heedless of personal freedom. But, more accurately, it can be read as the worship of human dignity in the same Soviet tradition of constitutional narrative. Man or, more precisely, the creation of the new man has always been central to communist ideology. Therefore, the fact that the new Constitution again features man as the central character is to be understood as a continuation of the tradition, rather than a break with it. The main difference between the Soviet and the Russian cases lies in the fact that the new Russian Constitution is conscious of the fact that similar definitions in former foundational laws were part of a totalitarian system, not a warning against it.

The 1993 Constitution reproduces value elements taken from several sources. It renews the requirement of correct behavior, which resembles the Stalinist ideal of “kul’turnost’” (Volkov 2000). At the same time the Russian Constitution recognizes the general human rights norms and international law. The individual is placed in a legal system of rules with quite different ideological roots. The parallel validity of norms created in different historical periods allows a comparison of Russia’s Constitution with the performance of cultural conceptualist experiments in 1990. The apparent similarity is confirmed by the central device of Conceptualist art. Conceptualists were delighted with the excess pathos of Soviet culture and ideology. They transformed this surplus into an emotional energy that was designed to have a strong impact on the audience. They isolated the state propaganda, transformed it and used it for their own aesthetic purposes. Also Yeltsin’s Constitution is appealing to the citizens and, with the help of high-voltage rhetoric, demonstrates that all the promises of previous constitutions have finally been implemented. The main problem of the 1993 Constitution is the fact that it relies on the same linguistic material, the same worn-out wording that was used in the discredited Soviet Constitutions. Innovation, which is claimed by the 1993 Constitution, can only be achieved with greater fervor, as the genre forms of fairy tales and the gospel are difficult to trump. Therefore, there remains only one solution: a performance that allows the self-staging of its rhetorical devices.

The narrative structure of the 1993 Constitution can be traced better in comparison with the autobiography of Yeltsin himself, written in 1989. In such a reading, the 1993 Constitution outlines the space for adventure, in which the

positive hero must prove himself. The set of values in the Constitution has to be attained by the ideal protagonist. In his autobiography, Yeltsin explained that he himself is the perfect prototype of a hero, able to implement the constitutional ideal: In his *Against the Grain*, Yeltsin talks about his life values, incorporating the elements of communist morality and capitalist settings:

Generally my style of work is called hard. And it's true. I demanded clear discipline and keeping of the word. [...] Who works better, lives better and is more valued. [...] These clear, understandable relations created, I think, the human, confident climate of the working collective. (Yeltsin 1990, 42)

Yeltsin's autobiography consists mainly of enumerations of his workplaces, in which he fought against corruption, neglect, and mafia structures. He even dwells on the history of the creation of the autobiography, so that no one will think he wrote it during work.

In the summer when there was a session I wrote this book in snatches, sometimes at night coming home from a meeting, sometimes on Sundays, in general there was not enough time for normal healthy work. (Yeltsin 1990, 125)

He apologizes for fragmentation, which, however, may be the hidden artistic logic of this performance of Soviet and post-Soviet values. There is no homogeneous concept that would be able to guarantee the ideological unity of the autobiography. The text of Yeltsin's autobiography varies between the Soviet and capitalist work ethic, and his attitude towards the administrative principles of the Soviet economy is also ambiguous:

I was brought up by this system. And everything was steeped in the administrative-command methods of management—as it showed appropriate conduct, so I conducted myself. [...] These methods did give a result, the more so if the director had certain strong-willed qualities. (Yeltsin 1990, 64)

Yeltsin appears in his own eyes as an energetic person who, by force of will, can even control his own body. As proof he recounts one case: in his youth he fell ill of typhoid fever, but saved his colleagues who had already fallen into unconscious states due to illness thanks to his strong-willed wakefulness. The same applies to his work, when in the late 1980s there was a conflict with the Politburo, he “held out several days solely on his force of will, not going to lie in the hospital right away” (Yeltsin 1990, 141).

Articles 80–93 of the Constitution lay all the responsibility on the President and indeed suggest that this will be a man of exceptional, super-human qualities:

The President of the Russian Federation shall be guarantor of the Constitution of the Russian Federation, of the rights and freedoms of man and citizen. According to the rules fixed by the Constitution of the Russian Federation, he shall adopt measures to protect the sovereignty of the Russian Federation, its independence and state integrity, ensure coordinated functioning and interaction of all the bodies of state power. (Kudrjavcev 1996, 362)

The excess rhetoric of this passage confirms the fact that the Constitution not only regulates the powers of the President, but also combines the maximum number of catchwords in the constitutional discourse to textually strengthen its own expressivity. The President is the super-hero of the Constitution—there is even a discursive short circuit in the performative pathos of the constitutional text. It says explicitly that the President guarantees the Constitution, but conceals the fact that the President himself is created by this very same Constitution. In short, the 1993 Constitution is an unstable textual construction which unites contradictory elements with the rhetorical glue of pathos.

Constitutional narratives and the culture of politics

The Constitutions adopted in the twentieth century in the USSR and Russia are highly dependent on their hidden literary genre. And, although they were created in different historical periods, they use the same vocabulary, attached to different ideological foundations. First the Preamble to the Constitution indicates the semantic space in which the action of the drama, the fairy tale, the gospel, or the performance unfolds. The genre and the content of the text of the Constitution define each other.

Bakhtin's theory of genres applies to constitutional texts as well. Genres which are a kind of artistic perception of the world combine blindness and insight. Every genre is an ideological system, preferring or marginalizing those or other possible actions. Therefore, one hero can be successful in one genre and die in another (Morson and Emerson 1990, 275–277).

The Soviet Constitutions represent a world that is waiting for the arrival of its hero. As a rule the exploits of the constitutional heroes are depicted in cultural elaborations on the constitution, in political speeches, films, paintings, literary texts. One exception is the President of the Russian Federation, who, in the 1993 Constitution, is given a separate chapter. But also in the Soviet Constitutions the implied heroes are always clear: Lenin, Stalin, Brežnev. In the framework of Soviet culture, these names are always associated with a specific constitutional narrative. When the general line of the ideology changed, a new Constitution was needed. The decisive criterion was the choice of a new literary genre in which the exploits of the constitutional hero can be narrated in the most convincing manner. After long and fruitless discussions in the eighteenth and nineteenth centuries, in the twentieth century the Constitutions in Russia have changed with extraordinary rapidity.

However, the case of Russia is not exceptional from an international perspective. The German legal philosopher Ernst-Wolfgang Böckenförde has claimed in a famous dictum that the liberal, secularized state is not able to guarantee its own presuppositions (Böckenförde 1976, 60). The constitutional state can only function if the democratic preferences of its citizens are already established. The rhetoric of all European Constitutions tries to resolve this dilemma. The texts oscillate between prescription and description. The constitutional narrative in general sketches out an ideal state yet to be formed. At the same time, the Constitution itself is also a legal text, which can be invoked in lawsuits. It is precisely this double function as

national key narrative on the one hand and legal norm on the other that makes a Constitution an overdetermined text that can be read and interpreted like a literary work.

Questions of genre and rhetoric thus play an important role in the discursive design of the Soviet state and the Russian Federation. Similar readings could be made of European Constitutions, and it would be an interesting study to hold the autobiographies of influential leaders against the constitutional narrative they produced (de Gaulle 1970–1971; Adenauer 1965). Most European states use pathos in the presentation of their fundamental values and emphasize the truth of their own Constitution, the most striking example being Germany with its “eternity clause” in Art. 79, 3 that prohibits changes to the federal structure and the fundamental rights of German citizens. The Soviet and Russian Constitutions are basically a European phenomenon. The fact that the use of the constitutional narrative outlived not only the three main dictators of Soviet Russia, but also the Soviet Union itself, already testifies to its enormous legitimizing power, which no leader would easily dare to dispose of. Therefore, the constitutional narrative with its implicit genre and rhetoric must be understood as the core of the identity of any given society that chooses to organize itself through legal procedures within the framework of a state.

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