

Constitutional Reform in the Russian Federation: for and Against

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ABSTRACT

The article discusses the prospects for constitutional reform in the Russian Federation and the arguments of supporters and opponents of the reform. Considering the basic models of republican government in the modern world, the author comes to the conclusion that the presidential-parliamentary republic, which is the basis of the Constitution of the Russian Federation, is optimal for our country. According to the author, the French model of a semi-presidential republic is closest to the Russian one. The author also formulates proposals for improving the constitutional legislation of Russia.

Keywords: Constitution of the Russian Federation, presidential-parliamentary republic, constitutional reform, President, Government, federalism

Each time when the country faces unresolvable social and political contradictions, the society turn to transformation of the constitutional arrangement in Russia. Before long, the degree of discussions goes up to making claims that a new constitution has to be adopted. We cannot but agree that a new constitution represents an unflinching break with the past, but the future will require a clear-cut and straight answer to the question why we are not comfortable with the current constitution, what should be changed and how, and what should be preserved, fought back in the forthcoming political battles.

1. Claims against the current constitution

If we try to summarize the main claims against the constitution, they may be presented as follows.

First, it is the choice of the model of a republic. Out of three “standard models” — presidential (USA), parliamentary (Federal Republic of Germany) and semi-presidential (French Republic) — our constitution is based on the semi-presidential republic. In recent times, there are a lot of proposals to change to the parliamentary republic.

Secondly, from time to time discussions about “excess powers” of the president, up to statements about the autocratic nature of the constitution, resume. Actually, the discussions very rarely come down to the constitutional model of the president’s activities — they usually touch upon everyday practice being sort of a melting pot of laws and our “ideas” about the traditional role of a “leader”.

Third, certain policies suggest the revision of the federal structure and at the same time discreetly evade describing details on how they are going to redraw the map of Russia.

Lately, a number of high-status politicians (D. A. Medvedev, V. D. Zorkin, V. V. Volodin) expressed their viewpoint that in general the constitution is satisfactory but may be subject to “selective adjustment” in order to take social changes into account.

The article by the Chairman of the Constitutional Court V. D. Zorkin entitled “The letter and spirit of the Constitution” puts forward the main thesis that there are no indications for a radical change of the constitutional model. “Presumptions ... that a radical constitutional reform can turn the current of events in a more correct direction are not only shallow and short-sighted but are also dangerous as they can result in harsh social and political destabilization. Those who are talking that the structure of life can be changed only by legal solutions are just naive idealists, if not worse”.¹ V. D. Zorkin proposes to rely on the “living constitution” doctrine, to adapt the text of the constitution to changing social and legal realities. However, he points out a number of “shortcomings” in the constitution, which he thinks may be eliminated by “selective amendments” of the constitution. “Of course, our constitution has shortcomings. They include biased checks and balances in the system, bias towards the executive branch, insufficiently distinct distribution of powers between the president and the government, insufficiently clear determination of the status of the presidential executive office and the authorities conferred to the public prosecutor’s office. The structure of article 12 of the constitution gives rise to the opposition of local self-government bodies to public authorities (including representative agencies of state power), where-

¹ Zorkin V. D. The letter and spirit of the Constitution [Bukva i dukh Konstitutsii] // Russian Newspaper [Rossiyskaya Gazeta]. 10.10.2018. No. 226 (7689).

as in contrast local self-government bodies by their nature are just a lower, local tier of public authority in the Russian Federation. There are shortcomings in the division of jurisdictions and powers between the federation and its constituent entities".² A detailed critical review of proposals made by V. D. Zorkin can be found in my article entitled "What is necessary and what should not be changed in the Constitution".³

If we give a second glance to the above-mentioned claims about essential change, out of nine chapters and 137 articles of the constitution, the said changes will affect no more than four chapters (three, actually: "President", "Federal Assembly", and "Government") and fundamentally no more than twenty articles. But the constitution has such fundamentally important chapters as "Foundations of the Constitutional Order", "Rights and Liberties of an Individual and a Citizen", "Federative Framework", "Local Self-Governance", which to a great extent determine the spirit of the constitution. Everyone who proposes to blow off the current constitution and to start from scratch should ask themselves: are they sure that the scope of rights and liberties declared in the constitution would be preserved under pressure of authoritarians, the scope of local self-government and regional government powers under pressure of centralization adherents. One can easily engage with the constituent assembly, but when leaving it, one can lose freedom and Russia.

2. Constitutional model of a republic in the Russian Federation

Discussions on the choice of the model of a republic are the most profound subject of the stated claims. This choice can be compared with the choice when Prince Vladimir decided which religion to choose for Rus'. Any of the world religions could be chosen, but only the religion that best fits into the public traditions and understanding of life would settle and take roots.

The humanity has developed three stable and effective models of a republic, which are used with certain variations in different countries.

Perhaps, the most advanced and the most rare one in the world is a parliamentary republic. Its feature lies in the fact that all power (except for the judiciary, which I am not going to touch upon further) is concentrated in the parliament. A winning party or a coalition of parties forms a government from among the deputies. The president being the head of the state possesses nominal power, does not interfere with the current political process, acts as a moral authority for the nation and a crisis manager — makes decisions if the formation of a coalition and government reaches an impasse. This model places the highest demands on the political culture and democratic traditions of citizens and politicians. Here there is no separation of legislative and executive power — to the victor go the spoils. Formally, it is quite easy to snuff out the opposition "in a lawful manner". Authoritative transformation may be challenged by established democratic traditions of the society, freedom of the media, culture of participation in the political life. Politicians need a highly developed sense of proportion and responsibility, an ability to reach and observe arrangements. Otherwise, the system becomes unstable: it either leans towards the dictatorship of one party (Weimar Germany, advent of Hitler's rule) or goes the chaotic state of conflicting parties and shaky governments (French Fourth Republic, Italy). This model of a republic sets the highest requirements for the maturity of political culture in the society.

The presidential republic was born in the USA. The Fathers of the American Constitution created a mighty executive power headed by the president. The president acts both as the head of the state and as the government executive. But they balanced the structure with an equally mighty legislative power and a highly independent judicial power. The model based on the principle of separation and cooperation of powers turned out to be quite effective and rather stable. Any two powers, when they unite with each other, are able to prevent the third one from absolute supremacy. But it is cooperation, an ability to reach compromises that are the main abilities in this system. The president and their executive office spend much of time and efforts on negotiations with the congress, search for mutually acceptable solutions, especially if at least one of the houses is not controlled by the party which won the presidential election. The presidential republic is the most common model in the world; it is used by about two thirds of republican countries. Results vary. In a number of countries in Asia and Africa, in combination with "leaderism" culture, the system snaps into an autocratic spin. In order to resist this, proper balance of power and a negotiation political process should be constantly maintained. It is finally a republic's people committed to freedom and people's rule that becomes the main stabilizer here.

² Op. cit. Zorkin V. D.

³ Tsypliyev S. A. What is necessary and what should not be changed in the Constitution [Chto nado i chto ne nado menyat' v Konstitutsii] // Vedomosti, 23.10.2018 Available at: <https://www.vedomosti.ru/opinion/articles/2018/10/22/784356-chto-ne-nado-menyat-v-konstitutsii> (accessed 03.06.2019).

The Russian Constitution is based on **the semi-presidential republic**.

In the standard version of this model, an executive power is exercised by the government headed by the prime minister. The government is formed by the president and is responsible to the parliament, which is reflected in the name of the republic. The president is the head of the state but is not the chief executive. The president stands above the three powers possessing part of authorities in each of them. The key task of the president in such model is arbitration, provision of coherent functioning of all powers. The structure is complex: in addition to the judiciary, it has three centres of power between which sharpness and cooperation lines are established. It is the semi-presidential republic that lots out power to the maximum extent.

This model is poorly maneuverable, speeds are moderate, but it is stable and safe for novice democratic nations.

3. The republic Russia needs

The fact that Russia has chosen the French model is hardly random and is caused by the proximity of the peoples' cultural traits. Our intransigence, warlike character and emotionality required the creation of absolute monarchies. In response to this, Russia and France gave practically all great revolutions to the world. As a consequence, they have come to a similar state structure.

In my opinion, even this model has room to grow into for us. The key problem is that the country cannot possibly go beyond the simplest social technology named "a chief and a tribe". It is used literally everywhere: in political parties, scientific and educational institutions, creative unions, business organization. Tribespeople instinctively determine who is the chief and guided by his or her orders, rather than by external laws. Any formal structure is smoothly deformed to a customary scheme.

To this end, the parliamentary republic is of no help for us. Should the president be made a symbol, the prime minister (a. k. a.) will become a permanent chief which is fraught with consequences described above. Quite recently, in 2008–2012, we tried a four-year experiment and actually lived in the parliamentary republic. The president confined himself to endeavors in forming the country's political agenda and did not have a significant impact on the current governance processes. The absolute government wielded an executive power relying on the massive parliamentary majority. To make the picture complete, people in government were to be provided with deputy's seats (i. e., with immunity) just to realize that for the prime minister there were no restrictions concerning his term of office. What lies in the basis of the faith that a new text of the constitution would change the voting process, customs and traditions in wielding power? The Soviet history has taught us that a wonderful constitution being extremely detached from reality and cultural traditions of self-organization turns into a monument and completely loses its regulating capacity.

In the early 90s we tried to create a version of the presidential republic. It was extremely unbalanced and biased towards the legislative power. As such, the Supreme Soviet earlier elected directly by the citizens was the parliament, a legislative body. But in 1988 in the union constitution, and in 1989 in the Russian constitution, in addition to the Supreme Soviet, a specific body emerged — the Congress of Peoples' Deputies. Article 104 of the Constitution of the RSFSR declared: "The highest agency of state power in the RSFSR is the Congress of Peoples' Deputies of the RSFSR. The Congress of Peoples' Deputies of the RSFSR is authorized to admit for its examination and to resolve any question falling within the jurisdiction of the RSFSR". This is not just a separate, albeit the leading one, branch of power in the system of separation of powers. This is an absolute dictator which "performs the people's duties".

We may state two effects of this absolute power.

The first one is permanent constitutional instability. By voting, the Congress passed a whole set of constitutional amendments which immediately came into effect so that the next day we already had another country. Sometimes, fundamental changes were introduced "by a speaker" from the dais at the convention hall. As the people's deputy of the USSR, the author was personally engaged in making such an amendment to article 49 of the USSR's Constitution which opened doors to creating political parties in the country.

The second effect stems from the first one. The leader of the Congress of Peoples' Deputies became a key power figure in the political system. Public leaders M. S. Gorbachev and B. N. Yeltsin thought that they strengthened their positions when they assumed the president's office and were vested with personal authorities. At the same time, they left their positions of chairmen in the collegiate bodies and lost control over the Congress of Peoples' Deputies, i. e. the most important lever of power. For M. S. Gorbachev the consequences did not have a chance to be on full display, the situation in Russia explicitly demonstrated this institutional conflict. The Congress of Peoples' Deputies chaired by R. I. Khasbulatov

started to gradually mitigate the president's reformatory drive and then came to putting restraints on the presidential power. Not a parliament stood against the executive power, but a much more powerful body — the Congress of Peoples' Deputies. This predetermined the strain of the conflict. The outcome of the "battle" within the framework of the current legislation was practically assured — a resounding defeat of the presidential power and its turning into a decorative structure.

The last attempt to avoid a political crisis was a Constitutional Meeting, which opened in the Kremlin in summer in 1993. The proposed draft constitution approved separation of powers in the form of a semi-presidential republic model.

There were no legal means for limitation of absolute dominance of one branch of power. Searching for a compromise is not our method. Rather quickly it became clear where we were going to. The riot of the executive power ended with tanks firing and adopting a new constitution at the referendum on December 12, 1993.

4. In defense of federalism

Each time when they start talking about special constitutional rights of republics and autonomous entities, I ask to refer to the articles in which they are stated. The list usually ends with a statement that they have a constitution and a president, and we have a charter and a governor; there is chaos, indeed: constituent entities of the federation are named differently.

The crowning achievement of the 1993 Constitution was a constitutional (not fixed by treaty) federation with full equality of its constituent entities. The only notable exception is the right of republics to establish their own official languages in addition to the Russian language. Besides, clause 2, art. 66 of the Constitution additionally regulates adoption of charters (in contrast to constitutions) by a legislative (representative) agency of state power of a constituent entity. Is it an object of envy?

We had a rough ride to get all this. At the Constitutional Meeting I got to consult, write constitutional texts and preside over the second regional subpanel. One day we had an ultimatum of krajs and regions (oblasts) — either full equality of constituent entities or we will leave the meeting. On another day we had one more ultimatum: republics and autonomous entities require a "controlling stake" in the Federation Council and require to recognize the so-called federal treaty as the basis and original part of the constitution. The constitution uses proven mechanisms for balancing the rights of citizens and the rights of constituent entities of the federation. It is a bicameral parliament — each deputy in the State Duma represents a roughly equal number of voters, in the Federation Council two persons represent a constituent entity irrespective of its size. Federal constitutional laws stipulated by the constitution require three thirds of votes of the Federation Council's members, which allows a group consisting of one fourth of constituent entities to block adverse amendments to these essential laws. The most important thing is delineation of powers with the federal center and independence of regions beyond the federation's powers.

Destruction of federalism and turning Russia into a unitary state with a liquidated independent level of governance in the regions will lead to stronger concentration of powers and finance in the federal center, intensification of ethnic contradictions, final alienation between the government and the public. If people cannot get on with their life on their own and have to go to their director with a cap in hand begging for money and the supreme assent, then we have a space, but the country is dying. This is a dead end we faced several times. Russia resolved this deadlock each time decreasing in size.

The brightest, clamant contradiction between the Constitution of the Russia Federation and the traditional management culture lies in the term "federalism".

Traditionally, we build management systems in the form of a hierarchical chain of command. A superior is "bossier" than a subordinate and may change any decision of the latter. Order and execution prevail in such a chain. An optimal strategy for an official to "survive" in the chain is "to keep a low profile". The main trait of an ideal subordinate is loyalty to the superior; the rest is not so important. Professionals, leaders are detrimental; they are too enterprising and are "full of themselves". On the whole, the system is geared towards the willpower of the leader, ensures mobilization for military and other simple and clear directions on a small scale.

The task of federalism is quite opposite. It proceeds from the understanding of complexity, diversity and multitasking of social life. If we read the constitution carefully, we can see that it describes another power arrangement model — a horizontal one. A decentralized system consisting of independent decision-making centers playing by common rules established by the constitution is built. Federalism encourages lead, creative thinking, responsibility to the electorate rather than to the chief.

All public authority is sliced into relatively independent layers. The first horizontal separation of power is the government and local self-government. "Local elf-government is independent within the

scope of its powers. Bodies of local self-government are not included into the system of government bodies" (art. 12 of the Constitution). The second separation is connected with the fact that we have a federated state, which means that it is two-layered: the federation and constituent entities of the federation. Both the federation and its constituent entities are government agencies; here mandatory laws are passed — federal and local ones.

It would be a mistake to think that federal laws are always higher and more important than local laws, and they may regulate anything at all. The constitution demarcates the responsibilities and authorities between the two levels of power. There is a clearly defined, limited list of issues which refer to the exclusive competence of the federation (art. 71), for example, foreign policy and international relations, defense and security, and here only federal regulation is effective.

There is a fixed list of items referring to the joint competence of the federation and constituent entities (art. 72). Everything that is not included into these two lists refers to the "area of responsibility" of a constituent entity of the federation. Here only normative acts of a constituent entity may be issued; the federation may not intrude into this territory. In truth, when developing the constitution, the federal center made all efforts to preempt maximum authorities.

Within the joint competence framework, both legislative establishments run things independently, but the federation has the first option. If it has issued a law, local norms may not contravene such law. There is no doubt that in the course of time the federation will densely built up this neutral territory with its laws. But the main thing remains — this is independent actions of the two levels of powers.

The vertical implies that power "streams" from top downward, and the source of power is on the very top. We are absolutely sure about this, address any problems to the president and require his interference with all everyday issues. And the constitution declares that "it is the multiethnic people of the Russian Federation who holds the sovereignty and is the only source of power in the Russian Federation" (art. 3). It vests all horizontal levels of power with authorities; moreover, it does this independently.

Art. 11 (part 2) of the constitution specifically underlines that "governmental power in the constituent entities of the Russian Federation is exercised by government bodies established by such entities". This article is included in the chapter entitled "Foundations of the Constitutional System"; this means that no other provisions of the constitution may not contravene the foundations of the constitutional system (art. 16). This excludes the possibility for an acting governor to be appointed from the federal center. Only government bodies established by a constituent entity itself may exercise power in the constituent entity. Should a governor stand down, the constitution or the charter of the constituent entity of the federation establishes who and for what term will act as the governor until a new governor is elected.

Similarly, federalism is not in line with one more "vertical invention" — dismissal of a governor from their office by the president "for loss of trust". The governor has earned mandate from the people and is responsible to them. And what if the president and a governor belong to diametrically different political powers? What if a governor is the president's future challenger at the presidential election? An exceptional condition is when a governor commits material offences; then an impeachment procedure is initiated in the constituent entity of the federation. At most, the right to initiate an impeachment procedure may be assigned to the federal center within the bounds of decency in federalism.

If an extreme case occurs, for example, a denial to fulfill the constitution, a federal interference institution is involved engaging legislate enforcement tools, up to the use of armed force.

The constitution allows neither of these, but anyway we do it because we do not see other ways to do. Our management culture is fairly simple: I appoint subordinate managers, issue orders, require their fulfilment and loyalty. If all this is not your case, I dismiss you. This is what we call a "management vertical". More complex technologies — management of independent players by means of laws, budgeting, ideological influence — are for us something to be worked on and, thus, are rejected as "rotten liberalism".

In a closed hierarchical pyramid, corrupt practices inevitably flourish; it does not have space for self-starters who possess independent nature and leadership potential. We can see the results already — still waters and "there is nobody to replace".

Centralization is very comfortable until there is an "unflagging sack of carrots" on top. Everybody expresses personal gratitude to you for monarchical favors. But the concentration of power means the concentration of responsibility. When carrots are over, it becomes clear that you have nobody to share your responsibility with. Focused "tidal waves" coming from the citizens to one point blow up the management center with all the consequences that come with it — something that we could observe in the USSR.

The Constitution of the Russian Federation provides required legal capacities for reasonable decentralization of power and responsibility. The country's potential for development is not exhausted and not

yet mastered. The start site is quite clear, too: it is the launch of a “new zemstvo” — local self-government. It needs freedom, authorities and money. Alexander II started with this; this will give growth to a Russian citizen, rather than to just a layperson. Governmental levels of power can be naturally added on the foundation of social self-organization.

5. What should be changed in the current constitution

The task too challenging for our society is **provision of timely, scheduled, non-violent rehatting of political and management elite**. It is not about certain persons or political ideas, it is the course of nature. Due to the finiteness of our life, any social institute can exist for a long time if it ensures self-renewal, succession of generations. Only if a manager has a theoretical capability to preserve the power for an unlimited period, he or she starts playing the “master of a heap” and eliminates possible competitors in the far reaches (either by driving them out or literally) and thus prepares personnel degeneration in the system. In such a way, the creator becomes a grave digger for his or her favorite occupation. If such person knows that quitting is inevitable after some pre-established time, he or she starts thinking about successors, followers, rather than about an elixir of immortality. The greatest physicist Albert Einstein left his management position at the chair at Princeton University at the age of 65 because this is a rule and nobody is an exception. The Chinese elite made conclusions from the lifetime rule of Mao and very dangerous destabilization of the regime after his death. Every ten years, though it was an undemocratic, from-among-the-elite way, generations of leaders changed, and this fact preserved the stability of the regime. Recently the Chinese leadership have decided to back out of mandatory alternation proposed by Deng Xiaoping. In the nearest years we will be able to assess the consequences of this step. Our history also gives the richest sources for analysis of this issue.

The first task is refinement of part 3, art. 81 of the Constitution: “one person may not hold the office of the President of the Russian Federation for more than two successive terms”. The provision concerning “two terms”, which was added practically in the same wording to the French constitution in 2008, does not work in our case. A new interpretation was proposed for this provision: the number of calls is infinite, but each of them shall not exceed two terms. The spirit of the article aimed at restricting one person from staying in power may be restored in different ways.

The first option is to amend the text of the article. For instance, to state the end of the article as follows: “... for more than two terms, with such terms being successive”. It is not unthinkable that a discussion on how the word “term” should be interpreted would occur. If the president leaves their office early, should such term be counted for? The constitutional experience of the USA can be of certain use here. In 1951, The US Congress passed the Twenty-Second Amendment, which prohibited to elect one person as the president for more than two times. That is, the fact of election is sufficient, the interpretation of a term is inessential. That was a response to American citizens’ breaking from the tradition not to stay in the presidential office for more than two term, which was established by George Washington. Franklin Delano Roosevelt died several months after his fourth election victory. The excuse was the World War.

The second option is that the Constitutional Court can interpret the article upon requests of government bodies vested with this right by the constitution.

The second task is to return a four-year electoral cycle instead of a six-year one introduced in 2008 for the president and a five-year one for the deputies of the State Duma. The dynamics, energetics of the country’s movement greatly depends on the rhythm of a political cycle. The President of the USA is elected every four years, and Members of the House of Representative (counterpart of our State Duma) go to elections every two years!

Yes, the president need to work actively in order to make a great deal; yes, it is a pity to part with a good president, but in this case a mistake can be corrected more quickly, and a bad president will not stay in power for too long. The political staff of the parliament should adapt to the political preferences of citizens more quickly and accurately. The French traditionally had a seven-year presidential term. But in 2000, they held a referendum and reduced the term to five years to give more dynamics to the state machinery. The most common terms in the world are 4 and 5 years. For Russia now to loaf and wait for a miracle is dangerous, so 8 years (two four-year terms) is an epoche and a chance to work down to the wire for an effective president.

As the last stand for protection of unchangeable power, it is argued that there is nobody to elect from. I think this is a direct offence to our people, a claim about the historical doom of the country. The leader leaves, and then there is a desert, death to Russia? I would never believe that among one hundred and forty-three million fellow citizens there are no several dozens of people who are able to run

the country. Why do other nations find such people, and we do not have them? The problem lies not in the inferiority of the nation; it is just that “beds” where leaders grow “are razed to the ground”. Competitive, “unfiltered” elections of governors, members of the Federation Council, mayors, deputies of various levels in single-mandate districts will quickly reveal real leaders, and electors will learn to unmistakably differentiate between leaders for building and leaders for destruction. Recall the eighties, absolute political still waters; where were fresh faces from, how had we known them, loved them or hated them? Each elected and effective chief of Moscow, Saint Petersburg, the Moscow, Sverdlovsk, Samara and other large regions may aspire to get the highest appointments in the government. And the free press will tell us about them all it knows. Creation of a modern election system needs legislative execution. I would like to highlight that virtually the constitution does not regulate the system of election. Such system is established by federal and local laws, so all our fair and fundamental claims about whom and how we elect should be addressed principally to the lawmakers, and we should fight for a competitive and fair system of election relying upon the constitution. Even popular-vote elections of members of the Federation Council can easily be arranged without making any amendment to the constitution, given the will.

The constitution bears a stigma of the political battles from 1992–1993 in the fire of which it was born. There is one essential deviation from a typical model; we have a broken government which is practically completely controlled by the president, with decreased rights of the parliament in making decisions about the future of the government. The imbalance should be eliminated, and **the constitutional status of the government should be strengthened.**

The key item is formation and resignation of the government. In a semi-presidential republic it is the result of agreement between the president and the parliament. But what if no agreement can be reached, and the country must not be left without a legitimate government for a long period? Who has the last word?

In Russia, if no agreement is reached, the president appoints the chairman of the government, dismantles the State Duma and calls a new election. It is the president who has the last word. In France, the last word belongs to the parliament; the government cannot be formed without the parliament's approval. This gives rise to “coexistence” regimes when the president and the prime-minister belong to different parties, often to major political competitors. But such is the will of electors, and it cannot be ignored.

The President of Russia can dismiss the government at their own initiative. The President of France may not do it. If the government maintains confidence on the part of the National Assembly (counterpart of the State Duma), it will work, unless it tenders its resignation. At first glimpse, it is a trifle, but let us recall the government headed by E. M. Primakov. It enjoyed firm support from the State Duma and would have worked until the end of the presidential term and made further experiments with bride-shows of prime-ministers as future successors impossible.

Amendments should be made to a number of articles, the meaning of which would come down to the following: the president will dismiss the government if the State Duma has impeached its credit to the government, or the government has tendered its resignation. The right to appoint the chairman of the government without the consent of the State Duma shall be excluded. The remaining body of rules in our constitution concerning formation of the government, in general, gives the same capabilities as the French constitution does, although it is a far cry from elegance in terms of its wordings. For example, a senseless and dangerous for the weight of power public auction in the form of three-times consideration of a candidate of the government chairman.

The second essential difference from the “standard model”. In such model the president may issue only decrees which are agreed with the government (ordinances), except for the own authorities of the president stipulated by the constitution. Such rule provides for a matched line of the president and the government. This may be extremely difficult if the president and the government represent different parties; here high political art of compromise is needed. Limited rule-making of the president has certain advantages and disadvantages and requires public discussions. I think that in order to avoid deadlocks and bias, this amendment should be regarded together with correction of the third essential difference from the standard model. The President of France is entitled, at their own initiative, after consultations with the prime-minister, chairmen of both houses, to dissolve the lower house of the parliament and to call a new election. This is not a dismissal of the parliament, but an address to the nation to review the composition of their representatives. Such rule pours oil on troubled waters and helps to overcome political deadlocks in the president—parliament—government triangle. Today the president may dissolve the State Duma only in two cases: a three-times disagreement with the candidate of the Chairman of the Government or non-confidence in the Government.

The other constitutional authorities of the president do not go beyond the generally accepted framework and in aggregate cannot be described by the term “excessive authorities”.

A scrupulous eye will find even more constitutional provisions which may be worded better and more accurately. To start with, the above-mentioned changes are enough, as the main problem has nothing to do with the constitutional text.

6. Citizens of the republic required

The analysis of the constitution made by a researcher who does not know our realities will give a standard result: the strongest power is the parliament. It enacts the budget. What can the executive power do within constraint bounds of the law and without money? The weakest power is judicial, and it should be strengthened legislatively.

We just do not pay attention that lawmakers have the last word. It was the Supreme Soviet of Russia that in 1992 in a practically unanimous vote ratified a treaty for denunciation of the Soviet Treaty, on the creation of the CIS. It was the Congress of People's Deputies that in 1991 overwhelmingly adopted a far-reaching economic reform program which included immediate price liberalization. A fresh example: it was the Federal Assembly that ratified the Protocol of Accession of Russia to the WTO signed by the Minister of Economic Development. It does not matter whether we uphold these decisions or not, but we cannot forget that they were adopted by the representatives elected by us. Why doesn't the parliament use its power? Because people who have become the members of the parliament do not want or cannot do it. We can give even more authorities to the parliament, but the parliament will remain a democratic setting until there appear independent deputies attached to their dignity and the country instead of just nominal numbers from the party list.

This unsophisticated researcher will not find the term “an instruction of the president” in the constitution. He or she would be surprised to see letters to the president from workers and refined people with requests and claims going far beyond the president's constitutional authorities. We are to overcome the psychology of loyal subjects requiring to turn the leader into a dictator. The characteristic feature of civil maturity is the condition of self-governance — the foundation and school of democracy and self-organization. As for the said feature, we are tightly stuck in lower grades.

A thorough analysis of most controversial issues suggests that we do not need the revision of the constitution, but a more complex and long-term task — reset of the political culture. The constitution is tailored well “with room to grow into”. Do we want to grow? No constitution works by itself; it lives in the mind and heart of responsible citizens of the republic. We should just recall a simple motto more frequently, which refers to all of us: “Respect your constitution!”

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