

Democracy and Institutional Design in Russia

EUGENE HUSKEY

The stunning political comeback of Boris Yeltsin serves as a reminder of the vital role of the individual in politics. A disengaged and irresolute president through much of his first term, Yeltsin revived himself in time to capture the support of the nation in the 1996 presidential elections. These elections also highlighted the many informal sources of power in Russia that lie beyond the constitution. One of the most influential of these was the media. Through a careful manipulation of the tone and content of campaign coverage, Yeltsin's backers managed to portray the contest between candidates as a referendum on good versus evil.

Personality, informal politics, and circumstance—these are the forces that come to mind during periods of political transition. But a country's institutional arrangements also shape its development, often in profound though less obvious ways. Put simply, Russia's particular pattern of institutions and rules has favored certain political outcomes over others.¹ The decision to adopt an unusual variant of semi-presidentialism, for example, has had fateful consequences for the stability and efficacy of the new regime.² This article examines the impact of semi-presidentialism on Russia's post-communist transition as well as the ways in which the logic of semi-presidentialism has adapted to the distinct circumstances and culture of Russian politics.³

The Origins of Semi-Presidentialism in Russia, 1989-1991

At the end of the 1980s, faced with broad-based resistance to reform within the Communist Party apparatus, Mikhail Gorbachev sought alternative institutional arrangements that would at once enhance regime legitimacy and offer the leader an additional base outside of the party.⁴ Invoking a variant of the Leninist slogan "All Power to the Soviets,"⁵ Gorbachev settled upon a reinvigoration of the moribund legislature. Following constitutional changes in December 1988 and com-

Eugene Huskey is a professor of political science and the director of Russian Studies at Stetson University.

petitive elections in February 1989, an extraordinary, if short-lived, experiment in “speaker’s parliamentarism” began.

From his post as chairman of the new Congress of People’s Deputies, Gorbachev sought to formulate policy, manage a growing parliamentary bureaucracy, and direct floor debate, all the while maintaining his Communist Party office. It was an unworkable amalgam. Furthermore, parliament itself proved to be an unwieldy and unreliable vehicle of rule. In a period of mounting social and economic crises, the length and contentiousness of debates and committee hearings constrained executive action. Prime Minister Nikolai Ryzhkov estimated that parliamentary duties occupied a third of his ministers’ time.⁶ Parliament also began to insist on direct involvement in the implementation of policy.⁷ Moreover, an essential component of efficient parliamentarism, a loyal and stable legislative majority, was missing. It was often unclear which faction presented the greater liability to Gorbachev: the conservative Communist majority, procedurally sycophantic but hostile to substantive change, or the vocal and independent-minded minority, which continually criticized the pace and depth of reforms.

Frustrated in his role as speaker, Gorbachev authorized the design of a new political architecture barely six months into the life of the parliament.⁸ The goal was to create for the leader a more dignified and powerful constitutional office distinct from the legislature, and in so doing to disarm the democratic opposition, which itself had proposed the establishment of a presidency in the spring of 1989.⁹ How this goal was to be accomplished became the subject of intense debate among Gorbachev’s advisors in the first weeks of 1990. While some favored the establishment of an American-style presidential system, others, most notably Anatoly Lukyanov, rejected the separation of powers inherent in presidentialism as alien to Soviet and Russian traditions.¹⁰ At the end of this brief in-house debate, Gorbachev opted for semi-presidential arrangements modeled largely on those of the Fifth French Republic, whose constitution combined elements of presidential and parliamentary rule.¹¹

Semi-presidentialism had numerous advantages for Gorbachev personally and for a regime in transition from one-party rule.¹² Separating the posts of head of state (president) and head of government (prime minister) elevated the president above the unpleasant business of managing a vast and inefficient bureaucracy. Removed from daily politics, the president could aspire to the majesty of a republican monarch. A dignified presidency seemed to promise a new source of legitimacy for a regime with failing ideology and institutions. If under semi-presidentialism the prime minister assumed direct responsibility for social and economic policy, the president played the leading role in matters of national security. This division of labor, which mirrored that in France, rewarded Gorbachev’s passion for foreign affairs and his aversion to budgets. Under the new institutional arrangements Gorbachev was free to reach strategic compromises, whether with foreign dignitaries or with the miners and other groups within Russia. It then fell to the government to make good on his often exaggerated promises.¹³

Semi-presidentialism was also the least disruptive alternative to the existing institutional order. A parliament and government were already in place. The new

arrangements required only the addition of a small presidential bureaucracy, initially staffed by some three hundred persons.¹⁴ In this era of institutional transition, the presidency appeared to be the logical successor to the beleaguered Communist Party. At the end of the Soviet era, according to Georgy Shakhnazarov, the presidency “gradually began to take over the Central Committee apparatus.”¹⁵ A less charitable observer, Prime Minister Valentin Pavlov, called the apparatuses of the presidency and the Central Committee “Siamese twins.”¹⁶

In the first weeks of 1990, Gorbachev, his advisors, and select parliamentary and republican leaders negotiated institutional choices that gave Soviet semi-presidentialism its distinctive shape. Four issues dominated their discussions: the powers of the presidency vis-à-vis the legislature; the relations between president and prime minister; the method of electing the president; and the role of the presidency in center-periphery relations. The debate over executive-legislative relations centered on the future of the Congress of People’s Deputies. The Congress functioned in some respects like a constituent assembly, which assumes state sovereignty temporarily in order to lay the constitutional foundations of a new political order. But in the Soviet Union, this outsized institution—both in terms of its membership and authority—possessed a permanent mandate. It was at once an arbiter of constitutional issues, an electoral college for the other parliamentary chamber, the Supreme Soviet, and the highest legislative assembly, whose laws could not be challenged. Sharing the political stage with the Congress of People’s Deputies would limit severely the authority of a Soviet president. But Gorbachev refused to heed the advice of aides who sought to restrict the powers of the Congress or to abolish the institution altogether. In most semi-presidential systems, for example, the president has the power to dissolve the parliament. The deputies’ fear of dissolution can, at crucial moments, afford the executive important leverage over a recalcitrant parliament. In Soviet semi-presidentialism, however, the fate of the Supreme Soviet remained in the hands of the Congress. The president could only propose to the Congress that it dissolve the Supreme Soviet, a policy that Gorbachev believed would discourage the rise of an authoritarian executive.¹⁷ The legislation on the presidency also kept in place the potentially powerful chairmanship of the Congress, a post assumed by the champion of Soviet parliamentarism, Anatoly Lukyanov. By retaining a Congress of People’s Deputies with its full array of powers, Gorbachev and the Soviet elite created an institutional regime that invited executive-legislative stalemate in the USSR and, through inheritance, in post-communist Russia.

Perhaps the greatest danger posed by semi-presidentialism in any country is a divided executive.¹⁸ Although the president enjoys a fixed term of office, the prime minister serves at the pleasure of the parliament. The potential arises, therefore, for the parliament to insist on a prime minister with political views unlike those of the president. When this occurs, the president and prime minister are forced to “cohabit,” to use the French term, an awkward arrangement that leads inevitably to tensions over the distribution of power between the two executive leaders. Although working papers prepared for Gorbachev and his staff alerted them to the problems of cohabitation under French semi-presidentialism, the

Soviet leader appears to have given little thought to the politics of a dual executive, apparently assuming that the president would retain indefinitely the support of the parliament, and hence the prime minister. On the question of intra-executive relations generally, Gorbachev seemed content with legislative provisions that assured his right to propose the appointment and resignation of the prime minister to the parliament, to consult with the prime minister on the appointment of members of the government, and to annul government directives. From discussions with deputies in the weeks before the creation of the presidency, it is clear that Gorbachev expected the prime minister to function much as he had throughout the Soviet era, that is, to oversee the economy and, in Gorbachev's own words, to stay out of "politics."¹⁹ This view failed to recognize, however, that the invigoration of parliament had raised the profile and the potential power of the prime minister. Moreover, it betrayed a naive belief that economic management and public administration generally could be reduced to a technical task.

The lack of precision and coherence in the new institutional arrangements reflected, in part, the political constraints within which Gorbachev and his aides operated. Redesigning institutions naturally prompted resistance from those forces in the party, the parliament, and the republics that felt threatened by a strong presidency. Constitutional ambiguity and compromise helped to allay these fears. But the Soviet Union's new and confusing political system was also a product of Gorbachev's leadership style.²⁰ For Gorbachev, governing was less about carefully-crafted organizations and rules than creating solutions through negotiation. He saw the president operating above the fray of daily politics and administration in a realm that transcended the traditional branches of government. He remarked to deputies in the weeks before becoming president that he would be a mediator between executive and legislature.²¹ Traditional lines of authority meant little to him. Rather than disciplining the prime minister and his government directly, Gorbachev proposed to do so through the Congress. His was the approach of an international statesman and not a chief executive officer.

On some institutional questions, of course, Gorbachev had clear preferences. One of these was electoral rules. Few subjects excited more intense debate, both within Gorbachev's entourage and among the country's elite, than the method of electing the Soviet president. The choice was between direct election by the population and indirect election by the Congress of People's Deputies. Each option presented obvious risks and rewards to Gorbachev. Indirect election assured Gorbachev's ascent to the presidency and a rapid, peaceful transition to the new institutional regime. But it also deprived the president of a popular mandate, and in so doing promised to solidify the authority of the Congress of People's Deputies, which would serve as electoral college for both parliament and president. Unwilling to risk personal defeat or the strains that a competitive election campaign would place on the nation, Gorbachev insisted that the Congress select the first Soviet president, with subsequent presidential elections to be decided by direct popular vote.²² The Congress agreed.

To overcome the objections of some republican leaders to the establishment of a presidency, Gorbachev agreed to grant them membership in a new body, the

Federation Council, which would review policies on inter-ethnic and inter-republican relations. But the more fateful concession was the extension of the semi-presidential model to republican governments. During 1990, in a “demonstration effect” encouraged by Moscow, fourteen of the fifteen Soviet republics hurried to adopt the institutional arrangements crafted and introduced in the center.²³ Few understood at the time the dangers this concession posed to the integrity of the union.²⁴ Newly established republican presidencies quickly became important symbols of nascent political communities, especially in cases where the local leader was willing to challenge the center. And just as in the center, presidents in many republics began to decouple themselves from the Communist Party, which had served to integrate the diverse peoples and territories of the Soviet Union. If before 1990, republican leaders—the Communist Party first secretaries—made their careers by proving their loyalty to Moscow, after the introduction of semi-presidentialism they ensured their political future by appealing to republican interests. Unlike the Communist Party of old, the fledgling Soviet presidency had neither the administrative nor ideological authority to impose its will on the republics. There was no longer a vertical command structure capable of ensuring the discipline of local leaders.²⁵

The introduction of direct elections for republican presidents in 1991 further undermined Moscow’s authority. If the center still retained some ability to influence the actions of republican deputies who had voted for presidents in the indirect elections of 1990, it carried little weight with ordinary voters. Indeed, in many republics the successful candidates for president ran against the center. The most dramatic example of this was in Ukraine, where a week before the election of 9 December 1991 the republican leader and presidential candidate, Viktor Kravchuk, encouraged his Slavic neighbors, Russia and Belarus, to sign an agreement—the Belovezhky accords—that declared their independence from the Soviet Union.

To understand the collapse of the USSR, then, one must not stop at the traditional contextual explanations, such as a lagging economy, a crisis of identity and belief, and a more demanding population.²⁶ The institutional choices made at the end of the Soviet era recast the structure of incentives in ways that rewarded those favoring disintegration. Although there was much in Russian and Soviet history—and in the demands of the moment—to recommend semi-presidentialism, there were other options, including the maintenance of traditional party rule, that would have produced very different political outcomes, especially over the short term. It was the will of a small group of men to create a presidency constrained by a mammoth Congress and then to introduce presidencies in the republics, decisions that had momentous consequences for the Soviet Union and the world. Established in part to save the Union, the presidency contributed mightily to the Union’s demise.

The Crisis of Semi-Presidentialism in Russia, 1992-1993

In the first two years of post-Communist rule, semi-presidentialist systems throughout much of the former Soviet Union fell victim to a disorder latent in all varieties of presidentialism, a stalemate between legislative and executive institu-

tions. Unlike parliamentary systems, where only the legislature can claim a direct popular mandate, presidentialist arrangements produce what Juan Linz has called “dual democratic legitimacies” for president and assembly.²⁷ Because both institutions are directly elected, each is able to promote itself as the bearer of sovereign authority. When the assembly and president are at odds, the system provides no constitutional means to defuse the crisis. A denouement occurs, if at all, because elites themselves craft a means of cohabitation. Parliamentary systems, by contrast, can simply turn out a wayward executive through a vote of no confidence.

The origins of executive-legislative stalemate in Russia are to be found, however, in the particular rules and circumstances of politics in the First Russian Republic as well as in the logic of presidentialism. The sequencing of elections was one source of the conflict. Almost a year and a half separated the Russian parliamentary elections of February 1990 from the presidential election of June 1991. Although it may be an exaggeration to claim that two different Russias went to the polls on these dates, popular perceptions—and arguably some values—had changed between the elections. The result was a state divided between a reform-oriented president and a conservative parliament. Whether February 1990 or June 1991 was the more representative moment for Russia in the competition between the dual democratic legitimacies, Yeltsin was able to claim a more recent mandate.

Initially, the timing of elections seemed to pose little threat to executive-legislative relations. In the first months after the Russian presidential election, the August coup and a program of national self-assertion united Russian institutions against their Soviet counterparts. But once the Soviet Union collapsed and the focus of political debate shifted from questions of statehood to those of economic reform, cracks began to appear in parliamentary support for the president. By the middle of 1992, the market-oriented initiatives of Yeltsin’s acting prime minister, Yegor Gaidar, had provoked a large and aggressive opposition to the course of the president.²⁸ A changing agenda had combined with the sequencing of elections to produce a standoff between the president and parliament.

It would be naive, of course, to portray executive-legislative conflict in policy terms alone. Policy debates in the First Russian Republic were also extensions of struggles for personal and institutional power similar to those that had animated succession crises in Soviet history. Emboldened by a growing popular and elite opposition to the president’s policies, the parliament and its leadership laid claim to a larger and more direct role in governing the country. Standing at the head of the anti-Yeltsin majority in parliament, the speaker, Ruslan Khasbulatov, sought to curtail presidential authority and revive elements of the radical parliamentarism associated with Soviet democracy. In the words of Nikolai Fyodorov, Yeltsin’s justice minister, Khasbulatov sought to create “a parallel center of executive power in the parliament.”²⁹

In an immediate sense, the struggle between Yeltsin and Khasbulatov and between presidency and parliament was for control of the bureaucracy, especially the ministries that controlled guns, money, and property. To attract the loyalty of the officers of the state, each side used laws, patronage, and funding, the traditional weapons in the institutional confrontation endemic to presidentialism. It

was a standoff that recalled the conflict between president and Congress in the United States in the wake of the Civil War. In the American case, a battle between legislature and executive on the right to make bureaucratic appointments led to the impeachment, though not the conviction, of President Andrew Johnson.

If presidentialism predisposes political systems to legislative-executive confrontation, it does not dictate the use of violence or other extreme measures as weapons in the political struggle. There are other means out of an impasse. In France, for example, staggered elections have returned parliamentary majorities opposed to the president. Rather than attempt to rule around the parliament through reserved powers or the plebiscite, the French president has, during periods of cohabitation, deferred to

the parliamentary majority and retreated into a largely ceremonial role.³⁰ Thus, semi-presidentialism in France developed “a safety valve that avoids the clash and crises of two popularly elected legitimacies by permitting the political system to function now as a presidential

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system, now as a parliamentary system.”³¹ The French case serves as a reminder that institutional arrangements succeed or fail in large measure because of the willingness of elites to forge compromises in the available constitutional space. As Forrest MacDonald remarked with regard to American politics, “The lesson for the American framers,” which they took from seventeenth century English politics, “was that the formal distribution of powers between legislatures and executive is not so important as institutionalized means of cooperation.”³²

Why did Russian political elites fail where their American and French counterparts succeeded? More specifically, why did Yeltsin refuse to follow the lead of Mitterand? One reason is that the circumstances differed. Not only was the election sequencing reversed—in France the parliament was elected *after* the president—but the stakes of Russian politics were far higher. The victors, it seemed, would define Russia’s new economic model, its replacement ideology, and, perhaps, even its borders. They would also insure for themselves the accoutrements of modern life, such as desirable apartments, country homes, and automobiles.³³ In Russia, there was as yet no revolving door to offer sustenance to the politically dispossessed. And because Russia lacked an institution common to Western democracies—a permanent civil service—all state officials felt threatened by the struggle between president and parliament.³⁴ Taken together, these circumstances raised the stakes of Russian politics in 1992-93 to a level with few historical precedents.³⁵

Added to this unfavorable mix of institutional design and circumstance was an elite unschooled in the tactics of democratic accommodation. Most of the leaders in the presidency, parliament, and the Constitutional Court were neophytes in national politics, if not in public life generally.³⁶ Most retained the values learned

in an authoritarian political culture, with its aversion to compromise and its emphasis on personal rather than legal authority. Few had yet developed a civic consciousness, which could elevate *raison d'état* above departmental or personal interests.³⁷ The elite itself, then, was ill-suited to the task of nurturing fledgling democratic institutions.

The impediments to democracy outlined here should not obscure elite maneuvers intended to make Russia's institutions work. President Yeltsin, for example, sought to deflect criticism of his policies and enhance his parliamentary support through periodic reshuffling of the government. His most dramatic concession came in December 1992, when he sacrificed his acting prime minister, Yegor Gaidar. Gaidar's replacement, Viktor Chernomyrdin, was a manager (*upravlenets*) whose background and beliefs struck a responsive chord for a time among the deputies. But these and other moments of elite accommodation brought only fleeting respite from executive-legislative conflict. When the new "political year" began in September 1993, politics had reached a juncture through which only one elite group could pass. As Robert Sharlet has argued, each side insisted on a new constitutional framework favorable to it: "one promoting the model of a parliamentary republic with a restricted executive, the other (Yeltsin's), a presidential model with a dependent legislature and a weak constitutional court."³⁸ The First Russian Republic was unable to sustain dual democratic legitimacies.

The Second Russian Republic: Toward a Delegative Democracy?

Rather than face almost certain impeachment, Yeltsin disbanded the parliament in the fall of 1993, first by decree and then by force.³⁹ These extraconstitutional measures enabled the president to advance two ballot initiatives for 12 December 1993, both designed to enhance the sources of presidential authority. The first, elections to a new parliament, was expected to produce a workable legislative majority for the president. Pollsters close to the presidency believed that the mood of the country, together with the electoral rules that the president himself had dictated, would permit the party of reform, Russia's Choice, to form the core, if not an outright majority, in the successor parliament.⁴⁰ On 12 December, voters also cast ballots on a constitutional referendum. Last-minute changes to the draft constitution dramatically strengthened presidential power at the expense of the parliament. If denied a legislative majority, the president could use reserve powers to rule around the parliament. Thus, instead of the politics of alternation, as in semi-presidential France, Yeltsin advanced the politics of redundancy.⁴¹

Under the new constitution, which passed by a slim and still disputed majority, the formal structure of Russian government remained semi-presidential. A directly elected president shared executive responsibility with a prime minister, who needed the support, or more accurately the forbearance, of the parliament. But the rules governing the generation and accountability of the government reduced to a minimum the parliament's ability to limit executive authority. According to the prime minister's chief of staff, the government exercised executive power "independently [*samostoyatelno*], subordinate to the President but not to the par-

liament, with whom it works in parallel.”⁴² Individual ministers were not subject to confirmation, recall, or sanction by the legislature, though they were in theory subject to weekly parliamentary question time.⁴³ Although parliament retained the formal right to reject a president’s appointment to the office of prime minister, or to express no confidence in a sitting government, it could do so only under the most unappealing conditions. According to Article 111.4, a president could insist on his candidate for prime minister through three successive rejections by the lower chamber, the State Duma, after which the president installed an interim prime minister, dissolved the parliament, and called new elections. Moreover, Article 117.3 granted the president the option of ignoring the Duma’s first vote of no confidence in the government. In the event a second no confidence motion passed within three months, the president could opt to dissolve the Duma rather than sacrifice his prime minister. The new institutional arrangements placed the president as well as the prime minister beyond the reach of all but the most united parliaments. To impeach the president, the State Duma first had to bring charges of high treason or other grave crimes against the president. These charges had to be supported by two-thirds of the deputies on the basis of a written opinion of a special Duma commission. As Vladimir Lysenko has noted, the president’s power to dissolve the lower chamber—and keep in place the more malleable upper house, the Federation Council—“forestalls any attempt by the State Duma to raise first the question of impeaching the president.”⁴⁴ Should the Duma bring charges, the Supreme Court had to issue a finding that the elements of a crime were present, and the Constitutional Court had to confirm that the Duma had respected the appropriate procedures in the bringing of the charges. It then fell to the Federation Council to convict the president by majority vote. In the event impeachment proceedings reached this final stage, the Federation Council would be most unlikely to remove the president. Half of its members were local executive officials, most of whom served at the pleasure of Yeltsin.⁴⁵ Even after the parliamentary elections of December 1995, which returned a Duma that was even more hostile to the president than its predecessor, the new Federation Council retained a slim pro-Yeltsin majority.⁴⁶

The design and operation of the Second Russian Republic exhibited many of the features of “delegative democracy” found in Latin America. In the words of Guillermo O’Donnell:

Delegative democracies rest on the premiss that whoever wins election to the presidency is thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term in office.⁴⁷

The key difference between representative—or institutionalized—democracy and delegative democracy lies in the nature of executive accountability. Whereas in representative democracies the president is accountable both vertically to the voters and horizontally to “a network of relatively autonomous . . . institutions,”⁴⁸ in delegative democracies the president is accountable to the nation alone. Delegative presidents regard parliaments and constitutional courts “as unnecessary encumbrances to their ‘mission’ [and] they make strenuous efforts to hamper the development of such institutions.”⁴⁹

How strenuously Yeltsin has hampered the development of these institutions in the Second Russian Republic is a subject on which reasonable observers may differ. But he has clearly been reluctant to respect democratic rules and structures designed to limit presidential power. That reluctance has been grounded not only in his political temperament but also in his desire to advance the cause of reform in Russia. Yet reform has both a procedural and a substantive dimension. It is not enough to decree change; one must be able to implement it. Again, Guillermo O'Donnell:

institutionalized democracies are slow at making decisions. But once those decisions are made, they are relatively more likely to be implemented. In delegative democracies, in contrast, we witness a decision-making frenzy, what in Latin America we call *decretismo*. Because such hasty, unilateral executive orders are likely to offend important and politically mobilized interests, they are unlikely to be implemented.⁵⁰

When Yeltsin broke new ground on economic and law enforcement policies in the late spring of 1994, he did so by issuing his own decrees instead of submitting laws to parliament. Rather than “build[ing] new legislative coalitions with every issue,”⁵¹ the task confronting all leaders in multiparty presidentialist systems, the Russian president has often chosen the decidedly less troublesome option of initiating new policies by decree.⁵² Like party directives under the old regime, presidential decrees have been designed to serve as guidelines for subsequent parliamentary legislation. In the interim, they enjoyed the force of law as long as they did not contravene the constitution or existing legislation. Or so the constitution stipulates. In fact, some decrees have altered parliamentary laws.⁵³

Although Yeltsin has been reluctant to accept parliamentary institutions and their leaders as full partners in governing, he has been willing to grant them a measure of dignity and influence. Among other things, he has cultivated parliamentary support at strategic junctures. Shortly after the disappointing results of the December 1993 and 1995 parliamentary elections, the president removed several visible reformers from their government posts as a concession to the new parliament. Indeed, with the ouster of Anatoly Chubais at the beginning of 1996, no vigorous advocate for economic reform remained in the Cabinet. Moreover, the president chose not to provoke a constitutional crisis over the parliamentary amnesty of February 1994, which freed the instigators of political violence in August 1991 and October 1993. In this episode, at least, he exhibited an essential trait of a democratic politician, the willingness to accept defeat.⁵⁴

Yeltsin has also attempted to anticipate and defuse potential conflict with the parliament by creating agencies in the presidency for liaison with the legislature.⁵⁵ Rather than establish a presidential party or even a presidential coalition in parliament, the president introduced a kind of *entente cordiale* with virtually all forces in the legislature.⁵⁶ As part of this strategy, he sought to co-opt the heads of the two chambers of parliament—the Duma and the Federation Council—by appointing them in 1994 to several key presidential structures, including the Security Council and the Council on Cadres Policy (*Sovet po kadrovoi politike*).⁵⁷ The politics of inclusion did not survive the December 1995 parliamentary elections unscathed, however. With a more confrontational parliamentary leadership, an

imminent presidential election, and growing concern about the political consequences of the war in Chechnya, Yeltsin refused to extend membership in the Security Council to the new heads of the Duma and Federation Council in early 1996.

For its part, the parliamentary leadership has in general sought to minimize executive-legislative tensions. Contrary to the expectations of many, the speaker of the Duma in 1994 and 1995, the Communist-turned-Agrarian Ivan Rybkin, studiously avoided direct public confrontations with the presidency.⁵⁸ Known in some circles as “Mister Social Accord,”⁵⁹ Rybkin proved at least as cooperative as Vladimir Shumeiko, the chair of the Federation Council, who had been a close protege of Yeltsin before his move from the presidency to parliament in December 1993. Because of a still fragmented party system and the remnants of apparatus dominance in the legislature, the parliamentary leaders have been able to resolve many conflicts with the executive through private negotiations.⁶⁰ Unlike their predecessor, Ruslan Khasbulatov, Rybkin and Shumeiko were steady and discrete, if not always agreeable, in their dealings with the president. And although the new speaker of the Duma, Gennady Seleznev, is less conciliatory than his predecessor, he too seems intent on avoiding a constitutional crisis. By presenting himself and fellow Communists as relatively benign politicians in the months leading up to the summer 1996 presidential election, Seleznev was preparing the ground for the campaign of the Communists’ presidential candidate, Gennady Zyuganov.

Besides personal relations and pre-election posturing, the tactics of accommodation just described grow out of the prevailing balance of institutional power between the presidency and parliament. Although politically dominant, a president ignores or angers a parliament at his peril, especially at moments of political weakness. The 1993 Constitution elevated the presidency above parliament, but it also reserved sufficient powers for the legislature to complicate presidential rule. Three times in 1994, the Federation Council rejected the president’s nominee for the post of procurator-general, Aleksei Ilyushenko, a candidate eventually abandoned by Yeltsin.⁶¹ The Federation Council also turned down several presidential nominees to the Constitutional Court. Furthermore, to avoid confrontation with the legislature, in May 1994 Yeltsin reluctantly signed the Law on the Status of Deputies, which gave members of parliament broader personal immunity and more expansive rights to information from executive agencies.⁶² The “power ministries” and the head of Yeltsin’s own presidential administration, Sergei Filatov, had vigorously opposed this bill. The debates over the 1995 budget also illustrated that the parliament and its leadership retained some capacity to limit executive action. In late 1994, the Duma and Federation Council overrode a presidential veto of legislation that required stringent executive reporting requirements in future budgets—the first veto override under the new Constitution.⁶³ It remains to be seen, of course, whether a parliament capable of amassing such super-majorities can serve as an effective brake on presidential rule. Much depends on the willingness of the president to accept legislative defeat.

Mitigating the effects of the anti-presidential majority in parliament have been the tactics of the legislative leadership and the institutional arrangements, which

require a higher threshold of consensus before collective action is attractive. But two “para-constitutional” factors are also at work.⁶⁴ Because Yeltsin’s administrator of affairs (*upravliayushchy delami*) distributes housing, telephones, and vacation packages to legislative as well as executive personnel, the presidency has been able to use “dacha politics” to influence individual deputies.⁶⁵ At the beginning of 1996, the new Duma speaker, Seleznev, insisted that responsibility for the maintenance of parliament and its deputies be transferred from the administrator of affairs to the finance ministry. When deputies and their staffs failed to receive their pay for the preceding month, many had assumed that the delay reflected presidential displeasure with the new, more conservative parliament.⁶⁶

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Furthermore, the opposition has at times denied itself minor parliamentary victories in order to position itself for an assumption of executive power in the future. With the country in crisis and a presidential election scheduled for the summer of 1996, the anti-Yeltsin majority in parliament preferred to remain in opposition during the presidential

campaign. The strategy of the conservative parliamentary majority was to restrict Yeltsin’s freedom of maneuver without assuming governing responsibility. Thus, when a vote of no confidence was held in October 1994, the result was what might be termed a “maximum losing coalition”—enough votes to distance the legislature from the executive and destabilize politics but not enough to force an early parliamentary election or to provoke a constitutional crisis.⁶⁷ This strategy was also apparent in the wake of the no confidence vote, when the Communist Party expelled one of its deputies, Valentin Kovalev, for assuming the Justice portfolio in the Chernomyrdin government. For the conservatives, there is nothing better than “a discredited government hanging around the neck of the president.”⁶⁸

The president’s occasional defeats in parliament—or the more frequent concessions to the deputies—reveal as much about the vulnerabilities of a divided executive as the potential for a united legislature to frustrate executive action. Had executive agencies adhered to what the British call collective responsibility, the president’s position vis-à-vis the legislature would have been virtually impregnable. But individual departments within the executive, most notably those responsible for defense, agriculture, and social spending, have publicized intra-executive conflict as a means of mobilizing support for their positions in parliament, the executive, and the nation. And cutting across the major institutional divisions of Russian politics are sectoral cleavages that often set the executive against itself, thereby diluting the formal powers of the presidency vis-à-vis the assembly.⁶⁹ Although such interest groups exist in all political systems, their effect is magnified in Russia because of the absence of rules and conventions to

discipline executive officials. What Seweryn Bialer called the “shapelessness” of the Stalinist political system has been replicated in post-Soviet Russia.⁷⁰

One may argue that the most effective set of checks and balances in Russia is in the tension between sectoral elites rather than between state institutions.⁷¹ Those wishing to rationalize Russian government would reduce the power of these informal sectors. But to do so would eliminate the only potent source of horizontal accountability in the system and open the way for a new period of transition, from inefficient to efficient authoritarianism. Such is the dilemma of Russian politics in the post-communist era.

The Perils of Russian Presidentialism

The institutional design of the Second Russian Republic poses several perils for Russia’s future. The first is that the winner-take-all consequences of presidential elections, taken together with a weak parliament, will discredit the fledgling regime in the eyes of the opposition. As Arend Lijphart has argued,

in democratizing and redemocratizing countries, undemocratic forces must be reassured and reconciled, and they must be persuaded not only to give up power but also not to insist on ‘reserved domains’ of undemocratic power within the new regime.

In Russia, this means providing incentives to Communists, Agrarians, and Liberal Democrats to stay in the political game. To his credit, Yeltsin seems to have understood that, whatever the formal powers of his office, Russia cannot be governed with a minimum winning coalition. Indeed, even before the appointment of a Communist minister in December 1994, Russia had in place a de facto coalition government, with ministers representing various political perspectives and sectoral interests. One may reasonably ask whether the Communist or Nationalist opposition would be as inclusive if they gained control of the presidency.

The increasing importance of regional and local government in Russia has also mitigated the winner-take-all consequences of presidential elections. As the central state has grown weaker, the governments of subject territories have assumed greater political authority. Through patronage powers and the postponement of local elections, Yeltsin has sought to rein in opposition elites in the provinces. But many local authorities continue to pursue policies that are directly at odds with the president’s reform course.⁷² If radical reformers can look to the experiments in Nizhny Novgorod for encouragement, Communists and Agrarians find comfort in the old regime politics characteristic of the “red belt” regions south of Moscow.⁷³ The danger, of course, is that such regions will develop into “reserved domains of undemocratic power.”

A second potential weakness of presidentialism arises from the rigidity of the fixed term of office for the president. Electing presidents at regular intervals—every four years in Russia, beginning in 1996—denies the voters an opportunity to remove executives who have lost the confidence of the nation, a not unlikely occurrence in a period of transition. As recent Russian history has already vividly demonstrated, resorting to impeachment to remove a president is likely to provoke a regime crisis. The death in office of the president would also destabilize

the regime, quite unlike the loss of a prime minister in a parliamentary system. In the event of the president's resignation, incapacity, or death, the Constitution of the Second Russian Republic transfers power to the prime minister and prescribes that a presidential election be held within three months. With a new state machinery traumatized by the loss of the leader, the nation would immediately be plunged into a divisive electoral campaign, or perhaps a Soviet-style succession crisis. One can only imagine the chaos that would ensue if Yeltsin died at the beginning of his second term, leaving Prime Minister Chernomyrdin to battle for executive supremacy with General Alexander Lebed, the recently appointed chief of the presidential Security Council.

Even during leadership successions determined by regularly-scheduled elections, presidentialism poses a threat by granting "outsiders" immediate access to the country's most powerful institution.⁷⁴ Absent are the many filters built into recruitment of a prime minister in parliamentary regimes. To be sure, the election of an outsider may accelerate the dismantling of undemocratic rules and structures, especially in a country in transition from communism. It was Boris Yeltsin who campaigned successfully as an outsider against the party establishment in the Russian presidential election of June 1991. But the strong showing of Vladimir Zhirinovskiy in December 1993 and 1995 reminds us that, in an era of crisis and video politics, extremist politicians may rise to power on a wave of popular frustration. A candidate able to win the votes of an alienated and uncertain electorate often lacks the skills to shape and sustain a governing consensus. In short, direct presidential elections in a weak party system are likely to bring to office unaccommodating elites.

Whence will come the new elites in government and parliament? In a parliamentary system, they would rise within the legislature itself on the basis of longevity, party loyalty, and competence. Presidentialism advances a more diverse elite more rapidly. In Russia, the new elite is emerging from the ranks of regional governors, army officers, academics, deputies, entrepreneurs, and industrialists.⁷⁵ Instead of party loyalty, personal loyalty promotes these careers. This combination of diverse personal loyalties and diverse *formations professionnelles* will almost certainly complicate efforts at elite accommodation in Russian politics.

To this point we have focused on the challenges associated with all varieties of presidentialism. But semi-presidentialism contains an added danger that is often overlooked in the comparative literature: the politics of the dual executive. The logic of semi-presidentialism in the Second Russian Republic suggests that the president's ability to hire and fire the prime minister will ensure the cooperation of presidency and government. Such is not the case. Yeltsin has frequently chosen to rule around rather than through the government.⁷⁶

The presence of presidential and prime ministerial management teams above the ministries has confused lines of authority within the executive and encouraged ministries to play the head of state and head of government against each other.⁷⁷ All too often, the result has been confusion and self-destructive competition, which is especially dangerous in Russia, where the ministries have a legitimacy that predates the democratic legitimacies of president and assembly.⁷⁸

According to Yegor Gaidar, “our ministries consider themselves first representatives of their own sphere of activity in the highest leadership of the country, and the interests of these spheres is very sharply divided.”⁷⁹ Because of this, the greatest peril facing Russia is not authoritarianism but warlordism, whether regional or departmental.⁸⁰ The transition regime in Russia is therefore struggling to modernize—or rationalize—executive authority as well as to democratize.⁸¹ In this vital project of modernization, the dual executive implicit in semi-presidentialism retards efforts to impose discipline and a sense of collective responsibility on the ministries, which are the building blocks of state power.

In the 1996 elections, Russia retained a leader possessing super-presidential powers in a semi-presidential system of government. But the president’s staggering institutional resources and formal powers offered the mere illusion of political strength. Although Yeltsin has exhibited occasional bursts of energy as leader, most notably during the election campaign itself, daily politics has remained the province of “an oligarchy . . . of rival chief administrators, who [are] united by no common political opinion and therefore [are] in continual opposition to one another.”⁸² The words are those of V. I. Gurko, an official in the Ministry of the Interior during the reign of Tsar Nicholas II. His subject: the collapse of the autocracy at the end of Imperial Russia. Post-Soviet Russia falls short of classic delegative democracy, where a vigorous central figure imposes his will on the state and society. Yeltsin is no Fujimori.

NOTES

1. For an introduction to the role of institutions in politics, see S. Steinmo, K. Thelen, and Frank Longstreth, eds., *Structuring Politics. Historical Institutionalism in Comparative Analysis* (Cambridge: Cambridge University Press, 1992).

2. The most comprehensive assessment of the variants of presidentialism and parliamentarism is found in Matthew Soberg Shugart and John M. Carey, *Presidents and Assemblies. Constitutional Design and Electoral Dynamics* (Cambridge: Cambridge University Press, 1992).

3. For an earlier institutional analysis of Russia’s transition from communism, see John Lowenhardt, “Institutional Choice in the Transition to Democracy: Russia between parliamentarism and presidentialism,” in *Realignment of Russian Politics*, Occasional papers no. 50, Slavic Research Center, Sapporo, Japan.

4. After a difficult Politburo meeting in early 1988, when the Nina Andreeva affair was on the agenda, Gorbachev commented to an aide: “Well, I understand finally with whom I’m working. One won’t make perestroika with these people.” V. I. Boldin, *Krushenie pedestalala* (Moscow: Respublika, 1995), 219.

5. Whereas the Bolsheviks in 1917 employed the slogan *vsya vlast sovetam* [all power to the soviets], Gorbachev used a more ambiguous formulation: *polnevlastie sovetam* [full power to the soviets].

6. M. Nenashev, *Poslednee Pravitelstvo SSSR* (Moscow: AO “Krym,” 1993), 18.

7. “From the Archives,” *Demokratizatsiya*, 2 (Spring 1994): 316–31.

8. According to Gorbachev, “We are initiating new things in the economy and in politics. But without an executive mechanism we cannot achieve these initiatives. If there is no balance, we’ll remain at the initial stage of meetings . . . I think the main source of this acceleration is a strong executive mechanism.” “From the Archives,” *Demokratizatsiya*, 2 (Spring 1994): 330–31. See also Georgy Shakhnazarov, *Tsena svobody: reformatsiya Gorbacheva glazami ego pomoshchnika* (Moscow: Rossika, 1993), 136.

9. Yegor Kuznetsov, "The Making of a President. A Glimpse of the History of the Top Executive Post in the USSR," *Demokratizatsiya*, 2 (Spring 1994): 222–27.

10. "We've Got a Special Way of Thinking. On the Establishment of the Soviet Presidency," *Demokratizatsiya*, 2 (Spring 1994): 228–33 [interview with Georgy Shakhnazarov].

11. Shakhnazarov claims that he was the prime mover behind the adoption of the French model. Georgy Shakhnazarov, *Tsena svobody*, 138. On the selection of the semi-presidential model, and on politics generally in the late Gorbachev era, see Archie Brown, *The Gorbachev Factor* (Oxford: Oxford University Press, 1996), 198 and *passim*.

12. For an introduction to semi-presidentialism, see Maurice Duverger, "A New Political System Model: Semi-Presidential Government," *European Journal of Political Research*, 8 (1980): 165–87.

13. In his autobiography, Yeltsin observed that Gorbachev's descent from power began in early 1991, when, having thrown in his lot with only one pole, the Right, "he was stripped of his chief weapon—the political game, the maneuver, the balancing act." Boris Yeltsin, *The Struggle for Russia* (New York: Random House, 1994), 24. On the role of the prime minister as "whipping boy" in post-Soviet Russia, see Vladimir Mironov, "Nuzhen li prezidentu 'malchik dlya bitya'?" *Borba za pravitelstvo prodolzhaetsya*, *Vek*, 28 (1994): 3.

14. This number would grow to four hundred by August 1991. V. I. Boldin, *Krushenie pedestala* (Moscow: Respublika, 1995), 372.

15. "We've Got a Special Way of Thinking," 230.

16. Valentin Pavlov, *Upushchen li shans?* (Moscow: Terra, 1995), 166–168. Shakhnazarov notes that initially the meetings of the new Presidential Council bore a remarkable resemblance to those of the Politburo. They were held in the same room, with many of the same people, and with the same rituals. Georgy Shakhnazarov, *Tsena svobody*, 139–40.

17. Yegor Leonodovich Kuznetsov, "Sozdanie instituta Prezidenta SSSR. Politologicheskie aspekty" (Kandidat dissertation, Institute of State and Law, Moscow, 1994), 74. Kudryavtsev, among others, sought in vain to convince Gorbachev to accept the power of dissolution. *Ibid*.

18. For an analysis of the tensions between executive leaders in post-communist Eastern Europe, see Thomas Baylis, "Presidents vs. Prime Ministers: Shaping Executive Authority in Eastern Europe," *World Politics* 3 (1996): 297–333.

19. "From the Archives," 327–28. For insider accounts of the prime minister's office at the end of the Soviet era, see the interview with Nikolai Ryzhkov in M. Nenashev, *Poslednee Pravitelstvo SSSR* (Moscow: AO "Krom," 1993), and Valentin Pavlov, *Upushchen li shans?* (Moscow: Terra, 1995).

20. For a critical assessment of this style, see the memoirs of Gorbachev's foreign policy advisor, A. S. Chernayev, *Shest let s Gorbachevym: po dnevnkovym zapisyam* (Moscow: Kultura, 1993).

21. "From the Archives," 327–28.

22. In this decision as well, he was following the precedent of the Fifth Republic in France. In France, however, the V Republic Constitution envisioned the indirect election of the president as a permanent feature of the political system. In the Gaullist-inspired referendum of 1962, the French electorate approved the change to direct elections for the president.

23. The odd man out was Belarus, which retained the "speaker's parliamentarism" of the late Soviet era until the introduction of a presidential system in 1994. See Alexander Lukashuk, "Survey of Presidential Power: Belarus," *East European Constitutional Review* (Fall 1993–Winter 1994): 58–61.

24. One of these was Sergei Stankevich, whose memo of 2 February 1990, warned of the consequences of introducing republican presidencies. Yegor Leonodovich Kuznetsov, "Sozdanie instituta Prezidenta SSSR. Politologicheskie aspekty" (Kandidat dissertation, Institute of State and Law, Moscow, 1994), 60.

25. According to one Russian observer, the system collapsed when the CPSU, which had been the central nervous system, shut down without something to take its place. Anatoly Utkin, "Pyat rokovikh shagov Gorbacheva," *Rossiiskaya federatsiya*, 7 (1995): 6–7. Thereafter, each economic leader in factories and farms felt himself "master in his own domain" (*svoego roda monarkhami v svoei votchine*). Ibid.

26. For a lucid and compelling survey of the reasons for the collapse of the USSR, see Alexander Dallin, "The Causes of the Collapse of the USSR," *Post-Soviet Affairs*, 4 (1992): 279–302.

27. See Juan Linz, "Presidential or Parliamentary Democracy: Does It Make a Difference?" in *The Failure of Presidential Democracy*, vol. 1 of *Comparative Perspectives*, ed. Juan J. Linz and Arturo Valenzuela (Baltimore: Johns Hopkins University Press, 1994).

28. Alexander Sobyanyin analyzes the shift of parliamentary support away from the president and his policies in "Political Cleavages among the Russian Deputies: The Current Crisis," in *Parliaments in Transition*, ed. Thomas Remington, (Boulder, CO: Westview Press, 1994), 181–216.

29. "Nikolai Fyodorov: Parlament dopuskaet antikonstitutsionnye deistviya," *Rossiiskie vesti*, 13 (March 1993): 2.

30. We would do well, however, to recall the anxiety that seized the French political elite in the months before the fateful parliamentary elections in 1986. The French press was filled with widely divergent articles about how to manage cohabitation. Thus, a consensus had to be forged; it did not exist before the fact.

31. Ezra N. Suleiman, "Presidentialism and Political Stability in France," in *The Failure of Presidential Democracy*, 151.

32. Forrest McDonald, *The American Presidency: An Intellectual History* (Lawrence: The University of Kansas Press, 1994), 94.

33. These were tools, as well as objects, of power. As Hamilton argued in Federalist no. 79, "A power over a man's subsistence amounts to a power over his will." Contrast the "life from politics" that is common to new states to the Eisenhower ideal in America in the 1950s. If a person seeks a government post, according to Ike, it is "clear evidence of his unsuitability. I feel that anyone who can, without great personal sacrifice, come to Washington to accept an important governmental post is not fit to hold that post." Quoted in Stephen Hess, *Organizing the Presidency*, 2nd ed. (Washington, DC: The Brookings Institution, 1988), 58.

34. See, for example, Samuel Huntington, "Will More Countries Become Democratic?" *Political Science Quarterly*, 2 (1984): 193–218. In some sectors, such as justice, finance, and economics, state officials are now finding attractive jobs in the private sector. In fact, for some ministries and divisions of the presidential administration, it is becoming increasingly difficult to keep competent specialists who can make a better living outside of government. Sergei Filatov, "Kto pridet zavtra v organy vlasti," *Rossiiskie vesti*, 13 September 1994, 1–2.

35. As a precondition to democracy, the economic security of officials may be more important than the oft-noted minimum living standard of the population at large.

36. One of the most conspicuous examples of this was Valery Zorkin, the chairman of the Constitutional Court, whose frantic behavior in moments of crisis exacerbated tensions and undermined the authority of his institution.

37. On the development of a civic consciousness in early modern Europe, see Donald W. Hanson, *From Kingdom to Commonwealth: The Development of a Civic Consciousness in English Political Thought* (Cambridge, MA: Harvard University Press, 1970), especially the conclusion, 336–72. In *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993), Robert D. Putnam explores the elements of "social capital" that have facilitated democratic accommodation in the West.

38. Robert Sharlet, "Russian Constitutional Crisis: Law and Politics under Yeltsin," *Post-Soviet Affairs*, 4 (October–December 1993): 320.

39. In his autobiography, Yeltsin notes that after the Eighth Congress, he had no choice

but to dismantle parliament or become a figurehead president. He was obviously not prepared to assume the latter role. Boris Yeltsin, *The Struggle for Russia* (New York: Random House, 1994), 205.

40. See, for example, the analyses of Aleksandr Sobyenin, E. Gelman and O. Kayunov, "The Political Climate of Russia's Regions: Voters and Deputies, 1991–1993," *The Soviet and Post-Soviet Review*, 1 (1994): 63–84.

41. See Eugene Huskey, "The State-Legal Administration and the Politics of Redundancy," *Post-Soviet Affairs*, 2 (1995): 115–43.

42. Vladimir Kvasov, "Konflikta mezhd u pravitelstvom i Prezidentom ne budet," *Rossiiskaya federatsiya*, 6 (1994): 7–8.

43. The Duma and government agreed to the following rules regarding the interpolation of ministers: they would invite members of government to weekly question time at least three days in advance; they would invite no more than two, and preferably one, minister; and they would make sure that deputies in the sector were prepared to ask informed, rather than childish [*detskie*], questions. Lyubov Vladimirova, "Deputaty prevrashchayut 'Chas Pravitelstva' v vecher voprosov i otvetov," *Rossiiskie vesti*, 21 June 1994, 1. See also I. P. Rybkin, *Gosudarstvennaya Duma: pyataya popytka* (Moscow: International Humanitarian Fund "Znanie," 1994), 77. Earlier drafts of the 1993 constitution had envisioned Duma confirmation of all but the power ministries. Yeltsin returned to that idea in October 1994 in discussions with parliamentary factions. He never agreed, however, to this major concession to parliament. "Vyraziv votum nedoveriya pravitelstvu, Gosduma mozhet postavit pod udar sebya," *Izvestiya*, 27 October 1994, 1.

44. Vladimir M. Lysenko, "Toward Presidential Rule," *Journal of Democracy*, 5 (1994): 11.

45. There remains, of course, the question of whether Yeltsin, or any other Russian president, would stand down if impeached. In his autobiography, Yeltsin seemed unwilling to accept the idea of impeachment of a directly-elected president. Boris Yeltsin, *The Struggle for Russia* (New York: Random House, 1994), 210.

46. Laura Belin, "Speakers of Federation Council, Duma Agree to Cooperate," *OMRI Daily Report*, 2 February 1996.

47. Guillermo O'Donnell, "Delegative Democracy," *Journal of Democracy*, 5 (1994): 59.

48. *Ibid.*, 61.

49. *Ibid.*, 62.

50. *Ibid.*, 66.

51. Scott Mainwaring, "Presidentialism, Multipartyism and Democracy. The Difficult Combination," *Comparative Political Studies*, 26 (1993): 200. Mainwaring offers here a penetrating analysis of the importance of party system for presidentialism. He argues that two-party systems enhance the prospects for survival of transition regimes with presidentialist arrangements. Under presidentialism, multipartism exacerbates executive/legislative conflict, increases the likelihood of ideological polarization, and complicates interparty coalition building.

52. Among the many shortcomings of rule by decree is the lack of deliberation in policymaking, which is especially dangerous in areas where the president lacks expertise. In the vital fields of economics and interethnic affairs, of which Yeltsin has at best a rudimentary understanding, the president at times signs decrees on the spot on the basis of one-sided information from a government or presidential official. Such was the case with a decree freezing wages. See Svetlana Alekseeva, "Yeltsin: Popytka politicheskogo portreta," *Sovetskaya Rossiya*, 1 October 1994, 3. One of Yeltsin's closest aides, Georgy Satarov, has complained that Yeltsin has failed to develop a "technology of decisionmaking." "Georgy Satarov: Prezidentu nado chashche obyasnyat svoyu pozitsiyu," *Argumenty i fakty*, 33 (1994): 3. Even under the autocracy, when tsars were often not up to the demands of office, there was at least a well-developed "technology of decisionmaking." See, for example, Petr Zaionchkovskii, *The Russian Autocracy under Alexander III*, trans. David Jones (Gulf Breeze, FL: Academic International Press, 1976).

53. See Nikolai Gorlov, "Kak gotovyatsya Ukazy Prezidenta," *Rossiiskie vesti*, 27 May 1994, 1, which provides an example of a decree that violates the existing law on state enterprises. Besides broad lawmaking authority of its own, the Constitution also grants the executive control over economic legislation considered by parliament. Article 104.3 states that revenue or expenditure bills may be introduced in the Duma only with the permission of the government, a provision common to many modern constitutions.

54. "Democracy," Mainwaring notes, "presupposes the willingness of political actors to accept electoral and policy defeats. This willingness is enhanced when actors believe that defeats are reversible through the democratic struggle and that they are not catastrophic." Scott Mainwaring, "Presidentialism, Multipartyism and Democracy. The Difficult Combination," *Comparative Political Studies*, 26 (1993): 219.

55. As of the beginning of 1995, there were three separate offices in the presidency with responsibilities for liaison with parties or the parliament. According to the head of the Administration for Relations with Parties, these bureaus were designed to bridge the "empty space" that exists between the executive and the legislature. Anna Ostapchuk, "Proshlo soveshchanie dvukh vetvei vlasti," *Nezavisimaya gazeta*, 4 October 1994, 2.

56. The phrase is that of Mikhail Shchibanov in "Osoboi prezidentskoi partii ne budet," *Kuranty*, 7 April 1994, 4.

57. "Novaya nomenklatura ili novaya kadrovaya politika?" *Rossiiskie vesti*, 23 September 1994, 1.

58. Rybkin and Yeltsin noted the "constructive dialogue" between president and speaker that characterized the first session of the Duma. Aleksei Kirpichnikov, "Duma: The President approves of the Duma, and its Chairman approves of the President," *Segodnya*, 6 October 1994, 1, as translated in *The Current Digest of the Post-Soviet Press*, 40 (1994): 1.

59. Mikhail Leontev, "Premer Skokovets [sic] kak produkt 'obshchestvennogo soglasiya'," *Segodnya*, 25 October 1994, 1. For a revealing self-portrait, see I. P. Rybkin, *Gosudarstvennaya Duma: pyataya popytka* (Moscow: International Humanitarian Fund "Znanie," 1994), especially 116–25.

60. Thomas F. Remington and Steven S. Smith conclude that Shumeiko's position in the Federation Council is more dominant than that of Rybkin in the Duma, where parties are more developed and deputies more active. "The Early Legislative Process in the Russian Federal Assembly," *Journal of Legislative Studies*, 1 (1996).

61. One should note, however, that Yeltsin kept Ilyushenko in the post as acting Procurator-General for a year. "Sovet Federatsii otklonil ukaz Prezidenta," *Izvestiya*, 7 October 1994, 1, and *Izvestiya*, 26 October 1994, 1. The procurator-general is one of several appointments that must receive the consent of the Federation Council. The others are the members of the Supreme Court, the Supreme Arbitration Court, and the Constitutional Court, and the deputy chair of the Accounting Chamber. For its part, the State Duma must give its consent to the appointment and dismissal of the chairs of the State Bank, the Accounting Chamber, and the Human Rights Agency. Articles 102–103.

62. Sergei Chugayev, "Kto vozmyot na sebya grekh narushit konstitutsiyu: prezident ili zakonodateli?" *Izvestiya*, 12 May 1994, 1.

63. *RFE/RL Daily Report*, 26 October 1994.

64. For a discussion of the culture and informal rules—the para-constitutional elements—that explain the success of America's formal constitutional design, see Fred W. Riggs, "The Survival of Presidentialism in America: Para-constitutional Practices," *International Political Science Review*, 9 (1988): 247–78.

65. Andrei Uglanov, "Ministry prikhodyat i ukhodyat, apparat ostayotsya," *Argumenty i fakty*, 20 (1994): 3. The Administration of Affairs is a powerful, but little studied, arm of the Russian presidency, which now houses under one roof the remnants of the administrations of affairs of the Communist Party Central Committee and the Council of Ministers. For a revealing interview with the current head of the office, Pavel Borodin, see "Kto vy, 'tainyi' i 'samyy glavnyi' ministr?" *Rossiiskaya federatsiya*, 25 (1995): 17–19. Where the budget of the apparatus of the Russian government (excluding the individual min-

istries) was 15 billion rubles in 1994, the Administration of Affairs received 82 billion rubles. "O finansirovaniï raskhodov iz federalnogo byudzheta vo II kvartale 1994 goda," *Sobranie zakonodatelstva*, 1 (1994): 1.

66. Robert Orttung, "Duma Seeks Financial Independence from Presidential Administration," *OMRI Daily Digest*, 13 February 1996.

67. As is so often the case in Russian parliamentary votes, the motion failed because of high levels of tactical non-voting by deputies. Non-votes are counted as nay votes in the Duma. As Thomas F. Remington and Steven S. Smith point out, "for the January–July 1994 period, the mean number of 'yea' votes was 211 and the mean number of 'nay' votes was 49, so the typical motion was defeated (211 is less than a majority) because of non-voting." "The Development of Parliamentary Parties in Russia," *Legislative Studies Quarterly*, 4 (1995).

68. Andranik Migranian, "Prezident dolzhen prinyat reshenie i naznachit premerom cheloveka, kotoryi sposoben sozdat pravitelstvo natsionalnogo spaseniya," *Nezavisimaya gazeta*, 4 November 1994, 1, 3. This argument was first made by Sergei Chugayev, "Bolshinstvo politikov zainteresovano v krakhe pravitelstva," *Izvestiya*, 27 January 1994, 2.

69. A revealing analysis of competing elite coalitions in Russian politics may be found in Vladimir Berezovsky, "Dva politicheskikh lagerya federalnoi elity Rossii," *Svobodnaya mysl*, 9 (1994): 67–86. Where the article above divides the elite into two camps, an analysis by Vladimir Lepekhin finds ten elite "centers" at the apex of Russian politics. See Vladimir Lepekhin, "Kto poluchit dostup k ukhu Prezidenta," *Komsomolskaya pravda*, 30 August 1994, 3, and E. Huskey, "The Making of Economic Policy in Russia: Changing Relations between Presidency and Government," *Review of Central and East European Law* (forthcoming).

70. Seweryn Bialer, *Stalin's Successors. Leadership, Change, and Stability in the Soviet Union* (Cambridge: Cambridge University Press, 1980), 16–17.

71. According to Alexander N. Yakovlev, even the late Soviet regime had a system of checks and balances of sorts. It was not legislative, executive, and judicial branches, but rather the party apparat, the economic apparat, and the apparatus of coercion. Alexander Yakovlev, *The Fate of Marxism in Russia* (New Haven: Yale University Press, 1993), 108–109.

72. See, for example, Michael Specter, "Red Flag Aloft, a Russian City Defiantly Upholds Soviet Ways," *New York Times*, 3 February 1996, 1, 4.

73. See Elizabeth Teague, "Russia's Local Elections Begin," *RFE/RL Research Report*, 18 February 1994, 1–4.

74. This argument is developed in Juan Linz, "Presidential or Parliamentary Democracy: Does It Make a Difference?" in *The Failure of Presidential Democracy*, 26–27.

75. On the new Russian elite, see the research of the Russian sociologist, O.V. Krysh-tanovskaya, discussed in Oleg Dmitriev, "Staraya nomenklatura i novaya elita," *Rossiiskie vesti*, 3 June 1994, 2; see also, Irina Savvateeva, "O tekhn, kto nami pravit," *Izvestiya*, 18 May 1994, 2.

76. See Eugene Huskey, "The State-Legal Administration and the Politics of Redundancy," *Post-Soviet Affairs*, 2 (1995): 115–43.

77. Former Minister of Justice Yury Kalmykov complained that "the presidential administration is a kind of Politburo, which supervises the government and interferes in government affairs." "Kalmykov Explains Decision to Resign," Russian Television News, 1100 GMT, 9 December 1994, as translated in *Foreign Broadcast Information Service*, 9 December 1994, 12. The difference is that the Politburo imposed a measure of discipline on the government that is not matched by the Russian presidency.

78. We must recognize, of course, that interagency competition is a constant in politics, whatever the country. John P. Burke observed that in the American executive branch: "[b]elow the president is a mass of intrigue, posturing, strutting, cringing." *The Institutional Presidency* (Baltimore: Johns Hopkins University Press, 1992), 44. But in Russia the lack of a legal culture and effective monitoring mechanisms has accorded ministries a

degree of autonomy unknown in the West.

79. "U nas net bolee vazhnoi problemy, nezheli dogovoritsya o pravilakh igry," *Posev*, 5 (1995): 7–17. This is an interview with Gaidar.

80. See Vera Tolz, "Problems in Building Democratic Institutions in Russia," *RFE/RL Research Report*, 4 March 1994, 1–7, and Peter J. Stavrakis, "State Building in Post-Soviet Russia: The Chicago Boys and the Decline of Administrative Capacity," *Occasional Paper #254*, Kennan Institute for Advanced Russian Studies, especially 18–22 on "ministerial feudalism."

81. I use the term modernization in the sense outlined by Samuel Huntington in his seminal article on the rise of modern politics in the West, "Political Modernization: America vs. Europe," *World Politics*, 3 (1966): 378–414.

82. Quoted in Tim McDaniel, *Autocracy, Modernization, and Revolution in Russia and Iran* (Princeton: Princeton University Press, 1991), 54.