

**THE RELATIONSHIP BETWEEN THE EXECUTIVE AND
THE LEGISLATURE IN RUSSIA, 1991-2000**

Dissertation submitted to Jawaharlal Nehru University
in partial fulfillment of the requirements
for the award of the Degree of

MASTER OF PHILOSOPHY

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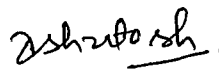


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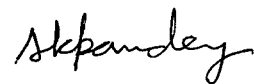
CERTIFICATE

I declare that the dissertation entitled "**The Relationship between the Executive and the Legislature in Russia,1991-2000,**" submitted by me in the partial fulfillment of the requirements for the award of **MASTER OF PHILOSOPHY** is my own work. The dissertation has not been submitted for any other degree of this or any other university.


(Ashutosh Singh)

We recommend that this dissertation may be placed before the examiners for evaluation.


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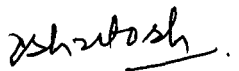
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Preface

This proposed research provides a comprehensive study of different aspects of the relationship between the executive and legislature in Russia. The executive-legislature relationship has been a defining feature of the Russian politics since its independence. It has influenced not only the Russian political elites but also the functioning of Russian political system. The executive-legislature relationship emerged in a very hostile environment, produced due to the introduction of the post of presidency in a parliamentary system without making adequate constitutional changes to accommodate this post. The transformation of a parliamentary system of the Soviet era into a presidential system prepared the ground for a highly conflictual relation, at least during the initial years of Russian Federation. The conflict further intensified due to the ideological polarization between a 'reformist' executive and an 'anti-reformist' legislature. The issues of the relative powers of the two branches under the new constitution led to further deterioration in the relationship.

The adoption of the 1993- Constitution formally established the presidency as the supreme organ of the Russian political system. The subsequent period witnessed a period of relaxation and cooperation in the relationship. This became possible because of the fact that both the sides were uncertain of the each other behaviour, and that's why tried to avoid confrontations. The 1993-Constitution provided certain legal provisions to resolve the conflict peacefully. The cooperation was further facilitated when for the first time in 1999, and again in 2003 parliamentary elections, the parties supporting the president gained

majority in the Duma. Vladimir Putin's arrival as the second president of Russia redefined the executive- legislature relationship. Since, he does not has to face an ideologically adverse parliament as faced by Boris Yeltsin, the prospects for further cooperation are very bright.

This study is organised around four central themes. Chapter 1 provides a theoretical background to the evolution of the institutions of the executive and the legislature in the historical context. The second part of this chapter deals with the same in Russian context. Chapter 2 attempts to find out different causes of the conflict between the rival branches. Chapter 3 is an attempt to examine and explain several phases of the relationship through which it has passed since 1991 to 2000. It explains the change in the nature of the relationship from confrontation to cooperation. Chapter 4 is a critical enquiry of different outcomes and implications of this relationship. A serious attempt has been made to examine the ways in which the conflict between the president and parliament has influenced the democratisation process, the development of a well- institutionalised party- system, and the emergence of a lively civil society. In the end, based on arguments of the study, the future prospects of the executive – legislature relationship in Russia has been discussed.

Chapter:1

ORIGINS OF THE INSTITUTIONS OF EXECUTIVE AND LEGISLATURE

“True constitutional government does not exist unless procedural restraints are established and effectively operation. Such restraints involve some division of power, for evidently some considerable power must be vested in those who are expected to do the restraining. Such a division of governmental power under a constitution has largely taken two forms:- the functional division such as that into legislative, executive, and judicial, and the spatial division of federalism.”¹

The modern state, for practical purposes, consists of a relatively small number of persons who issue and execute orders which affect a larger number in whom they are themselves included, and it is of the essence of its character that, within its allotted territory, all citizen are legally bound by those orders.²

The modern states are generally represented by the representative governments in which the whole people or some numerous portion of them, exercise the ultimate controlling power through periodically elected deputies or representatives. The power of final control is as essentially single, in a mixed and balanced government, as in a pure monarchy or democracy. The governments in the modern era have generally three organs to exercise the authority of the State, and thus power of the government is distributed between these three organs viz. the executive, the legislature and the judiciary. Every constitution, written or unwritten, seeks to maintain a proper balance between these organs of the government, but a perfectly balanced constitution is impossible. The scales never hang exactly even.³ Nominally, each is

¹ Carl J. Friedrich, *Constitutional Government and Democracy* (Oxford and IBH: Indian edition, 1966), p. 173

² Laski, H.J., “Political Institutions” in Harry Eckstein and David E. Apter (eds.) *Comparative Politics: A Reader* (Delhi: Surjeet Publications, 1989), p. 123

³ E. Barker, *Principles of Social and Political Theory* (Oxford: Clarendon Press, 1951), p. 261

invested with equal power of thwarting and obstructing the others, and if by exerting that power, any of the three can hope to better its position, the ordinary course of human affairs forbids us to doubt that the power will be exercised. It is positive political morality of the country that prevents any of these three organs from exercising its power aggressively. There is in every constitution a strongest power—one which would gain the victory of the compromises by which the constitution habitually works is suspended and there come a trial of strength.⁴

Theory of Separation of Power:

Since the time of Aristotle it has been generally agreed that political power is divisible into three broad categories. First, the legislative power enacts the general rules of the society. Secondly, there is the executive power, which seeks to apply those rules to particular situations. And there is thirdly, the judicial power, which determines the manner in which the work of the executive has been fulfilled.⁵ It seems to me that the exercise of executive authority conforms to the general rules laid down by the legislature. It may be admitted at the outset that these categories are of art and not of nature and *that's* why, in the modern democratic state, the distinction between them can not be maintained consistently.⁶ Legislatures often perform executive acts, as when the senate of the U.S. confirms the nomination of the President. Executive bodies in recent time with the enormous expansion of the sphere of state, due to arrival of the concept of welfare state, have been functioning more like a legislative body. The judiciary is also acting more like an executive body, as in case of India where the phenomenon of Judicial Review and Judicial Activism have given enormous executive power to the judiciary. So, the strict separation is never possible, as propounded by the classical

⁴ Mill, J.S., "Of the Proper Functions of Representative Bodies", in Harry Eckstein and David E. Apter (eds.) *Comparative Politics: A Reader* (Delhi: Surjeet Publications, 1989), pp. 104-105.

⁵ Barker, n-3, p. 260.

⁶ H.J. Laski, n-2, pp. 123-124.1, pp. 123-124.

theory of separation of power, the principal proponents of which were Montesquieu and M.J.C. Vile. It has been held by some scholars that this division is unscientific. Willoughby says “that attempts to act upon it lead not only to confusion of thought but to serious difficulties in working out the practical problems of the distribution of governmental powers functionally.”⁷ Their idea was based on the maxim that power should be a check to power. The basic concern behind the development of the theory of separation of power was to safeguard the liberty of the individual from the fear of an irresponsible and despotic government.⁸

The idea of the three fold distribution of governmental power was recognized by early political writers. Aristotle was probably the first to divide the political power into three departments— the public assembly, the magistrate, and the judiciary.⁹ Marsiglio of Padua later revived this idea in 14th century, who drew a clear line between the executive and legislative functions of the government. In the 16th century, Jean Bodin warned against the concentration of all powers into the monarch. At the time of Puritan Revolution in 17th century, this idea was given much attention, especially the distinction between the legislative and the executive authority. John Locke divided the political powers of government into the legislative, the executive and the federative, meaning by the latter the diplomatic agencies of the government.¹⁰

But the best exposition of the theory of separation of power can be seen in the works of Montesquieu. He was very much aware of the fact that accumulation of all powers in the same hands would give rise to tyranny. According to Herman Finer, “Montesquieu was searching for means to limit the Crown, to make a constitution, to create canals through which power should stream, to create intermediary bodies, to

⁷ W. H. Willoughby, *The Government of Modern State* (New York: Century, 1919), p. 217.

⁸ R. G. Gettel, *Political Science* (Calcutta: The World Press Pvt. Ltd., 1967), p. 210.

⁹ Aristotle, *Politics* (Middlesex: Penguin Books, 1962), pp. 114-115.

¹⁰ John Locke, *Two Treatises of Civil Government* (London: J. M. Dent and Sons Ltd., 1962), pp. 143-144.

check and balance probable despotism.”¹¹ Power that is not in some fashion divided is bound to be absolute, and therefore it needs to be limited before it can be exercised with safety. Montesquieu argues —

*“When the legislative and executive powers are united in the same person or body, there can be no liberty, because apprehensions may arise least the same monarch or senate should enact tyrannical laws... where the power of judging joined with the legislature, the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be the legislator.”*¹²

In this way, Montesquieu made the idea of separation of power as a fundamental principle in politics. Though this idea did not actually exist in England, and became even less distinct with the passage of the time, the general principles of his theory were adopted in the political thought of the day. And this is reflected in the fact that it became the founding stone of the American constitution. “We shall now know”, says Finer, “Whether the Fathers of the American Constitution established the separation of power from the influence of the theory, or to accomplish the immediately practical task of safeguarding liberty and property.”¹³ His ideas were further developed by Blackstone in England.¹⁴ But the idea of complete and strict separation of political powers found itself as impracticable. Both Montesquieu and Blackstone mistakably rejected any idea of building bridges between the organs. The state is an organic unity and the various department of its machinery are interconnected. By the nature of there functions, they cannot be divided into water tight compartment. To put in the language of Almond and Powell, the theory of separation of power is preeminently a functional theory. They says

“Among its central concerns are the nature of legislative, executive and judicial power, the question of how based to maintain their

¹¹ H. Finer, *The Theory and Practice of Modern Government* (New York: Methuen, 1962), p. 98.

¹² Montesquieu, *The Spirit of Laws*, Book vi, trans. Thomas Nugent, (1949).

¹³ Finer, n-11, p. 99.

¹⁴ Blackstone in his *Commentaries on the Laws of England*, said “whenever the right of making and enforcing the law is vested in the same man or one and one and the same body of man, there can be no public liberty”.

separateness, the value resulting from such separation and problem of how based to mesh these separate institutions are government with the structure of society.”¹⁵

Duguit, by pointing towards this mistake, said that any attempt to strictly separate these organs would mean the building of an extra-constitutional relationship between them.¹⁶

So, to make the idea of separation of powers practicable, the device of “checks and balances” was designed by the Americans. The idea of checks and balances was originally evolved in Britain, but was used by the American Constitution to prevent the excessive exercise of power by those who controlled one or other of its branches.¹⁷ It is due to this that three organs of the American government, though separated, are connected with each other by the system of checks and balances. There are several provisions in the American constitution which make all these three organs dependent on each other in performing their functions properly.¹⁸ The idea of checks and balances ensures to set up a minor participation of all in all, as the strict separation can not become functional.

Several political theorists have criticized the idea of three fold separation of powers on several grounds. Some writers argue that the functions of government do not fall into three classes and thus suggest a two fold classification, namely the department which formulates and expresses the will of the state, and the other which executes or administers the will thus expressed. They consider the judiciary as a part of administrative organization, engaged in applying

¹⁵ G.A. Almond and G.B. Powell, *Comparative politics: A Developmental Approach* (Boston: little Brown, 1966), pp. 10-11.

¹⁶ Barker, n-3, p. 262.

¹⁷ V. Bodganov (ed.), *The Blackwell Encyclopedia of Political Institutions* (Oxford: Basil Black well. Ltd. 1987), p. 562.

¹⁸ for more detail on American political system see Karen O’ Connor, and Larry J. Sabato, *American Government: Continuity and Change* (New York: Addison Wesley Longman, 2000), Harold J, Laski, *The American Presidency* (London: George Alen and Unwin Ltd., 1940), and David M.C. Kay, *American Politics and Society* (Oxford; Mrtin Robertson and Co. Ltd., 1983).

the law to individual cases.¹⁹ The other school thought criticizes the idea of separation of powers on the ground that the strict separation is never possible and argue that there should be integral connection and coordination among them for a government to be functional in the modern age of specialization. In all modern states, the powers of these departments always overlap with each other. On several occasions, the legislative and the executive branches perform the task of the judiciary. In the same way the concepts like judicial review, judicial activism have provided the judiciary with several executive powers. The practice of 'delegated legislation'²⁰ have enormously enlarged the rule-making power of the executive. So, it can be said with full authority that beyond a certain degree, separation of powers leads to troublesome deadlocks that prevent government from accomplishing anything.²¹

The government of each state is a unit, engaged in expressing and executing the will of the state, and a certain degree of harmony among the various organs, no matter how extensively differentiated, is essential. Government consists of group of organs with differentiated functions but with a common task and purpose, and their harmonious cooperation is essential to success.

The proposed study is an attempt to look at the various contours of the executive and the legislature relationship in Russian context, and that's why the judiciary is kept away from the scope of the study. The proposed study progresses ahead by investigating the evolution of the executive and the legislature first in the historical context and then in the Russian context.

¹⁹ Willoughby, n-7, p. 215.

²⁰ Delegated Legislation, a term of constitutional significance is employed to describe those statutory rules, order, circular etc. that are issued by the executive department to supplement and amplify parliamentary legislation who that the parental act does not call short of operation.

²¹ Gettel, n.-8, pp. 213-214.

The Emergence of Executive and Legislature

At the very outset of our inquiry we are confronted by a distinction which is vital for the understanding of parliamentary history. On the one hand a general assembly of the tenants-in-chief, wherein the whole nation was conceived to be present, meets at intervals to advise the king on the greatest matters. On the other hand, a small body of personal advisers assisted the king in the actual day-to-day business of government. Parliament is the child of the occasional national assembly and retains to-day its essential character as an advisory assembly representative of the nation.²² In the course of time, it has found the means to enforce its advice and to make its criticism effective, but it does not itself govern. The distinction between legislature and executive in modern parlance is basic to the whole conception of parliamentary government. The history might be described in terms of the strains and stresses involved in the adjustment of their proper relation to each other.²³

The origins of parliament can be traced back to Saxon period when feudalism was not just the principal system of land tenure, but a whole way of life. The earliest document in which the word parliament is found is the 11th century "*Charison de Roland*", where it is used simply of a conversation between two persons. It soon acquired a derivative meaning, as to describe the assemblies consisting only of the king, his personal advisers and it was primarily an assembly where discussion took place. In the twelfth century, general assemblies in the Italian cities were called "*parlament*", to describe such meetings as those in which Harold took his oath to William and Henry disputed with Becket at Northampton. By 1258, parliament had evidently begun to acquire a special meaning. The assembly which

²² for more detail understanding of parliamentary history, kindly see H.J. Lasky *Parliamentary Government in England* (London, McMillan, 1936), R.C. Macridis, and B.E. Brown, *Comparative Politics: Notes and Readings* (Oxford, Oxford University Press, 1927).

²³ Mackenzie, K., *The English Parliament* (London: The British Language Book Society and Penguin Books, 1962), pp. 9-10.

met at Easter, 1258, was perhaps the first and true parliament. Therefore from 1258 onwards it is established with more or less certainty the list of true parliament.²⁴

In early states the making of law was not an important function of the government, as laws were viewed as divine in origin or as existing in long standing customs and traditions. Representative legislature assemblies as we know them today are of comparatively recent origin. In ancient period, the legislative power was not delegated to small select bodies of representative but was exercised by kings or by people themselves in primary assemblies. According to eminent historian Freeman, these assemblies were composed of the freemen themselves meeting in their personal capacity, and the representation in the adoption and passage of laws was unknown.²⁵ There exists considerable disagreement among the scholars regarding the beginning of the representative legislature. The traditional theory links its origin to the primitive Teutonic folk moots, or assemblies of freemen in the countries of northern Europe. These assemblies were mostly composed of leading members of tribe. The *Witenagemot* of early English history was the assembly out of which in course of time the first representative legislature known to history— “the mother of parliament”— was evolved.²⁶

The *Witenagemot* gradually developed into Great Council of Kingdom, whose consent was essential to levy new taxes, and from it, in turn, was finally developed the first representative national legislature. By the end of thirteenth century, the assembly had come to possess all the elements which enter into the constitution of the British parliament today. Early in the fourteenth century, the division into two houses was effected, and the process of evolution was complete.²⁷

²⁴ *ibid*, pp 12-13.

²⁵ Garner, J.W., *Political Science and Government* (Calcutta: The World Press Pvt. Ltd., 1951), p. 542.

²⁶ *ibid*, pp. 542-543.

²⁷ Willoughby, n-7, pp. 220-227.

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The development of the representative institutions on the continental Europe was much slower, preceded with less continuity and upon somewhat different lines.²⁸ The principle of representation during the medieval ages was crude and imperfect, and was the representation of trade guilds or of others classes rather than of the people. It was, in fact, the growth of the cities during the Middle Ages that gave a powerful impetus to the development of representative principle by the demand which they made for representation in the national assemblies.²⁹ In France, the beginnings of the representative institutions are found in the meeting of deputies of the three estates—the nobility, the clergy, and the townspeople—in a general parliament for the first time in 1302. The French Revolution abolished the system of representation by estates and established a system of national representation.³⁰ In Germany, the system of representation by estates grew up in the 13th and 14th centuries along somewhat the same lines as in France.³¹ Thus, it can be concluded that the system of representation in the Middle Ages was based on the representation of certain privileged classes along with an equal representation of the Church. It was not until the end of the 18th century that the estates system on the continent of Europe gave way to a truly national system of representation and, indeed, in some instances, the old system survived until late in the 19th century. The transformation was fairly complete in England by middle of 16th century but did not come in France until the Revolution, when the states-general declared themselves to be the representative of the nation.³²

The second part of this introductory chapter deals with the history and evolution of the legislative and the executive bodies in Russia. It takes into account the Tsarist and the Soviet period for the purpose of

²⁸ W. Norman and P. Laundy, *An Encyclopedia of Parliament* (London, Cassel, 1968), p. 509

²⁹ Mackenzie, n-24, pp. 12-223.

³⁰ for more details on France see D.W. Brogan, *France under the Republic* (New York, Cambridge University Press, 1940), Jean Blondel, *The Government of France* (New York, Thomas Y. Crowell Co., 1974).

³¹ Garner, n-25, p. 544.

³² *Ibid.*, p. 548.

the study.

The Evolution of Executive and Legislature in Russia

The re-emergence of a separate Russia out of the Soviet shell ranks as one of the great state building endeavors of the twentieth century. Born in crisis and the confusion attending the collapse of one of the greatest geopolitical units the world has ever known, the Russian state emerged with few immediate advantages.³³

To construct Russia as a federation and consolidate the Russian state, the new regime under Yeltsin needed a constitution that would legitimize the processes that had been taken by Yeltsin to achieve the goals of economic reforms and democratization of Russian polity. The drafting of the Russian constitution is intertwined with the breakup of the Soviet Union and emergence of the Russian Federation. It is linked to the emergence and politics of Boris Yeltsin and his rise as the president of the Russian Republic and then the Russian Federation. The drafting of the Russian constitution also reflects fractious divisions within Russian society.³⁴

Historical Background

The Russian Republic in the Soviet time possessed a constitution adopted during the Brezhnev period in 1978. The various constitutions adopted during the Soviet regime in 1918, 1924, 1936 and 1978 were actually “sham constitutions”³⁵ in the sense that the communist party, under these constitutional schemes was placed above constitutional constraints. It was pseudo-constitutional in the sense that it ignored the real balance of power in society, and in particular

³³ Sakwa, Richard, *Russian Politics and Society (2nd ed.)* (London: Routledge, 1996), p. 53.

³⁴ Chenoy, A.M. *The Making of New Russia* (New Delhi: Har Anand Press Pvt. Ltd., 2001), p. 52.

³⁵ ‘Sham Constitution’ is a term used by Max Weber to describe the constitution or Basic Law adopted for imperial Russia on 23 April 1906 because the Tsar’s power allegedly was not reduced.

the leading role of the Communist Party.³⁶ The Soviet polity actually operated according to the conventions of an “unwritten constitution”. The Soviet system had constitutions without the necessary framework of law that could achieve genuine constitutional government. In the last years of the Soviet regime, Gorbachev sought to profoundly reform the constitution, and to change the judicial legal process in its entirety, but it was constrained by the concept of “socialist legal state”: But that gradual reform process came to a halt with the sudden demise of the Soviet Union in late 1991. But it had set a precedent for constitutional transformation to take place in unconstitutional, indeed revolutionary, ways.³⁷

The 1978 constitution gave the Russian Republic a Supreme Soviet with a Congress of People’s Deputies (CPD) and administrative organs at the various regional and provincial levels. The CPSU dominated the state, parliamentary and governmental structures. The Soviets, under the Soviet regime, were the façade of mass participation, and an embodiment of the ideal of mass democracy. The CPSU chose individuals to serve as soviet deputies according to strict quotas for workers, women, prisoners, youth and so on. The soviets fused legislature and executive power.³⁸ The executive officials at every level of administration were accountable to the soviets. Also, much like a democratic parliament, the USSR Supreme Soviet formed specialized legislative committees to process draft laws. But there was no competitive system of political parties or interest groups to mobilize members around rival programmes. Above all, its subservience to the CPSU prevented the soviets from performing the function of democratic representation. At any level of government, the full-time officials of the CPSU had the final say over policy priorities, the choice of personnel to fill critical leadership position in government and

³⁶ For more details on the constitutions under the Soviet Union, see G. Hosking, *Russian Constitutional Experiment: Government and Duma, 1907-1914* (London, Cambridge University Press, 1973), Paul Duker, *A history of Russia, Medieval, Modern, Contemporary, c.882-1996* (London: Macmillan 1998).

³⁷ Richard Sakwa, n-33, pp. 53-54.

³⁸ Remington, T.F., “From Soviet to Parliamentarism”, in S. White, A. Pravda, Z. Gitelman (ed.), *Developments in Russian Politics 4* (London: Macmillan, 1997), pp. 61-62.

society, and how to achieve the objectives that central party organs set.³⁹

This system changed with the launch of political reforms by Mikhail Gorbachev in the late 1980s. Gorbachev's programme of political liberalization culminated in the elections of deputies to new all-Union, republican and local soviets in elections held in 1989 and 1990. A partially elected Russian Congress of Peoples Deputies (CPD) was created in 1989. In May 1990, Yeltsin was elected chairman of CPD and Ruslan Khasbulatov was the deputy chairman. On 12 June, 1990, the CPD announced the 'Declaration of Sovereignty of the RSFSR. This move was an attempt by Yeltsin and colleagues to assert the autonomy of Russian Republic from central control of the CPSU. The meteoric rise of Yeltsin, whom Gorbachev had removed from the position of Moscow city party leader in October 1987 and soon afterward from the politburo, posed a serious challenge to Gorbachev's temporizing policies by counterpoising Russian's national power to union authority. The coalition of radical democrat with some bureaucratic nationalists at the Russian republic level gave Yeltsin the majority he needed to fight Gorbachev⁴⁰. The strength of popular hostility to the CPSU'S power and privilege and the alliance of the democrats with the popular cause of Russian resistance to the central government were the other advantages available to Yeltsin that enabled him to win some significant legislative victories in the first year of CPD'S existence.

The Issue of Debate: Adoption of new constitution

The task of writing Russia's first ever democratic constitution was a long and painful process. Russia was inspired by the experience of the West but the constitution had to be tailored to the Russian condition. Numerous choices have to be made: between a unitary, federal or confederal system, between a parliamentary or presidential republic or

³⁹ *ibid*, p. 62.

⁴⁰ T.F. Remington, n-38, p.64.

something in between and so on. A right balance had to be maintained between the rights of majorities and minorities.⁴¹

In Russia, the debate over the relative merits of parliamentary and presidential systems of government is far from academic.⁴² The advocates of parliamentary government stress that it encourages democratic form of conflict resolution, the development of lively party systems, the constant scrutiny of the government and public administration etc. They level three main arguments against presidential systems, i.e. over-dependence on the personality of leader that often gives rise to unpredictability, undermining of the development of the party system and rigidity towards alternative governments.⁴³ Presidentialists, on the other hand criticize the parliamentary rule as a luxury afforded only to stable societies, and which is 'unsuited for the unstable social-climatic conditions' as prevails in Russia.⁴⁴ The protagonists of presidential system stress that it is the most effective during the time of war or national crisis, it guarantees stability of administration for a period of years, and is relatively free from disagreement that often accompanies a plural executive.⁴⁵

But presidential system has been criticized by several scholars. Juan Linz has criticized the presidential system very strongly. His critique of presidentialism can be summarized in four main defects. First, the direct election of both the legislature and the president creates a "dual legitimacy" in which both branches of government can claim a popular mandate. This encourages the rise of conflicts between the executive and the legislature. Second, the fixed term of the president makes this

⁴¹ Sakwa, n-33, p. 54.

⁴² For a good overview of the relative merits and demerits of Presidential and Parliamentary systems, see Juan Linz and A. Valenzuela (eds.), *The Failure of Presidential Democracy: Comparative Prospective* (Baltimore, John Hopkins University Press, 1994).

⁴³ S.K. Pandey, "Russia's Superpresidentialism: Need of the Time or Threat to Democracy?", in S. K. Jha and B. Sarkar (eds.) *Amidst Turbulence and Hopes: Transition in Russia and East Europe* (New Delhi: Lancer Books, 2002).

⁴⁴ Gettel n-8, p. 224.

⁴⁵ Juan Linz, "The Perils of Presidentialism" *Journal of Democracy*, vol. 1, no. 1 (Winter 1990), pp. 72-84.

system unable to adopt to the changing political environment. There is nothing like no-confidence motion in this system. Third, the system is very majoritarian in nature, because the winner of the presidential system takes over all of the executive branch. Fourth, the direct election of the 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.

Presidential and parliamentary systems, however, do not exist exclusively. There can be a “semi-presidential system” which combines elements of both the systems, and which was favoured by earlier drafts of the Russian constitution. It was along the lines of semi-presidential system in France.⁴⁶ In this system there is a directly elected president and also a prime-minister and a government that requires the support of a majority in the legislature. The key question in semi-presidential system is how well the two executives coexist. There may be a serious problem to “cohabitation”⁴⁷ when the presidency and the legislature are controlled by rival parties.

But development in Russia was not towards the attainment of the semi-presidential system like France. Here, they were only part of a larger trend towards the strengthening of executive authority throughout the region. Rudimentary party systems, faction-ridden parliament, and grave socio-economic crisis appeared to justify the strengthening of the executive power. Russian politics of the past decade have entailed extensive institution-building, wide-ranging policy debates, and confused governance at all levels of decision making. At the centre of this political transformation has been the

⁴⁶ for discussion French Presidency see A. Kappa and V. Wright, *The Government and Politics of France* (London, Routledge, 2001).

⁴⁷ Cohabitation is a term used to describe the period between 1986 and 1988 when a socialist French President, Mitterland and a centre right coalition headed by Prime Minister Jacques Chirac, together formed the government in France. It can arise in any political system where a president with real political power is elected, separately from the parliament.

Russian presidency, which has emerged as the single most powerful political institution in the post-soviet federal system. Today the Russian president wields hegemonic powers which permit the chief executive an almost uninhibited dominance of the federal decision-making process.⁴⁸ Even Gorbachev had accepted the extraordinarily strong president in Russia who has acquired the powers exceeding even that was possessed by the General Secretary of the CPSU.

The roots of a strong chief executive must be traced in the long-standing tradition of a strong executive in Russia. All past Russian political systems were characterized by a strong executive with power concentrated with a small governing elite. During the Tsarist period, the centralized autocracy was organized on the basis of a steep power hierarchy, with the Tsar's position religiously legitimated, and the political system conferring upon him decisive decision-making prerogatives. An administrative bureaucracy emerged to support political executive, which was further rationalized and professionalized by Peter the Great⁴⁹. Though there were some attempts to develop representative bodies ranging from the prepetrine *Zemskii sobor* (assembly of nobility, clergy and bourgeoisie), to elected councils and assemblies and culminating in the state Duma created by Tsar Nicholas II in 1905, but in practice the Tsar was never constrained by such institutions. Infact, the power was concentrated in a small governing elite with the Tsar as "unlimited autocrat."⁵⁰

The tradition of strong executive continued in the soviet period. A strongly personalist leadership, represented by the dominance of the General Secretary within a Communist Party was formally confirmed by Article 6 of the 1978 constitution.⁵¹ Chief executives such as Stalin, Khrushchev, and Brezhnev devoted primary attention to

⁴⁸ John P. Willerton Jr., "Presidential Power", in S. White, A. Pravda and Z. Gitelman (eds), *Developments in Russian Politics 4* (London: Manmillan, 1997), p. 37.

⁴⁹ *ibid*, p. 39.

⁵⁰ Samuel N. Harper, *The Government of the Soviet Union* (New York, D. Van Nostrand Company, 1938), p. 11.

⁵¹ White, Stephen, *Russia's New Politics: The Management of a Postcommunist Society* (Cambridge: Cambridge University Press, 2000), pp. 70-71.

consolidating power within the party-state apparatus, with programmatic success contingent upon their organizational prowess. The General Secretary with the Communist Party apparatus was the country's top executive, and he oversaw the mobility of politicians and the formation of governing coalitions. Underdeveloped legislature (i.e., the system of soviets headed by the USSR Supreme Soviets) and judicial bodies provided post hoc legitimation for the executive's initiatives.⁵² Considered together, executive, administrative and legislative bodies unified the policy-making, implementing, and legitimating functions into a single interconnected hierarchy controlled by the ruling communist party elite. Even all the Soviet constitutions were merely decorative and deceptive facades, which neither described the real power-relationships nor did their prescriptions do anything to narrow the gap between appearance and reality.⁵³ These constitutions had put a heavy emphasis on the citizen's obligations towards the state.

The political reforms under Gorbachev rule prepared the ground for the genesis of the new constitution for Russia. The partially elected Russian CPD of 1989, set up a Constitutional Commission to prepare a document that would reflect the new status of the Russian Republic. Yeltsin and Khasbulatov chaired this commission made up of 102 deputies. A smaller working group with the secretary of the commission Oleg Rumyantsev made the initial draft.⁵⁴ Two contradictory drafts, one by the 'democrats' under the leadership of Yeltsin, and another by the Conservatives, were presented. That intensified the struggle for control over Russian state structures. Meanwhile the context had changed dramatically with the establishment of the post of a Russian president in the referendum of March 17, 1991. Along with it, the Communists of Russia split and a reformist faction, "communists for Democracy", emerged led by

⁵² Willerton Jr., n-48, p. 40.

⁵³ John Gooding, "Constitutional Government in Russia: Problems and Perspectives", in Ian D. Thatcher (ed.), *Regime and Society in Twentieth Century Russia*, p. 69.

⁵⁴ Sakwa, n-34, p. 54.

Rutskoi. These events led to the rejection of the initial drafts of the constitution.⁵⁵

The new Russian state inherited the state structures from the Soviet regime. The partially elected Russian CPD of 1989, and Yeltsin elected in 1991 as the president were the legal functionaries of the new state. The old Soviet Russian constitution continued to be the basic document of the Russian Federation for the first three years of its existence.⁵⁶ With the realization of the independence, the policy preferences of the legislature and the executive changed dramatically, along with new disputes on the methods and speed of the transition to a capitalist economy. Riding on the strength of popular support, which Yeltsin had gained due to his heroic role played during the August coup, Yeltsin tried to win the legislature approval of a new constitution that would formalize his powers vis-à-vis the government and the legislative branch. Under the old constitution, only the CPD had the power to amend the constitution or adopt a new one.⁵⁷

The intensive struggle between the executive and the legislature throughout 1992 and most of 1993 resulted into the dissolution of the parliament by Yeltsin, by issuing a series of decrees that lacked constitutional foundation.⁵⁸ Yeltsin called elections for a new parliament to be held on December 12, 1993. He also decreed that there was to be a national vote on adopting the draft constitution that had been developed under his direction. Infact, Yeltsin was attempting to replace soviets by small, purely deliberative and representative bodies at the local level, and a bicameral legislature called the Federal Assembly.

In the interregnum between the dissolution of the parliament and the fresh referendum and elections, Yeltsin ordered a committee under

⁵⁵ Nikoloi Bir Yukov, and Victor Seregy, *Russian Politics in Transition: Institutional conflict in a Nascant Democracy* (Aldershot, Ashgate, 1997), p. 35.

⁵⁶ Chenoy, n-34, p. 54.

⁵⁷ Yukov, n-53, p. 95.

⁵⁸ Remington, n-38, p. 67.

Sergei Filatov, president's chief of staff, to finalize the draft for a constitution. The new draft constitution was designed to suit the president, his political style and beliefs. Not surprisingly, it provided for a very strong presidency. Complex arrangements for amending the constitution were included to limit the ability of opponents to tinker with the new set of arrangements⁵⁹. The president's advisors were unimpressed by the arguments of those political scientists who argue that presidentialism entails a very high risk of the inevitable rivalry that develops between president and parliament for control of government.⁶⁰ The draft constitution was published on 10 November and placed before the people for approval on 12 December. The constitution was supported by 60% of those voted⁶¹.

The public endorsement of Yeltsin's constitutional draft stemmed also from a longing to get rid of the stalemate between the executive and the legislature that had polarized the politics and paralyzed the national government. It was also seen as a remedy to the deepening economic crisis. But in reality, it was design to suit Yeltsin, his political style and belief.

The 1993 Russian Constitution

The 1993 constitution formally established the president as the supreme institution in Russia. It upholds the theory of a democratic, rule of law, republican, federal, secular form of the state. Chapter 1 and 2 of the constitution describe various individual rights that guarantee personal freedoms, human rights and rights to private property.⁶² In this speech to the nation, introducing the new draft constitution, Yeltsin said, "Russia has not yet had a constitution like this one. The constitution of Russia is a constitution of a 'democratic' republic'. No single individual, no single institution of the state has

⁵⁹ Willerton Jr., n-48, p. 44.

⁶⁰ Remington, n-38, pp. 67-68.

⁶¹ New Russian Constitution is Adopted, Official Result on Referendum, Mayak Radio as quoted in *Summary of World Broadcasting (SWB)*, part-1, 21st December 1993, SU/1877B/1.

⁶² Cheney, n-34, p. 61.

the right to claim total power. The principle of the separation of the legislative, executive and judicial powers is consistently inherent in the draft.”⁶³ He further said, “...they support and will support the understandable and lawful desire of all peoples of Russia to preserve and develop their native languages, culture and traditions.”⁶⁴

The Russian Presidency Under 1993 Constitution

Chapter 4 of the 1993 Russian constitution deals with the president of Russian Federation with greatest clarity. Article 80, declares the president as the head of the state, guarantor of the constitution and of human and civil rights and freedoms, and determining authority of the basic guidelines of domestic and foreign policy. He is elected for a four-year term and can hold office for only two terms (Art. 81),⁶⁵ The president appoints the chairman (PM) of the government with the consent of state Duma (Art. 83) If the Duma rejects the president’s candidate three times, the president can dissolve the House, calling for fresh elections (Art. 111). Art. 84 gives the president a great deal of powers over the parliament. He schedules elections to Duma, can dissolve the Duma, schedules referendums, submit draft laws to the Duma, signs, promulgates federal laws. He can issue his own decrees, which has the force of law throughout the federation (Art. 90). The president also heads the armed forces, and can declare a state of war as well as a state of emergency (Art. 87 and 88)⁶⁶

Art. 85 provides a ‘conciliation procedure’ to resolved the disputes between bodies of state power by the president.⁶⁷ The ambiguous nature of the procedure leaves the president with unprecedented power. Meanwhile, the procedures of impeaching the president are cumbersome, time-consuming, and involved numerous top federal

⁶³ New Russian Constitution is Adopted, Official Result on Referendum, Mayak Radio as quoted in *Summary of World Broadcasting (SWB)*, part-1, 21st December 1993, SU/1877 B/1.

⁶⁴ *Ibid.*, B/2.

⁶⁵ Russia’s Draft Constitution, *SWB*, SU/1843, C/11-12.

⁶⁶ *ibid.*, c/13.

⁶⁷ *ibid.*, c/12.

offices. The state Duma must formally vote an indictment on the basis of serious violations of the constitution, with the Supreme Court and the Constitutional Court confirming the appropriateness of such an action and verifying that correct procedures have been followed (Art. 93) Only after these steps have been taken, and the necessary hearings held, can the state Duma and Federation Council subsequently vote for impeachment, with two-third majority in both chambers needed to remove him from office. In this way, the Russian president is almost immune from being removed from the office.⁶⁸ It has been evident through the 1996-97 periods, when the deputies threatened impeachment of Yeltsin, but hesitated to carry it through because of the numbers required. In this way, it is evident that the 1993 constitution provides for a hegemonic presidency.

While the hegemonic presidency is grounded in wide-ranging unilateral decision making prerogatives, it is also based upon a large and growing "presidential administration" which includes over forty advisory bodies, policy-making and policy-implementing agencies, and a massive staff of approximately 7000.⁶⁹ This massive presidential administration, reminiscent of the CPSU central committee apparatus in its size, complexity, and policy-making powers, is rooted in organizational developments overseen by Yeltsin's adviser and ally, Gennadii Burbulis, from 1990 onwards. Another important agency of the federal presidency, the State Legal Affairs Administration, was created in December, 1991. It works out and announces presidential decrees and draft laws which are forwarded to the parliament. Unlike the formal government, the presidential administration is essentially immune from legislative oversight. President Yeltsin himself, on several occasions, shielded government activities from legislative review by locating them within presidential apparatus. Other significant agencies under the presidential apparatus are, an

⁶⁸ Magat Baglay, "Will Russia have a New Constitution?", TRUP as quoted in FBIS-USR-93-161, no. 158-167 (18 December 1993), pp. 7-9.

⁶⁹ Willerton Jr, n-48, p. 47.

Information Administration, and Security Council. The Security Council has emerged as perhaps the top deliberative decision-making body in Russia.⁷⁰

Thus the newly defined Russian presidency was a formidable one. The newspaper dubbed him a 'president-tsar', whereas Gorbachev claimed that the Russian president was more powerful than the Tsar had been before the revolution.⁷¹ The 1993 constitution, like the previous constitutions of the soviet regime, established very strong chief executives. But John Gooding is of the view that the 1993-constitution was an immense improvement on its predecessors. The sham element disappeared, and the powers now transferred to presidency were stated in clear constitutional formulas.⁷² In their different ways, all its predecessors had treated the state as the embodiment of supreme value and made it more or less unlimited arbiter of its subject's, fates. This constitution, by contrast, was shot through by a spirit of liberal individualism.

Standing atop the formal governmental administrative structure is the prime minister, nominated by the president and subsequently approved by the parliament (Art. 111). The entire government submits its resignation to a new president (Art. 116), and the president, has in turn to submit his prime ministerial nomination within two weeks of taking office (Art. 111)⁷³ But unlike parliamentary system, there is no question of the prime minister submitting his resignation to a newly elected Duma and securing the support of deputies in order to continue. In theory, the prime minister is the leading advocate for the executive's programme, but in fact he plays an important role in linking the executive and legislature branches and in marshalling support for government initiatives in parliamentary bodies.⁷⁴ In the event of the incapacitation or death of the president, it is the prime

⁷⁰ *ibid*, pp. 48-49.

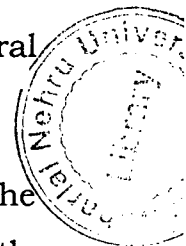
⁷¹ Gorbachev, *On My Country and the World* (New York, Colombia University Press, 2000), p. 261.

⁷² Gooding, n-56, p. 49.

⁷³ n-65, C/16-17.

⁷⁴ Willerton Jr, n-48, p. 49.

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minister who becomes acting president. It is the prime minister, who takes responsibility for the ordinary business of government. He makes proposals to the president on the structure of the government as a whole, and on the appointment of deputy premiers and ministers. According to Art. 113, he is supposed to identify the basic guidelines of government activity, and to “organize its work”.⁷⁵

The Russian parliament, under the new constitutional scheme is known as the Federal Assembly, and it consist of two chambers—the Federation Council and the State Duma (Art. 95) The provisions regarding the Federal Assembly are given under chapter 5 of the 1993 constitution. The Federation council consists of two representatives from each component of Russian Federation, one each from the representative and executive bodies of state power. The state Duma has 450 deputies, and is elected for a term of four years⁷⁶. The state Duma deputies work on a professional full time basis and enjoy immunity during their term in office. Both Houses elect a chairman of their respective houses and his deputies (Art. 98 and Art. 101). They work through elected commissions and committees. In the event of disagreement by the state Duma with a decision of the Federal Council, a federal law will be adopted if at least two-thirds of the total number of deputies of the state Duma vote for it in a repeat votes. Federal laws are to be examined in the Federal Council. The president has to sign federal laws within 14 days of receiving them. If the president rejects the law, the two houses have to pass the law by a two third majority, and in that case the president has to sign the law. The president can not dissolve the assembly during a state of emergency.⁷⁷

It is clearly evident from the constitutional provisions that the parliament is overpowered by the institution of the presidency. The parliament is prevented from becoming the real site for governmental

⁷⁵ n-65, c/16.

⁷⁶ n-65, C/14.

⁷⁷ Chenoy, n-34, p. 65.

policy or decision-making, as the president has the most important say in law making. Though the new legislature, under new constitutional scheme, is clearly the junior partner, but several scholars are of the opinion that it has not been subordinated so much to be a 'pocket' parliament.⁷⁸ The Duma was able to carve out an important role for itself despite the formal provisions of the constitution but within the constitutional framework. The ambiguously defined relations between the executive and the legislature allow the development of a viable parliamentarianism in Russia.

In a nutshell it can be said that the Russian constitution has been partly copied from the Western European model, partly influenced by Russian traditions but primarily based on the political expediency necessary for the reform process as planned by Yeltsin.⁷⁹

The irony with the Russian constitution is that it was not drafted by a popularly elected Constituent Assembly. Rather, this document was designed by a small group of people who were specifically linked to president Yeltsin. Its critics put the objection that the lack of balance in the separation of powers has undermined the principles of democracy and liberalism which it claims to enshrine. The constitution also lacks the mechanisms that guarantee a range of liberal rights provided under the constitution. The autonomy and state support necessary for establishing an independent judiciary that can ensure a state based on the rule of law has not been assured.

⁷⁸ Robert G. Moser, "Executive –Legislative Relationship in Russia, 1991-1999", in Z. Barany and R. G. Moser (eds.), *Russian Politics: Challenges of Democratisation* (Cambridge: Cambridge University Press, 2001), p. 75.

⁷⁹ *ibid*, p. 98.

Chapter: 2
SOURCES OF THE CONFLICT
BETWEEN EXECUTIVE AND LEGISLATURE

The 1993-constitution established a “super-presidential system” in Russia, in which the parliament was given a subordinate position. This institutional arrangement encouraged the emergence of very strong opposition to the institution of the presidency. A conglomeration of dramatic and chaotic events characterized the relationship between the executive and the legislature. A struggle between the executive and the legislature to have control over the policy-making can be found ever since the emergence of these institutions. Initially, the legislature was given the upper hand, but the increased involvement of the state in social and economic life of nations and consequential growth of bureaucracies made the executive the most dominant organ of the government. The strong position of cabinet working under the leadership of the prime minister in a parliamentary form of government, and the enormous powers of the president in a presidential form of government have remarkably reduced the power and position of the legislature.

The legislature in the communist countries does not have even that amount of autonomy as in the case of democratic liberal countries. But this does not mean to say that the legislature has become entirely irrelevant. The legislature is still treated as a formal center and focus in the political systems of most of the developing and developed countries.

The uniqueness of the executive and legislature relationship in Russia lies in the fact that unlike the executive and the legislature in the Western democratic states, the Russian executive and legislature

started with a primarily confrontationalist relationship ever since the emergence of these institutions in post Soviet Russian Federation. The first ever constitution of Russian Federation was not a natural development. Rather it was based upon the legacy of previous Soviet constitutions, and was imposed on Russian political system. The bitter and prolonged struggle between the president and the parliament came to an end in 1993 with the decisive victory of the president, and hence a constitution with provision for an extraordinarily strong president. Since the 1993-constitution was not a product of a consensus between the executive and the legislature, the confrontation was inevitable. This is the reason why the relationship between these two organs of the government has been characterized by instances of conflict and cooperation.

The conflict between the executive and the legislatures emerged in the First Russian Republic (1991-1993) as a power struggle between President Boris Yeltsin and the Congress of People's Deputies (CPD). Both launched a joint campaign against Mikhail Gorbachev through late 1980s to dismantle the Soviet Union and for an independent Russian Republic. But soon after Russia got independence, their policy preferences changed diametrically.

Genesis of the Conflict

This chapter is an attempt to examine the root causes of the conflict between the executive and the legislature. The Russian political system can 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.¹ Two interrelated variables are deemed crucial in determining the fluctuation between

¹ Robert G. Moser, "Executive-Legislative Relations in Russia, 1991-1999", in R.G. Moser Z. Barany (eds.), *Russian Politics: Challenges of Democratization* (Cambridge: Cambridge University Press, 2001), p. 67.

cooperation and conflict in executive-legislature 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.

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 division of power has been important in resolving or escalating executive-legislative conflict but has not been the only factor 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 behaviour and regulated conflict.²

The dispute between the executive and the legislature was very much anticipated since the establishment of a presidential system in Russia. Stephen White identifies three serious weaknesses in the present constitutional model: the regime's dependence on the person of the president, who may be or may become unfit for the job; tension between president and parliament stemming from their rival electoral bases, which may result in deadlock and the use of decrees to bypass the legislative process; and the ambiguous position of the government, cross-pressured by the rival demands for parliament and president.³

Reasons advanced include the existence of two separately and directly elected bodies-president and assembly, each able to claim its

² *ibid.*, pp. 66-67

³ Stephen White, "Russia: Presidential Leadership Under Yeltsin", in Ray Taras (ed.), *Post Communist Presidents*, (Cambridge, Cambridge University Press, 1997), pp. 57-61.

popular legitimacy, the fact that disagreement over policy can not be resolved by changing the head of government peaceably because he has a fixed term of office, and policy deadlock encouraging a president to try to override the assembly, which responds by attacking the president.⁴ In the presidential system, the prospects of conflict reduces significantly if the president has the support of a majority party in Lower House.

Russia's often tumultuous executive-legislative relations frequently have been attributed to the defects of presidentialism as explained by Juan Linz.⁵ But to say that the course of executive-legislative relations has been solely driven by the institutional incentives is not correct. Rather, the peaks and valleys of executive legislative conflict can best be explained by a set of factors, consisting of institutional arrangement, ideological polarization, and the relative strength of popular support claimed by the rival sides. Thus, the root causes of the conflict can be classified for convenience, into institutional factor, ideological factor, and the strength of popular legitimacy as claimed by both the organs.

The newly independent Russia inherited the political institutions of Soviet era. Some of them were established by the 1978 constitution, while others were created by amendments to that constitution. The result was a hodgepodge arrangement.⁶ The major institutions were the presidency, a two-tiered parliament (CPD and Supreme Soviet), and a Constitutional Court. This parliamentary arrangement was created in the Soviet period and was modeled after corresponding structures for the USSR. Several flaws contributed to make this constitutional arrangement unworkable. First, it was patch-work arrangement made over a period of years without any consistency or

⁴ Mary McAuley, *Russia's Politics of Uncertainty*, (Cambridge: Cambridge University Press, 1997), p. 233.

⁵ For a Good overview of this debate, see Juan Linz and Valenzuela (eds), *The Failure of Presidential Democracy: Comparative Perspective* (Baltimore, John Hopkins University Press, 1994, pp. 48-62.

⁶ J.L. Noguee and R.J. Mitchell, *Russian Politics: The Struggle for a New Order*, (Boston: Allyn and Bacon, 1997), pp. 96-97.

coherent constitutional principles. It came into being without a national debate; lacking consensus or national endorsement. Second, the legislative branch i.e. the CPD was the highest organ of state power with sole authority to amend the constitution, but it was too unwieldy to be an effective legislature. It suffered from the illegitimacy that attached to all Soviet-era institutions. Third, there was no mechanism to resolve the differences between the executive and the legislature. A party system might have done the job, but none existed.⁷

Institutional Source of the Conflict

The problem arose in the post Soviet Russia due to the fact that the democratic institutions were added by amendment to an undemocratic constitution without making the adequate arrangement to accommodate these democratic institutions. Initially, the regime was a pure parliamentary system with CPD as the “supreme organ of state power”. 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 change was the institutional source of conflict.⁸ At approximately the same time as the CPD introduced the presidency, it also established a Constitutional Court as a further check on presidential power. 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 people, but with limited constitutional powers.⁹

Russian elites opted for instituting a directly elected president without a well-articulated presidential system as a means to consolidate

⁷ *ibid*, pp. 97

⁸ Moser, n-1, pp. 76-77

⁹ Michel Urban, V. Igrunov and S. Mitrokhin, *The Rebirth of Politics in Russia*, (Cambridge, Cambridge University Press, 1997), p. 259

political power and popular legitimacy of Yeltsin and his reformist allies. It was a victory for reformists over the conservative forces in CPD on the issue of institutional innovation.¹⁰ 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. The appeal for a popularly elected president strengthened also due to disintegrating political and economic situation.

Both the presidency and the legislature started monopolizing the power after Russia gained independence. Although the struggle for institutional power was waged under the slogan of a separation of powers, with both declaring themselves anxious merely to ensure that power was not monopolized, both sides were actually insisting that they should control policy-making. A clear delineation of function had failed to emerge.¹¹ Both the CPD and the president claimed to be representing the people. The predictions of the negative consequences of choosing a presidential system seemed to be borne out with a vengeance.¹²

Thus, it can be said that the existence of two independent institutional structures propelled conflict. The prospect of avoiding or even reducing the struggle diminished in Russia due to lack of any established conventions of legality and accountability in a constitutional arrangement which insisted that independent institutions should share in policy-making. The two independently functioning institutions made the crisis distinctive. While policy-initiative lay with the presidential side, control over implementation and administration lay with the parliament. This dualism was

¹⁰ Moser, n-1, pp. 77-78.

¹¹ McAuley, n-4, p. 250-251.

¹² Joel M Ostrow, "Presidential Breakdown and Deadlock in the Russian State Duma: The Problems of an Unlinked, Dual-channel Institutional Design", *Europe-Asia Studies*, vol. 50, no. 5, (July. 1998), p. 797.

reflected in the very nature of the struggle, with parliament by necessity reduced to blocking measures: they had the power to impede presidential initiatives but lacked the power to develop policies. The CPD and its Supreme Soviet were in the classical position of power without responsibility.¹³ Parliament failed to become an effective working body, with most of its legislation not direct-acting but requiring further regulations and decrees, offering enormous scopes for the bureaucracy to hinder or to profit from them. Ostrow in his article, has explained the failure of the Duma in manage the conflict.¹⁴

Ideological Source of Conflict

The conflict further aggravated due to 'ideological polarisation' between a 'reformist' Yeltsin lobby, and an 'anti-reformist parliament. Russia's newly formed presidency was increasingly accumulating political power to carry on the economic reform programmes, but that power was not constitutionally grounded. For all the reforms attempted under the Yeltsin, Russia experience negative growth in the period 1992-97 and people felt that they were worse off in 1997 than in 1992. Their faith in reforms and democracy had all evaporated.¹⁵ When price-liberalisation and radical economic reforms produced hyperinflation, the CPD tried to reassert its authority.

Ideological polarization on the issue of economic reform and privatisation of economy seemed to be a natural element of Russian politics during pre-1993 period, given the revolutionary changes in the policy agenda and divisions surrounding issue of ideology. The speed of the reform and its impact on ordinary people was the main

¹³ Richard Sakwa, *Russian Politics and Society* (2nd ed.) (London:Routledge,1996) pp.121-123.

¹⁴ Ostrow, n-12, p. 807-809.

¹⁵ Z. Imam and N.V. Romanovsky, *Eltsyn Years in Russia, 1990-1999, Political History of mid-20th Century Russia, USSR* (New Delhi, Sanskriti, 2002), p. 10.

cause of the dispute.¹⁶ On 11 March, 1993, the CPD passed a resolution limiting the powers of the government to implement reform. In response to this Yeltsin on 18th March introduced a “special rule” of president. Although the parliament was not dissolved, Yeltsin through his own powers denied it the right to adopt any new laws that contradicted the decision of the president.¹⁷ Leading the opposition to Yeltsin were Ruslan Khasbulatov, speaker of the Russian parliament, and Vice-president Alexander Rutskoi. Less than a fortnight after the beginning of economic reform, Khasbulatov called for the replacement of the government by Supreme Soviet. Khasbulatov was supported in the attack by Rutskoi. For Rutskoi the central economic problem was damage to the industries of the military industrial complex due to termination of government subsidies, for Khasbulatov it was the ill effects on the public of rapidly rising prices.¹⁸ Parliament became the vehicle for resistance to transformation of the structure of property ownership in Russia.

The Congress was initially supportive of Yeltsin in his fight against Gorbachev regime. Yeltsin was elected its Chairman and was granted additional powers in the aftermath of coup. But the attitude of the Congress changed dramatically once Yeltsin started implementing his reform programme. The CPD, led by Ruslan Khasbulatov, took an increasing hostile attitude towards the market oriented reforms, and the parliamentary resistance strengthened as the consequences of those reforms became clearer.¹⁹ In April 1992, at the first Congress after the abandonment of most forms of price-control, an attempt to debate a motion of no-confidence in the government was narrowly defeated and a resolution was adopted that called for major changes

¹⁶ A. M. Chenoy, *The Making of New Russia*(New.Delhi:Har Anand Publication Private Ltd.,2001),p.56.

¹⁷ The introduction of the ‘special rule’ by Yeltsin was seen by some scholars as a deliberate effort to conduct an instant reading of elite and popular sentiment in the event he did suspend the constitution.

¹⁸ Noguee and Mitchell, n-6, pp. 97-98.

¹⁹ Stephen White, *Russia's New Politics: The Management of a Post Communist Society* (Cambridge: Cambridge University Press, 2000), pp.78-79.

in the reform programme.

Yeltsin's economic reform programme produced criticism also because of the fact that he failed to construct a broad social support for reform. Instead of using 'Democratic Russia'²⁰ to build support at the grass roots, Yeltsin chose to rely on a narrow circle of close advisors, most of whom were pragmatic members of the old 'nomenklatura'²¹. In fact lack of elite consensus on the main course of reform differentiated Russia's transition to capitalism and market economy from that in other countries of central and eastern Europe.

Lack of adequate knowledge about economic reforms and marketisation, and a greatly divided Russian political society made the reform programme even more problematic. An immensely divided society failed to provide any firm challenge to the launch of economic reforms.

Yeltsin himself never attempted to create a new, more coherent institutional order with clearly defined spheres of responsibility for different branches of power.²² Instead, he concentrated on building a vertical system of presidential power through the appointment of loyalists as "presidential representatives" and "heads of administration" in the provinces. The end result was a collection of ill-designed institutions with few social roots, which immediately became a source of constant conflict. Criticising the concentration of power in the hands of Yeltsin, Pawl Kubicek observe that "rule by decree replaced the rule of law".²³ He used his electoral mandate to legitimize authoritarian rule.

²⁰ Democratic Russia was a mass-based movement that had helped bring Yeltsin to power in 1990 and 1991.

²¹ Lilia Shevtsova, "Russia's Post-Communist Politics: Revolution or Continuity?" in Gail W. Lapidus (ed.), *The New Russia: Troubled Transformation*, (Boulder: Westview Press, 1995), pp.8-9.

²² *ibid*, p.9

²³ Paul Kubicek, "Delegative Democracy in Russian and Ukraine", *Communist and Post Communist Studies*, vol. 27, no. 4 (December 1994), pp. 429-430.

The parliament and the executive during the 1991-1993 period functioned like two separate governing authorities. The parliament had no structure for carrying out the laws that it passed since all these structures had either dissipated or had been destroyed by Yeltsin. The parliament's position weakened also because of the existence of diverse opinions within it. Thus, in many important committees on economic reforms, legislature decisions could not be taken because of disagreements between the members.²⁴ Given the ideological currents that took control of the executive and legislative branches, it had been extremely difficult, if not impossible, to materialize some sustainable working relationship. To overcome the parliament's resistance, Yeltsin and his team relied on circumventing the legislature. A popularly elected president, especially one embedded in a vaguely defined system like First Russian Republic, allowed and even encouraged this behaviour.²⁵ 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 parliament.²⁶

Thus the relationship between the executive and the legislature in the First Republic became highly conflictual because of institutional confusion and ideological polarization. But it does 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 and the relative legitimacy of the competitors among the people.²⁷ The strength of popular support available to Yeltsin set in him a confidence that dissolution of the less popular legislature would be welcomed or at least passively accepted by the population

²⁴ Chenoy, n-16, p. 121.

²⁵ Moser, n-1, p. 81.

²⁶ Sakwa, n-13, pp. 123-124.

²⁷ Urban, n-9, p. 260.

and the new election would return a legislature with more reformist composition.²⁸

Intensification of the Conflict

The conflict between the executive and the legislature originated during the First Republic further extended and intensified during the Second Republic (1993-1997): But there are some basic differences between the conflicts of these two Republics. During the First Republic, the superiority of each branch, as it was not defined by the constitution, was determined by their ability to command the loyalties of important political actors and the relative legitimacy of competitors among the people. They also differed in terms of powers exercised by president and parliament. By giving two very significant powers to the president viz. the control over the composition and appointment of the government and power to issue decrees, the chief executive in the Second Republic was made one of the strongest executive among democratic polities. The future course of the relationship was to be defined by the constitutional provisions of 1993 constitution, which had clearly allotted the spheres of responsibility for the president and the parliament.

The major factor which sharpened the dispute between the competing organs was the differences on the proposal for a new Russian constitution. There could be no discussions on the issues like which body had the authority to draft the constitution, or what type of political system and laws the new Federation should have, because of the bitter disputes between the president and the parliament.²⁹ Three draft constitutions were proposed: One called the parliamentary draft, one by the Constitutional Commission, and one called the presidential draft. These drafts represented the different power blocs of Russian

²⁸ For lengthier discussions of the conflict see T. Colton and R.C. Tucker (eds.), *Patterns in Post Communist Leadership* (Boulder: West view press, 1995), and J. Lowenhardt, *The Reincarnation of Russia: Struggling with the Legacy of Communism, 1990-1994* (Harlow: Longman, 1995).

²⁹ Chenoy, n-16, pp. 122-123.

society in its foundation years.³⁰ Where the president's draft accentuated the decision-making initiative of the executive, the parliamentary draft reinforced the view that the legislature constituted the superior branch, with the president and government accountable to it.

A new constitution after a lot of drama and chaos finally 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 the inauspicious origins of this constitution catalysed the conflict between the executive and legislative branches. This constitution was crafted and imposed by the victor of the violent struggle that had ended the previous regime.³¹ Though Yeltsin claimed popular legitimacy but the national referendum in which this constitution was passed intended to artificially save the turn out over the required 50 percent threshold to make the vote valid.³² Out of a total electorate of 107.3 million, only 69.2 million (64.5%) went to the polls, and in two republics it was not even held. Yeltsin failed to win a majority in 12 out of the 19 republics, as well as in a score of regions. Most voters, it seemed, had not voted for Yeltsin as much as they voted against the extreme opposition.³³

In the aftermath of the referendum, Yeltsin's team again tried to greatly expand the presidential powers by subordinating other branches of government to the executive. Political debates started taking place over the powers of the president and the parliament, and even on a new draft constitution that was submitted by the Supreme Soviet. The emerging political debates defined the contours of future

³⁰ John P. Willerton Jr., "Presidential Power" in S. White, A. Pravda, Z. Gitelman (eds.), *Developments in Russian Politics 4*, p. 43.

³¹ Moser, n-1, p. 83.

³² Press Conference given by Central Election Commission, quoted in *FBIS-USR-93-057*, np. 55-60, 7th May 1993, p. 12.

³³ Lilia, n-21, p.. 20-21.

conflict. If before the Constitutional Convention³⁴ the main drama had been the power struggle between executive and legislature, the Convention itself highlighted the disagreements between the centre and the regions over the federal structure of the new state.³⁵

In spite of all these shortcomings, a major accomplishment for the Second Republic was its widespread acceptance among major political groups.³⁶ The 1993 constitution enjoyed at least tacit legitimacy despite the reality that several key political actors kept themselves away from participating in the formulation of new constitutional order. In this way, the 1993 constitution weakened the intensity of the dispute to certain extent or at least provided a solid legal framework to resolve the differences. All major parties followed the rules laid out in the constitution and participated in elections for the new legislature and executive bodies.³⁷

The euphoria that the adoption of 1993 constitutions would diminish the intensity of conflict, shattered when a new parliament with a clear centrist-conservative orientation was voted into office by the Russian electorate. In comparison with the previous parliament, an even wider array of ideological position was to be found in the newly elected legislature.³⁸ The combination of centrists and conservatives was determined to slow down the pace of economic reform programme. The strong challenge from the opposition compelled Yeltsin to compromise and make significant personnel and policy adjustments. The appointment of Ivan Rybkin as Duma Chairman steered the Duma towards negotiated compromise with the president. Rybkin, a gifted statesman, was credited for averting the destabilizing confrontation between president and parliament. He made the parliament a

³⁴ The Constitutional Convention was convened by Yeltsin as a forum to debate the text of the draft constitution, which Russia was going to adopt.

³⁵ Lilia, n-21, p. 21

³⁶ Moser, n-1, p. 84.

³⁷ Robert O. Ortung and Scott Parrish, "From Confrontation to Cooperation in Russia", *TRANSITION*, vol. 2, no. 25, (1996), p. 17.

³⁸ Wallerton Jr., n-30, p. 44.

constructive counter-weight to the presidency.³⁹

In spite of some instances of compromise and cooperation, the basic character of the relationship remained a conflictual one. Yeltsin's hope of a reform-oriented legislature once again shattered when the 1995 Duma elections also voted into office an even more leftist legislature.⁴⁰ The communist's success in the 1995 elections moved the centre of political gravity further towards the left. This move was reflected in the election of Gennadii Seleznev, a communist as the Chairman of newly elected Duma.⁴¹ Thus the domination of the parliament by leftist, anti-Yeltsin deputies proved to be a very significant factor behind the continued rivalry between the president and parliament. The continued hostility between the rival branches transformed the constitutional crisis of First Republic into a political crisis and increasingly threatened not only the cohesion of polity but also the integrity of the country.⁴²

The sharpening hostility of the parliament towards the executive branch propelled Yeltsin to opt authoritarian methods. The rivalry further intensified when Yeltsin blamed the parliament for blocking the economic reform programme. Yeltsin's unwillingness to consult the legislature on the issues of national importance disappointed the deputies.⁴³ He used his powers to pass economic laws that radically changed the economy without taking the parliament into confidence. Whenever Yeltsin faced stringent challenge from the parliament, he met it with the threat of dissolution of the parliament or ideologically branding them as a communist opposition.

By summarizing the points discussed above, it can be concluded that

³⁹ Thomas F. Remington, "From Soviet to Parliamentarism", in S. White, A. Pravda, Z. Gitelman (eds.), *Developments in Russian Politics 4*, pp. 68-69.

⁴⁰ Elections for a new Duma that would have the right to serve out its full term, was held in Dec. 1995. No party could win the clear majority. But an alliance of leftists and conservatives provided a solid challenge to Yeltsin's reform programme.

⁴¹ Remington, n-39, pp. 71-73.

⁴² Neil Robinson, *Russia: A State of Uncertainty*, (London:Routledge,1996), p. 83.

⁴³ Chenoy, n-16, n. 124

the conflict between the executive and legislative branches originated in the First Republic primarily due to the introduction of the post of a directly elected president to the old Soviet structure in 1991. This move created two independent loci of power. The relationship deteriorated as each faction in this struggle started monopolizing the power. A catalyst was added to the deteriorating relationship when after dissolution of the USSR, the policy preference of both the branches changed diametrically. So, a consistent ideological division between a 'reformist' executive and an 'antireformist' legislature fueled the rivalry. This ideological divide survived the collapse of First Russian Republic and three elections, two parliamentary and one presidential.⁴⁴ The extension of the conflict to the Second Russian Republic was caused by the disagreement over the draft constitution. An ardent desire to establish control over the composition and appointment of the government became another significant factor of conflict.

Other factors behind the conflict were the claim of each branch to represent the people, and the personality of Yeltsin. Both the executive and the legislature presented themselves as the real representative and protector of the interests of Russian population. The direct election of both the president and the parliament created problems for Russian polity. On the other hand, Yeltsin's overdependence on his 'team' and his unwillingness to discuss the issues of national importance to the parliament developed a suspicious attitude among deputies towards the president. This suspicion culminated into an intense hostile attitude towards the president.

The possibility of avoiding the conflict shattered because of the lack of a well institutionalized party-system. There existed no majority alliance within the parliament which could function as a mediating device between the executive and legislature. Yeltsin himself never attempted to forge a majority party to represent its policies and

⁴⁴ Imam, n-15, p. 21.

programmes. The cooperation became even more difficult because of factionalism among the deputies. The deputies were placed along such a diverse ideological streams that a solid opposition could never materialize which might pose a serious challenges to Yeltsin.

Chapter: 3

EVOLUTION OF THE RELATIONSHIP BETWEEN EXECUTIVE AND LEGISLATURE

Background

The institutions of the parliament and the president, which emerged during the Soviet period, established a very peculiar kind of relationship with each other. The Congress of People's Deputies (CPD) and the president, initially engaged in a cordial relationship in their combined fight against Gorbachev's regime, to gain independence. But soon after, the independence, their policy-preferences changed in completely opposite directions, and a cooperative relationship transformed into a conflictual relationship. This relationship further developed in several phases and influenced by several factors like, framing and endorsement of a new constitution for Russian Federation, Yeltsin's policy of economic reforms, over-centralization of political powers in the hands of the executive, August coup of 1991, relative dominance of anti-Yeltsin forces in the Duma, and so on.

The present chapter is a serious attempt to explain the evolution of relationship between the executive and legislature in Russia since 1991. To avoid any kind of ambiguity I have divided this chapter under the following sub topics—

- pre-disintegration arrangement,
- genesis of the conflict, (1991-1993),
- 1993 constitution and the Yeltsin presidency,
- relationship under Putin (1999-2000),

Pre-Disintegration Arrangement

The beginning of the relationship between the executive and the legislature can be regarded with the creation of the post of president in 1989. A national executive presidency independent of the legislature was established, and Gorbachev was elected to this post in March 1990.¹ But Gorbachev's refusal to face the national elections undermined its legitimacy. Presidential powers were increased during the course of the year, and at the fourth USSR CPD in December 1990 the shift to presidential power was completed by the transformation of the old council of Ministers into a more limited 'cabinet', with the Prime Minister and other ministers nominated by the president and accountable to him.

This period saw the origin of the conflict between the executive and legislature. The most significant factor behind this was the existence of two independent and strong directly elected institutions. While the powers of the presidency were greatly increased, the powers of the Soviet legislature were not correspondingly diminished. A new type of dual power emerged that was inherently unstable but manageable as long as the chairmanship of parliament was in safe hands.²

The creation of the new presidency had been among the radical proposals announced by Gorbachev at the Central Committee plenum in February 1990. This idea had been discussed earlier in the 19th party conference in the summer of 1988, but Gorbachev at that time rejected the idea of concentrating too much power in the hands of a single person. In the end, it was decided to introduced a different post, a Chairman of the Supreme Soviet.³ But the new Chairmanship proved an unhappy compromise, and, after a lot of

¹ *Summary of World Broadcasting (SWB)*, Part-1, SU/0713, 15TH March, 1990, p.C/8.

² Richard Sakwa, *Russian Politics and Society* (London: Routledge, 1996) p. 139.

³ Stephen White, *Russia's New Politics: the Management of a Post- Communist Society* (Cambridge: Cambridge University Press, 2000) pp.72-73.

discussions and debate, Gorbachev, based upon a memorandum prepared by Medvedev and Shakhnazarov, appeared to move to a presidential system. After a lot of discussion, it was agreed to place the question of a presidency on the agenda of the Supreme Soviet, and after the Supreme Soviet had approved the introduction of a presidency by a very large majority, the issue was placed before a specially convened session of CPD.

In the CPD, the powers and need of the presidency were discussed. Understandably, some deputies were concerned about the possible concentration of enormous powers in the hands of a single person. But, in the end, the proposal was accepted as a means of ending what was described as a 'vacuum of power', and in the end the establishment of presidency was approved by 1817 votes to 133, with 61 abstentions. Gorbachev was the only candidate when election to the new post took place on 14 March 1990.

Meanwhile, the deteriorating economic and political condition was encouraging the republics of the Soviet Union to declare their independence. Russian republic was no exception. Boris Yeltsin was the central figure in the evolving Russian polity as post-Soviet arrangements emerged. During the Soviet period he had been a Communist Party functionary, rapidly rising through the Sverdlovsk party organization to eventually assume a trouble-shooting role as the Moscow City party leader in the early Gorbachev reformist regime. Yeltsin played a leading role in bringing down the Soviet central authorities.⁴

Yeltsin came to champion the democratic cause, leading populist opposition to the power and privileges of the party apparatus and successfully positioning himself as its victim. Yeltsin rode the electoral wave to a remarkable series of political victories in 1989-91 when he

⁴ John P. Willerton Jr., "Presidential Power", in S. White, A. Pravda, Z. Gitelman (eds), *Developments in Russian Politics 4* (London: Macmillan, 1997), p 41.

won in a landslide in 1989 elections. Having become the titular leader of the democrat and anti-union forces, Yeltsin was elected Chairman of the Russian Supreme Soviet, a position from which he was able to oppose Gorbachev's temporizing policies by counter poisoning Russia's national power to union authority.⁵ In this struggle, Yeltsin was supported by the Russian CPD, as both of them were engaged in a cordial relationship with each other.

Establishment of the presidency brought about the problem of 'competing mandates' between executive and legislative branches, which proved to be a source of instability in presidential system. The insertion of the institution of the presidency, without making adequate constitutional change, was treated as an incremental alternation of a constitutional order that was already a contradictory mixture of Soviet and parliamentary elements. Deep conflict over the rightful division of powers between president and legislature eventually resulted.⁶

In January 1991, responding to Gorbachev's call for a union wide referendum on the concept of a 'renewed' federal union, Yeltsin persuaded the Russian CPD to put another question on the referendum ballot in Russia to test the electorate's support for a Russian presidency. The voters declared overwhelmingly in favour of the presidency. 71.34% of registered electorate participated in the referendum to support for a Russian presidency. It was a great victory for Yeltsin over Gorbachev. The result of the referendum is evident from the following table:

Tab.1 Russian Referendum on Post of President 1991

⁵ Thomas F. Remington, "From Soviets to Parliamentarism", in S.White, A. Pravda, Z. Gitelman (eds.), *Developments in Russian Politics4* (London: Macmillan, 1997) pp. 63-64.

⁶ *ibid*, p. 65.

Preferences	Votes	Percentage
Yes	530,541,943	69.85%
No	21,470,435	28.01%
Invalid	1,640,369	2.14%
Total	76,652,747	100.00%

Source: Tass as quoted in *SWB*⁷

In the election that subsequently took place, in June 1991, Yeltsin was a clear winner on the first ballot. Thus the independent Russian Republic got its first directly elected president. The result of the 1991 presidential election is shown in the following table:

Tab. 2. Russian Presidential Election of 1991

Candidate	Votes Secured	Percentage
Boris Yeltsin	45,552,041	57.3%
Nikolai Ryzhkov	13,395,335	16.9%
Vladimir Zhrinovsky	6,211,007	7.8%
Aman-Gel'dy Tuleev	5,417,464	6.8%
Al'bert Makashov	2,969,511	3.7%
Vadim Bakatin	2,719,757	3.4%
Against all	1,525,410	1.9%
Invalid votes	1,716,757,	2.2%

Source: Pravda as quoted in *SWB*⁸

⁷ Text Report, Tass quoted in *SWB*, part 1, (27th March 1991), p. SU/1031/B2

Genesis of the Conflict (1991-1993)

Establishment of a directly elected presidency along with an already powerful parliament set off a chain of events leading to the sharp confrontation between president and parliament which defined the next phase. This phase witnessed a highly intense rivalry between the competing branches. The independent Russian Republic inherited the democratic institutions of the Congress of People's Deputies (CPD), the presidency and the Constitutional Court. These institutions were grafted onto the preexisting Soviet-era constitution of 1978 through amendments. There were attempts to write a new constitution to replace the 1978 RSFSR constitution during this period.⁹ The need for a new constitution emerged due to fact that these democratic institutions were added by amendments to an undemocratic system without significant constitutional changes. The result was an unworkable arrangement, with several flaws:¹⁰ These flaws have been already explained in chapter 2.

The institution of the presidency was a victory for Yeltsin and his reformist allies. Political context and strategic miscalculation on the part of conservative opposition played a role in the reformist victory on the matter.¹¹ Once in control as president of the Russian Federation in 1991, Yeltsin initiated the task of expanding his powers in the name of rebuilding the Russian state. Yeltsin owed much of his authority to the fact that he had been directly elected unlike Gorbachev who had been chosen by Soviet parliament. He had also

⁸ Pravada as quoted in *SWB*.

⁹ Robert G. Moser, "Executive-Legislative Relations in Russia, 1991-1999", in R.G. Moser and R. Barany (eds.), *Russian Politics: Challenges of Democratisation*, (Cambridge: Cambridge University Press 2001) p. 76.

¹⁰ Joseph L. Noguee and R. Judson Mitchell, *Russian Politics: The Struggle for a New Order*, (Boston: Allyn and Bsecon 1997) pp. 96-97..

¹¹ Robert Sharlet, "Russian Constitutional Crisis: Law and Politics under Yeltsin", *Post-Soviet Affairs*, vol. 9, no. 4, (1993), pp. 314-336.

won respect when he faced down the attempted coup of August 1991 by a section of the CPSU leadership, led by G. Yanayev, A. Lukyanov, General Kalivin and others.¹² Energized by his personal popularity, Yeltsin increasingly used the powers of the presidency, solidifying it as the dominant institution of the system. He decisively established the Russian sovereignty by banning CPSU on Russian soil, and ultimately dismantling the Soviet Union altogether along with the leaders of Ukraine and Belarus.¹³ The CPD was supportive of Yeltsin during this period, granting him additional powers of issuing decrees.

But this cooperation ended very soon when Yeltsin started using these powers to launch a programme of radical economic reforms under the guidance of Yegor Gaidar. Parliamentary resistance strengthened as the consequences of those reforms became clearer. In the poorly defined structure, the ideological polarization over economic policy gave birth to a constitutional crisis over distribution of power in the system. The Congress, armed with the constitution that named it the supreme organ of the 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 the institutions.¹⁴ More than economic transformation was at stake. Ruslan Khasbulatov, the speaker of the parliament, increasingly became the spokesman for the constitutional position that government should be controlled not by the executive, but the legislature.

The struggle between the executive and legislature during this period was fought out intensely in four sessions of the CPD, the sixth and seventh in 1992 and the eighth and ninth in 1993.¹⁵ On April 6, 1992, the CPD convened its sixth congress, the first to be held since the

¹² SWB, SU/1155 (20th August 1991) p. C1/5.

¹³ SWB, SU/1165 (31st August 1991), p. C1/11.

¹⁴ *ibid*, p.. 78-79.

¹⁵ Nogee, Mitchell, n-10, p. 98.

Soviet collapse.¹⁶ The opponents wanted to terminate the special powers given to Yeltsin in 1991, to force him to give up the control over the office of prime minister and to slow down the pace of the reforms. But they failed to achieve any of these objectives because they were outmaneuvered by Yeltsin and his supporters. In the end, the CPD was forced to accommodate the government because Yeltsin's prestige at home and abroad remained high and there was no real alternative to his leadership.

Although Yeltsin prevailed, the victory was only temporary. Still a substantial core of opponents existed. The issue of new constitution proved to be so contentious that it had to be deferred. The question of presidential power was not settled, only postponed. The sixth Congress was described as "a two-week political spectacle that was by turns a drama, a farce, and in effect, a theater of the absurd... This government and this Congress are incompatible."¹⁷ In the face of a powerful opposition, referred to as the '*red-brown alliance*'¹⁸ Yeltsin was forced to compromise, and that's why he attempted to maintain parliamentary support by aligning with a new centrist group known as the *Civic Union*.¹⁹ While not opposed to reform per se, the Civic Union sought to water down the economic reform programme. This new political force viewed itself as a loyal opposition, professing full loyalty to Yeltsin and the idea of democracy. The Civic Union aimed its attack on Gaidar. While unwilling to sacrifice Gaidar, Yeltsin was compelled to bring three to the Civic Union's representatives into the cabinet.²⁰ Yeltsin balanced this change by making Gaidar acting prime minister and another reformer, Anatolii Chubais, the Deputy Prime Minister.

¹⁶ SWB, SU/1349 (7th April 1992), p.i.

¹⁷ *The Current Digest of the Post-Soviet Press (CDPSP)*, vol. XLIV, no. 16, (May 20, 1992), pp. 10.

¹⁸ "red-brown" alliance was a powerful coalition of communist and nationalist forces, to challenge Yeltsin.

¹⁹ The Civic Union was formed by a coalition of the Democratic party of Russia, the People's Party of Free Russia, and the All-Russian Renewal Union.

²⁰ Noguee, Mitchell, n-10, p. 99.

To further strengthen his position vis-à-vis the parliament, Yeltsin created several state structures, the most important of which was the Russian Security Council whose function was to oversee executive policy in a wide range of fields. Yeltsin relied upon sessions of the Security Council to help him address important policy issues, final decisions, however, were made by the president himself.²¹ Another state structure created by Yeltsin was the Council of Heads of Republics in the Russian Federation. These structures were potentially important instrument of governance should Yeltsin choose to dismiss parliament and establish presidential rule. A little before the date of the seventh Congress, the parliamentary bloc “Russian Unity” announced an “Agreement of the Right and Left Opposition” combining communist and nationalist forces. Their goal was “the removal of Yeltsin’s ruling clique from power”. Thus the parliament and president were engaged in a series of tit-for-tat measures to secure the upper hand.

But in the autumn of 1992, the pendulum swung back away from the reformers as Yeltsin allied himself to the industrialist centrist forces that were a part of the Civic Union. To do so he distanced himself from the government’s economic policy and duly attacked government’s performance in a speech to Supreme Soviet in October 1992.²² The seventh CPD convened on December 1, 1992 in an atmosphere bitterly hostile to the president. Yeltsin was denied the bill to assign the president a powerful role in the legislative process. He also proposed a referendum on a new constitution to create a strong presidency. Hardliners in the Congress secured another victory with the adoption of a constitutional amendment which would automatically strip the president of all powers if he ordered dissolution of the CPD.²³

²¹ Willerton Jr., n-4, p. 49.

²² Neil Robinson, *Russia: A State of Uncertainty* (London: Routledge, 1996) p. 78.

²³ *SWB*, SU/1554, (3rd December 1992), p. C1/1.

Yeltsin counterattacked with vigor. Accusing the Congress of carrying out a “creeping coup”, he declared, “It has become impossible to go on working with such a Congress.”²⁴ He proposed a nationwide referendum in January 1993 worded as follows — “To whom do you entrust the task of extricating the country from economic and political crisis and reviving the Russian Federation: the Congress and the Supreme Soviet, as now constituted, or the president of Russia”.²⁵ The Congress erupted in anger by objecting the wording of Yeltsin’s proposal. Through the mediation of the Constitutional Court, both reached to a multi-faceted compromise. The referendum was deferred until April 1993 and would focus on a new constitution.

All the constitutional amendments adopted by sixth Congress were put on hold until after the referendum. Yeltsin could not get his candidate Gaidar confirmed by the seventh congress, and Victor Chernomyrdin was brought into replace him as the new prime minister. Burbulis also lost his post as state secretary.²⁶

If throughout 1992, the parliament concentrated most of its fire on the government; in 1993 it began increasingly to turn directly on Yeltsin. The confrontation intensified. The parliament under Khasbulatov was determined to strip the president of his powers and reduce him to a figurehead. Yeltsin stood firm with the help of his determination, his popularity and the support of the military and security apparatus. A serious weakness of Khasbulatov’s campaign was that he possessed no alternative program to Yeltsin’s. Lacking a popular base of support, Khasbulatov was dependent upon the parliament that he headed. Yeltsin, even with Chernomyrdin remained committed to transform Russia into a market economy.²⁷

Dominating the political debate early in 1993 was the issue of April

²⁴ *CDPSP*, vol. XLIV, no. 50, (Jan 13, 1993), p. 3.

²⁵ *ibid*, p. 3.

²⁶ Robinson, n-22, p. 98.

²⁷ Noguee, Mitchell, n-10, pp. 103-104.

referendum. Within weeks after he had agreed to the referendum, Khasbulatov began to criticize the idea as an ineffective instrument for working out the complicated legal issues of the new constitution. Joining the forces calling for the postponement of the referendum was Constitutional Court chairman Valerii Zorkin. Yeltsin meanwhile warned the Supreme Soviet, the formulating machinery of the referendum, of determining the wordings of the referendum himself, if it did not come up with acceptable questions. The eighth Congress met from March 10-13, 1993.²⁸ All attempts to reach to any compromise failed once again. On 11 March, the CPD passed a resolution limiting the powers of the government to implement reforms. In response to this, Yeltsin on 18th March introduced a 'special rule'.²⁹ Exactly what it meant was unclear since neither the CPD nor the Supreme Soviet was suspended. The parliament however would be prohibited from interfering with any decrees or orders of the president or resolution of the government. He also announced that a vote would be held on April 25 on confidence in the president and on a draft of a new constitution. This happened just when the parliament was preparing a project of new constitutional amendments that would have facilitated new elections in 1993.³⁰

The ninth Congress began in an atmosphere of extreme crisis. Khasbulatov accused the president of monopolizing all the powers and demanded that parliament have a voice in economic policy. In reply Yeltsin said that the search for a compromise between the legislative and executive branches "came to a dead end at the Eighth Congress."³¹ The last act of the ninth Congress was to approve the April 25 referendum, but on its term. Four questions were to be submitted—

²⁸ SWB, SU/1635 (12th March 1993), p. C1/1.

²⁹ SWB, SU/1643, 22 March 1993, p. C1/1.

³⁰ CDPSP, vol. XLV, no. 12, (April 12, 1993), pp. 1-2.

³¹ A.M. Chenoy, *The Making of New Russia*, (New Delhi: Har Anand Publications Private Ltd, 2001) p.123.

1. Do you have confidence in B.N. Yeltsin, President of Russian Federation?
2. Do you approve the social and economic policy that has been conducted by the Russian Federation President and the Russian Federation government since 1992?
3. Do you consider it necessary to hold early elections for president of Russian Federation?
4. Do you consider it necessary to hold early election for Russian Federation People's Deputies?³²

Yeltsin's campaign strategy for the referendum was to urge a "yes vote on all four propositions. The Russian electorate on April 25, gave Yeltsin strong show. 58% supported Yeltsin's leadership, and 53% backed his economic policy. Slightly less than half (49%) wanted new presidential elections while 67.2% called for new parliamentary elections.³³ This was an unanticipated victory for Yeltsin. Politically, the referendum was a decisive turning point in the struggle between these branches of government. Prior to the vote, Yeltsin had threatened to resign if he lost. Yeltsin now determined to exploit his victory by adopting a new constitution that would sharply curtail the powers of the parliament. He argued that 'dual power' existed in Russia that was blocking the reforms. He stated that "a strong president meant a strong Russia".³⁴

As the constitutional crisis deepened, the relations between Yeltsin and parliament had become so agnostic that rumors circulated in the media about an impending presidential coup. On September 21, 1993, Yeltsin ended this 'dual power' with a decree dissolving the parliament, calling for elections to a new Federal Assembly in December and establishing presidential rule as the basis for

³² *SWB*, SU/ 1672, (26th April, 1993), p. C1/1.

³³ *SWB*, SU/ 1673, (27th April, 1993), p. Cb1/2.

³⁴ Chenoy, n-31, p. 123.

governance until then.³⁵ The CPD refused to accept the dissolution, initiating a show-down between Yeltsin and parliament that ended on October 4 in the forceful storming of the House by using the army to ransack the parliament.³⁶

Thus ended the period of peaceful political development in Russia. In final analysis, both sides shared responsibility for the tragedy, though to what extent remains debatable. Having adopted the principle that “the end justifies the means”, Yeltsin had opened the door for an even more ruthless and cynical round of politics in Russia.³⁷ Russia entered a new, even more turbulent period of political development.

In the wake of October tragedy the presidential team drafted a revised constitution that greatly increased the executive’s already considerable powers. A pro-presidential political movement, “Russia’s Choice” was quickly created, under the leadership of Gaidar. The idea was to organize parliamentary elections as rapidly as possible, making use of the time brought by the devastation of the extreme opposition. He was supported by the government and more importantly by the “power ministers”-Defense, Security and Internal Affairs. Also, Yeltsin had the backing of four judges of the Constitutional Court and several western governments and nearly all of the former soviet republics.³⁸

1993 Constitution and the Yeltsin Presidency

Unlike the First Republic, the institutional design of this period was a clear break from the Soviet past. A new constitution replaced the old Soviet constitution, establishing a whole new system of governance. But this new constitution had rather inauspicious origins. It was not a

³⁵ *SWB*, SU / 1801, (23rd September 1993), p. C1.

³⁶ Chenoy, n. 31, p. 124.

³⁷ Lilia Shevtsova, “Russia’s Post-Communist Politics: Revolution or Continuity?”, in Gail W. Lapidus (ed.), *The New Russia: Troubled Transformation*, (Boulder: Westview Press, 1995) p. 23.

³⁸ *ibid*, pp. 24-25.

series of compromise hammered out by an inclusive group of national and regional elites in a constituent assembly. Rather it was created and imposed by the victor of the struggle that had ended the previous regime. But still, the lack of participation by key political forces in the formulation of the new constitutional order, the 1993 constitution enjoyed at least tacit legitimacy.³⁹ The 1993 constitution also resolved the issue of who would control the government, though, in favour of the president. This was a semi-presidential system, with a president and legislature both directly elected and a government that was subject to presidential appointment and dismissal but that also requires the confidence of a majority in the parliament. While the government was beholden to both the president and the parliament, in practice the 1993 constitution gave the much greater Presidential control over the composition of government and its survival in power. These powers have already been explained in the introductory chapter.

Executive-legislative relations between 1993 and 1999 were characterized by a deep polarization of political forces. What did not change after 1993 constitution was the ideological polarization of the system. Yeltsin's hope of getting a reform-oriented legislature had been shattered by the results of 1993 parliamentary election. Having gone to such lengths to secure their positions, the democrats expected that their problem would be over. But the result of December 1993 parliamentary elections came as a profound shock. In the party list elections for the State Duma, Russia's Choice won only 15% of the vote. Shockingly, Zhirinovskiy's Liberal-Democratic Party won 24% of the party list vote. The Russian Communist Party, together with its allies won a combined 19% of total vote. The results were clearly disappointing to Yeltsin.⁴⁰

Even after the 1995 parliamentary election, Communist Party and its

³⁹ Moser, n-9, pp. 83-84.

⁴⁰ Lilia, n. 37, p. 24.

allies constituted a working majority in the Duma, by winning 221 out of 450 seats.⁴¹ While the institutional design of the Russian political system changed substantially in favour of the executive, the balance of ideological forces in the legislature did not.

By and large, in spite of these political realities, political polarization did not transform into overtly hostile confrontation between the rival branches. Executive-legislative relations can best be characterized as a ‘mixture of calculated conflicts’, and “limited cooperation”.⁴² Robert G. Moser refers to relationship of this period as a “peaceful co-existence” between the executive and legislative branches.⁴³ This special character of the relations can best be explained by the following factors —

1. the trauma of the violent-turned coup d'état in 1993, that shaped all actor's calculation and strategies.
2. the uncertainty about the willingness of the presidency to violate the constitution yet again in case of an escalating institutional conflict.
3. a sober cost-benefit analysis on behalf of the parliamentarians made it unattractive to risk the dissolution of parliament by president as a result of institutional deadlock.
4. perks and privileges of the deputy status certainly did not help to increase the deputy's readiness to escalate political conflicts.⁴⁴

Therefore, the period following the endorsement of 1993 constitution witnessed a less conflictual, if not fully cooperative

⁴¹ Ibid., p. 26.

⁴² Gerhard Mangott, “Russia: the Emergence of a (Mis-)Managed Democracy”, in G. Hintergger and H-G Heinrich (eds.), *Russia—Continuity and Change*, (New York: Springer Wein, 2004) p. 53.

⁴³ Moser, n-9, p. 83.

⁴⁴ Mangott, n-42, pp. 53-54.

relationship. This cooperation was brought about not due to the subordinate position of the legislature, but because of the fact that both the branches tried to avoid the conflict. Also, the constitutional crisis might be avoided because the new constitution provided some legal measures and framework to resolve the debatable issues.⁴⁵ Yeltsin had to compromise on several occasions. There were a number of issues on which Yeltsin conceded to the will of the parliament to avoid costly confrontation and possible constitutional crisis. Yeltsin, due to the unfavourable results of 1993 and 1995 parliamentary elections was in a Quandary about what policies to follow to secure re-election. The communist's success in the 1995 election gave them substantially more influence in the new Duma than in the 1994-95 Duma, and moved the centre of political gravity further towards the left.⁴⁶

Thus, both the president and parliament expended a good deal of effort to reach agreement over the shape of legislation through compromise. Not only had the president employed his decree power to set policy for less often than observers predicted when the new constitution was adopted, but parliament far from being a 'fig leaf' had become a counter might to the presidency. Remington sees the reasons to this outcome lie in the structure of incentives embodied in the constitution.⁴⁷ Therefore, if Russia's constitutional order could survive the present period, the accumulated experience of using informal means to resolve conflicts might provide a repertoire of institutional precedents for future presidents facing future parliaments.

Neil Robinson, on the other hand emphasizes that after the adoption of 1993 constitution, when Yeltsin was not confident of what policies to follow, several favorable developments helped Yeltsin to reassert his

⁴⁵ Moser, n-9, p. 87.

⁴⁶ Noguee, Mitchell, n-10, p. 122.

⁴⁷ Thomas F. Remington, "The Evolution of Executive-Legislative Relations in Russia since 1993", *Slavik Review*, vol. 59, no. 3, (Autumn 2000), pp. 412-420.

authority.⁴⁸ He could have used one chamber of the Federal Assembly to block the other in any problematic situation. The division between the parties represented in the Duma could be used to play them off against one another. At worst, and especially in the Duma elected in 1993, party factions and committees of the Duma were unable to cooperate with one another to significantly influence the policy.⁴⁹ Though the Duma was in a position to pressurize the government over policy, it could not develop its own agenda through the creation of a parliamentary majority because of party factions in the Duma. Yeltsin preserved his influence by playing off institutions and forces against one another. What was a problem in the early days of post-communist governance became almost an art form in 1994 and 1995 when Yeltsin balanced institutions and competing and shifting policy coalitions.⁵⁰

Thomas Remington has highlighted the elements of uncertainty in defining the behaviour of Russian political leaders. Some scholars regards the uncertainties as having paralyzing effects on economic and political actors, whereas others have found that actors have responded to uncertainty by behaving in entirely rational ways. Remington thinks it reasonable to suppose that uncertainty in post- 1993 Russia may exert a restraining influence on actors who are unsure about how others would respond in the event of a constitutional breakdown.⁵¹ Failure of an attempt to overthrow the constitution by force could be far more costly than defeats incurred while playing by the constitutional rules of the game. This uncertainty helped in the maintenance of the constitutional status quo. The disastrous experience of October 1993, which was the result of serious miscalculations both by Yeltsin and parliament,

⁴⁸ Robinson, n-18, p. 84.

⁴⁹ J. Ostrow, "Procedural Breakdown and Deadlock in the Russian State Duma: the Problems of an Unlinked, Dual-Channel Institutional Design", *Europe-Asia Studies*, vol. 50, no. 5, (1998), pp. 793-816.

⁵⁰ Robinson, n-22, pp. 84-85.

⁵¹ Remington, n-47, pp. 499-520.

clearly tempered the behaviour of both the sides.

Reluctance to edge too closely to the brink of civil war served as a significant constraint on the major political actors in the first months following the adoption of the constitution in December 1993. Both president and parliament, each fearing the consequences of pushing the other side too far, signaled an interest in peaceful coexistence.⁵² In the first months of 1994, when the new constitutional arrangement was still untested, the president's representatives and parliament's leadership worked to avoid a repetition of the disastrous collision of 1992 and 1993. Yeltsin in fact, explicitly based his strategy for relations with parliament on a goodwill campaign, which was reciprocated by the parliament leadership. The president signed several bills he was inclined to veto, such as the law on the status of deputies, on the strength of the argument that it was important to signal that he sought a cooperative relationship with the new parliament.⁵³ In turn the Duma leadership responded favorably to the president's overtures. In his public statement Chairman Ivan Rybkin repeatedly emphasized the importance of stable and constructive working relationship between the branches and refrained from criticizing the president's actions.⁵⁴

The period following 1994 witnessed the weakening position of Yeltsin. There were reports that his health was deteriorating as he spent lengthy periods on vacation at the Black Sea. Tiffany Troxel states that from 1994 to May 1999, the power of the Russian parliament, especially the state Duma, increased gradually. The sources and nature of this crucial trend were the legislators' heightened ability and desire to exercise their constitutional power to a great extent and to

⁵² Moser, n-9, p. 84.

⁵³ On the conflicting advice, Yeltsin received concerning the bill on deputy status, see Eugene Huskey, "The State-Legal Administration and the Politics of Redundancy", *Post-Soviet Affairs*, vol. 11, no. 2, (April June 1995), p. 129.

⁵⁴ Rybkin emphasized the urgent need for conciliation and harmony among all political actors, particularly following the debacle of October 1993. He portrayed his own role as chairman as an instrument for achieving constructive agreement within the Duma, and between the Duma and the president.

challenge the executive's powers.⁵⁵ Because of the ability of Duma Deputies to organize coalitions to oppose the executive, and, moreover, the parallel structure and composition of the Duma's and council's committees with those in the executive facilitated the cooperation between these branches. As a result of the full time nature of the Duma and its capacity to employ agenda-setting techniques as powerful tools to pass legislation or override vetoes, the Lower House gained credibility as an effective instrument which would exert influence in policy process.

Though president was sometimes able to command majorities on legislation and on the formation of the government, but that happened only after negotiations and concessions. The opposition was successful in securing majorities to override vetoes from the Council and president, oppose prime ministerial candidates in the first two rounds of voting, and delay executive's bills while adopting legislation not always favoured by the executive, which served as a check on executive power. Despite threats to delay elections if electoral laws were not approved on time, the 1995 parliamentary and 1996 presidential elections were held according to schedule.⁵⁶

Elections for the president of the Russian Federation were held in 1996 amidst decreased popularity of Yeltsin because of Chechen war and his ill health. After two rounds of election, with the help of Alexander Lebed, who had come third in the first round, and big business, Yeltsin won by securing 53.70% of total votes, leaving behind Gennedy Zyuganov with 40.41% of total votes. It was a spectacular comeback by Yeltsin whose approval rating in January 1996 had comedown to only 8 percent. His successful campaign also revealed the formidable institutional resources available to him. His grip over the system was still very much solid.⁵⁷ Presidential decrees

⁵⁵ Tiffany A. Troxel, *Parliamentary Power in Russia, 1994-2001: President vs Parliament*, (New York: Palgrave Macmillan, 2003) pp. 165-166.

⁵⁶ *ibid*, p. 169

⁵⁷ Willerton Jr., n-4, p. 55.

were issued when necessary during the campaign season. His campaign also dominated the media, with rivals gaining minimal national media access. Yeltsin's team successfully isolated political adversaries.

Yeltsin's second term was a continued complex balancing of the interests of reformers and deputies. Continued regularized working relations with the parliament were likely, given already existing reconciliation commission, and institutionalized lobby arrangements.⁵⁸ Yet the second Yeltsin term began with a certain political irony. A powerful presidency was firmly in place in 1996, but a physically weak chief executive in 1998, generated uncertainties regarding Yeltsin's often unpredictable behaviour. He could not exercise his authority with full vigor. His failure to construct a presidential party or stable majority coalition in parliament also seriously undermined his ability to govern.⁵⁹

Many of Yeltsin's own allies began to exploit this opportunity to enhance their own authority. The chief among them were Security Council Secretary Alexander Lebed, prime minister Chernomyrdin, and Head of the Presidential Administration, Anatolii Chubais. The ability of Chernomyrdin, Chubais, and Lebed to work together became critical both to the cohesiveness of the Yeltsin team and to the ability of the federal executive to function effectively under a physically weaker Boris Yeltsin.⁶⁰

Yeltsin flexed his political muscle by unexpectedly dismissing Chernomyrdin and replacing him by Sergei Kirienko. This move sparked a spiral of political and economic crisis that temporarily left a physically frail Yeltsin marginalized to a mostly symbolic role. He was forced to appoint Yevgeny Primakov as the new prime minister, a compromise candidate who was forced upon him by the state Duma.

⁵⁸ *ibid*, p. 57.

⁵⁹ Moser, n-9, p. 67.

⁶⁰ Willerton Jr., n-4, pp. 59-60.

This process demonstrated that even in a strong presidential system, a weak president, politically and physically, cannot remain at the center of the political system.⁶¹ The declining power of Yeltsin during the 1998 economic crisis can be characterized by three aspects —

1. As in the 1993 constitution crisis, public opinion and the strategic actions of political elites mattered as much or more than constitutionally defined powers,
2. while Boris Yeltsin was weakened, the power of the presidency were not changed. This helped Yeltsin to recover from the crisis in time to name a successor endowed with the same vast constitutional powers he enjoyed, and,
3. the temporary shift in power towards the legislature brought on by the economic crisis occurred within the bounds of the constitution,⁶²

By the end of 1999, Yeltsin managed to exist 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.

Executive-Legislative Relations Under Putin (1999-2000)

Vladimir Putin was appointed the prime minister of the government by president Boris Yeltsin in August 1999. Yeltsin's opponents were campaigning hard to prevent Putin's emergence. Following factors helped Putin, a hardly known grey but loyal and well-connected bureaucrat, to rise to the presidential throne—

- His military campaign in Chechnya,
- Decision to remain deliberately vague about the policy-preferences of Putin,

⁶¹ Moser, n-9, p. 92.

⁶² Robinson, n-22, pp. 90-92.

- Manipulation of the electoral contestation for the state Duma election in December 1999 by unleashing a strong campaign against the rival nomenclature faction Fatherland-All Russia (OVR) and the creation of the virtual party Edinstvo,
- Success in creating the image of Putin as a capable, knowledgeable and modest leader, representing a new generation of Russian politicians.⁶³

The presidential election of March 26, 2000 was a managed affair. After dramatic resignation of Yeltsin from office at the end of 1999, provided his successor Vladimir Putin, who had now become the acting president, all the electoral benefits of being the head of the state. More importantly the resignation moved the presidential election from June to March, undermining the ability of other potential candidates to mount credible campaigns. The tactic worked well and Putin won election easily in the first round.

A substantial change in the nature of executive-legislative relations was brought about by the personal popularity of Putin and the sequence of elections. Owing to personal popularity of Putin, for the first time, post-communist Russia had a president who enjoyed majority support in legislature.⁶⁴ As the pro-presidential forces were stronger in the Duma elected in 1999 than in 1993 and 1995, Putin was likely to have a good working relationship with the parliament.

Putin, from the very beginning of his term, was in favour of a powerful presidency and alarmed Russians of the danger of the weakening of state power. His rule was described by the commentators as 'administered democracy', or 'managed pluralism' or

⁶³ Mongott, n-42, pp. 64-65.

⁶⁴ Moser, n-9, p. 97.

'managed democracy'.⁶⁵ But one positive outcome of the establishment of a 'managed democracy' was the neutralization of the state Duma opposition by Putin camp, and creates highly cooperative executive-legislative relationship. This cooperation was facilitated also by the majority enjoyed by the presidential team in the legislature, thanked to Edinstvo, a pro-presidential virtual political party.⁶⁶ Thus in contrast to the nineties, highly co-operative executive-legislative relations could be established during Putin's first term. Still intensive bargaining between the executive and the deputies had been necessary, particularly over distributive issues such as budget, tax and social policies; however, in most cases a consensus could be established.

The prospects of more cooperative relations became brighter with the results of 2003 parliamentary and 2004 presidential elections. The 2003 state Duma elections established the control of the "United Russia" party or Edinaya Rossiya, which gained 37.5% of total votes. Independent deputies further consolidated its control due to massive influx. Another major result of 2003 elections was the crushing defeat for the Communist Party. On March 14, 2004, Putin won re-election to the presidency for second term, earning 71 percent of the vote. Now, Putin will not have to face the kind of opposition, which was faced by Yeltsin. This clearly generates hopes for a less conflictual and more cooperative relationship between the executive and legislative branches of the government.

⁶⁵ Harley Balzer, "Managed Pluralism: Vladimir Putin's Emerging Regime", *Post-Soviet Affairs*, vol. 19, no. 3 (2003), pp. 189-227.

⁶⁶ Timothy Colton, and Michael McFaul, "Reinventing Russia's Party of Power: "unity" and the 1999 Duma Election", *Post-Soviet Affairs*, vol. 13, no. 3, (April-June 2000), pp. 201-224.

CHAPTER: 4

IMPLICATIONS OF THE CONFLICT

This chapter is an attempt to critically analyse the various outcome of the conflict between the executive and legislature in Russia. The chapter proceeds by studying the impact of the conflict on the issues such as democratisation process, emergence of a well-institutionalised party-system, and prospects of the development of a vibrant civil society. The issues will be dealt separately.

It is more or less an established fact that conflicting interest of the executive and the legislature in any political system, parliamentary or presidential, affects the proper functioning of that particular political system. A cordial relationship is essential to build consensus on issues of national importance between these organs of policy formulation and policy implementation. Russia presents a very interesting case-study to examine the adverse outcomes of a primarily conflictual relationship between the executive and legislative branches of the government. The various outcomes of this dispute can be seen in the slow pace of democratisation process, ill-developed party-system, weak civil society, weak trade-union, and lack of consensus on major socio-economic issues.

The problems for Russia were multiple since the very beginning of its transition from a communist to a liberal-democratic regime. Several unique features characterized the nature of Russia's Post-communist transformation. It was not like the post-communist transition in other post-communist countries of Central Europe. First of all, unlike the post-communist countries of Central Europe, in Russia the demise of

communism was accompanied by the total collapse of the state itself.¹ Therefore, Russian elites faced the daunting tasks of not only building a new economy and a new regime, but also reconstructing at the same time the state structures to carry out these tasks.

Secondly, a lack of consensus among Russian elites about the principal mode of reform also differentiates Russia's transition from that in other countries. The absence of a coherent opposition allowed Yeltsin to launch the reform programme according to his own agenda. A broad social support for reform could not be built in Russia. Yeltsin, surrounded by a narrow circle of close advisors, himself did not try to build the much needed support at roots, nor did he do anything to develop a well-institutionalized party-system. The end result was a collection of ill-designed institutions with few social roots, which immediately became a source of constant conflict between the aspiring candidates to control the political power.²

The debate on the implication of the conflict revolves around the prospects of democratization in Russia, or in what ways the conflict between the executive and legislature has retarded the democratization process. There are two parameters to measure the success of democracy in any society: procedural and substantive. The procedural definition takes into account the regular holding of election, alternation of the government at regular intervals, participation of each and every section of the society into the electoral process and so on. Whereas the substantive criterion measures the success of democracy by looking at larger issues of socio-economic equality, equal redistribution of the fruits of economic development etc.

Joseph Schumpeter defines democracy in terms of the free elections. Such an 'electoralist' definition by Schumpeter conceives the operation

¹ Lilia Shevtsova, "Russia's Post-Communist Politics: Revolution or Continuity?", in Gail W. Lapidus (ed.), *The New Russia: Troubled Transformation* (Boulder: Westview Press, 1995), p. 8.

² *ibid.*, pp. 8-9.

of democratic rule as the exchange of government policies for votes.³ Another important scholar Robert A. Dahl defines democracy as 'polyarchy',⁴ and gives a list of the 'procedural minimal' condition for a successful democracy. The procedural minimal conditions include not only elections, but also provisions that ensure that major policy decision are legally and constitutionally vested in elected officials, and that all eligible voters have right to contest for power.⁵

A far more demanding and restrictive definition of democracy is given by the Marxists. This substantive definition gives a 'radical' alternative⁶ to Dahl's definition by adding conditions that relate to equalities of many types, especially in the distribution of wealth and income. This definition regards democracy as necessarily entailing the extension of citizenship right from political to economic and social relationship.⁷

By summarizing all streams of views on democracy, following meanings have been attached to word 'democracy':⁸

1. a form of government in which the people rule themselves directly and continuously,
2. a society based on equal opportunity and individual merit,
3. a system of welfare and redistribution aimed at narrowing social inequalities,
4. a system of decision making based on the principle of majority

³ Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper, 1976), pp. 269-283.

⁴ the term polyarchy was coined by Robert Dahl with Charles Lindholm, to distinguish modern societies from classical democracy & it literally means 'rule by the many'. It is an approximation of democracy based on the accountability of power holders through regular and competitive elections.

⁵ Robert A. Dahl, *Dilemmas of Pluralist Democracy* (New Heaven: Yale University Press, 1982), p. 11.

⁶ M. Steven Fish, "Conclusion: Democracy and Russian Politics", in R.G. Moser and Z. Barnay, (eds.), *Russian Politics: Challenges of Democratization* (Cambridge: Cambridge University Press, 2001), pp. 215-216.

⁷ For more explanations kindly see C.B. Macpherson, *Democratic Theory: Essays in Retrieval* (Oxford: Clarendon, 1973), and T.H. Marshall, *Class, Citizenship, and Social Development* (Garden City: New York, Anchor, 1965).

⁸ Andrew Heywood, *Politics* (2nd ed.) (New York: Palgrave, 2003), p. 68.

rule,

5. the opportunity for all to participate in politics,

6. freedom of expression,

The disintegration of political authority and institutions that began in the late Gorbachev era continued non-stopped during the early years of the Yeltsin era. If we look at the record of Russia's performance of democratization, which was promised by a leadership of self-proclaimed democrats, the result has been a grave disappointment. Russia has made tremendous progress on the path to electoral democracy if compared to the reign of both the imperial czars and the Bolsheviks.⁹ However, if measured against the indispensable criteria, feature and pre-requisites of liberal democracy, Russia still does not qualify as a full-fledged democracy. Its political regime is moderately authoritarian, mono centric and, albeit not strictly, closed, it is, however, mixed with elements and functions of electoralism and a semblance of formal accountability of its rulers to those ruled.¹⁰

The list of failures on democratization front is daunting. Russia still has to go a long way in ensuring the freedom of press, development of civil society, and protection of human rights. Transformation of the command economy has been an even greater failure. More than ten years of market reforms have produced periods of hyper inflation, the collapse of the currency and chronic nonpayment of wages and pensions.¹¹ Wherever one looks, Russia seems to be facing intractable problem that threaten the ability of the elected to govern at all, making the establishment of a consolidated democracy and functional market economy seem like increasingly unrealizable goals. Russia can

⁹ Gerhard Mangott, "Russia-the Emergence of a (Mis-) Managed Democracy", in G. Hinteregger and H-G Heinrich (eds.), *Russia — Continuity and Change* (New York: Springer Wein,2004), p. 49.

¹⁰ J.L. Gibson, "The Russian Dance with Democracy", *Post Soviet Affairs*, vol. 17, no.2 (2001), pp. 101-125.

¹¹ Robert G. Moser, "Introduction: Challenges of Russian Democratization", in R. G. Moser and Z. Barany (eds), *Russia Politics: Challenges of Democratization* (Cambridge: Cambridge University Press, 2001), p. 1.

be described in John Lowenhardt's words, as a political system with 'minimal democracy'.¹²

Robber G. Moser classifies the explanations of the trajectory of Russia's transition into three general categories— structural, institutional, and elite-driven.¹³ Structural explanations emphasizes the constraints that legacy of Russian history, experience of the CPSU, and have placed on the potential for successful democratic development. Ken Jowitt claims that communist rule reinforced a traditional political culture that promotes an exclusive and oligarchic elite and mass population that is distressful of politics and thus poorly equipped for democratic participation.¹⁴ Stephen Hanson, on other hand regards the Communist legacy as multifaceted and segregates it into its ideological, political, economic, and cultural elements. While the ideological legacy has been relatively easy to overcome, political and economic, and most difficulty the cultural legacies have been much more difficult to eliminate.¹⁵

Institutional explanation, on the other hand focuses on constitutional frameworks or electoral systems that have relatively uniform effects in most democracies around the world. Thus this criteria studies the impact of division of political power between the executive and legislature on the functioning of the political system.¹⁶ Lastly, emphasis on elite decisions often takes the form of historical counterfactuals, hypothesizing what might have occurred had some particular action been taken that was not. From this perspective faulty institutional design, elite mistakes, and missed opportunities for decisive elite action, all rooted in the politics of the transitional period rather than in any long-term condition, are viewed as the

¹² As quoted in Moser, n-11, p. 3.

¹³ *ibid.* pp. 4 -6.

¹⁴ Ken Jowitt, *New World Disorder the Leninist Extinction* (Berkeley: University of California Press, 1992), pp. 286-300.

¹⁵ Stephen Hanson, "The Leninist Legacy and Institutional Change", *Comparative Politics Studies*, vol. 28, no.2 (1995), pp. 306-314.

¹⁶ for institutional explanation see Robert G. Moser, *Unexpected Outcomes: Electoral System, Political Parties and Representation in Russia* (Pittsburgh: University of Pittsburgh, 2000).

culprits for the poor results of Russia's democratic experiments.¹⁷

Several scholars of Russian political system have analyzed the root factors behind such a dismal record of democratic as well as economic transitions. Executive-legislature conflict, focus of the proposed study is only one of them. The coming paras will separately study the impact of the conflict on democratization process, party system development, and emergence of a vibrant civil society. Its impact on the progress of economic reform will also be taken into the consideration.

Democratization process:

The 1993 Russian constitution established a "superpresidential system".¹⁸ Stevan Fish has pointed out several major problems caused by super presidentialism. It makes the system over dependent on a single person i.e. the president. His competence, judgement, and health occupy extra-ordinary importance, making the system fragile and vulnerable. Superpresidentialism also tends to produces zero-sum, winner-take all politics that can ignite extra constitutional action by political forces. Where the losers in the contest for the presidency are challengers, they may abandon peaceful competition in favour of mass action or insurgency.¹⁹ Fish, thus regards the establishment of superpresidentialism as a retarding force in the blossoming of democracy in Russia. The road to democratization under a superpresidential system becomes problematic also because it provides ample opportunities for corruption as it lodges most of the powers of control and expenditure of the state resources in the executive branch and provides for little or no oversight of executive by

¹⁷ J. Linz and A. Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post- communist Europe* (Baltimore: John Hopkins University Press, 1996), p. 392.

¹⁸ Super-presidential system is a term specifically referred to the constitutional arrangement in Russia after 1993- constitution. It is a constitutional order that provides for an extraordinarily strong president and a relatively weak legislature.

¹⁹ M. Stevan Fish, "The Pitfalls of Russian Superpresidentialism", *Current History*, vol. 96, no. 612, (Oct. 1997), pp. 326-330.

legislature.²⁰

Analysts have described three stages of post-1991 politics in Russia—transition, democratization and consolidation, though there is no consensus on the importance or utility of any of three terms.²¹ It can be said that Russian is currently at the stage of democratic transition because though there has been agreement about electoral rules and constitutional powers for more than ten years, but they have yet to be fully ingrained in the system. It is slowly moving towards democratic consolidation. But the consolidation process has been very tumultuous and retarded because of constant rivalry between the president and parliament. In fact, there is lack of a broad consensus on democracy in Russia.²²

Prospects of democracy in Russian Federation were extremely bleak since the day it became independent. The Russian Parliament and the President in 1991 were crisis prone because of dual legitimacy. A strong parliament and strong president are not necessarily the ideal structure for any government, because they have dual legitimacy and both claim to be the real representative of the people.²³ Thus, a stable base for democratic transition from an extremely closed communist society could never be built due to the rivalry between the executive and legislature. The unambiguous division of powers between the competing branches fueled the conflict which culminated in the violent take over of the parliament, and finally in the endorsement of 1993-constitution, signifying the victory of Yeltsin led reformers over “anti-reformist” parliament.

Russian Federation thus adopted a constitution, which provided an

²⁰ S.K. Pandey, “Russia’s Superpresidentialism: Need of the Time or Threat to Democracy”, in S.K. Jha, and B. Sarkar (eds.) *Amidst Turbulence and Hopes: Transition in Russia and East Europe* (New Delhi: Lancer Boks, 2002), pp. 111-112.

²¹ Zvi Gitelman, “The Democratization of Russia in Comparative Perspective”, in S. White, A Pravda, and Z. Gitelman (eds.), *Developments in Russian Politics 4* (London: Macmillan, 1997), p. 268.

²² *ibid*, p. 269.

²³ Tiffany A. Troxel, *Parliamentary Power in Russia, 1994-2001: President Vs. Parliament* (New York: Palgrave Macmillan, 2003), p. 172.

extremely strong executive and a relatively weak legislature. Russia seemed to fit Guillermo O'Donnell's definition of a "delegative democracy." Delegative democracy is defined as a system where the president sees himself as being above parties, sees legislature as nuisances which he should not be required to account to, and concentrates power in his own office.²⁴ O'Donnell believes that delegative democracy is a destabilizing system which threatens parliamentary autonomy.

The behaviour 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. Steven Fish found three decisions taken by Yeltsin as an important source of anemia in Russian democracy. In the presence of an unchecked executive, these decisions had momentous and lasting effects. These decisions are as following.²⁵

1. decision not to call new elections for parliament and to leave in place the old Supreme Soviet elected in 1990,
2. decisions taken in the realm of economic reform. He did not build a social base for reform, nor consulted the parliament, and
3. decision taken in the realm of law enforcement. Yeltsin and his team overlooked completely the necessity for a hardy coercive apparatus and thus virtually withdrew the state from law enforcement. Far from understanding that the immense transformations involving movement to a market economy would require refurbished and more sophisticated law enforcement agencies, Yeltsin naively regarded the market itself

²⁴ Guillermo O'Donnell, "Delegative Democracy", *Journal of Democracy*, vol. 50, no.1 (January 1994), p. 59.

²⁵ Fish, n-6, pp. 234-245.

as an antidote to crime.

Analysts who include substantive criteria in their definitions like to assess Russia as a 'partial democracy' or a 'low-caliber democracy'.²⁶ Low-caliber democracy is democracy without accountability. Despite the presence of institutions to ensure popular control, there is little accountability of officialdom to society. Stevan Fish has explained several factors as accountable for the low caliber democracy. But since the focus of the proposed study is executive-legislature conflict, the same will be elaborated here.

According to Fish the main institutional cause of Russia's low-caliber democracy is the super-presidential system. The overweening presidency lies at heart of Russian democracy's accountability deficit. The adverse outcomes of super presidentialism on democracy have already been explained.²⁷ Super presidentialism eroded the state capacity to function properly because of its tendency to promote personalism and obstruct institutionalization. Due to excessive centralization of power in the hands of the president, Russia could never witness a competitive politics in which power is divided and which encourages competitive institution building. The failure to build institutions competitively ultimately led to erosion of state capacity to manage the anti-legal and anti-democratic behaviour of the disintegrating forces.²⁸ Super presidentialism also diminished incentives for the formation of autonomous social organizations, and that's why no strong opposition could develop to challenge Yeltsin's authoritarian programmes. A constant rivalry characterized the executive-legislature relationship.²⁹ This disunity among democratic politicians has not only weakened their influence in the institutions of governance, but has diminished their appeal as people worthy of

²⁶ *ibid*, p. 226.

²⁷ see Stevan Fish, n-19.

²⁸ Prioska Nagy, *The Meltdown of Russian State: The Formation and Collapse of State in Russia*, (Cheltenham: Edward Elgar Publishing Ltd. 2000), pp. 111-112.

²⁹ T.J. Colton "Super Presidentialism and Russia's Backward State", *Post-Soviet Affairs*, vol. 11. no.2 (1995), pp. 144-148.

support and office- holding.³⁰

Yeltsin's health problems, which impaired his ability to function also contributed in making the road to democratization problematic. With the decline of health and mental faculties of Yeltsin, Russia found itself with 'a strong presidency without a strong president.'³¹ This inability of the executive to exploit its institutional powers diminished the importance of political culture and institutional arrangements. To establish and reestablish his eroding authority he ruled in an authoritarian way. He took several drastic undemocratic measures, the most dramatic of which was his illegal suspension of parliament in 1993 followed by the bombardment of the 'White House', to remove forcefully its occupants.³² He undermined the democratic institution of parliament on several occasions by not consulting it.

It can be concluded from the above discussion that the early post-Soviet period witnessed a disintegration of democratic consensus among Russian elites, which gave way to a complex interaction between democratization and authoritarianism. Agreement on the basic rules of the political game at the fall of communism was undermined by the struggle between Yeltsin and the parliament, and doubts over the legitimacy of the new constitution inhibited agreement on the fundamentals of the new political system in which structured political opposition adds to the vitality of the political organism rather than threatening its destruction.³³ The factionalism of politics, the concentration of power in the executive branch, the arbitrary rule of bureaucrats, the growth of corruption and the unpredictability of government suggested that Russia's democratic experiment had run into the sands.

³⁰ Gitelman, n-21, p. 270.

³¹ Robert G. Moser, "Executive-Legislature Relations in Russia, 1991-1999", in R. G. Moser and Z. Barany (eds), *Russia Politics: Challenges of Democratization* (Cambridge: Cambridge University Press, 2001), p.67.

³² Joseph L. Noguee and R. Judson Mitchell, *Russian Politics: The Struggle for a New Order* (Boston: Allyn & Bacon, 1997), pp. 182-183.

³³ Richard Sakwa, *Russian Politics and Society* (London: Routledge, 1996), p. 370.

Political Parties and Party System:

The most serious impact of legislature-executive conflict is visible on the development of a well-institutionalized party-system. Partisan conflict in the Russian parliament sheds light on the question of how institutional arrangements affect the development of a party system. The presence of a competitive party system in Russia is a critical condition for the health of its politics. Party system is a complex interrelationship between and among the parties which is crucial in structuring the way political system work in practice.³⁴ The mere presence of parties does not, however, guarantee the existence of party system. The pattern of relationships among parties constitutes a system only if it is characterized by stability and degree of orderliness.³⁵ Where neither stability nor order exists, a party system may be in the process of emerging, or a transition from one type of party system to another may be occurring. The post-communist Russia seems to fit in this definition. The collapse of communist rule in 1991 and the initial banning of the CPSU were always going to make the emergence of a competitive party system a difficult business. Russia's problem has been a proliferation of parties and political groups, none of which has come close to establishing a mass membership or a nationwide organization.³⁶

Political parties have traditionally served as the principal institution that mediates social interest in pluralist democracies. In Russia, however, parties to date have played only a marginal role in interest mediation. The restricted role played by parties in Russian politics is manifested in several ways.³⁷

1. they have essentially no significant impact on the election of key

³⁴ G. Sartori, *Parties and Party System: A Framework for Analysis* (London: Cambridge University Press, 1976), p. 25.

³⁵ Heywood, n-8, pp. 258-259.

³⁶ see John Lowenhardt, (ed.), *Party Politics in Post- Communist Russia* (London: Frank Cass, 1998).

³⁷ Andrei Ryabov, "Political Parties and the Multi- party System in Russia Today", in G. Hinteregger and H-G. Heinrich (eds.), *Russia- Continuity and Changes*, pp. 31-33.

power institutions—the president and the heads of the Federal Units.

2. they do not have an important role to play in drawing up society's development strategy and the priorities of government policy,
3. they do not sufficiently express the political interests of large social groups represented in society,
4. In the present day Russian politics, parties do not really perform the function of an institution that recruits the political elite.

In the presence of such restrictions, the main function of political parties in today's Russia is law-making activity. This function increasingly became important throughout the second half of the 1990s as large corporations realized the advantages of lobbying their interest in parliament. This was assisted by the growing understanding that it is much more difficult to change the law than to change the decision of the executive power branch—presidential decrees or government resolutions.³⁸

There are several reasons why party system in today's Russia is weak and not well-institutionalized.³⁹ Keeping the focus of the proposed study into consideration, reasons related to executive-legislature will be highlighted only. First of all, Yeltsin after quitting the CPSU, never became a member of any party again. Yeltsin chose not to build a political party to support his policies. He came to power with the aid of an umbrella group Democratic Russia, but that organisation disintegrated into several factions and no longer dominates Russian politics.⁴⁰ Among the large number of parties in Russia only the communist party possesses a strong organizational base, but it is still

³⁸ *ibid*, p. 33.

³⁹ for more details on political parties development in Russia see T.F Remington and S.S. Smith, "The Development of Parliamentary Parties in Russia", *Legislative Studies Quarterly*, vol. 20, no. 4 (1995), pp.457-789.

⁴⁰ Noguee, Mitchell, n-32, p. 182.

a minority party. Most Russian parties to date have been organized around personalities and have been subject to changing policies and whims of their leaders. Richard Sakwa referred to these parties as 'pseudo parties.'⁴¹

The second reason for the weakness of party system is related to the problem of the present Russian constitutional design. It is an irony that whereas electoral reforms had a stimulating effect on the development of Russian parties, constitutional reform largely undermined the process.⁴² In a super-presidential system the main decision-making power centered in the presidency. The political and control functions of the legislatures are indeed limited. The incentive to build parties depends on power of the legislature, where parties usually develop their functions and their influence. In Russia due to a weak legislature, the parties are not able to control the formation of the government, or even structure the presidential vote.⁴³ Thus the power imbalance adversely affected the development of political parties.

Restraining the development of party-system logically ensured from the special features of executing power in a 'super-presidential republic'. In this system, the head of state essentially performs the role of 'power coordination'. The president did not require, in Russian case, strong parties as an institution of control over his activity. Therefore, strengthening parties as a political institution is impossible without making change to the constitutional design aimed at extending the authorities and functions of the legislatures and turning them into real decision-making centers.⁴⁴

Beginning in mid 1990s, a significant obstacle on the path to expanding party influence on Russian politics was stable interest

⁴¹ Sakwa, n-33, p. 70.

⁴² Ryabov, n-37, p. 34.

⁴³ Pandey, n-20, p. 112.

⁴⁴ Ryabov, n-37, p. 35.

groups represented by powerful oligarchic clans, which due to their wide spread lobbies in various power institutions, had extremely broad opportunities to influence the decision making process and socio-economic policy.⁴⁵ These tendencies were encouraged and patronized by the governing elites. Under these conditions, parties often lost their role as independent actor, becoming a channel of influence used by interest groups to reach their goals.⁴⁶

But there are some hopes also. While admitting the weakness of the Russian party system, it should also be noted that in the past decade it has become an important element of the country's political structure. One of the main reasons for this was the influence of the mixed voting system during the Duma elections between 1993 and 1999. Over time, the so called voting factor began to work in favour of the strongest parties, which also helped to stabilize the multi party system.⁴⁷ As market relations continue to develop and the social structure is restored, interests will become more articulated, which will inevitably have a strong impact on the further evolution of the party system. Also due to arrival of a phase of socio political stabilization after the revolutionary changes of the 1990s, the post-Soviet elites started streamlining the political environment and strengthening the political institutions, among which a perceptible role was also played by the political parties. For this purpose, in 2001, for the first time in Russia's history, a federal law "On Political Parties" was adopted.⁴⁸ This regulatory act clearly sets out the desire of the post-Soviet elites to increase the predictability of the political process, in particular elections.

⁴⁵ see Y.M. Brundry, "Ruslan Khasbulatov, Aleksandar Rutskoi and Intra-elite Conflict in Post-communist Russia, 1991-94", in T.J. Colton and R.C. Tucker (eds.), *Pattern in Post-Soviet Leadership* (Boulder, Colo: West view press 1995" pp. 84-87.

⁴⁶Ryabov, n-37, p. 36.

⁴⁷ R.G. Moser, "Electoral System and Number of Parties in Post-communist States", *World Politics*, vol. 51, no. 3, (1999), pp. 359-384.

⁴⁸ Ryabov, n-37, p. 44.

Civil Society:

Civil Society in Russia today is underdeveloped. It is in a formational stage many of its elements have been suppressed or blocked. By this we mean a situation in which there is not a civil society befitting a modern, open, and democratic society in its content and degree of development. But certain of its specific elements, driven into small oases of autonomous social life, do exist.

The concept of civil society has attained academic significance particularly in assessing the democratization process in any society.⁴⁹ The civil society has broadened and deepened over the course of the last few decades and has been complemented by a view of democracy based on political pluralism, general consensus, and partnership among competing social groups, a sense that state power should be limited by established legal norms, the idea of human freedom, and so forth.⁵⁰

Traditionally Russia has been a country with a strong state and a weak civil society. The primary reason for this was that in Russia, unlike the countries of the West, another type of social system had evolved historically, and this system was based on the effectiveness of power. The state was everything and everything was the state.⁵¹ This belief in a strong state, an element of Czarist Russian and Soviet tradition, survived in post-communist Russia also. The belief in a strong state was further realized with the establishment of a 'super-presidential' system in Russia. Superpresidentialism has hampered the growth of a healthy and vibrant civil society. Russia, like most of the presidential system patronized big business lobbies, whereas

⁴⁹ for theoretical understanding of civil society, see Neera Chandhoke, *State and Civil Society: Explanations in Political Theory* (New Delhi, Sage Publications, 1995), T. Cohen and A. Arato, *Civil Society and Political Theory* (Cambridge, MIT, 1995), and Sudipta Kaviraj and Sunil Khilnani, *Civil Society: History and Possibilities* (Cambridge, Cambridge University Press, 2001).

⁵⁰ Z.T. Golenkova, "Civil Society in Russia", *Russian Social Science Review*, vol.40, no.1, (Jan-Feb. 1999), pp. 4-18.

⁵¹ Russell Bova, "Democratization and the Crisis of the Russian State", in Gordon B. Smith (ed.), *State Building in Russia: The Yeltsin Legacy and the Challenge of the Future* (New York: M. E. Sharpe, 1999), p.18.

discouraged mass-based organization that are better equipped to lobby legislatures than executive. Yeltsin administration's economic policies have produced a small and concentrated economic elite, intimately if not parasitically tied to the state. This is not something conducive for the development of liberal and pluralist political institutions.⁵²

Putin's Political Regime

Vladimir Putin's arrival in 1999 as the successor of Boris Yeltsin and his election to the Russian presidency in a landslide victory in 2000, began, according to some observers, a new wave of authoritarian rule in Russia.⁵³ Though Putin virtually repeated the formula for coming to power that had been successfully tested by Boris Yeltsin in 1991, instead of Yeltsin principle of mutual connivance, shadowy checks and balances, and maintenance of power by redistributing and decentralizing it and provoking constant revolutionary shocks, Putin turned to the principle of subordination, quelling opposition, control over alternative ways to thinking of elites and centralisation of the Russian Federation. In essence, Putin began to build a "conveyer belt" political regime.⁵⁴

The executive-legislature relationship has been moving towards a kind of stability since mid-1990s. Putin started his presidential tenure in a very cautious manner, which had positive repercussion for the president parliament relationship. He established a business like relations with the Duma in the session completed in July 2002.⁵⁵ The Duma passed more than 100 bills, of which Putin signed 77. Although some Russian commentators feel that Putin has now "tamed" the Duma and made it little more than an instrument of presidential will,

⁵² Michael Mc Faul, "Democracy Unfolds in Russia", *Current History*, vol. 98, no. 630, (oct 1999), pp. 316-321.

⁵³ Thomas A. Nichols, "Putin's First Two Years: Democracy or Authoritarianism", *Current History* (Oct-2002), pp. 307-312.

⁵⁴ Lilia Shevtsova, "Evolution of Vladimir Putin's Political Regime", in G. Hinteregger and H-G. Heinrich (eds.), *Russian. Continuity and Change*, pp. 19-20.

⁵⁵ Peter Rutland, "Putin's Path to Power" *Post Soviet Affairs*, vol. 16, no. 4 (2000), pp. 313-354.

even the president's critics grudgingly admit that the absence of the political trench warfare between the legislative and executive branches has led to a more routine and professional legislative process. Initial fears that 1993 constitution would render law-making power of the parliament irrelevant have proved unfounded, since Putin has been reluctant to circumvent the Duma with presidential decrees, and the legislature, for its part, apparently takes the idea seriously that its function is to legislate rather than agitate and obstruct.⁵⁶ This change in executive-legislature relations has certainly enhanced the efficiency and ability of democratic institutions.

In spite of these positive developments, Putin's image, among analysts, is of an executive who believes in consolidation of vertical power. Gerhard Mangott summarizes first term of Putin by two major developments.⁵⁷

1. Putin moved aggressively against the competing power centers both on the federal and the regional level in an effort to reassert the Kremlin's power and to marginalize any potentially opposition minded force, and
2. Putin started building his own power base in Moscow relying on long-time companions from the security services and neo-liberal economists. With Putin, the process of the political elite's securitization⁵⁸ accelerated considerably.

In order to neutralize the opposition, Putin moved aggressively against the regional fiefdoms by strengthening the unitarist element of the Russian Federation, and sought to reshape the executive legislature relations by reshaping the Federal Assembly. He moved decisively against media, oligarch, NGOs, human right groups and other voluntary movements. These actions on the part of Putin certainly

⁵⁶ Nichols, n-53, p. 308.

⁵⁷ Mangott, n-9, p. 65.

⁵⁸ The process of elite securitization had already begun with Yeltsin, he proposed Putin as his successor precisely because of his security services background.

worked against the blossoming of democracy in Russia.⁵⁹

Finally, we can identify three rival schools of thought about Putin's presumed consolidation of power. These are the school of fear, the school of hope, and the school of doubt.⁶⁰ Adherents of the school of hope allege Putin as a 'liberal in authoritarian clothing'. They see him as a reformer and pragmatist struggling to establish new rules of the game to introduce political stability and legal certainty. Exponents of the school of fear, arguing diametrically opposite to the previous school, regard Putin as 'an authoritarian in liberal clothing'. Putin, according to them is master of disguises who has restricted the independent monitoring of government agencies and chilled most critical voices in the media. He has even attempted to fill the space vacated by genuine civil-society organization with cardboard replicas that do the state's bidding.

Advocates of the school of doubt allege that changing the man at the top does not really change that much, because the underlying situation remains forbiddingly difficult. They look at Kremlin as an intermittently confused and often paralysed institution, which continues to respond haphazardly to events outside its control.

⁵⁹ Stephen Hanson, "The Dilemma of Russia's Anti-Revolutionary Revolution", *Current History*, vol. 100, no. 648, (October 2001), pp. 330-335.

⁶⁰ Stephen Holmes, "Simulation of Power in Putin's Russia," *Current History*, vol, 100, no. 648, (Oct-2001), pp. 307-312.

Conclusion

The study of the relationship between the executive and legislature shows that the confrontation and co-operation between these two branches of the government have been a major part of post- communist Russian politics. However, the nature and degree of this conflict has substantially changed over time. From a highly conflictual relationship of pre-1993 period, it has progressed towards a more conciliatory relationship since the adoption of 1993 Constitution.

The origins of this relationship can be traced back to the creation of the post of a directly elected President in 1989. Through the introduction of this post, the parliamentary system of the Soviet Period was transformed into a presidential system. This arrangement generated problems for the Russian political system because no adequate amendments were made to accommodate the post of the President in a parliamentary system. It created two foci of power each proclaiming its popular legitimacy. Both the branches of the government attempted to concentrate the political power in their own hands, initiating a constant struggle for power between them. The problems arose also because of the fact that the democratic institution of the presidency was added to an undemocratic constitution of the Soviet period. Another democratic institution which was added to the 1978 Soviet constitution was the Congress of People's Deputies (CPD).

During the Soviet period Yeltsin and the Russian CPD fought together against Gorbachev regime to dismantle the Soviet Union. The conflict between The Russian republic and the Soviet Union broadened the appeal for a directly elected president who was seen as a symbol of state

sovereignty and an instrument in the struggle for autonomy of the Russian republic from the Soviet Union. But this co-operation ended soon after the independence of Russia in 1991 because the policy - preferences of both the president and parliament reversed diametrically. The institutional crisis of the pre-independence period became even more intense with the ideological polarization between a 'reformist' president and an 'anti-reformist' parliament. The pace of the implementation of the economic reform programs by Yeltsin became a major bone of contention between these two branches. The communist dominated parliament under Ruslan Khasbulatov offered a serious opposition to Yeltsin's policies.

The sharpening of the conflict between the executive and the legislature generated the need for a new Russian constitution. Both the parliament and President presented their own drafts of the new constitution. The most contentious issue of these drafts was the manner in which power would be located horizontally between the executive and the legislature and the division of power vertically that would determine the relationship between the center, and the republics and regions of the Russian federation. Both the executive and the legislative branches wanted to establish their supreme authority under the new constitution. The confrontation between the two culminated in the bombardment of the Russian parliament by the security forces on the orders of the president.

The endorsement of the new constitution in December 1993, in a referendum formally established the presidency as the supreme organ of the state power. The political power was tilted so much in favour of the president that the scholars like; Steven Fish termed this new constitutional arrangement as 'Super- Presidentialism'. Under the 1993 constitution, the parliament was given a sub- ordinate role.

With the introduction of the 1993 constitution, president Yeltsin and the legislature found ways to defuse conflicts before they could threaten the system. The constitution provided some legal provisions and procedures to resolve the contentious issues. The magnitude of the rivalry faded also because of the fact that both the branches wanted to avoid the costly conflict which had characterized the 1991-1993 period. Thomas Remington emphasizes the factor of uncertainty regarding the nature of each other's behaviour in neutralizing the magnitude of the rivalry and inaugurating the period of, what Robert G. Moser refers as 'peaceful co-existence'. But complete co-operation was still a distant possibility because the legislature was still dominated by the forces opposed to Yeltsin.

The results of the 1999 parliamentary election brought, for the first time, reform-minded forces into majority. This was the reason why Vladimir Putin, the successor Boris Yeltsin, began his tenure on a conciliatory note. He did not have to face a hostile parliament like Yeltsin during the initial years of his first tenure. 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, the 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. The re-election of Putin in 2004, and the victory of the president's party 'Unity' in 2003 parliamentary elections has provided the scholars a reasonable ground to predict a more harmonious executive-legislature relationship in future.

The conflictual executive- legislature relationships have had very significant implications for the proper functioning of the Russian political system. It is almost an established fact that the rivalry between these two

branches of the government has been retarding the democratization process, the development of a well- developed party system, the success of the economic reform programmes and the emergence of a vibrant civil society. The record of democratisation in Russia has not been a great success. Though Russia has performed significantly in terms of procedural democracy, it has still to achieve a lot in the sphere of substantive – democracy. There are some ho. The party system is getting its shape, though gradually but steadily. A stable, well established party system will be vital for any future institutionalization of cordial relations between Russia's two branches of government.

After 2003 parliamentary elections and 2004 presidential elections the stage is set for Putin to establish a cordial executive –legislative relationship. But initial signs show that Putin is more committed to build a strong Russian state and to improve the Russian economy, than to ensure the rapid democratisation process. After becoming the president of Russia, Putin has taken several tough steps which are considered by several scholars as curbing the democratic norms and values of the society. His regime has been termed as 'administered democracy', 'manipulated democracy' and 'managed pluralism' by several critics.

Putin has also advocated the removal of proportional representation from the electoral system, so that he can use patronage to curry support from independents elected in single member districts. It will disturb the balance of constitutional powers between executive and legislature. There is need to establish a proper balance between these branches for future stability of the system. Otherwise, demands may arise for alternative arrangements. It may generate another bloody struggle for power between executive and legislature.

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