Executive-Legislative Relations in Russia, 1991-1999

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During the initial years of Russian statehood, the tumultuous relationship between the executive and legislature in Russia seemed to be the major impediment to democratic consolidation. In the First Russian Republic the power struggle that developed between President Boris Yeltsin and the Congress of People's Deputies led to a constitutional crisis that was ultimately decided by the use of force in the streets of Moscow. In the wake of this constitutional crisis, President Yeltsin, unfettered by the need for approval from the disbanded legislature or a constitutional assembly, constructed a political system that concentrated most formal powers in the executive branch. However, contrary to the initial expectations of the Yeltsin team, new parliamentary elections did not produce a more reform-minded legislature.

Instead, throughout the Yeltsin years the Russian state continued to be divided between a "reformist" president and an "antireformist" legislature. Opposition parties solidified control over the State Duma in 1995, and the Communist Party of the Russian Federation (CPRF) emerged as the largest political party in the country and the center of an opposition that controlled a working legislative majority. Six months later President Yeltsin managed to win reelection despite initially anemic approval ratings. Thus, conflict remained a constant feature of Russian executive-legislative relations, waxing and waning depending on the domestic political environment and leaders' strategic decisions. Institutional design was also a crucial factor, as the ambiguous division of powers of the First Russian Republic was replaced by a constitutional structure that gave most powers and advantages to the president in hopes of mitigating conflict by firmly establishing one branch, the presidency, at the top of the system.

The conventional wisdom has been that in adopting a system with an extremely strong executive, Russia increasingly showed tendencies toward authoritarianism or at least dysfunctional democracy. Russia seemed to fit Guillermo O'Donnell's definition of a delegative democracy "that rest[s] on the premise 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." In delegative democracies, other political institutions such as parliaments and constitutional courts are viewed "as unnecessary encumbrances" that are ignored or intentionally undermined.

The behavior of the Yeltsin government seemed to fit this depiction in certain key respects. Yeltsin issued executive decrees on several important matters rather than build the coalitions necessary to gain majority support for parliamentary legislation. More importantly, Yeltsin was able to effectively dominate the other half of Russia's dual executive branch, frequently changing the line-up of the government at will in futile attempts to jump-start or throttle economic reform. As Yeltsin became more frail and politically isolated in the latter years of his rule, his interest in and control over policy waned. But he continued to manipulate government appointments in a cynical attempt to maintain his grip on power by ridding himself of potential rivals.

This depiction of executive-legislative relations in Russia captures a significant part of the truth about Russia's emergent political system during the Yeltsin years, rightly placing much of the blame for Russia's tortuous evolution away from communism on the arbitrary rule of an unpopular president who was out of touch with the needs of the citizenry. But this depiction also tends to exaggerate the power of the president and the marginality of the State Duma and the Federation Council, the upper house of the legislature made up of powerful regional leaders. Both placed significant checks on presidential power. Emphasis on conflict and formal constitutional powers neglects the elements of compromise that can also be found in the system. From the beginning of his presidency, Yeltsin showed some vulnerability to the will of the legislature and the overall balance of political forces. In composing the government, Yeltsin was as apt to remove reformists in favor of more conservative politicians as the other way around (especially after

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electoral defeats of reformists in parliamentary elections). For its part, the State Duma also dropped the penchant for confrontation of its predecessor and developed mechanisms for more cordial relationships with the executive branch. When healthy, Yeltsin managed to develop a working relationship with the Duma on key issues through the use of cooptation of the Duma leadership, patronage, and personal relations. His successor, Vladimir Putin, although much more popular and powerful than Yeltsin in his final years, has continued to chart a relationship with the legislature based on a combination of coercion and cooptation.

The oscillations in the relative power of the executive and the legislature during the first decade of post-communist Russian statehood suggest that the constitutional framework remains a work in progress. But the careful balance between the executive and the legislature to avoid a constitutional breakdown similar to what occurred in the fall of 1993 also suggests that a mediacrum of political stability has been established.

This chapter will examine the peaks and valleys of executive-legislative relations, pointing out the sources of conflict and conciliation in Russia’s emergent constitutional system. The Russian political system will continue to be depicted as one with a dual personality, one that has shown signs of a destructive concentration of power in the chief executive but also an unwillingness and inability of the president to use the full force of his constitutional powers to enforce his will and rule around and over the head of parliament. Two interrelated variables are deemed crucial in determining the fluctuation between cooperation and conflict in executive-legislative relations.

First, the broader political context in which both institutions are embedded has determined the relative power and legitimacy of the two branches among the mass public and other important political actors. Actors in both branches have made their strategic decisions about whether to confront or compromise with the other side depending on their perceptions of their own popular legitimacy and that of their opponents. Thus, it was not an accident that Yeltsin moved on the Congress of People’s Deputies in the wake of his successful showing in the national referendum held in April 1993. Nor was it a coincidence that he compromised on his prime ministerial candidate in 1998 in the midst of a devastating economic crisis, when his popularity and the legitimacy of his reform program were in tatters.

Second, the institutions structuring politics have made a crucial difference in the level and character of conflict and compromise between the two branches of power. Formal constitutional divisions of power have been important in resolving or escalating executive-legislative conflict but have not been the only institutions affecting the relationship. The electoral system, internal policy-making processes in the State Duma, and formal and informal levers over patronage wielded by the president have also channeled behavior and regulated conflict.

I argue that Russia’s constitutional structure has produced a strong presidency but not always a strong president. This argument does not deny the concentration of power in the hands of the president or its often deleterious effects on democratic processes and consolidation in Russia. But it does complicate aspects of a characterization of Russia as some type of electoral autocracy. First, despite his formidable constitutional powers, President Yeltsin was not always able to rule without regard for the State Duma and public sentiment. He had to compromise with the Duma and other political forces (e.g., regional leaders and the military) on numerous crucial issues. His failure to construct a presidential party or stable majority coalition in parliament seriously undermined his ability to govern. He did not use his decree-making powers to fully compensate for this. Second, popular sentiment and social interests played an important role in the relative influence of the two competing branches of power, despite the insulation from societal pressures that the president enjoys due to his fixed term in office. Yeltsin was severely weakened and occasionally marginalized as a political force due to his illegitimacy (along with his physical infirmity), despite the fact that his constitutional powers were never diminished. The Russian experience shows that even in “super-presidential” systems, leaders need to be build consensus and coalitions to wield power over an extended period.

The resignation of Yeltsin and the rise of a healthy and popular president in Vladimir Putin further strengthen this argument. During his first months in office, President Putin quickly established himself as the most powerful actor in the political system. His broad popular and elite support has thus far enabled Putin to use the substantial powers of the presidency to much greater effect than Yeltsin had, particularly in the latter years of his rule. In particular, Putin’s strong standing with the public has virtually remade executive-legislative relations. The 1999 parliamentary elections produced a sea change in the composition of the State Duma that has provided Putin with a supportive legislative majority. This was brought about in large part by Putin’s coattails, which carried Unity, the newest party of power formed only months before the parliamentary election, to its position as the second largest party in

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1 Huskey, “Democracy and Institutional Design in Russia.”

the Duma. While the waning years of the Yeltsin presidency showed how limited strong constitutional powers could be in the hands of an unpopular, embattled president, the Putin years may show how powerful such powers can be in the hands of a healthy and popular chief executive.

This chapter is divided into four sections. The first section defines and compares the institutional design of presidential, parliamentary, and semi-presidential regimes. The second section is a discussion of the debate surrounding institutional design of executive-legislative arrangements and its purported effects on democratization. The third section outlines the major contours of executive-legislative relations, from the First Russian Republic through the resignation of President Yeltsin at the end of 1999 and the initial months of the presidency of Vladimir Putin. In the fourth and concluding section, I argue that the greatest obstacle to more stable and cooperative executive-legislative relations is a lack of party institutionalization. Whatever the constitutional structure, effective political parties are needed to aggregate social interests, construct majority coalitions, and serve as a bridge between the executive and legislative branches of power. I conclude with some speculations on the future of executive-legislative relations in the post-Yeltsin era.

PARLIAMENTARY, PRESIDENTIAL, AND SEMI-PRESIDENTIAL SYSTEMS

One of the basic differences among democratic polities is the constitutional division of powers between the executive and legislative branches. Democracies have been divided into three major constitutional types: presidential, parliamentary, and semi-presidential. These types are often further differentiated by the type and degree of political power held by each competing branch of government. Thus, presidential systems can be "strong" or "weak" depending on the amount of decree-making powers, for example. Semi-presidential systems, which divide executive power between a president and a prime minister, can provide either the president or parliament with the upper hand in initiating and maintaining executive authority.

Presidential and parliamentary systems are differentiated by the origination and maintenance of executive power. In terms of origination, in presidential systems the chief executive is elected directly by the people (or indirectly through an electoral college), while in parliamentary systems the chief executive is chosen by the legislature. The maintenance of executive power is also quite different in presidential and parliamentary systems. In presidential systems, the executive is elected to a fixed term in office and can be removed only through the arduous and infrequently used process of impeachment. In parliamentary systems, the executive, chosen by the legislature, maintains his or her power only through maintenance of majority support in parliament. Prime ministers can be removed by a no-confidence vote.

While other characteristics may distinguish presidential and parliamentary systems, these two criteria capture their essential differences. In parliamentary systems, legislative and executive power are fused. The chief executive is not separately elected; rather, he or she is the head of the majority party or coalition in parliament. Not only does the chief executive emanate from the legislature, he or she is maintained in office through majority confidence in parliament. Executive authority is dependent upon legislative support. Not so in presidential systems. The chief executive is independent of the legislature. The president has his or her own electoral mandate directly from the people and maintains power with or without legislative support. A separation of powers and system of checks and balances govern relations between independent executive and legislative bodies.

As the definition suggests, semi-presidential systems combine elements of both parliamentary and presidential systems. Like presidential systems, there is a president who is elected directly by the people for a fixed term and is not easily removed from office before that term is completed. But, like parliamentary systems, semi-presidentialism also includes a prime minister and a government that requires the support (or at least the tolerance) of a majority in the legislature. Under semi-presidential systems, the president is also frequently given the power to dissolve the legislature and call new elections, which is denied to presidents in pure presidential systems. The key question for semi-presidentialism is how well the two executives (president and prime minister) coexist. When the president and a majority in the legislature are from the same party, there should be relative consensus in the system. But when the presidency and the legislature are controlled by rival parties, "cohabitation" becomes a potential problem. In this situation there is a potential crisis over who should be the predominant executive power – the president, who was elected directly by the people, or the prime minister, who enjoys majority confidence of the legislature.

Scholars basically agree that semi-presidential systems work best when they alternate between presidential and parliamentary charac-

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teristics. In the paradigmatic case of the French Fifth Republic, the dilemma of cohabitation was resolved through the development of a norm according to which the French president ceded predominant executive authority to the prime minister if his party did not have a majority in the assembly. Thus, the French model of semi-presidentialism "contains 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 system, now as a parliamentary system." Shugart and Carey conceptualize this distinction by distinguishing between semi-presidential systems that alternate between parliamentary and presidential tendencies, like the French Fifth Republic, which they call "president-presidential" systems, and semi-presidential systems that provide more powers to the president to form and dismiss the government in the face of parliamentary opposition, calling these regimes "presidential-parliamentary." President-presidential systems are deemed more conducive to stability and democratic consolidation than presidential-parliamentary systems, because the former give the legislative branch priority over the maintenance of the government. Parliamentary-presidential systems raise the likelihood of interbranch conflict, because the government is dependent on the support of both the president and parliament. In such systems conflict is more endemic, because presidents have much more leverage to maintain governments that do not actually have the support of a stable majority coalition in the legislature. Yet, the system still gives parliament the power to vote no confidence in the government and may force a showdown between the parliament and the president. The difficult relationship between executive and legislative branches in Russia often has been attributed to the fact that it employs a presidential-parliamentary constitutional system.

CONSTITUTIONAL DESIGN AND DEMOCRATIZATION

Constitutional design has become a central theme in the burgeoning literature on democratic transition and consolidation. Juan Linz launched a flurry of scholarship on the relative merits of presidential and parliamentary systems for democratizing countries with a seminal article that outlined several defects in presidential systems that made them less conducive to democratization than parliamentary systems.

Linz's critique of presidentialism can be summarized in four main defects. First, the direct election of both the legislature and the chief executive creates a dual legitimacy in which both branches of government can claim a popular mandate. This enhances the possibilities for executive-legislative conflict, while at the same time failing to provide any mechanism for resolving conflicts by prioritizing one branch over the other. Parliamentary systems do not suffer from this dual legitimacy. Only the legislature is directly elected by the people. The chief executive has no claim to a direct mandate, and the no-confidence vote makes the parliament the ultimate power in the system. Second, the fixed term of office in presidential systems makes the system rigid and unable to adapt to changes in the political environment. A president who proves to be unpopular or incompetent cannot easily be removed from office, and the country is stuck with its choice until the next scheduled election, barring the very unusual step of impeachment. The no-confidence vote of parliamentary regimes allows the system to adapt to changing levels of support for the chief executive. Third, the system is very majoritarian in nature, making the election of the president a winner-take-all enterprise in which, regardless of whether he or she receives a majority of the popular vote, the winner of a presidential election takes over all of the executive branch. There is no mechanism for coalition government to reflect minority support for a president, nor is there a place in the system for losing presidential candidates. Fourth, the direct election of a president personalizes the contest, increasing the possibility that political outsiders can use charisma or mass disaffection with the political system to successfully run for the highest office in the land. This increases the possibility of demagoguery and incompetence on the part of the chief executive and increases the likelihood that the president will not have the support of a majority party or coalition in the legislature.

A growing number of scholars have come to the defense of presidentialism, or at least of semi-presidential systems. Defenders of presidentialism highlight the efficient representation provided by the stark choice of a directly elected executive and argue that the drawbacks of the system...
commonly cited operate predominantly when the president faces a contrarian legislative majority. Such an occurrence can be minimized with institutional engineering such as semi-presidential arrangements, electoral systems that constrain the number of parties in the system, and simultaneous presidential and parliamentary elections. Moreover, attempts to systematically test the influence of constitutional design on democratization through quantitative cross-national analysis have produced conflicting or ambiguous results. The correlation between presidential or parliamentary systems and democratic stability seems to be greatly influenced by the cases examined.

One of the most promising lines of research in this area looks at the interrelationship between constitutional design and the nature of the party system. Mainwaring has shown that the defects ascribed to presidentialism by its critics are actually attributable to the combination of presidential systems and multiparty systems. When party systems take on a two-party character, the president is more likely to have support of a majority party in the legislature and the system resists the interbranch conflict that has jeopardized democratization in states with presidential systems and multiple parties. Sartori has argued that successful parliamentary systems rely on institutionalized and disciplined parties that can create and maintain majority coalitions. Without an institutionalized party system, parliamentary systems tend to produce assembly government that is wrecked by instability, deadlock, and ineffective policy making. Building on this scholarship, I will argue that an underdeveloped party system lies at the heart of problems in executive-legislative relations in Russia. A weak and fractionalized party system made it difficult for President Yeltsin to cobble together stable majority coalitions in parliament, pushing him to rule by decree rather than through the legislature. Moreover, weak parties have made it difficult for a coherent and stable opposition to form that can effectively resist the concentration of power in the executive branch. This may be the most salient problem of the post-Yeltsin era now that a young and ambitious president has taken power.

While the nature of the party system mitigates the effects of constitutional design, the party system is in turn influenced by constitutional arrangements. Presidentialism tends to have two effects on party formation. With regard to party performance in the state, directly elected presidents tend to promote weaker, less cohesive parliamentary parties, while parliamentary regimes tend to promote more disciplined parties. This is due to the separate electoral constituencies of executive and legislative power under presidential systems, which fail to provide incentives for cohesive party discipline within the legislature. In parliamentary systems, executive power emanates from and is contingent upon majority confidence, thus requiring disciplined parties and coalitions to keep the executive in power. In presidential systems, legislators from the president’s party can vote against the president without fear that the party will lose control over the executive branch. In Russia, strong presidential powers and a weak legislature have contributed to the weakness of parties. When the legislature plays a marginal role in the composition or maintenance of the government and can easily be circumvented by the executive in the policy-making process, parties have fewer reasons to institutionalize. A vicious circle emerged in which the weakness of parties compelled President Yeltsin to circumvent the legislature and rule by decree, while these very actions maintained and increased the weakness of Russian parties in the political system.

However, in the electoral realm a directly elected executive tends to promote the consolidation of smaller party formations into larger coalitions by providing a single political prize that is typically the center of political competition. Consequently, depending upon the type of electoral system used in parliamentary elections, parliamentary systems tend to produce a greater fractionalization of the party system than presidential systems.

The electoral effect of presidentialism can best be understood in the context of scholarship on electoral systems in general. Single-member district elections tend to produce two-party systems (particularly when they are “first-past-the-post” systems), while multimember proportional

15 Shugart and Carey, Presidents and Assemblies, pp. 207–238.

representational (PR) systems tend to produce multiparty systems. The psychological effect of presidential elections is much like the assumed consolidating effect of single-member district electoral systems. Since the presidency can only be occupied by a single individual (except in cases of collegial presidencies), the district magnitude for a presidential race is necessarily one with the whole nation serving as the electoral district. This produces a psychological effect on the strategies pursued by voters and elites. Voters will refrain from supporting marginal candidates out of fear of wasting their votes on a sure loser and will tend to support more popular candidates who are capable of winning, even if they are not the voters' first choice. Similarly, smaller parties and marginal candidates will tend to withdraw from competition and avoid expending resources on a campaign that is doomed to be a losing effort. Such parties are much better off joining together in broader coalitions with like-minded parties. The fear of splitting the vote within a specific ideological camp's potential electorate and allowing victory to a candidate from the opposite end of the political spectrum further reinforces such tendencies toward consolidation.

The mechanical effect of presidential elections also differentiates them from all types of parliamentary elections. Because only one individual can occupy the presidency, presidential elections are the ultimate winner-take-all elections. This means that even when a presidential candidate wins a majority, presidential elections leave a huge proportion of the electorate unrepresented. Usually, presidential elections produce winners with manufactured or negative majorities in which more voters than not rejected the winner (in plurality races) or chose him or her as the lesser of two evils (in two-round majoritarian races). Thus, while parliamentary electoral systems may be more or less proportional in translating votes into seats, depending on district magnitudes and electoral formulas, they are always bound to produce less disproportionality than presidential elections, which offer nothing to losing parties.


21 Shugart and Carey, Presidents and Assemblies, p. 21.


HISTORICAL CONTOURS OF RUSSIAN EXECUTIVE-LEGISLATIVE RELATIONS

Russia's often tumultuous executive-legislative relations frequently have been attributed to the defects of presidentialism cited here. Yet, an overview of the post-Soviet period shows that executive-legislative relations in Russia have not been uniformly combative or solely driven by institutional incentives. Rather, the peaks and valleys of executive-legislative conflict are best explained by a confluence of factors, including institutional design, ideological conflict, and the relative strength of popular support for the competing sides. These three main factors have interacted to produce a variety of outcomes, ranging from constitutional crisis to conciliatory gestures and relative cooperation.

I want to suggest three major points that are born out in an overview of executive-legislative relations for the Yeltsin era and the beginning of Putin's presidency. First, constitutional crisis and systemic breakdown seemed to be caused primarily by ambiguity and contestation over the legal jurisdictions of the executive and legislative branches rather than by the distribution of powers themselves. There were ample opportunities for ideological conflict between President Yeltsin and a opposition-dominated State Duma to escalate to a constitutional crisis like the one experienced in the First Russian Republic. But the more clearly delineated powers of the new constitutional arrangements of the Second Russian Republic have thus far seemed to mitigate such an escalation. The fact that President Yeltsin and the State Duma have managed to agree on five different prime ministers since the introduction of the 1993 Constitution without resorting to the disbandment of parliament and the calling of new elections demonstrates a certain resiliency to the system that did not exist in the First Russian Republic.

Second, relations between the executive and legislature have involved instances of compromise as well as confrontation. When looking at the budget process or the composition of governments, one finds that the irreconcilable opposition has not consistently resisted Yeltsin's policies, nor has Yeltsin always pursued an agenda of radical reform in defiance of a majority of the legislature. Rather, Yeltsin has seemed to rule with the support of a tentative and shifting centrist coalition of progovernment factions, single-member district deputies, and certain opposition factions like the Agrarians and LDRP. This coalition has been based more on pork barrel politics than on ideology.

Finally, this relative peace has not been purchased solely by executive fiat, through the construction of a super-presidential system that endows the president with such formidable powers that the president can effectively ignore the legislature. Compromise has come from both branches of government. Although possessing wide-ranging decree powers, President Yeltsin did not behave as the all-powerful ruler that such powers seemingly allow. His marginalization in late 1998, without a change in the Constitution, was testament to external constraints on his power.

The Rise and Fall of the First Russian Republic, 1990–1993

The democratic institutions of the First Russian Republic (1990–93) – the Congress of People’s Deputies (CPD), the presidency, and the Constitutional Court – were grafted onto the preexisting Soviet-era RSFSR Constitution through amendments. There were attempts to write a new constitution to replace the 1978 RSFSR Constitution during this period. Oleg Rumyantsev headed a working group of a constitutional commission within the Congress of People’s Deputies to design a new constitution that envisioned a parliamentary system. President Yeltsin and his advisors came up with their own versions of a new constitution that would produce a strong presidential system. Regional leaders weighed in with demands for regional autonomy. The process soon became mired in a political battle between opposing forces hoping to further their short-term political fortunes through the adoption of a constitutional structure that gave the bulk of powers to the institution under their control. As the ideological polarization between President Yeltsin and the Congress of People’s Deputies widened, a conciliatory process that included all major political forces in the writing of a new constitution became further and further out of reach.24

Because democratic institutions were added by amendment to an undemocratic (or at best pseudo-democratic) constitution, the new democratic system based on popular election of legislative and executive bodies emerged gradually in reaction to external events and pressures. Initially, the regime was a pure parliamentary system. The Russian Congress of People’s Deputies, elected in a two-round majoritarian election in March 1990, was the “supreme organ of state power.” The 1,068-member legislative body met infrequently but had the power to amend the Constitution by a two-thirds majority vote. The CPD elected a smaller working legislature, the Supreme Soviet, which handled the day-to-day legislative duties of the state subject to review by the whole Congress. Power within the Supreme Soviet was further concentrated in a presidium led by the powerful chairman of the Supreme Soviet, who was elected to a five-year term by the whole Congress.25 The chairman acted as the head of state before the introduction of the presidency in 1991. The first chairman was none other than Boris Yeltsin, who won a very narrow victory after several attempts, reflecting the lack of a clear majority coalition either favoring or opposing a radical reform agenda at the time. Yeltsin used the position to great effect in his battles with Mikhail Gorbachev over autonomy for the Russian Federation.

A directly elected presidency was overlaid on this parliamentary system without significant constitutional changes to weaken the legislature’s role as the supreme organ of state power or its hold over constitutional amendments. This would be the institutional source of conflict between the executive and legislative branches. At approximately the same time as the Congress introduced the presidency, it also established a Constitutional Court as a further check on presidential power. The Court could rule on the constitutionality of presidential decrees and adjudicate conflicts between branches of government. Thus, the system of the First Republic was an odd mix of a Congress with sole control over constitutional change and a president with a great deal of popular legitimacy as the representative of “all the people,” but with limited constitutional powers.

Why did Russian elites introduce such a system? This fateful decision to institute a directly elected president without a well-articulated presidential system was the product of strategic maneuvers by powerful interests and political circumstance. Yeltsin and his reformist allies pursued this institutional change as a means to further consolidate political power and popular legitimacy through elections. Reformists pushed for a popularly elected president with the expectation that Yeltsin would win the post. But, as McFaul points out, there were enough conservative forces in the Russian Congress of People’s Deputies and the Soviet power structures to block this institutional innovation. Political context and strategic miscalculation played a role in the reformist victory on the matter. The conflict between the Russian Federation and Soviet authorities broadened the appeal of a directly elected president to nationalist forces, who saw the president as a symbol of state sovereignty and an instrument in the struggle for autonomy from the Soviet Union. Moreover, democracy and popular elections had a strong resonance among the

people that restrained vocal reaction against these ideas. Furthermore, the disintegrating political and economic situation led to a push for a popularly elected president to strengthen executive power as a means of handling political and economic crises.

Once the presidency was established, external pressures - the failed August 1991 coup and the continuing economic crisis - further exacerbated the chasm between the de jure and the de facto distribution of power in the system. Yeltsin's role in defying the August coup greatly enhanced his personal power and legitimacy. Energized by his personal popularity, Yeltsin increasingly used the powers of the presidency, solidifying it as the dominant institution of the state. As head of state, he decisively established Russian sovereignty by banning the CPSU on Russian soil, seizing control of enterprises, and ultimately dismantling the Soviet Union altogether along with the leaders of Ukraine and Belarus. During this period, the CPD would also grant Yeltsin sweeping decree-making authority to undertake radical economic reform. Thus, Russia's newly formed presidency was increasingly accumulating political power, but that power was not constitutionally grounded. When price liberalization and radical economic reform produced hyperinflation, the Congress of People's Deputies tried to reassert its authority. In the poorly defined system, the ideological battle over economic policy soon became a constitutional crisis over distribution of power in the system. The Congress, armed with the Constitution that named it the supreme organ of state power, confronted the president, who claimed a more recent and legitimate mandate from the people. The result was gridlock and ultimately extra-constitutional actions and violence on the part of both institutions.

The institutional context produced the potential for interbranch conflict that could escalate to a constitutional crisis. But ideological polarization and conflict over crucial policy decisions were essential to push the system toward that outcome. Ideological polarization seemed to be a natural element of Russian politics during this period, given the revolutionary changes in the policy agenda and the divisions surrounding issues of ideology, statehood, and nationhood emanating from the collapse of the Soviet Union. But the battle between the president and Congress was more complex than the dichotomous conflict proclaimed by much of the (liberal) Russian and Western press, which depicted a struggle between a reformer with popular support (Yeltsin) and a chronically conservative Soviet-era institution out of touch with the popular will. The ideological conflict that animated the power struggle was not nearly this clear-cut, nor was it a static phenomenon. The domination of the CPD by anti-Yeltsin forces only emerged over time, and was due as much to Yeltsin's concentration of power and his neglect of coalition building in the legislature as it was to the inherent ideological composition of the legislature.

The Congress of People's Deputies was not elected with an antireform or even anti-Yeltsin majority. Analyses of roll-call voting in the CPD shows an evolution from a body marked by ideological diversity to one possessing an anti-Yeltsin majority. Remington and his colleagues show that roll-call voting in the CPD's first four congresses (May 1990-May 1991) were marked by a predominance of the rightcleavage. In these early congresses there appeared two ideologically polarized camps of roughly the same size (about 40 percent each), with an amorphous centrist group that held the balance. Moreover, each bloc was about equally cohesive, which forced both to appeal to the more fluid center by moderating their proposals in order to gain passage. It was under this right-left dichotomy that Yeltsin and the "democrats" managed to secure their greatest legislative victories, such as Yeltsin's election as speaker of the Supreme Soviet and the establishment of the Russian presidency.

Over time, this voting pattern changed substantially. During the crucial fifth and sixth congresses (July and October-November 1991 and April 1992) the left-right polarization of the initial congresses dissipated. Yeltsin would win his last major legislative victories in the fifth congress, gaining additional powers from the CPD to rule by decree and winning approval to postpone local elections. Surely, intervening events helped to secure these last victories, most notably, of course, Yeltsin's prominent role in defying the ill-fated coup attempt by conservatives in the Communist Party of the Soviet Union in August 1991. But Yeltsin's ability to turn his personal popularity into institutional power would

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prove fleeting. By the last three congresses (seven through nine), a polarization returned, but this time around the question of support for Yeltsin himself and the powerful presidency he had built. Remington and colleagues argue that a pro-Yeltsin/anti-Yeltsin cleavage best explains the voting distribution in the last three congresses. Moreover, while the left-right cleavage of earlier congresses pitted two relatively evenly matched groups against one another, the new pro-Yeltsin/anti-Yeltsin polarization clearly favored the opposition over the president. This is accounted for both by defections of reformists to the opposition and by departure of leading democrats to the executive branch. Remington and his colleagues figure that approximately 200 deputies changed their orientation from a pro-Yeltsin to an anti-Yeltsin position, and an additional 100 reformists left the CPD to take positions in the executive.10

Russian political scientist Alexander Sobianin makes a similar case. Sobianin examined the voting behavior of independent deputies who did not vote regularly for one of the two ideologically coherent groupings separated by the left-right cleavage described here. Sobianin found that it was the issue of presidential power, not economic reform, that led most of these deputies to oppose Yeltsin in later congresses.

Among the centrist factions, all without exception have their lowest ranking [most contrary to the president] on the second issue, that is the division of power between the President and the legislature. The next lowest rating relates to the agenda and general political issues, and only in third position do we find opposition to the Government's performance and the course of economic reform.11

These analyses suggest an interesting interactive effect between institutional conflict over jurisdiction between the executive and legislative branches and ideological polarization. The conflict between President Yeltsin and the Congress of People's Deputies was born in an ideological battle over economic reform and the polarization surrounding the collapse of the Soviet Union. However, each branch's efforts to establish its own supremacy in the system exacerbated this ideological divide and pushed less ideological deputies into the reformist or (more often) anti-reformist camp. Institutional conflict heightened the ideological conflict over the future nature of the Russian state and, because opposing camps eventually gained control over the two major branches of government, this ideological battle became a constitutional one.

At the same time, the ideological polarization in Russian politics fueled the battle over institutional jurisdiction. Yeltsin's anticommunism and the ideological fervor with which his economic policy makers pursued market reform made compromise with "antimarket forces" within the legislature morally repugnant to the executive branch. In response, the Congress of People's Deputies, which had originally been more ideologically diverse, became a bastion for nationalists and communists determined to thwart Yeltsin's political and economic agenda.

Given the ideological currents that took control of the executive and legislative branches, it would have been extremely difficult, if not impossible, for some sustainable working relationship to materialize. It is difficult to imagine how Yeltsin could have put together a legislative coalition that would have supported his reforms in the form he envisioned. Under these circumstances, Yeltsin and his economic team decided that they could accomplish their policy goals only by circumventing the legislature. A popularly elected president, especially one embedded in a vaguely defined system like the First Russian Republic, allowed and even encouraged this behavior. Not needing a majority to sustain executive power, it was natural to neglect the difficult, time-consuming, and compromise-ridden process of coalition building that would have been necessary to promote a working relationship with the legislature in favor of ruling by decree, especially when the issues were viewed in such dichotomous, black-and-white terms.

Even when Yeltsin tried to work with the Congress, the absence of a well-institutionalized party system made cooperative engagement difficult. The lack of well-developed parties meant that the two branches could not be bridged by a common organization tying the president to a large group of legislators. This absence of intermediary organizations to facilitate compromise between the two branches could be seen in the failed attempts by Yeltsin and the Congress of People's Deputies to defuse the emerging constitutional crisis. In 1992, Yeltsin adopted a strategy of limited concessions designed to appeal to the newly emergent centrist bloc in the CPD, the Civic Union, which claimed to command the allegiance of up to 40 percent of the deputies. Yeltsin brought a number of industrialists into the government and ultimately sacrificed his acting prime minister, Yegor Gaidar, in favor of Soviet-era bureaucrat Viktor Chernomyrdin to satisfy the Civic Union. But the Civic Union failed to deliver a large contingent of votes, and a liberal-centrist coalition never materialized.12. Gaidar's removal did not satisfy the Congress, and the crisis raged on.

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Institutional confusion and ideological polarization may have made conflict highly likely in this system, but it did not foretell its ultimate resolution by force or predict who would come out on top of the increasingly zero-sum game being played. This was determined by the ability of each branch to command the loyalties of important political actors (most notably the armed forces) and the relative legitimacy of the competitors among the people. As the comparative literature on presidentialism might predict, Yeltsin made much of the fact that his popular mandate was more recent than that of the Congress, characterizing the latter as a relic of the delegitimized Soviet system.33 Moreover, the April 1993 referendum, which presented Russian voters with four questions reflecting relative support for President Yeltsin and the Congress of People’s Deputies, clearly showed greater public support for Yeltsin. This show of popular strength, which arguably overestimated the extent of support for Yeltsin and his policies, gave the president confidence that dissolution of the less popular legislature would be welcomed (or at least passively accepted) by the population and that new elections would return a legislature with a more reformist composition.34 The interaction between elite decisions and public opinion remained important in the interregnum between the dissolution of the Congress in September and the violent resolution of the conflict in October. Many important political actors, including some regional leaders, the Constitutional Court, the Orthodox Church, and some notable democrats, criticized the extra-constitutional actions taken by Yeltsin and came out in support of some form of negotiated compromise that involved simultaneous elections for parliament and the presidency.35 It was only after the violent uprising of the parliamentary opposition in the streets of Moscow that the tide once again swung strongly in favor of Yeltsin, providing him with the legitimation to settle the conflict by force.36

A quick comparison to the economic crisis of 1998 shows the importance of political context in the process. In 1998, President Yeltsin possessed the same institutional advantages he had in 1993 and many more constitutional ones. Executive power remained constituted in a directly elected presidency that was independent of the confidence of a majority coalition in the legislature. He once again enjoyed a more recent electoral mandate with his 1996 reelection as president as compared to the 1995 elections to the State Duma. He also enjoyed much greater constitutional powers to subdue the legislature in 1998 than he had possessed in 1993. But by the fall of 1998 Yeltsin’s public support had declined to the point that he was not willing to risk confrontation and early elections by pushing a third vote on his prime ministerial candidate, much less by resorting to violence in his battle with the legislature. Weakened by ill health and an economic crisis that wiped out all of the gains of his economic reforms, Yeltsin had more formal powers in 1998 than in 1993, but much less real power.


Unlike the First Republic, the institutional design of the Second Russian Republic represented a clear break with the Soviet past. A new Constitution replaced the old Soviet Constitution, establishing a whole new system of governance rather than the gradual introduction of single democratic institutions as occurred in the First Republic. But this new Constitution had rather auspicious origins. The 1993 Constitution was not a series of compromises hammered out by an inclusive group of national and regional elites in a constitutional assembly. Rather, it was crafted and imposed by the victor of the violent struggle that had ended the previous regime. President Yeltsin claimed popular legitimacy for his constitution by virtue of its passage in a national referendum. But the referendum itself was marred by suspicions of vote fraud intended to artificially raise the turnout over the required 50 percent threshold to make the vote valid.

Perhaps this was the only way Russia was going to get a new constitution. Due to the polarization between reformist and antireformist forces, each occupying a rival branch of government, the conciliatory adoption of a new constitution seemed to be out of the question. Nevertheless, the legitimacy of such a constitutional project would be a major

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33 The institutional design of the legislature, with its membership of over 1,000, a smaller indirectly elected working legislature in the Supreme Soviet, and concentration of power in a Presidium dominated by the chairman lends some merit to this characterization. However, both the legislature and the presidency originated while Russia was still officially a part of the Soviet Union, and thus both could be considered “Soviet” institutions.

34 Brown uses survey research to show that, despite the April referendum that showed majority support for Yeltsin and his policies among those who voted, actually a majority of Russians (56 percent) did not support the president on the eve of the dissolution of the Congress. Archie Brown, “The October Crisis of 1993: Context and Implications,” Post-Soviet Affairs, Vol. 9, No. 3 (1993), p. 189.


36 For the swing in opinion among democratic and centrist politicians in support of Yeltsin’s use of force after the October insurrection, see “Deistviya prezidenta polchastor pedderzhki,” Nezavisimaya gazeta, October 3, 1993.
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cabinet are appointed jointly by the president and prime minister without legislative approval.

Not only can the president push through his choice for prime minister, he can also dismiss the government or any particular minister at will without parliamentary approval. This control over the survival of the government is much greater than the Duma’s power to vote no confidence in the government, because the risks facing the president if he decides to dismiss the government are negligible compared to those of the legislature. A vote of no confidence by the Duma can be ignored by the president the first time. But if the Duma passes another no-confidence vote within three months, the president is required to either replace the government or dissolve the Duma and call new elections. Again, the threat of dissolution and the prospect of early elections has tended to constrain the legislature from exercising any real control over the survival of the government. As Orttung and Parrish have argued, “while the government formally needs the simultaneous confidence of both the president and a majority of the Duma to stay in office, in reality the president’s support has proved sufficient.”

As will be discussed later, this assumption of timidity on the part of the Duma in its role in codetermining government composition and survival has been partly undermined by its assertive defiance of Yeltsin’s attempt to reinstate Chernomyrdin after the five-month stint of the Kirienko government. But Yeltsin’s removal of the popular Primakov in the midst of a legislative vote on impeachment, and his ability to secure approval of subsequent prime ministers most noted for their loyalty to Yeltsin, shows that the defiance of presidential power over the composition of government on the part of the State Duma was a temporary rather than permanent shift in power.

Presidential power in the Second Russian Republic was further strengthened through wide-ranging decree-making powers that allowed the president a decisive role in the legislative process. Article 90 of the 1993 Constitution grants the president the power to issue decrees that have the force of law. The only constraint on the president’s decree-making authority is that decrees cannot contravene the Constitution or existing law. The president’s role in the legislative process is further augmented by other constitutional provisions. The president has the

The three-month period between the first and second votes of confidence was dramatically shortened by the government in 1995 when it utilized a constitutional provision that allows the government to request a vote of confidence within ten days. The government used this provision to force an early second vote.


power to veto legislation, which then needs a two-thirds majority in both houses of the legislature. Thus, if a war of laws versus presidential decrees were to break out, the president would have the upper hand, for he could veto contrarian legislation, and force the legislature to come up with super-majorities to override. Given the fragmented character of political forces in the legislature, attaining a two-thirds majority in both houses to overcome a presidential veto would be exceedingly difficult.

The 1993 Constitution also established an upper house, the Federation Council, made up regional executives and the leaders of regional legislatures. This body was designed by Yeltsin as another instrument of legislative control but has developed into a more autonomous lawmaking body that serves the interests of Russia’s regional elites, who have emerged as one of the most powerful political forces in the country. Originally, Yeltsin’s influence over the Federation Council was secure, because he appointed the executive leaders of Russia’s regions and therefore controlled the fate of one-half of that body’s deputies. However, in 1996 Yeltsin relinquished his appointment power over regional executives and allowed them to be directly elected. This gave the upper house a greater degree of autonomy. Although it remained less confrontational than the lower house, the Federation Council defied President Yeltsin on several key issues, including the appointment of the powerful position of procurator general. Moreover, the Federation Council provided a national stage for powerful regional elites, some with presidential ambitions, such as Yuri Luzhkov and Alexander Lebed.

Finally, Yeltsin’s Constitution protected these presidential prerogatives by making the president virtually impossible to impeach and the Constitution very difficult to change. Unlike the First Republic, where a simple two-thirds majority of the Congress of People’s Deputies could accomplish both tasks, impeachment under the 1993 Constitution requires the support of extraordinary majorities in both houses, as well as agreement of both the Supreme Court and Constitutional Court that impeachable acts were committed and that all procedures were correctly followed. Amendments to the Constitution require super-majorities in both houses, the approval of the president, and support of two-thirds of regional assemblies.

What did not change under Yeltsin’s rule was the ideological polarization of the system. Contrary to reformers’ hopes and expectations, Yeltsin was not faced with a more amenable, reform-minded legislature after 1993. Rather, the State Duma was marked by the same party frac-

tionalization and ideological diversity found in the Congress of People’s Deputies. Moreover, as in the CPD, the balance between reformers and antireformist opposition increasingly favored the latter. After the 1995 election, the Communist Party and its allies constituted a working majority in the Duma (221 out of 450 seats). While the institutional design of the Russian political system changed substantially in favor of executive power and of reformers by virtue of their occupation of this powerful office, the balance of ideological forces in the legislature did not.

Given these political realities, one might expect that the Second Russian Republic would have continued to experience the intractable interbranch conflict born of ideologically polarized groups dominating the competing branches. At best, constitutional crisis might be avoided because the new constitution provided such preponderant powers to the president that the conservative legislature would be powerless to resist the will of the reformist executive – stability purchased at the expense of virtual electoral dictatorship or delegative democracy, to use O’Donnell’s term.

But the reality of the relative stability of the Second Republic (at least when compared to its predecessor) is much more complicated. The relationship between the executive and legislative branches has been more cordial since 1993. Moreover, the instances of cooperation between the two branches are not characterized solely by capitation by the weaker State Duma. Yeltsin also had to compromise to accommodate what became a relatively effective and assertive lawmaking body, given its weak constitutional stature. There were a number of issues on which Yeltsin conceded to the will of the parliament to avoid costly confrontation and possible constitutional crisis. Almost immediately after the 1993 election inaugurating the new system, the State Duma used its power to grant amnesty to Yeltsin’s most despised political opponents: the conspirators of the failed August 1991 coup and Ruslan Khasbulatov and Alexander Rutskoi, the recently imprisoned leaders of the October 1993 rebellion. Despite calls for the use of presidential powers to block the amnesty, President Yeltsin allowed the action to stand in order to preserve the fragile relationship between executive and legislature that had disintegrated into violence only months earlier.

The president also had to give ground to parliament in the battle over the electoral law. Yeltsin tried to change Russia’s mixed electoral system, which elects an equal number of deputies from a PR tier and single-mandate districts, to a system with 300 single-member district deputies and only 150 deputies elected according to PR party lists. After the

41 The deputies to the Federation Council were directly elected in 1993.
results of the 1993 election, Yeltsin had an interest in increasing the number of single-mandate district deputies, because these deputies tended to be less opposed to his policies and more easily swayed to support the president in exchange for personal favors or constituency pork. Indeed, a key element in the fluid pro-Yeltsin legislative coalition was single-mandate district deputies who ran as independents and formed their own parliamentary factions. However, a Duma majority in favor of an equal split between PR and single-mandate district seats managed to maintain the status quo. In the process, the normally fractious Duma managed to mobilize the two-thirds majority necessary to override the Federation Council, which rejected its first version of the law. Yeltsin subsequently vetoed the law, but Duma representatives on the conciliation commission formed to hammer out a compromise managed to retain the equal split between PR and single-mandate district deputies, while conceding relatively minor points to the president over how the party lists were constructed.

In this case, a determined Duma majority managed to navigate the many veto points stacked against it. Yeltsin's ability to change the electoral rules by decree was also hamstrung by larger questions of popular legitimacy. Had he blocked legislation on electoral arrangements and established electoral rules favorable to his interests by decree, the legitimacy of such elections would have been seriously questioned. This show of assertiveness on the part of the Duma was replayed in other legislative battles over the regulation of religious practice and the adoption of a criminal law code. In both cases, the laws were passed after Yeltsin called a conciliation commission to work out a compromise acceptable to both the executive and legislative branches. A law forbidding the repatriation of trophy art captured from Nazi Germany was passed over a presidential veto.

44 For an excellent explanation of the institutional and political factors producing this majority opinion in favor of the 225:225 ratio for Russia's electoral law, see McFaul, "Uncertainty, Path Dependency and Institutional Design during Transition: Cases from Russia," pp. 27-52.


While the previous examples show that on occasion the Duma successfully exerted power in the Second Republic despite its strong presidential powers, the budget process demonstrates how President Yeltsin was able to assemble majority coalitions based on clientelism. Yeltsin was able to pass his budget every year, relying upon a fluid coalition that included independents, centrists, and key support from opposition factions in addition to his base among the pro-presidential parties. Yeltsin had to seek votes for his budgets outside his core support among reformist parties. In addition to pro-presidential factions, the decisive components of this coalition tended to be centrist deputies elected in the single-member districts, centrist PR blocs like the Women of Russia and the Democratic Party of Russia, and two parties of the "irreconcilable opposition" — the Agrarian Party and Zhirinovsky's LDPR. Only the most ardent representatives of the irreversible opposition (communists) and the democratic opposition (Yabloko) consistently voted against Yeltsin's budgets, and even these parties did not always oppose them. Given the significant diversity in ideological orientation of these different elements of the Duma, this support had to be "purchased" with a variety of resource allocations to key economic and regional interests. Yeltsin managed to coopt the Agrarian Party by granting it control over the Agricultural Ministry. For other parties, personal perquisites, what Huskey calls "dacha politics," were used to sway individual deputies. Indeed, the more corrupt side of this manner of governing could be seen in a report that up to $27 million was provided to communist and LDPR deputies by interests close to the government in exchange for their support in pushing through the 1997 budget.

Finally, presidential control over the composition of the government under Yeltsin was not absolute, even though the Constitution placed most of the power for deciding the composition and survival of the government in the hands of the president. It cannot be denied that President Yeltsin appointed and stuck with prime ministers and governments that did not enjoy widespread support in the Duma — the return of the most demonized reformer, Anatoli Chubais, in 1997 in a "young reformers" government that included Nizhny Novgorod Governor Boris Nemtsov being one of the more egregious examples. Yet, at times, President Yeltsin also used his control over the composition of the government as an


instrument for reacting to and placating negative public and legislative opinion, casting himself as the ultimate arbiter of the balance of political forces in Russia. Following electoral defeats at the hands of nationalist and communist opposition parties in 1993 and 1995, Yeltsin changed the composition of the government to reflect the diminished status of reformers.

Moreover, nonpartisanship and political pragmatism were viewed as the most prized attributes of the prime minister, who was seen as more of a technocrat than a politician. Before being pushed to form a centrist electoral bloc for the 1995 election, Chernomyrdin fit this mold of nonpolitical manager. The same was true for Yevgeny Primakov. The "young technocrat" Sergei Kirienko was also said to have no partisan attachments. But this appointment more closely resembled the confrontational push for radical economic change of the "young reformist" government of Chubais and Nemtsov (Kirienko was a Nemtsov protégé) than any conciliatory gesture to appoint a prime minister acceptable to a wide range of political forces in the Duma.

This balancing of forces through appointment made executive-legislative relations a bit easier, as pragmatist prime ministers like Chernomyrdin could work with all ideological groups within parliament, and more ideological and unpopular ministers like Anatoli Chubais could be sacrificed as a concession to the opposition at times of confrontation or rising popular disenchantment with reforms. However, this was hardly an invitation to the Duma to be a partner in government. Power within the government and other executive positions remained highly contingent upon cultivating favor with Yeltsin; it was not an accurate reflection of public support as conveyed in parliamentary elections. Indeed, the reappointment of Chernomyrdin following the 1993 elections was a bit ironic considering that centrist parties, and particularly those representing large industrial interests, were the big losers in the election, whereas parties gaining a much larger share of the PR vote—nationalists, communists, and more radical reformers—found themselves largely excluded from government.


52 Hahn describes the replacement of Chernomyrdin by Kirienko in precisely these terms. Yeltsin, dissatisfied with the failure to clear wage arrears and the corrupt interference by oligarchs in the Chernomyrdin/Chubais government, dismissed the government in order to broaden the benefits of economic reforms to more of society and to ensure the election of a democratically minded successor in the next presidential election. Gordon Hahn, "From Chernomyrdin to Kirienko," Problems of Post-Communism, Vol. 45, No. 5 (1998), pp. 3-16.

This personalization of power had its most detrimental effects in the backroom power struggles among Yeltsin's appointees, particularly as health problems removed Yeltsin from daily engagement in the affairs of the state. Erratic appointment changes designed to reestablish Yeltsin's control over the executive branch upon returning from long health-related absences were further evidence that restraint in personnel management was contingent on the person occupying the office rather than on the rules governing the institution. As long as Yeltsin was in power, the government was never safe from unexpected reshuffling or removal driven by Yeltsin's own insecurities and power struggles within his inner circle.

Under Yeltsin, the constitutional arrangement of the Second Russian Republic provided a great deal more stability than the First Republic. The ideological foundation for conflict did not change greatly under Yeltsin. The two branches of government remained dominated by contradictory ideological forces. But the institutional context changed. The establishment of a "super-presidential" system can be credited in part for the increased stability under Yeltsin, as it removed the ambiguity that drove leaders of both institutions to pursue contradictory visions of a new Russian system. The division of powers in the 1993 Constitution deterred confrontation by the Duma through the threat of dissolution. Other institutional innovations also fostered accommodation, including a partisani-dominated legislature, conciliation commissions, and presidential liaisons to parliament. But this stability was fragile, based in large part on the behavior of individual politicians and their willingness to avoid confrontation and accept defeat rather than use the full arsenal of constitutional powers at their disposal. The potential for exacerbation of confrontation into constitutional crisis was mitigated by the unambiguous preference given the executive branch in the system. But the cooperation that began to develop over time was contingent upon individuals and particular political contexts. The lack of well-institutionalized political parties, the primary institution necessary for sustained interbranch cooperation, remained a huge obstacle to stable executive-legislative relations and democratic consolidation in general.


54 Mainwaring argues that "[o]ne of the most difficult obstacles facing the new post-1974 democracies in their efforts at democratic consolidation is weakly institutionalized party
Economic Collapse and Political Crisis, 1998

The fragile stability of the system was shattered with a demonstration of Yeltsin's personalized grip on power. In March 1998, Yeltsin flexed his political muscle by unexpectedly dismissing his loyal Prime Minister Viktor Chernomyrdin after more than five years in office and replacing him with a thirty-five-year-old political neophyte, Sergei Kirienko. It was rumored that Yeltsin had become suspicious of Chernomyrdin's growing status, both domestically and internationally. Like so many other potential rivals to Yeltsin's authority, Chernomyrdin was removed. This move sparked a spiral of political and economic crises that temporarily left a physically frail Yeltsin marginalized to a mostly symbolic role, having ceded daily control over political decision making to Prime Minister Yevgeny Primakov, a compromise candidate who was forced upon him by the State Duma. This process demonstrates that even in a strong presidential system a president who is severely politically and physically weakened cannot remain at the center of the political system.

This surprising turn of events began with an all-too-familiar exercise - Yeltsin reshuffling personnel in the government. Although politically weakened by health problems and continued wage arrears, Yeltsin still sat at the center of the political system. He had already taken steps to challenge Chernomyrdin's power a year earlier by bringing in Boris Nemtsov and Anatolii Chubais as deputy prime ministers. When he suddenly dismissed Chernomyrdin and replaced him with the obscure Sergei Kirienko, the move met with a mixed reaction. The opposition decried the nomination of the political neophyte, but liberal circles and Western governments and media welcomed the change as the (latest) best chance for radical reform to get on track. (The new government would secure a large IMF bailout loan in part because of its "reformist" credentials.)

The coming economic collapse had yet to materialize, so Yeltsin was reasonably secure in launching another attempt at radical reform that was finally to tackle Russia's chronic tax collection problems and rein in the oligarchs and their robber-baron capitalism. The Duma put up a fight but capitulated in the confrontation over the Kirienko appointment, as expected. After two negative votes it was decided to hold the third and decisive vote by secret ballot, allowing members of the communist opposition, particularly those elected from single-member districts and thus most vulnerable to the risk of new elections, to defect.


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Economic crisis and collapse intervened to bring a hasty end to the Kirienko government. A confluence of forces outside the young prime minister's power pushed the system to collapse. Poor tax collection (a legacy of the previous government), the Asian crisis, a drop in world oil prices, and the collapse of the state treasury bill pyramid combined to create a crisis of confidence that sent foreign investors fleeing, removing a chief source for continued financing of the budget deficit. Despite promises to the contrary, the Kirienko government was forced to devalue the ruble and default on international loans, bringing the financial crisis home to the average Russian. Yeltsin responded by firing Kirienko and trying to bring back Chernomyrdin as a force of calm and stability. But in the midst of an economic crisis rooted in the policies and practices of the previous regime, the zig-zag from Chernomyrdin to Kirienko was taken as further evidence of erratic, bankrupt leadership. Despite this, there seemed to be a good chance that Chernomyrdin would be able to gain approval through the formation of a coalition government. Yeltsin also offered a power-sharing agreement by which he would grant the Duma the power to approve and remove individual ministers in exchange for acceptance of Chernomyrdin as prime minister. The deal also included a "nonaggression pact": Yeltsin promised not to dissolve parliament for a year, and the Duma agreed to refrain from impeachment and votes of no confidence for the same period. The agreement was accepted by all parties but broken by Gennady Zyuganov on the eve of the first vote on Chernomyrdin, when Zyuganov called for Yeltsin's resignation in exchange for Chernomyrdin's confirmation.

Yeltsin, who had dared the Duma to defy him three times on the Kirienko appointment only months before, was now the disadvantaged party, more fearful of fresh elections than the emboldened Duma opposition. The Communist Party and its allies now managed to hold together and along with Yabloko controlled the votes necessary to block Chernomyrdin's confirmation. When Grigory Yavlinsky publicly offered

11 Interestingly, on the eve of Yeltsin's dismissal of the Kirienko government, the Duma seemed split on the appropriate action to be taken against the government in reaction to the economic crisis. Zyuganov and Yavlinsky called for the government's resignation and a no-confidence vote. Zhironovsky argued that some ministers should be replaced but that dismissing the whole government would not accomplish anything. Shoikin and the Our Home is Russia faction were against a no-confidence vote. Gennady Seleznev and Yegor Strelkov, the leaders of the Duma and Federation Council, also came out against resignation of the government. RFE/RL Daily Report, Vol. 2, No. 161 (August 21, 1998).


Yevgeny Primakov as a pragmatic, nonpolitical compromise candidate, Yeltsin seized the opportunity to avoid a devastating third vote on Chernomyrdin and offered Primakov in his place. He was quickly approved by the Duma and proceeded to form a government of majority confidence with a member of the Communist Party, Yuri Maslyukov, in charge of the economy.

Three aspects of the decline of Yeltsin’s political power during the 1998 economic crisis need to be highlighted. First, as in the constitutional crisis of 1993, public opinion and the strategic actions of political elites mattered as much or more than constitutionally defined powers. The economic crisis and the debilitating effect it had on the legitimacy of Yeltsin’s whole legacy of economic reform was surely a necessary condition for the demise of Boris Yeltsin. Yet, strategic decisions helped to determine the timing and character of Yeltsin’s decline. Yeltsin was discredited not only for these systemic failures but also for his erratic behavior in discarding Chernomyrdin in an effort to jump-start reform, only to bring him back to reestablish confidence and stability. In a sense, he had expended too much political capital in pushing through Kirienko to have any chance of forcing the return of Chernomyrdin. One can speculate about how differently the crisis might have unfolded had Yeltsin stuck with Chernomyrdin. Had he not pushed through a new government (that quickly failed) five months earlier, would Yeltsin have been able to push through his first choice for prime minister even in the midst of economic crisis? Although this surely depends on his choice, I think the answer is probably yes.

Second, while Boris Yeltsin was weakened, the powers of the presidency were not changed. The Duma accepted a compromise candidate rather than exchanging support for Chernomyrdin for changes in the Constitution. This had huge consequences for subsequent executive-legislative relations, because it allowed Yeltsin to recover from the crisis in time to name a successor endowed with the same vast constitutional powers he enjoyed. At the time of the crisis, President Yeltsin suggested that he was willing to introduce changes in the Constitution, but the content and implications of these changes remained ambiguous. A popular war, Yeltsin’s resignation, and early presidential elections intervened. The new occupant of the office, buoyed by a new electoral mandate, dropped any suggestion of constitutional reform intended to bring greater balance between the executive and legislative branches. Instead, President Putin has made fuller use of executive powers as a means to strengthen the state. Constitutional changes were never institutionalized, and thus the economic crisis of 1998 weakened President Yeltsin but did not weaken the presidential republic he had done so much to create.

Third, unlike the collapse of the First Russian Republic, the temporary shift in power toward the legislature brought on by the economic crisis occurred within the bounds of the Constitution. The same president who had taken extra-constitutional steps to dissolve the Congress of People’s Deputies rather than see that body strip the presidency of its powers compromised on the composition of the government with the Duma. He later voluntarily ceded even more authority to Prime Minister Primakov, essentially retreating from the political scene. However, when the opportunity arose, Yeltsin and his advisors in the executive branch managed to peacefully regain the upper hand. By the end of 1999, Yeltsin managed to exit from the political stage with the full powers of the presidency intact and a handpicked successor poised to be elected as the second president of Russia.

The End of the Yeltsin Era and the Rise of Putin, 1999–2000

The political and economic crises of 1998 were not the death knell of the Yeltsin era that many considered them to be. Yeltsin reemerged as a powerful and unpredictable factor in the spring of 1999, with the advent of the NATO military campaign against Serbia, among other things, spurring his renewed activity. Sensing the rising popularity of Primakov, Yeltsin removed him in the middle of a battle over his own impeachment in the State Duma. He managed to avoid impeachment by threatening a new constitutional crisis that endangered the positions of Duma deputies and raised the possibility of emergency rule and delayed parliamentary and presidential elections. Yeltsin won quick and overwhelming approval for his choice for prime minister, Sergei Stepashin, a loyal supporter who had spent his political career in the security services.

However, Stepashin quickly fell out of favor in the face of an attack by Chechen rebels against Dagestan and his failure to thwart the formation of the powerful new alliance of regional elites, Fatherland–All Russia, led by Moscow mayor Yuri Luzhkov, which threatened to take over the executive branch through the ballot box at the next general election. In August 1999, Stepashin was removed and replaced by another member of the security services, Vladimir Putin, without much resistance from the Duma.

Despite successfully reestablishing control over the composition of the government, Yeltsin was still quite weak and unpopular. The Kremlin seemed to be in disarray, frantically going through prime ministers in an effort to find a successor who could win the upcoming presidential elections in 2000 and guarantee immunity from prosecution for Yeltsin and members of his inner circle. Opposition forces in the State Duma were content to sit back and watch the apparent self-destruction, being very
reluctant to challenge Yeltsin on the eve of parliamentary and presidential elections and thereby provide him with an excuse to disband parliament, postpone or cancel elections, and impose emergency rule.

Yeltsin declared that the unknown Putin was his preferred successor to the presidency immediately upon nominating him for prime minister. This endorsement was met initially with derision, since Putin had no independent political base, and association with Yeltsin was deemed a severe liability in the upcoming election. The Kremlin also hastily assembled a new political bloc called Unity, led by Emergency Minister Sergei Shoigu. Neither Putin nor Unity seemed to have much chance to win in the fast-approaching elections, given the widespread disillusionment with the Yeltsin administration.43 Meanwhile, the Fatherland–All Russia bloc was leading in public opinion polls after convincing former Prime Minister Yevgeny Primakov to lead its party list in the parliamentary elections. At the beginning of the parliamentary campaign, it looked as though this bloc of regional governors would win the parliamentary election as the new “party of power” and provide a springboard for a strong run at the presidency by Primakov or Luzhkov.44

However, as McFaul showed in Chapter 1, all of this changed with the second military intervention in Chechnya.45 Unlike the first Chechen war, this campaign enjoyed strong social support. Putin’s determined execution of the military campaign established him as the decisive leader of action that the Russian public seemed to crave. According to opinion polls conducted by VTsIOM, Putin’s approval rating soared from 31 percent in August 1999 to 78 percent by November.46 Putin publicly endorsed Unity, enabling the bloc to rise from obscurity to a close second place finish in the last month of the campaign. The reformist bloc Union of Right-Wing Forces also performed well beyond expectations by associating itself with Putin and the Chechen war. Conversely, support for noncommunist opponents of the Kremlin, Fatherland–All Russia and Yabloko, declined dramatically before the vote.

Striving to capitalize on the popularity of the Chechen campaign to secure Putin’s succession, Yeltsin resigned from office at the end of 1999 in a dramatic New Year’s Eve address. Putin became acting president and received all the electoral benefits of being the head of state. More importantly, the resignation moved the presidential election from June to March, which undermined the ability of other candidates to mount credible campaigns and lessened the chance that the Chechen campaign might worsen, souring public opinion. The tactic worked well. Major presidential contenders, such as Primakov and Luzhkov, decided not to run against Putin, who continued to enjoy 80 percent approval ratings through the presidential electoral campaign. Putin won election easily in the first round.47

A substantial change in the nature of executive-legislative relations was brought about by the personal popularity of Vladimir Putin and the sequence of elections. Elections were held at the height of Putin’s popularity, producing a large legislative contingent that supported the president. For the first time, post-communist Russia had a president who enjoyed majority support in the legislature. This is a critical difference from the Yeltsin era. As Fish notes in the concluding chapter of this volume, Yeltsin failed to call new elections at the height of his popularity following the failed August 1991 coup and thus always faced a legislature dominated by the opposition.48

Putin has made great use of this improved relationship with the State Duma. He managed to push through the long-delayed ratification of the START II treaty and introduced a package of legislation that includes dramatic changes in federal relations. In his first set of draft laws to the State Duma, Putin proposed that regional governors and legislators not sit on the Federation Council and be replaced by representatives elected by regional legislatures through a secret ballot. He also sought legislative approval for the power to dismiss governors if a court determined that their actions contravened federal law. Both measures passed the first reading by wide margins (362–34 and 357–28, respectively), suggesting that the State Duma may be a strong ally in Putin’s campaign to rein in the powers of regional governors, an alliance hard to imagine under Yeltsin.49

The reversals of fortune between the two branches of government during the late 1990s highlight the interaction between political context and constitutional powers in determining the balance of executive-legislative relations in Russia. Yeltsin’s political weakness in 1998 was not institutionalized into a lasting redistribution of power between the executive and legislative branches. Consequently, talk of constitutional


45 For a fuller discussion of the 1999 parliamentary election, see Chapter 1 of this volume.

46 VTsIOM survey results can be found at the Russia Votes website, www.russiavotes.org.

47 For more discussion of the 2000 presidential election, see Chapter 1 of this volume.

48 See conclusion by Steven Fish in this volume.

reform quickly dissipated as the political context changed. A popular war in Chechnya and the dramatic surge in popular support of Vladimir Putin allowed Yeltsin to escape the crises of 1998, handpick a successor, and retain the full powers of the presidency intact. Having handily won the 2000 presidential election in the first round, President Putin towered over the Russian political system at the beginning of his term with a combination of dominant constitutional powers, popular support, and a cooperative legislature that even exceeded the height of Yeltsin’s power in the wake of the failed August 1991 coup. How Putin uses this power and whether he can maintain it will be decisive factors determining the fate of Russia in the post-Yeltsin era.

CONCLUSIONS

This chapter has shown that confrontation and conflict between the executive and legislative branches have been a major part of postcommunist Russian politics. However, the degree of this conflict has changed substantially over time. With the introduction of the 1993 Constitution, President Yeltsin and the legislature found ways to defuse conflicts before they led to collapse of the system. His successor, Vladimir Putin, began his tenure on an even more conciliatory note. Institutional design of the system has been important in this process, but so have learning and a degree of ideological moderation on both sides of the political spectrum. The development of some measure of conciliatory interaction between the two branches in the Second Republic provides some reason for hope that Russia’s democratic experiment, undoubtedly flawed and unstable, may survive. However, the current consensus between the two branches of government also threatens to increase the authoritarian tendencies of the system if power becomes too concentrated in Putin’s hands.

During the Yeltsin era, conflict in Russia’s executive-legislative relations was fueled by a consistent ideological division between a “reformist” executive and an “antireformist” legislature. This ideological divide between the two branches of government survived the collapse of the First Russian Republic and three elections, two parliamentary and one presidential. In Chapter 1, Michael McFaul argued that the institutional design of presidential and parliamentary elections can explain the seemingly contradictory outcomes in parliamentary and presidential elections. Parliamentary elections produced a fractionalized Duma in which the Communist Party was the dominant force, while the consolidating nature of presidential elections pushed the latent anticomunist majority, which was split among many parties in parliamentary elections, to coalesce behind one noncommunist candidate in the second round of the presidential election.46

This dynamic was not evident in the latest round of elections that launched the post-Yeltsin era. In the 1999 parliamentary elections, parties associated with the executive branch did much better than in 1993 or 1995. Although the Communist Party remains the largest party in the State Duma, opposition forces comprise a much smaller proportion of the Duma, and a majority coalition supporting President Putin has emerged. Two developments help to account for this dramatic change in executive-legislative relations. First, the ideological distance between opposing camps has become much smaller. Economic developments since the collapse of the Soviet Union have produced a narrowing of the political spectrum by default. The failure of the Soviet command economy still resonates, forcing all major parties, including the Communist Party, to abandon calls for a return to a command economy. At the same time, the recent economic collapse, coming after seven years of economic contraction, has delegitimized the neoliberal reforms of the Yeltsin years to such an extent that all of the major political blocs in the 1999 parliamentary campaign offered voters a centrist message.47

Second, Putin is likely to have an easier time dealing with the legislature simply by virtue of the fact that he is not Yeltsin. Yeltsin was so stigmatized by the opposition and by many erstwhile supporters for dismantling the Soviet Union, bombing the White House, and starting the first war in Chechnya that he could not possibly develop a working relationship with the legislature based on mutual trust. Despite his close association with the Yeltsin regime, President Putin has been able to begin with a clean slate and has been able to build on the conciliatory practices that began to emerge in the Second Russian Republic. Ironically, although handpicked as Yeltsin’s successor, Putin has benefited from an image of being everything Yeltsin was not—young, healthy, professional, and capable of working with all political forces.

The post-Yeltsin era that is now emerging has offered some relatively propitious conditions for executive-legislative cooperation, given Putin’s enormous popularity and the timing of elections. Yet, the cooperative atmosphere is personalistic in nature, based solely on the political stature of Vladimir Putin. As the initial years of the Yeltsin presidency demonstrate, a president’s popular support is often fleeting and can weaken

quickly in the face of the complex challenges facing Russia. The ambitious programs to strengthen federal power and restructure the economy that Putin has begun to pursue will no doubt engender some opposition. It will take more than personal charisma for Putin to retain his current favor with the State Duma.

A stable, well-established party system will be vital for any future institutionalization of cordial relations between Russia’s two branches of government. Political parties offer a cost-effective means of producing stable, long-term majority coalitions in the legislature and provide crucial organizational linkages between the president and the legislature.\(^68\) While parties remain weak, party development has been taking place in Russia. Proportional representation, which is used to elect half the seats in the Duma, has forced the creation of parties. The extreme fractionalization of the party system witnessed in 1993 began to subside in 1999, as voters and elites heeded the incentives of the 5 percent legal threshold. But consolidation and institutionalization of the party system is most reliant upon political elites. Well-known politicians, especially contenders for the presidency, must form parties rather than run as independents. Such parties could have a contagious effect on the rest of the political spectrum, much as the Gaullist party did in France during the Fifth Republic. Its electoral success pushed the left to consolidate in order to remain electorally competitive.\(^69\)

It is still too early for a final judgement on Putin’s commitment to party building. But, unfortunately, initial signs suggest that Putin will follow Yeltsin’s tradition of avoiding strong affiliation with a single party. Putin has supported the transformation of Unity from an electoral bloc to a political party and called upon the party to be the basis of a legislative majority supporting reform. But he has stopped short of fully embracing the party as his own.\(^70\) Moreover, he has advocated the removal of proportional representation from the electoral system, because, like Yeltsin, Putin can use patronage to curry support from independents elected in single-member districts. While this may enhance his influence over the State Duma in the short term, such a move would be a severe blow to long-term party development.\(^71\) The early post-Yeltsin experience suggests that presidential elections will continue to have a dual impact on Russian party development. On the one hand, presidential elections have allowed politicians to run independent of partisan attachments, undermining the role of parties in the electoral and governing process, as both Yeltsin and Putin’s desire to be “above parties” has shown. On the other hand, presidential elections constrain the number of viable contenders, which could help consolidate the party system if there were greater congruence between presidential and parliamentary electoral dynamics.

Finally, the balance of constitutional powers between the executive and legislative branches will have a profound effect on the future stability of the system. Comparative experience suggests that in semi-presidential systems with dual executive power, conflict is less endemic and less likely to escalate into a crisis of regime when one branch is given priority in the system. The experience of the First Russian Republic provides further evidence of the danger of housing two popularly elected bodies under one constitutional roof without establishing the prerogatives of one over the other.

Many would welcome the weakening of the Russian presidency, given Yeltsin’s erratic use of power and signs that Putin will centralize power to such an extent that the fragile democracy will degenerate into an electoral autocracy. But, while critiques of Russia’s current system imply that a different institutional arrangement would work better, this may not be the case. The alternatives to super-presidentialism may actually increase the potential for institutional conflict and regime instability in Russia. One must remember that in countries with weakly institutionalized party systems, parliamentary systems pose their own risks to democratic consolidation. As Sartori reminds us, successful parliamentary government requires “parliamentary fit parties.”\(^72\) The likely result of parliamentary democracy in Russia’s underdeveloped party system would be more akin to the fractious instability of France’s Third Republic than to the efficiency of the Westminster model, or even to the multiparty coalitions of consolidated Western European states.

The emergence of Putin has removed any serious consideration of constitutional reform that would weaken the presidency. Moreover, even if the balance of power swings once again toward the legislature, it is unlikely that constitutional reform in Russia would mean the introduction of a parliamentary regime. Rather, any constitutional change would likely retain Russia’s semi-presidential system but incorporate the

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\(^70\) Itar-Tass, “Russian President Calls on Unity to Become Political Bulwark of Reforms,” May 27, 2000, cited in *Johnson’s Russia List*, No. 4330 (May 27, 2000).

\(^71\) Interfax, “Putin Favors Change in Russia’s Electoral System,” May 6, 2000, cited in *Johnson’s Russia List*, No. 4289 (May 6, 2000).

\(^72\) Giovanni Sartori, “Neither Parliamentarism Nor Presidentialism,” in Linz and Valenzuela (eds.), *The Failure of Presidential Democracy: Comparative Perspectives*, pp. 106–118.
legislature more fully into the origination and survival of government. This type of arrangement poses its own dangers. Presidential control over government personnel produced frequent turnover under Yeltsin, and one can only presume that giving both branches the power to remove ministers will produce even greater instability in the composition of the government. Such a constitutional arrangement may produce the type of instability found in the First Russian Republic, when a more constitutionally powerful legislature entered into protracted struggle for supremacy with the president. This would transform Russia from a super-presidential system, which produced poor policy but relatively stable governance under Yeltsin, to a system that resembles even more the worst elements of the "presidential-parliamentary" system that has been shown to be so unstable worldwide. Super-presidentialism may not have been very conducive to democratization in Russia, but, unfortunately, it may be preferable to the available alternatives.

Perhaps the most beneficial constitutional change for Russia would be greater separation of powers and a move toward a pure presidential system. The greatest threat to regime stability has been posed by conflicts over the composition of the government. If the government were replaced by a cabinet solely under the control of the president, this source of conflict would be removed. Many might object that this would further concentrate power in the presidency by taking the Duma completely out of decisions over who heads executive ministries. While this may be true, it is clear that the Duma has little influence over the make-up of the government under the current system, except in extraordinary situations such as the economic collapse of 1998. Moreover, this reform would entail a significant weakening of the presidency as well - the removal of dissolution power over the parliament. This is a particularly attractive element of pure presidentialism in the current political climate, given the potential for abuse of power by President Putin, who has already shown a relatively weak commitment to such pillars of democracy as human rights and freedom of the press.79