This paper reports on a study of the USSR Supreme Soviet; the question it sought to answer was whether the new union parliament created as part of Gorbachev's democratizing reforms was capable of engineering a transition from the old communist political system and a post-communist, democratic polity in the Soviet Union. The August coup confirmed the conclusions of the research: that while the new parliament was slowly mastering the new functions of democratic law-making and representation, the crisis of authority in the country, particularly the confrontation between republican and central authority, and the weakness of social associations able to knit together the republics, rendered the parliament incapable of producing a social democratic regime in a renewed federal union. Nonetheless, the parliament served as a valuable school of democratic skills and values for both the political elite and the general public. Its experience illustrates the contradictory forces at work during the perestroika era.

Gorbachev designed the new two-tiered parliamentary system in a way so as to channel the newly awakened political forces active in the country into the soviets while giving the powerful state interests of the old regime a privileged position through their reserved seats in the Congress of People's Deputies. The 1989 elections had the unanticipated effect, however, of weakening regional leaders' ties to the center, strengthening both democratic and non-democratic elites. The new parliament, moreover, inherited the structures, staff, procedures and norms of the old, rubber-stamp Supreme Soviet which had faithfully served communist party rule. The degree to which the new Supreme Soviet could institutionalize its power, separating itself from the entrenched bureaucracies of the party and state and becoming an effective seat of policy making, political representation, and oversight of the executive, was compromised from the beginning. Nevertheless, the parliament succeeded in laying a foundation for legislative professionalism and independence that has been transferred to the parliaments of the now independent republics.

The research was based upon interviews with a sample of thirty leading members of the Supreme Soviet, including committee leaders and heads of deputy groups. It also employs a close analysis of the published proceedings of the third and fifth sessions of the Supreme Soviet (spring 1990 and spring 1991) as well as participant observation and consultations with a wide range of officials, journalists, scholars, and local deputies. Several measures of legislative institutionalization were used to assess the degree of institutionalization of the Supreme Soviet.

The interviews revealed that many deputies, particularly those active in committee work, felt a strong sense of identification with the system and the process, and some expressed gratification at their legislative accomplishments. Moreover, the work load of the Supreme Soviet was heavy although its efficiency was improving; most importantly, the center of gravity in law-making shifted from the Presidium and the ministries to the legislature itself, by comparison with the pre-Gorbachev regime. On the other hand, the research revealed that the chairman of the Supreme Soviet, Anatolii Luk'ianov, was highly effective in manipulating the legislative process for his own purposes, even if these purposes were obscure. Committees rather than parties or other elements of the system were the major sources of legislative initiative and influence over the agenda-setting process. Deputies who were effective in forging compromises on legislative acts in their
committees and the working groups formed under committees were able to have a great deal of influence over legislation. On the other hand, individual deputies tended to be atomized and insecure, lacking other means of acquiring expertise or influence than through the committees. The absence of parties or interest groups left deputies dependent upon committee leadership for guidance. Moreover, even among Supreme Soviet members, a majority did not give up outside jobs, so that the time and energy available for cultivating legislative professionalism was limited for most. The presidium made the most important decisions about the order in which bills were brought up; these decisions, which were reached by compromise agreement among committee chairmen, were in effect the principal decision points for legislation, since the vast majority of bills were the products of a process designed to build the maximum possible body of voting support and were in most cases passed on the floor by overwhelming margins. Deputy groups had gained legitimacy but were incapable of serving as coherent partisan forces in the Supreme Soviet and lacked organizational links to the electorate.

The Supreme Soviet jealously guarded its prerogatives and its identification with the federal union. It was conservative in its political complexion, but not reactionary. It was hostile to the "9 + 1" process launched by Gorbachev to find a new framework for a union treaty, but also refused Premier Pavlov's repeated demands for the power to legislate independently of the Supreme Soviet. Its most important weakness lay outside the legislative system itself, however. The weakness of organized social interests able to support and influence the legislative process meant that the legislature operated in a vacuum and was therefore unable to prevent the August coup and the collapse of the union.
The question this research addressed is whether the new Soviet parliamentary institutions established in 1989—the elected Congress of People’s Deputies and Supreme Soviet—could help to bring about a transition from the old communist political system and a post-communist, democratic polity in the Soviet Union. Shortly after the completion of the field work, the August coup occurred, followed by the precipitous dissolution of union-level political structures, including the Supreme Soviet. Because of the coup and the train of events it set in motion, the analysis here is necessarily retrospective, seeking insights from the brief, two-year experience of the new parliamentary system that help explain the subsequent breakdown of the union itself. There may also be lessons useful as parliamentary institutions in the newly independent members of the former union evolve. What are the obstacles to their successful consolidation, and how can they avoid the failure of the union parliament?

I. Premises of the Research

In studying the USSR Supreme Soviet, I made some assumptions about the political context in which the new system was devised. Gorbachev’s creation of a set of institutions of representative government was an act of political engineering—or “crafting.” Although judgment about intentions must be speculative, I assume that Gorbachev saw the new structures as a compromise or “pact” between the ruling elite, and the rising forces of popular opposition manifested in explosive rise of
informal associations and in massive turnout for protest demonstrations—something of a contain-
ment strategy. According to my informants, it was Anatolii Luk’ianov, a close associate of
Gorbachev, who proposed the odd two-tiered design of the new parliamentary system. Indeed, the
members of the commission that drafted the constitutional amendments setting up the new system
recognized at the time its logical contradictions and obviously temporary nature; yet they also
considered it an appropriate compromise between the sort of Western parliamentary democracy that
was likely to be established eventually, and the strongly collectivist, bureaucratically-dominated
regime of the past. I would add that the reservation of 750 seats for representatives chosen by the
established public organizations was surely inspired by motives analogous to Poland’s round-table
agreement of April 1989. It was the classic arena-widening, inclusionary strategy practiced by
reform leaders in authoritarian systems who seek to maintain control over policy while providing an
outlet for opposition participation.

We should also note that Gorbachev was not yet advocating a presidency at the point the new
parliament was created; 1988-90 was the high point of the political elite’s call for a return to “soviet
power.” This meant a reversion to the older Bolshevik idea of concentrating state power in soviets
and not dividing power into distinct and equal branches. Executive power was to be tucked under
the soviets, and Gorbachev would straddle his party and state posts.

I would also emphasize that the elections of 1989 were an important turning point both in
elite-mass relations and in relations among elites at different levels and sectors. One important
effect was to loosen Moscow’s ties with political leadership at the periphery, reinforcing the need for
localist political accommodation by regional elites, and hence stimulating nationalist and other
centrifugal forces. And they created a counter-elite of liberal-democratic deputies, organized and
self-aware, from Moscow and other important industrial cities. The new corps of deputies was
neither a cross-section of the former “nomenklatura” elite, nor predominantly composed of opposi-
tion counter-elites, but was a mixture of both, mainly comprising social elites such as managers,
specialists, and professionals.

It is also important to recognize the high degree of continuity between the old and the new
Supreme Soviets. This pertains not to the makeup of the deputies’ corps but to the carryover of
structures and staff, particularly the dominant position of the Presidium and the enormous staff resources at its disposal compared to the minimal support available to deputies and committees. Much of the agenda was carried over as well, as the new Supreme Soviet inherited the old Supreme Soviet's unfinished legislative business. Perhaps still more important was the legacy of traditional organizational links between the Supreme Soviet and the ministries, the CPSU Central Committee apparatus, and the established research institutes. These organizations continued to help draft bills, debate policy concepts, and influence the flow of policymaking. Legislatively continued as before to be a highly consensual process, akin to the "participatory bureaucracy" style of policy-making characteristic of the past, with the difference, as will be noted below, that policy decisions in the new system were far more likely now to take the form of legislatively-approved "zakony" rather than administrative acts. Does this mean that the change to the new parliamentary system was largely formal and superficial? At this point, let us leave the question open. Surely, however, we can safely assume that in any transition of regimes, some degree of continuity can play a stabilizing role so long as it does not prevent the political system from responding appropriately to popular demands for participation and policy change.

This question of continuity and discontinuity pertains to the larger environment of political and social change in the Soviet system. The containment strategy envisioned by Gorbachev presupposed that the movement from the old to the new could be guided and managed. Economic liberalization, although it had failed when Gorbachev won adoption of the Law on State Enterprise and a set of related policy commitments in 1987, would be possible, he evidently hoped, when the political system had been democratized. The parliamentary system proposed in 1988 was the way he could control the opening of the system and weaken the grip of the past on the country. It is certain that he did not envision that the result of the reforms he adopted would be the disintegration of the union itself—preservation of which was probably Gorbachev's single most important political objective. But the development of Soviet politics in 1989-1991 was marked by a profound rupture, equivalent to a revolution or dynastic collapse. A deep and discontinuous change in political regime presents dangers and opportunities. A negotiated transfer of power or defeat in war may present a unique chance for the reconstruction of politics along democratic lines, or may result in the decomposition
of political order into civil war. Here much depends on the relationship between the "communicating vessels" of political and social change. When the accumulated skills, values and beliefs of the population and particularly among political activists permit those who have newly acquired political "voice" to treat opponents with self-restraint and tolerance, and to accept the new rules of political participation, the transition may be peaceful. But if the opening of the political regime greatly outpaces the diffusion of a democratic political culture, the transition may eventuate in civil conflict and violence.

If the outcome of the transition depends upon the relationship between liberalization in the political regime and the character of participatory claims by social groups, a crucial factor is the scope of social mobilization: how successfully do the institutions of civil society bridge cleavages of region, generation, class, and above all, ethnicity? This point applies with particular importance to states built on ethnic-federal principles, since the referent political community for newly mobilized social movements is likely to be the sub-national, federally articulated territory. Anticipating a major conclusion of this report, then, I would locate the single most important source of the Supreme Soviet's failure in its inability to represent effectively the aspirations for sovereignty on the part of newly autonomous political movements in the union's constituent republics.

Finally, I would argue that, since a transition to a representative democracy requires the effective representation of previously excluded groups in power, a parliament is an essential element of a democratic system without which policy decisions lack legitimacy. (Necessary, but not sufficient.) The degree of institutionalization of parliamentary power is therefore a crucial indicator of the progress of democratization quite apart from the content of legislative enactments. To be sure, institutionalization tends to bring about a displacement of goals from policies themselves to actions serving the organization; this is a crucial problem because in the Soviet Union and other societies undergoing the breakdown of communism, good policies may be crucial to averting economic collapse. Yet institutionalization of the legislative power is essential to political stability because only the legislative branch can ensure effective representation by the major politically active sections of society. As the literature on transitions emphasizes, both mutual control and mutual tolerance among organized opponents are essential to a democratic outcome. A successful political transition
requires that there be a transfer of blame for the problems of society from the level of the system to elected and removable representatives. Indeed, as Linz and Stepan observe, when incumbents are peacefully voted out rather than the system overthrown, one may safely say that democracy has been consolidated.7

II. Design of the Research

The political science literature has developed various tests of the institutionalization of legislative power, from which I have chosen three that seem both comprehensive and measurable in the Soviet context:

1. Professionalism: This is both an attitudinal and a behavioral characteristic. To the extent that they are professionally oriented, deputies are expected to have acquired a set of skills and rules for performing their duties distinctive from those pertaining to other spheres of public life, including the executive branch. Professionalism reflects the assimilation of institutional norms

2. Autonomy refers to the separation of legislative deliberation and decision procedures vis-a-vis the executive branch and other environmental influences. It means that boundaries arise around the institution, and are maintained by it.8 For deputies, it refers to the distinctiveness of career patterns such that, with time, membership stabilizes, and leadership is formed from within the institution. Structures internal to the legislature exercise independent control over their agenda, rules, and resources.

3. Authority: To the extent that the legislature is authoritative, its decisions are binding on those to whom they apply; the legislature governs the behavior of those citizens and organizations to whom its decisions are directed. The legislature is not working in a vacuum.

Operationally these indicators are defined as follows:
A. Professionalism

1. legislative activity is treated as full-time job
2. identification with institution
3. orientation to a political career
4. professionalism as a value defined in processual rather than substantive terms—i.e. politics is seen as a domain with its own demands

B. Autonomy

1. agenda-setting is internal to the Supreme Soviet
2. opposition is tolerated
3. the Supreme Soviet controls resources vital to own functioning

C. Authority

1. legislature enforces observance of decisions by executive
2. sub-central governments comply with laws

Following a brief description of the method of the research, I shall report my findings with regard to these operational indicators.

The research relied on data gathered from interviews with individual USSR deputies, most of them members (current or former) of the Supreme Soviet. It also made extensive use of the record of legislative proceedings as published in the daily “Bulletins” of the joint sessions of the Supreme Soviet and of its individual chambers. Other essential publications were the weekly reports of the Supreme Soviet’s enactments, the “Vedomosti,” and the monthly journal “Narodnyi deputat” which carries articles on the soviets generally. The interviews with deputies followed an open-ended, semi-structured questionnaire format; in nearly all cases they were taped. The deputies interviewed were treated as both respondents to survey questions and expert informants about the operation of the institution. Most interviews lasted around one hour. The examination of the proceedings compared two sessions one year apart, the third (winter-spring 1990) and the fifth (winter-spring 1991). The
fifth, of course, was the last before the August coup attempt, and it differed from the third in that it was the only one of the five to follow a turnover of members. The comparison therefore sheds light on institutional continuity as well as learning on the part of the deputies.

Other sources of data are impressions from attendance at the Supreme Soviet, participation in one of its committee meetings, interviews with scholars and journalists who follow the Supreme Soviet closely, and observation of soviets at all levels—republican, regional, city, district, presidium meetings, chambers, committees, and discussions with deputies and staff, in several cities. The directors and research associates of two key institutions deeply involved in the legislative process, the Institute of State and Law of the Academy of Sciences, and the Institute of Legislation and State-Building under the Supreme Soviet itself, generously provided assistance and advice. My formal affiliation was with the Institute of State and Law.

The interview questions sought to ascertain how deputies understood and performed their jobs, and asked about the internal relations of structures within the Supreme Soviet. One objective was to determine whether the structures inherited from the past still exerted a controlling influence over the body and what were the trends of development. How is power distributed across the parts of the system? Here I identify eight key internal elements: deputy groups, committees, committee chairman, the chambers, the presidium, the chairman of the Supreme Soviet, the apparatus, and the individual members. Other questions addressed the relations between the Supreme Soviet and the external environment, including the executive branch, the voters, and organized social interests. Here I sought to measure the degree to which the Supreme Soviet was autonomous and authoritative.

The thirty USSR deputies interviewed were selected so as to represent the leadership of the Supreme Soviet. The pool therefore over-represents men and Russians compared to their shares among deputies. Nearly all deputies interviewed were active in the Supreme Soviet although not all were members (two, for example, were working full-time as committee leaders without being members of the Supreme Soviet itself). Others were in high positions in other bodies, such as the Academy of Sciences or a local soviet, while simultaneously serving as USSR deputies. Of the thirty, eighteen were chairs or other leaders of Supreme Soviet committees and commissions (hereafter
both types of body will be referred to as committee), and ten were leaders of deputy groups. The rationale for the selection was the expectation that if there was evidence of professionalism, autonomy, and authority on the part of the Supreme Soviet as a whole, it would be most apparent among this echelon, which represents traditional elites coopted into the new legislature, insurgent counter-elites, and those who enjoyed some measure of status under the ancient regime but who were newly drawn into parliamentary politics.

The sample was broken down as follows:

1. gender: only 2 (6.7%) were women.
2. nationality: 70% were Russians; 7 other nationalities were represented
3. electoral category: 7 of 30 (23%) were from public organizations
4. party membership: 90% were CP members
5. geographic distribution: one third were from Moscow, the rest were from sixteen other regions, including Leningrad, Urals, Far East, Ukraine, Central Asia, and the Baltic republics.

III. Results

A. Professionalism

One behavioral indicator of professionalism, of course, is whether a deputy gives up his or her former position to work in the legislature. This issue was complicated in the Soviet parliament because of its peculiar two-tiered structure; USSR deputies who were not also members of the Supreme Soviet had little reason to give up their former jobs since the Congress of People's Deputies met only twice a year and then briefly. To be sure, a USSR deputy might have reason to spend more time and effort as deputy than did a USSR deputy in the past, when the deputy was also expected to intercede on behalf of constituents with the bureaucracy and to lobby for local needs, but served on a spare-time basis. But service in the new Supreme Soviet, which was in session for the better part of the year, required a far more significant commitment of time. Many deputies, indeed,
who were elected to the Supreme Soviet in its first composition found that they could not attend sessions or take part in committees, and requested that they be released at the time of the first rotation, in December 1990. These deputies, in fact, comprised the vast majority of those leaving the Supreme Soviet at that time, when nearly 40% of the deputies in the Supreme Soviet were replaced.

Among Supreme Soviet members, as well, the question of whether to give up outside employment was often difficult to answer. One reason was that under the law, up to one fifth of the members of the Supreme Soviet were to be replaced at each rotation and rotations were to occur every year. Even a deputy eager to play an active role as full-time parliamentarian was often reluctant to cut ties to a regular job without being sure that service in the Supreme Soviet was going to last more than one year. Nor did the law prohibit the practice of “sovmestitel’stvo,” or joint job-holding, although in a controversial compromise worked out on this point, the language of the law read that members of the Supreme Soviet “as a rule” did not hold outside jobs concurrently. Not surprisingly, then, most deputies in the Supreme Soviet avoided giving up their primary jobs: as of December 1990, of 542 members, 306 held outside jobs (56%).

Similarly, attendance might be regarded as an indicator of professionalism, since all members of the Supreme Soviet had to attend its sessions when it was in session (committee meetings and sessions of its individual chambers filled the days when the Supreme Soviet was not in joint session). Very high quorum requirements meant that the Supreme Soviet from time to time could not take votes on bills, and there was no system for signalling deputies to rush from their offices to the floor for a crucial vote. In March 1990, when the Supreme Soviet was regularly finding itself inquorate, Roy Medvedev complained that the Supreme Soviet never had more than around 440 present. 70 deputies or so, he said, never attend, and are therefore blocking the work of the Supreme Soviet. He explained that he was not criticizing the Baltic delegations, most of which had stopped taking any part in the Supreme Soviet, but about directors of big enterprises and party committee bosses who were simply busy with pressing executive duties of their own, and he urged them to relinquish their seats. Many did so at the December 1990 rotation, and the Supreme Soviet in the meantime eased its problem by lowering the quorum floor.

On the attitudinal side, an orientation toward professionalism among parliamentarians was
reinforced, negatively, by a widespread awareness on the part of deputies that the voters held them responsible for the country’s problems. Deputies were well aware of the voters’ discontent and several commented on the disadvantages of incumbency. One interviewed deputy from the Far East noted that of the USSR deputies from his area, two were in the Supreme Soviet, and two were not. The latter two, he commented, have better chances of winning next time because they were among the voters all the time, and the voters know them; compared to him, who was away in Moscow most of the time, they were more visible. He understood that it was easy for voters to think of those who work in the Supreme Soviet that they are cut off from them. He was convinced that, all else being equal, incumbency was a net disadvantage to reelection.

On the positive side, a number of deputies identified sources of pride and subjective identification with their job. For example, after the winter break in January 1991, some deputies spoke on the floor of the chamber about their meetings with voters and others about their travels. One member reported with some pride that he had been part of a delegation that visited Pakistan and held a number of meetings there, but that no one in the Supreme Soviet seemed interested. A number of deputies in their interviews expressed gratification at now having the opportunity to influence the policy-making process, or at being part of “high politics.” One confessed to a secret pleasure at the small privileges of office: the ability to travel for free at any time back to his district, to be able to order a car for official needs, and the like. He suggested that many deputies probably enjoyed these perquisites but would not admit it. Other deputies, however, said they received absolutely no pleasure or gratification from their service, considering it a duty that brought nothing but frustration and disappointment.

B. Autonomy

How autonomous was the Supreme Soviet? If quantitative measures of productivity are an indication that its procedures had broken free of the older tradition of policy by administrative fiat (instructions, regulations, explanations, and executive orders—the hundreds of thousands of “subnormative acts” issued by state agencies), and required instead that laws be debated and voted
on by a legislature, then the new Supreme Soviet made a significant departure from the past. One deputy estimated that as of December 1990, the Supreme Soviet had considered over 150 issues and passed 79 laws, and had another 100 bills still in the pipeline. Another tabulation of the acts of the Supreme Soviet in its first four sessions (i.e. through December 1990) found that 62 laws had been passed and 274 resolutions (postanovlenia). In its fifth and final session, the Supreme Soviet passed fifty more laws.

Indeed, the Supreme Soviet was overloaded with legislative work. At the beginning of the fifth session, chairman Luk’ianov announced that some 130 proposals had been submitted for legislative action, coming from the President, the government, from committees, and other sources. Of these, he proposed putting 85 off to the fall session, choosing 45 for the entire fifth session, and 15 of these for the coming month. This would require, he noted, two or even three joint sessions per week for the next month and the other days for committee meetings. It left virtually no room for initiatives proposed for action by individual deputies. Similarly, one of the points that Prime Minister Pavlov made when he urged that he be given the power to enact laws himself—a demand that eventually took the form of the state of emergency declared by Pavlov and his associates in August but periodically demanded by Pavlov all through the spring and summer—was that the Supreme Soviet was too burdened with bills to be able to enact the urgent laws the country needed. On February 25, Pavlov noted that the Supreme Soviet had around 50 bills in the agenda for the current session, another fifty for the fall session, and another 150 in various stages of preparation.

Finally, again simply considering quantitative productivity as a measure of the legislature’s institutionalization, it must be said that the Supreme Soviet grew more efficient in passing laws. In the fifth session, the Supreme Soviet was more productive than in any of the previous four: it adopted 50 laws, including a package of market-oriented bills on privatization, enterprises, regulation of foreign exchange, indexation of incomes, consumer protection, restriction of monopolies, and others. It had adopted the outlines (union-level “principles of legislation”) of a civil code, and laws on the militia and the KGB, the long-blocked emigration law, and a law on the Supreme Arbitration Court. In its last week alone it passed three bills, before adjourning on July 12 for the last time before the coup.
Another indication of the institution's autonomy is the development of a differentiated set of internal structures. Here it must be said that the Supreme Soviet displayed a considerable degree of ambiguity about the competence of the various bodies forming part of the legislative system. Authority was blurred, in fact, in several ways.

First, the legislative system comprised structures at four different levels of authority: the chairman, the presidium, the Supreme Soviet, and the Congress of People's Deputies. All had decision-making power of some kind. The chairman, who ruled on procedural matters, was therefore able to manipulate the system by appealing for support to either a wider or narrower forum. Second, the system diffused authority horizontally across committees and chambers. Often in drafting or revising a piece of legislation a working commission was created in which representatives of several interested committees were active; while helping to ensure a broader base of support for a final draft, this procedure undercut the individual, partisan, or committee identification with legislation characteristic of the US Congress or a European parliament.

Finally, authority was diffused temporally between different stages of deliberation. The use of a system of multiple readings meant that no one vote was ever decisive in passing or defeating a bill; passage of legislation was more a continuous stream of consensus-building than a single act of decision. On occasion, even a defeated amendment was returned for re-voting, and sometimes the chairman of the Supreme Soviet called on one or another chamber to reconsider its vote and vote again on a bill: this tactic (aimed usually at the more pliant and conservative Council of Nationalities) generally succeeded in swinging a dozen or more votes into the "yes" column and enabling an amendment or bill to pass. Another tactical use of the procedural grey zone between "first reading" and final vote was Luk'ianov's skillful deferral of significant objections to the second reading, so as to allow a bill to pass "as a basis" for further consideration ("za osnovo," this was called) and amendment. In April 1990, for example, floor debate grew acrimonious over a tax bill because of the difficulty in mustering a quorum for decision. There were several close and inconclusive votes. Luk'ianov grew angry, and deputies responded in kind. One deputy rose to blame Luk'ianov for the impasse, noting that deputies often did not know when a discussion would end and a vote taken. Moreover, he complained, Luk'ianov often pinned deputies with a trap: the first reading committed
them to approval of a “conception” of a bill; then subsequent amendments were ruled out of order if they amended the conception. Yet bills often passed on the first reading on the strength of Luk’ianov’s appeal to let further work on bill continue, by promising to let deputies work on a bill further in committees if they would pass the bill’s “conception” now. By the time serious dissent had a chance to be aired, he added, a consensus for bill had developed, and only minor amendments could succeed.16

Still, as time progressed, some of the structures of the Supreme Soviet had developed distinctive roles. Dominating the proceedings, a powerful presence over the entire system, was the Supreme Soviet’s chairman, Anatolii Luk’ianov. All recognized his power and influence; opinions differed sharply over whether his influence was exercised for good or ill.

His mastery of parliamentary procedure and his skill in manipulating the system for his own purposes was widely recognized. Daniil Granin, for example, called him “the clockmaker; he had a superb grasp of the mechanism of power.”17 Anatolii Sobchak, mayor of St. Petersburg since June 1991, and active in the Congress of People’s Deputies and Supreme Soviet in their first two years, called Luk’ianov “the master of a shell game” —napërstochnik, in Russian—for his ability to manipulate the parliamentary game.18

One of the interviewed deputies, a prominent member of the Inter-regional Group, assessed Luk’ianov in this way. In the past, he said, the Presidium of the Supreme Soviet always used to serve the Central Committee of the CPSU; it was in effect a structure under the Central Committee of the party. Now the situation has changed somewhat, due in part to the conflict between the Central Committee and the President. The same, he believed, was true in the Supreme Soviet: Luk’ianov for a long time worked in partnership with Gorbachev and in effect gave legal form to decisions made by a narrow circle of leaders. Now it appeared that Luk’ianov was playing a more independent role, but it was still likely that coordination at the level of the “kitchen cabinet,” in which Gorbachev, Yanaev, Luk’ianov, Kriuchkov, Pugo, Yazov, Pavlov and a few advisers such as Yakovlev were the key decision makers, was still quite strong. I think, said this deputy, that decisions are still being made in a rather narrow circle.

Another deputy observed that Luk’ianov was quite authoritative, even among opposition
forces. This deputy saw Luk’ianov as a person with extensive bureaucratic experience, who knew how to dominate the chamber, “work” it psychologically, and get it to adopt the decision he wanted. His influence is considerable within the Presidium, said this deputy, since only two or three of the Presidium’s members (comprising the chairs of committees) are really independent.

The presidium was also regarded as very important for its influence over the agenda. One interviewed deputy described its role as working up bills for consideration on the floor, explaining that this was more a matter of examining bills (prorabatyvaet) than drafting them (vyrabatyvaet). Some of the work it does, he said, is purely housekeeping, but other discussion directly concerns the substance of legislation. It governs all current operations of the Supreme Soviet and prepares for upcoming Congresses.

The Secretariat serves the Presidium and the chairman. One deputy said that the secretariat had changed somewhat over time, and was doing more to work more for deputies directly rather than for the Presidium. Now, according to this deputy, our committees can do things that were difficult, from a technical standpoint, even just a year ago. The secretariat can help deputies to acquire needed literature and arrange meetings with experts. But most deputies still felt greatly underserved by staff, isolated from the secretariat, and insufficiently informed about the legislative process.

For example, just after reaching the 9 + 1 agreement with republican presidents at Novo-Ogarevo in April 1991, Gorbachev addressed the Supreme Soviet on the subject of the negotiations for a new union treaty.\textsuperscript{19} The deputies expressed dissatisfaction with the fact that decisions were being reached by the Council of the Federation behind the backs of the Supreme Soviet. Several deputies complained that the Council of the Federation had too much power, and that its role was not clear. This then spilled over into complaints by deputies that they were uninformed about what was going on in government generally. Defending himself against the familiar accusation that he was manipulating information in order to control the Supreme Soviet, Luk’ianov claimed that information in the form of TASS reports and other material was regularly distributed to deputies through the committees (another opportunity to control the allocation of resources for influence). One deputy then objected that the Presidium itself was too remote from deputies, who often did not know what it decided. Luk’ianov then protested that committees received copies of all presidium decrees and
decisions. Clearly mechanisms for giving deputies ample access to the record of parliamentary and government activity were lagging far behind deputy demands.

The Presidium and the Apparat

The presidium was served by its staff, organized under the secretariat. As many as a thousand employees served in the secretariat, which was the old secretariat of the Presidium of the Supreme Soviet (when the Presidium drafted and issued decrees at the behest of the communist party Central Committee), and these were supplemented with several hundred additional employees who transferred from the party’s Central Committee secretariat as the latter was cut. The secretariat had its own departments, corresponding to the committees in structure, and to some extent these departments served the committees.

The relationship between the staff of the secretariat and the Supreme Soviet was ambiguous and evolving. Many deputies expressed frustration that they did not have direct access to the staff. Indeed, access to the resources of the secretariat was stratified, with chairs and perhaps other trusted insiders able to call upon the staff, and others lacking the most rudimentary facilities for research, administration, and simple clerical tasks. Konstantin Lubenchenko, a member of the Legislation Committee and, in the last, rump, session of the Supreme Soviet after the coup, the chairman of its Council of the Union, complained on the floor in February 1990 that the Supreme Soviet lacked any means of controlling its own agenda (he was offended that the bill on the presidency was simply handed to the Supreme Soviet for approval without passing through the normal committee hearing process). He noted that the Supreme Soviet did not even have control over its own budget, let alone control over the executive branch. The Supreme Soviet was dominated, he claimed, by the secretariat, which instructed deputies on how to approach the parliament’s own financial office. He was particularly exercised that the committees were unable to obtain office equipment, or to control the makeup of delegations that traveled abroad.

Foreign travel was indeed a significant issue for deputies. Luk’ianov controlled the right to expend scarce foreign exchange on parliamentary delegations, as a result of which deputies became
dependent on his goodwill in order to be included in delegations going abroad. The opportunity to travel, especially to the United States and Europe, was so intensely coveted, that the power to authorize foreign trips was one of Luk’ianov’s most potent powers. Luk’ianov’s control over this power became even greater as the country’s supply of hard currency dwindled and deputies were thrown back on their own ability to find foreign sponsors or get included in some non-parliamentary delegation. So frequent became the foreign trips by some members of the Supreme Soviet, particularly those with a reputation in the West (who tended to be on the left-liberal side of the spectrum) that the ethics commission took up a number of cases where deputies accepted a foreign sponsor’s invitation to travel. The commission sought to curtail this practice on the grounds that it was unethical and a conflict of interest, although some deputies regularly ignored the commission.

The problem of a remote, unresponsive apparatus controlled by the presidium was cited more often during the spring of 1990 than the spring of 1991. For example, Anatolii Sobchak complained about the absence of technical support on the floor of the Supreme Soviet in April 1990 as follows:21

“The secretariat of our Supreme Soviet, we have been informed, now has over 1000 employees, but we [deputies], unfortunately, are compelled to go around to ministries and agencies on our deputies’ and committees’ business and decide various questions ourselves. We lack real aides, because the entire apparatus of the secretariat is not our apparatus, it doesn’t work for the committees.” He also criticized the staff for doing little and complained that major decisions were being taken by the executive branch without consulting the parliament, which was yet another reason the Supreme Soviet was losing authority; he referred specifically to the economic blockade of the Baltic Republics that Gorbachev had recently imposed to punish Lithuania for its declaration of independence. He deplored what he considered a general tendency for power to shift to the executive branch. (Scarcely fourteen months later, of course, he was expressing the opposite complaint, as mayor of Leningrad, when the city soviet was blocking his decisions.)

Chairman of the Council of Republics Rafik Nishanov heatedly objected to Sobchak’s claim that the apparatus was working “for someone” other than the deputies, and Luk’ianov replied that the apparatus of the secretariat never had exceeded one thousand, of whom half were technical employees. He insisted that the secretariat was subordinate to the Supreme Soviet rather than to the Pre-
sidium. Taking umbrage at the criticism that the secretariat was idle, he declared that the secretariat worked hard at the end of every day’s session to complete the day’s business and prepare for the next day’s work.

Others, however, particularly chairs, found the secretariat a useful source of support for the committees’ work. The secretariat helped committees organize sessions with experts, for example. It also prepared the constant succession of revised drafts of bills, reproducing and distributing them. The secretariat served both clerical and administrative functions, therefore. With time, it was apparently growing increasingly into an arm of the committees rather than simply of the presidium. Indeed, one deputy committee chair described to me a plan he had just introduced, with Luk’ianov’s approval, which would substantially reorganized the secretariat and bring it closer to the committees and deputies. Nonetheless, those deputies who were not officers of committees but had significant legislative ambitions, felt frustrated at the absence of staff support and criticized Luk’ianov and the existing structure of the Supreme Soviet for keeping them weak and dependent.

Legislative Initiative and the Agenda

Committees were the most important source of legislative initiative, not groups or parties, or individual deputies. The presidium regularly consulted with committees to assess the priority and readiness of bills in order to determine which bills to introduce into a given session or during a session. Committee chairs thus had a good deal of power to argue for “their” bills, depending on their sense of the urgency of a particular piece of legislation; individual members of the Supreme Soviet exerted their greatest influence on the legislative process through their committee chairs, and only secondarily through their deputy groups. The Cabinet of Ministers and various government agencies (and, in the earlier points of the Supreme Soviet’s existence, the party Central Committee as well) also introduced bills. Very often one or another government ministry wrote the first draft of a bill. In the earlier sessions, government sponsorship of bills played a more significant part but
even then, all bills passed through committee deliberation before reaching the floor. In later sessions, the tendency was for committees to set their own conceptual stamp on bills and to "order" their preparation. Because the Supreme Soviet did not function as a parliamentary body where a governing party or coalition commanded a partisan majority (there being no sense of party loyalty for or against the government), sides were not drawn up into coherent lines of support or opposition to government bills. If personal observation of one committee hearing may be taken as an illustration of a general pattern, my impression, based on participation in the economic reform committee's discussion of the anti-trust bill in June 1991, was that a bill born in the bowels of the government was likely to undergo sharp scrutiny and revision from a number of points of view. In other cases committees might commission a bill from a particular research institute or group of experts. But because the progress of the bill at each step required active committee support, the only real sponsors of legislation were the committees.

Although particular committees were associated with particular bills, most bills underwent consideration by multiple committees, with one committee serving as the lead ("golovnoi") committee. Because of the absence of organized partisanship, a bill's success required a broad base of support among individual deputies, which was reached through successive stages of deliberation in working groups and committees in the course of which interested deputies submitted their ideas. At times, deputies reported, a minority opinion formed that could not be reconciled through the hearings and mark-up process. This might concern a particular point or a bill's entire concept. The minority viewpoint would then typically be drawn up in the form of an amendment and presented on the floor of the Supreme Soviet.

Therefore the agenda-setting process—which in effect predetermined the outcome of the legislative process since virtually every bill introduced onto the floor eventually passed—was a process of successive deliberations by the presidium and the committees. In the end the presidium decided the basic agenda, but only after committees had had a chance to defend their interests: the presidium was the collective voice of the committee chairs more than the voice of Chairman Luk'ianov. Respondents who attended the presidium meetings as chairs (or attended on occasions when as deputy chairs they filled in for their absent chairs) agreed that meetings were lively and
open, and sometimes heated; and claimed that there was ample opportunity for strong committee chairs to argue for the importance of their committee’s legislation. The criteria for selection of bills for inclusion in the agenda seemed to be two-fold: the urgency of a bill from the standpoint of the country’s needs, and the degree of readiness of a bill. Perhaps the strongest evidence of institutionalization of the legislature was in the identification of committees with legislation in their issue areas.

Often deputies complained, of course, that the agenda was set in a closed and secretive way. At the start of the fifth session, Luk’ianov defended the package of bills he proposed to the Supreme Soviet for consideration.22 Answering deputies’ complaints that members had not been included in the decisions about forming the agenda, he explained that every committee and commission chairman was invited to propose items for inclusion in the agenda. 135 had been submitted. The presidium then met, divided up issues by committee, and returned them to the committees, which them met to choose what they considered their top priorities. Then the Presidium met again, and approved the final agenda.

From interviews, it was clear that Luk’ianov’s description was broadly accurate, particularly for the later and procedurally more open sessions of the Supreme Soviet’s existence. Committee chairs were expected to represent their committees’ interests at the Presidium, and the stronger and more independent chairs did so, while others were content to allow Luk’ianov and the consensus of the presidium determine the order of priority of their bills. It was unusual, though not unheard of, for a deputy to introduce a bill on his or her own initiative; a deputy might decide to publish an “author’s draft” of a piece of legislation, generally more to stimulate discussion and influence public opinion than to influence the movement of a bill, since, as in the US Congress, a bill lacking a broad base of support had no chance of surviving the legislative mill. Deputies could and did propose bills for consideration in floor debate, when the agenda was being discussed (as happened both at the beginning and at intervals throughout each session). It was unheard of, however, for an individually-sponsored bill to be approved for consideration on the floor, but some bills that a group of deputies were vitally concerned about might be moved onto the agenda by this method. As a result, the Supreme Soviet suffered from growing overload, as it found itself incapable of reducing its legisla-
tive docket but willing to increase it in response to the felt urgency of current problems.

Although "author’s drafts" of bills rarely succeeded in becoming the basis for laws, in some cases they served what their sponsors considered a useful role by broadening the parameters of public debate on a given issue. Indeed, when the first such alternative legislative proposals appeared, some quarters of official opinion considered them illegitimate; a good example is the press law, which did in fact grow out of an alternative conception rather than the bill that the bureaucracy had produced. As its authors have since recounted, the central press was afraid to publish their draft. Authors' drafts sometimes affected the political midpoint of debate on an issue by offering an unconventional conception. One particularly independent-minded deputy proudly recounted that he had published two alternative legislative proposals (one on private property, the other on land), neither of which stood the remotest chance of being adopted at the time. His proposed bill on private property had openly, and, for the time, boldly, employed the term "private property" at a time when the public was not yet ready to accept this concept. Yet, as he explained, they had played a valuable educational role, opening discussion of property rights because the public came around to accepting the legitimacy of private property about a year and a half later.

What an individual member's goals were, therefore, determined how he or she treated legislating: if a member wanted to be effective in passing laws, he or she played "inside" politics, seeking influence within the committee so that the committee could achieve its legislative goals in the single most important forum: the presidium. If they chose to play to the public as a way of putting pressure from outside on the process, they worked outside the legislative process, trading influence for visibility. Generally deputies, when asked which members of the Supreme Soviet they respected most, tended to agree both on the particular individuals and on the reasons—they admired those who were quietly effective in forging compromises, mastering the issues, and working hard; they tended to disdain those whom they regarded as grandstanders. In such respects, the USSR Supreme Soviet resembled legislatures in the west.

Committees, particularly chairs of committees, developed a strong sense of identification with "their" bills. The committee chair who sponsored the law on local self-government and the local economy—the law that for the first time established independent budget and political powers
for local jurisdictions—recounted the legislative drama involved in passing that law in an interview.

Our committee, he explained, had many members with work experience in local soviets and government at every level, from villages to republics. Before our committee took charge of the bill, a government commission had worked on it for around two years. When we looked closely, we saw that much in the draft had been taken from a decree which had been adopted some years ago, but which was not working properly. The problem was that that decree, and the bill then circulating, took the traditional approach to local autonomy: the center delegates rights and duties. So the committee had to develop, in effect, an alternative bill:

We were the first committee to junk a government draft and present an alternative. For me as chairman it was a thrill ("nu i drozh' byla") to present the bill for its first reading to the Supreme Soviet and see it passed by such a wide margin. I felt like saying "hurrah"—that was real satisfaction in my work, and an affirmation that we were on the right track, since the Supreme Soviet supported our approach. This was in the period when many bills presented by the government were not passing. That was real satisfaction.

To be sure, he continued, in the second reading,

everyone wanted to fill out the ideas—to add this, that or the other thing to the bill. For example, some wanted to revise the provisions on the budget, what goes into the budget, budget structure, and so on. Then opposition formed to the bill. The republics and oblast soviets had serious reservations because the law gives a number of rights to lower levels (cities and rural districts, as well as village soviets). We gave them rights; after all, people live there. But the higher levels, the republics and oblasts, didn't accept that. Moreover, we specified six sources of revenues for city and district levels, by-passing the republics. Republics didn't like that either. We had to fight with the ministries of finance of republics. The country's budget is formed from three sources: income tax, turnover tax, and payments from profits (otchisleniia ot pribyli). We gave the income tax directly to the lower soviets; we gave part of the taxes from profits to all levels of soviets, including republican. But a number of republics opposed us.

Moreover, some committees did not fully support us. Neither did the Ministry of Finance. On the second reading we did not get it through but we refused to budge. There had to be a third reading. We had to prove that we were not adding new taxes. But finally the bill was adopted, and with only two, if I am not mistaken, opposing votes. So there was struggle and tension, and then victory. That was satisfaction.
The Role of Groups

Supreme Soviet members interviewed agreed that time had brought a gradual acceptance of the place of groups in the legislative system, but were equally strongly agreed that the currently established groups were not in any sense parties and were unlikely to evolve into parties. Nonetheless, in certain ways, groups had become a regular feature of the Supreme Soviet. Their opinion was solicited on matters of importance, and the diversity of their views was considered legitimate. Many deputies contrasted this situation to that at the first Congress of People's Deputies, when the concept of a separate caucus of (democratically-inclined) deputies evoked widespread shock among political elites accustomed to the communist party's norm that there must be a public display of unanimity.

It became standard practice for groups to attend presidium sessions in the person of their chairman or another representative, so that group as well as committee viewpoints could be heard. This seems to have begun around the time of the Persian Gulf War, when Luk'ianov invited representatives of the main groups to attend presidium sessions in order to discuss what if anything should be the Supreme Soviet's response to the war. Group representatives attended the final presidium session of the fifth session, on July 12, 1991. At the presidium meetings they were welcome to participate in the debate, but did not have a vote.

A deputy who was a committee chairman and a group leader (of the group of communists) explained that groups do what fractions would do if there were fractions: that is, they meet to discuss their approach to a particular legislative issue. But, he insisted (and other interviews confirmed this):

The position reached is not considered mandatory for group members. One day, probably, there will be party discipline in the parliament, as party fractions are supposed to have; but for now what are called parties generally only represent one or two people and are simply not worthy of the name. The country still does not have other parties, he remarked, besides the Communist party; the others are all a kind of game for various people to amuse themselves with. They are very far from being parties. So far these are just declarations that they are parties. So as a result the fraction of communists has a purely consultative character. We reach a consensus about what should be done, but every member is free to take any point of view.
There was a consensus among the interviewed deputies that only three groups were active, the Inter-regional Group, the Soiuz (“union”) group, and the group of communists. None enforced discipline, but each represented a certain broad set of policy preferences. The development of groups into party-like formations was inhibited, interviewed deputies noted, not only by the widespread antipathy to party unity or discipline, to the very notion of which deputies tended to be allergic, but by the multiplicity of groups organized around particular vocational interests, such as the soldiers’ group. One deputy commented that all they had in common is their epaulettes, since politically they were very heterogeneous. They had little more in common than would the members of a hobby group. The same, he said, was true of the peasants’ group. Certainly they had little direct relationship to the legislative process. This diversity of groups, in which special interests and parties alike formed loose caucuses, made it difficult if not impossible for legislative politics to revolve around party lines. One deputy, very hostile to Luk’ianov, even expressed the view that this situation was deliberate—that Luk’ianov was intentionally encouraging a number of special interest groups to form and register as a way of preventing parties or party-like groups from dominating the proceedings.

The consensus was that aside from the Inter-regionals, Soiuz, and the communists, the other formally registered groups (of which there were about a dozen) were active only when the Congress of People’s Deputies convened. Then the various groups helped link those deputies who were not regular members of the Supreme Soviet system with those who were. In the intervening periods, these links were sporadic at most. One leader of a minor group reported that he did try to maintain contact with the other members of his group who were not Supreme Soviet members, by sending them telegrams and legislative materials, and inviting them to Moscow from time to time.

Boundary Maintenance

The Supreme Soviet strongly emphasized consensus and tended to punish outspoken opposition to its institutional norms, including the acceptable range of policy opposition as well as its collective sense of its own importance. Cases of self-preserving behavior include its response to
Premier Valentin Pavlov’s “velvet coup” of June 17. This was the occasion when Pavlov demanded extraordinary powers and had the heads of the armed forces, KGB, and interior ministry present speeches in closed session justifying the declaration of a state of emergency. Ascertaining that Pavlov’s demand did not have the support of President Gorbachev, the parliament tabled it, consistent with its refusal throughout the spring to grant Pavlov’s Cabinet law-making power. But the Supreme Soviet also disliked the Novo-Ogarevo process through the spring and summer of 1991, through which Gorbachev attempted to reach agreement on a new framework of a union treaty with the republican presidents, bypassing the legislative branch. Indeed Luk’ianov made the disastrous mistake, of course, of denouncing the proposed union treaty on the first day of the August coup, thereby sealing forever an indelible impression that he was the “ideologist” of the “state committee on the state of emergency.”

An earlier instance of the generally conservative—neither reactionary nor progressive but conservative—political position of the Supreme Soviet was its handling of Yuri Ryzhov. Ryzhov was the outspoken, politically independent chairman of the committee on science and technology. He was also rector of the prestigious and important Moscow Aviation Institute. As chairman of the science committee he provided a political refuge for members of the Inter-regional Group who used their committee assignments, according to opponents, more for advancing the political interests of their group than for making laws. The committee attracted rising hostility from the right. In late 1990 Ryzhov took it upon himself to serve as chairman of a working group preparing a new philosophy of national security, which would incorporate a set of non-military criteria into the assessment of Soviet national security. At first the effort met with Gorbachev’s approval, but then this was abruptly withdrawn. At that point Ryzhov found it impossible to recruit civilian and military experts to his deliberations, and the effort foundered. Whether as a reprisal for his assault on the military’s control over defining their mission, as some believed; or because he was named by Yeltsin to a prominent team of consultants who advised the Russian Republic’s president; or for the fact that Luk’ianov could not effectively control him; or because he was spread too thin among too many political and outside involvements (he never gave up his post as rector, although he held it on an unpaid, “obshchestvennyi” basis), or for yet another reason, there was an attempt, in the spring of
1991, to purge his committee of its left-wing members and to eliminate him as chairman. The first
effort succeeded and several prominent figures of the Inter-regional Group lost their membership
(two thereby lost their livelihoods, because they had given up their outside jobs to work on the
committee); but the conservatives could not muster a majority to remove Ryzhov and the campaign
against him died down. Perhaps the most convincing grounds that the Supreme Soviet could cite for
purging the committee against the opposition of its chairman—a serious and almost unheard of
violation of the institutional norm that chairmen could control their committees’ membership—was
the very legitimacy of proportional representation of groups on committees. Floor debate and
subsequent interviews invoked this idea regularly, holding it as self-evident that no one committee
should be dominated by a particular group, but that groups should be more or less evenly represented
across committees. Here the politically conservative origin of the campaign against Ryzhov tended
to strengthen the growing tendency for policymaking to become organized along partisan lines as in
a parliamentary system. Thus although it was the Interregionals who had introduced the concept of
legitimate partisan opposition, and it was they who, ironically, fell victim to its manipulation by the
conservatives, the principle of institutionalized group representation was itself reinforced in the
process.

Maximum Winning Coalitions

A striking aspect of the legislative process in the Supreme Soviet is the pursuit of coalitions
in support of bills that were far larger than the minimum needed to pass a bill. The legislative
process tended to prize consensus for its own sake. Partly, of course, this tendency reflects the
absence of organized party or interest group positions and the resulting isolation of deputies. Partly
it was the legacy of the older Soviet policy-making process of seeking as many “sign-offs” as pos-
sible as a policy worked its way through ministries, institutes, and the party apparatus. There are
faint echoes here of a collectivist norm in the Russian and Soviet political culture, such that no law
passed by the Supreme Soviet was ever identified by an author’s name, such as a “Humphrey-
Hawkins” or a “Gramm-Rudman” bill. Bills tended to reflect broad agreements about a desirable
policy rather than a particular individual or partisan campaign. As a result, even bills that arose from and served particular group interests, as a number of them did, tended to pass, when they ultimately were presented, by overwhelming margins. Note that this was not the case for amendments to bills proposed on the floor, the great majority of which were defeated, nor proposals to include items to the legislative calendar, most of which also were defeated. In both cases, of course, an idea which had failed to win support at earlier stages of the policy process was unlikely to turn deputy opinion at the final stage. Votes on the floor, as a result, usually were ratifications of an earlier consensus, and rarely were decided by dramatically close margins.

My calculations of the margins by which laws passed in the third and fifth sessions bear this point out.

I analyzed the margins of 46 votes on bills and resolutions reported in the proceedings of the joint sessions of the Supreme Soviet in the fifth session. 20 of these carried with margins of over 300; 39 (85%) carried with margins over 200. (This counts “aye” votes minus the total of “nays” plus abstentions). But of thirteen votes on a succession of agenda change motions on February 20, 1991, twelve were decided by margins of less than 200. In short it was hard to get an agenda item through, but easy to pass a bill that had worked its way through the system.

The same pattern held in the analysis of 63 votes in the third session. 54 of them, or 86%, carried with margins of over 300 votes.

Even the union treaty resolution, on last day of the fifth session, in the summer of 1991, though terribly unpopular among unionists in the union parliament, carried by a margin of 278 (307 for, 11 opposed, and 18 abstaining).

This is not to say that there were no divisive issues. But such issues represented, first, a minority of cases, and second, did not fall out along partisan lines. The Gdlyan and Ivanov affair in the third session was highly divisive, for example. (Gdlyan and Ivanov were two prosecutors whose zeal in exposing corruption in the “cotton scandal” in Uzbekistan had led them to exceed the limits of the law, creating extreme resentment on the part of Central Asians. They had been elected as USSR People’s Deputies in 1989 on the wave of electoral populism.) The issue was whether they should be fired from the procuracy, and even stripped of their legal immunity as people’s deputies.
The issue of legal immunity had been much debated through 1989 and 1990, since it gave people's deputies at all levels extraordinarily wide freedom from legal sanctions; deputies could not be arrested or prosecuted for any crime whatever except by the agreement of the soviet of which they were a member. Throughout the country, soviets had proven reluctant to remove the immunity of fellow deputies except in the most flagrant cases of abuse, and the Supreme Soviet was no exception. Deputies balked at stripping the two prosecutors of their immunity or even authorizing the procuracy to fire them. A series of roll-call votes was held. The votes fell out both along political and ethnic lines, the Central Asians and conservatives at the center tending to want to penalize Gdlyan and Ivanov, and Armenians uniting with Interregionals and others in support of them.

In the fifth session, the bill on emigration was also divisive. Interestingly it tended to mobilize the same coalition of right-wingers at the center and conservative delegations from Uzbekistan and other Central Asian regions that had formed over Persian Gulf war. For example deputy Sazonov, a radical young deputy and leader of the small “Social Democratic” group, attacked a “certain” delegation from a “certain” republic for opposing the bill. They want, he declared, to force Soviet citizens to live in serfdom. Deputy Zokirov of Uzbekistan took umbrage, asserting that: “behind our backs stands a great republic; we must consider not only our own positions, but the positions of the republic.” As passions rose, deputy Kryshkin of the “worker deputies”—a small but vociferous and right-wing group—bitterly attacked the bill for raising the risk of importing AIDS. After several votes, the bill still failed to pass and Luk'ianov created a conciliation commission.

Nonetheless, bill eventually did pass, and by a margin of 253 (322 for, 37 opposed, and 32 abstaining) on May 20, 1991.

Sooner or later, Luk’ianov got nearly everything he wanted.

C. Authority

The third area for examination is the degree of legislative authority. It was a frequent complaint of deputies that the laws passed by the USSR Supreme Soviet were progressive, useful laws, but that they were being ignored by both the government and subordinate jurisdictions. They were
generally bitter about the problem of the “war of laws,” which was the widely used term for the
impassé that developed as republican parliaments passed declarations of sovereignty that asserted the
precedence of republican jurisdiction over that of the union. Less often mentioned by deputies, but
no less a problem, was the fact that the union budget was itself dependent upon the republics’ deci-
sions on what to transfer to the center’s coffers. There was some sense, however, that the tension
between union and republican authority was susceptible to resolution. Increasingly, members of the
Supreme Soviet of the USSR saw their legislative task as that of passing “fundamentals” (or “prin-
ciples”—osnovy) of legislation, i.e. guidelines that would govern the laws (“of direct application”) that
were passed by the republics. Their model was the traditional distinction in Soviet legal theory
between the “fundamentals” of civil, criminal and criminal-procedural codes that the union legisla-
ture adopted, and the actual codes themselves, which were adopted as legislation by republican
parliaments. Now, according to my respondents, this model was spreading to other domains of
legislation as well. Indeed, a number of deputies expressed satisfaction that in a back-handed way,
republic parliaments were paying tribute to the union parliament’s efforts by passing laws that were
largely based on union legislation.

A more immediate source of difficulty was the relationship between the union parliament and
the union government apparatus. Deputies were well aware of their near-powerlessness to control
bureaucratic behavior. All understood that the final lever legislative bodies have over executive
power is budgetary power, and understood that they had not yet grasped this lever. Only a few,
however, recognized that beyond this threshold lay another, higher obstacle to legislative authority:
the absence of sufficient order in the economy itself to allow budgets to allocate resources in the first
place.

The Supreme Soviet had begun working to bring the budget under its control. Many deputies
placed considerable confidence in the ability of the new “Kontrol’naia Palata” (an accounting,
auditing, or oversight chamber) which the Supreme Soviet created as a replacement for the People’s
Control Committees. The legal heir to the union-level structures of People’s Control, whose long
history in the Soviet and Tsarist periods should inspire no confidence whatsoever that its reorganiza-
tion would solve any problems), the Auditing Chamber was to be the Supreme Soviet’s answer to
the General Accounting Office and the Congressional Budget Office. The case for such a body was easy to make. In April 1991, reporting on the plan to create it, Chairman of the Budget Commission Kucherenko addressed the Supreme Soviet on the deficiencies of the current system and the way in which the proposed Auditing Chamber would remedy them.

The Supreme Soviet doesn’t know how the budget is being carried out, Kucherenko declared. The Ministry of Finance has a monopoly on information. We depend on them. Therefore we cannot plan next year’s budget. For example, recently the Ministry of the Medical Industry demanded a supplemental appropriation of 200 million rubles in hard currency for capital construction, and promised to increase its own output of pharmaceuticals by 12%. We deputies agreed to this, and granted the appropriation request. But no increase in output occurred and no one was held accountable.

The Ministry of Finance used to have the power both to form and to oversee the budget. Therefore we need legislative oversight, as in other countries, such as the US Congress’s General Accounting Office. Here, therefore, is the bill creating our Auditing Chamber which will report to the Supreme Soviet alone. It will audit the execution of the budget by the Ministry of Finance, enterprises, and public organizations that receive government funds. It will help develop the budget, audit banks, and oversee the government’s use of hard currency, emission of currency, and use of credit. It will let the Supreme Soviet oversee the military-industrial complex, which previously was outside our reach. It won’t have local organs, but it can organize inspections. And it can recommend prosecution and levy fines and penalties. It will use the staff of the old People’s Control Committee as much as possible and eventually it will probably have around 500-550 staff members.26

In interviews, deputies defended their conception of this body, and distinguished it from its predecessor by arguing that it would concentrate on budgetary and financial issues, would be staffed by specialists, and would be answerable only to the Supreme Soviet. Regrettably, the coup ended any chance that there might have been a process of institutional development and learning on the part of the new body. But the Russian Federation’s Supreme Soviet has decided to form its own Auditing Chamber and perhaps this will allow some judgement as to the success of this formal
innovation in bringing the budget under legislative control. Indeed, in all likelihood the Russian counterpart will absorb the staff, records, and institutional mission of the union parliament’s creation.

With time, the outlines of a distinctive and authoritative role for the parliament in the budget process began to develop. One deputy committee chairman described the process of forming the budget in the area of his committee’s purview as a continuous process of interaction between the committee, the Supreme Soviet’s budget commission, and the relevant ministry. The committee proposed ideas, the ministry’s experts worked up budget proposals, and gradually a draft budget was created by the budget commission. This committee’s representatives met with the budget commission further, then the budget draft came back to the committee. So there was constant interaction between the committees, the budget commission, and the ministries.

On the other hand, this deputy despaired that as far as oversight of the budget’s implementation was concerned, although there had been a hearing or two, the exercise was futile. There is no budget execution, he said, because there is no budget; the republics simply refuse to transfer resources to the union.

The parliament nonetheless displayed a growing sensitivity to the political pay-offs of bills granting financial or other selective benefits to discrete segments of the population. Several bills were passed that affected specific groups, including women, youth, workers, the disabled, servicemen, and victims of Chernobyl. Most of these, to be sure, were not appropriations bills. Indeed, I estimate (from a review of the published titles of the laws and other acts passed by the Supreme Soviet) that enactments on taxing and spending constituted only 10% of all acts passed by the Supreme Soviet. (The reason there were not more money bills, presumably, was that Soviet society had rather few organized interests, and the budget process was not developed into a political art form.) The Supreme Soviet, however, was as susceptible to special interest pleas as any legislature. In some cases, in fact, political coalitions developed around a particular legislative objective, managed to capture the policy making process in their area, and succeeded in winning passage of a law satisfying their demand for special legal privileges.

An example of such a bill is the law on state youth policy ("Law on General Principles of
State Youth Policy in the USSR’), first presented to the Supreme Soviet on April 9, 1990. This was a bill that a group of Komsomol officials had sought for at least two years. It granted special legal protections to youth and authorized the creation of a state youth agency (and equivalent organs at lower levels of government) which would in effect succeed the Komsomol as an official source of state benefits for youth. The bill in its initial form had also provided for direct state appropriations to the new youth agency. But these were dropped from the bill in its final form to make the bill more palatable.

The first secretary of Komsomol, presenting the bill, called Komsomol the author of the “initiative bill.” But to allay concerns that the bill represented a shadowy sweetheart deal between the old Komsomol structures and the new structure of state power, he explained that the bill had been drafted by the Scientific-Research Center of the Higher Komsomol School of the Komsomol Central Committee, not by the Komsomol Central Committee itself, and noted that the work on the bill involved the Komsomol Central Committee and as many as twenty government ministries. Once the bill was submitted to the Supreme Soviet, it was sponsored by the Committee on Youth, while it continued to be worked on by several state organs. “Thus,” declared Victor Mironenko, the Komsomol First Secretary, “the initiative bill became the object of collective creativity.”

But, in view of the widespread resistance to giving budget benefits to one interest group at the expense of others, the bill as finally presented to the parliament had deleted the section providing for state budget allocations for youth. Mironenko observed that the appropriations could and should be considered separately and included in the government budget or restored to the bill during markup.

In effect, the youth bill was the product of an “iron triangle” comprising the declining but still well-connected Komsomol hierarchy, the committee on youth policy of the Supreme Soviet, which was dominated by people with close Komsomol connections, and a set of government agencies and research institutes with a stake in state youth policy. Their shared interest was in preserving a source of direct access to state legal exemptions, patronage opportunities, and, prospectively, appropriations. The way to do this, as in any political system, was to create a state agency supported by the budget. Indeed, the chairman of the youth committee made the argument that in the past, the
Komsomol had been a kind of official "youth agency," whereas now the Komsomol would be just one of many youth organizations. This leaves a vacuum, he declared, which must be filled with a state organ responsible for coordinating the efforts of other agencies affecting youth. The deputies accepted the logic and passed the law on its first reading by a wide margin (186/174-17/8-5/9).\(^{27}\) (On the second reading, a sharp controversy developed over the proper age definition for youth before the deputies finally accepted a cut-off age of 30 on the grounds that this was the threshold employed in other Soviet and foreign legislation.)

Moreover, the various agencies of government were beginning to use the Supreme Soviet's susceptibility to special interests by lobbying for their bills and by-passing the Cabinet of Ministers—or so Prime Minister Pavlov complained to the Supreme Soviet in May 1991.\(^{28}\) Pavlov, concerned to maintain fiscal discipline as the economy spun out of control, accused his own ministries and state committees of using the Supreme Soviet in much the same way that ministries in the old days had used the Central Committee of the CPSU, i.e., he said, for by-passing their own superiors in politicking for some particular policy decision. In this case, Pavlov declared, state officials were playing on the emotions of the deputies by complaining that the parliament was failing to solve some acute social problem, the answer to which was a big spending bill. (The context of these remarks was a demand by a particular deputy that the parliament hold up its other business and debate a bill liberalizing work leave policy). Certainly the record of debate over the bill on pensions, adopted in the spring of 1990, makes it evident that special-interest pleading, in this case by representatives of various occupational groups, resulted in an enormous expansion of the scope of fiscal entitlements approved by the parliament despite continuous pleas from the government for fiscal restraint.

Still, in the output of the Supreme Soviet, regulative and symbolic bills vastly outnumbered distributive and redistributive ones, and the mechanisms of budgetary micro-management by legislative interests had scarcely begun to unfold.

One final note concerning the Supreme Soviet's legislative activity in the area of foreign, security, and defense policy should be added. In these areas the Supreme Soviet proved highly acquiescent to the government, almost never opposing the government on an issue of importance.
The KGB bill granted the KGB most of what it wanted (indeed, a number of deputies proposed hanging new powers onto the KGB in the hope that if an agency with a reputation for effectiveness were to perform them, government would function more efficiently), evoking a fulsome speech of gratitude from Chairman Kriuchkov following the final vote in spring 1991. The parliament nearly always ratified treaties proposed to it; although, in the spring of 1991, when the government proposed five treaties connected with Soviet recognition of the unification of Germany, the parliament balked, passing three and tabling two, although these were approved later. The debate on these treaties was held in closed session, but from interviews I know that many deputies found the “loss” of East Germany extremely hard to accept, and wanted some compensation from Germany in exchange for ratification. The Soviet Foreign Ministry’s position on the Persian Gulf war was also highly controversial, with a small but vocal faction of Central Asian deputies joining with some deputies from Soiuz and the workers’ group in denouncing Shevardnadze’s and Bessmertnykh’s policy of alignment with the United States. As resolutions on the matter were introduced, chairman Luk’ianov and Foreign Affairs Committee Chairman Dzasokhov invariably managed to produce a highly watered-down compromise resolution that called vaguely on both sides to cease hostilities. In every action that I examined, the Foreign Affairs Committee of the Supreme Soviet took a position supportive of the government policy and avoided any suggestion of an adversarial posture. Indeed, on the emigration bill, the foreign affairs committee and the foreign ministry, which supported the bill, ran afoul of conservative opposition from many deputies, for whom the bill represented yet another concession to Western pressure.

IV. The Supreme Soviet and the Soviet Union

What can we conclude from the record of the USSR Supreme Soviet about the effort to engineer a managed, evolutionary, and peaceful transition from the Soviet communist party-state to some form of social-democratic regime in a renewed federal union? Was the USSR Supreme Soviet destined to fail, and did it serve any useful purpose for the country in the brief time it existed? The Supreme Soviet, according to all of the deputies I interviewed, served as a school in parliamentary
politics for both its members and for the country. Over and over respondents singled out the first Congress of People’s Deputies, in May and June 1989, as having had an electrifying impact on the country. The citizens, glued to their television sets as deputies openly debated the most fundamental issues of the day, learned the extraordinary lesson that parliamentary disagreements are a natural part of a democratic society. Never again did the deputies have such an audience for their oratory, nor did parliamentarism ever again enjoy such legitimacy. But through the two and one half years of the parliament’s existence, the country moved far toward adoption of a system of representative, accountable government and political pluralism.

Moreover, as deputies pointed out, many of the skills and lessons that they had learned, both in the arts of politics and in specific legislative accomplishments, had been transferred from the union to republican and lower governments. Some of the energy had gone out of the Supreme Soviet when various leading lights left it to work in republican parliaments or local government (as was the case, for example, when, following the 1990 elections in Russia, Boris Yeltsin acceded to the chairmanship of the RSFSR Supreme Soviet, Gavriil Popov gained the chairmanship of the Moscow city soviet, Anatolii Sobchak that of the Leningrad soviet, and Ilya Zaslavskii that of the Oktiabr’skii district soviet in Moscow, to take four leading examples). Moreover, several other officials rose through the Supreme Soviet to take other influential positions. The Supreme Soviet also passed a number of laws which, though flawed and ignored, became the basis for equivalent laws at the republican level. Deputies both at the union and republican levels cited the law on property as one such; the USSR Supreme Soviet, when it passed the law, had been unable to avoid ideologically-inspired euphemisms for the concept of private property. But the law then was used for a subsequent, bolder version in the Russian parliament. A similar transfer occurred with the laws on the press and on freedom of religion. In short, the USSR Supreme Soviet enabled legislative expertise to accumulate outside the old framework of the party apparatus and the apparatus of the Presidium of the Supreme Soviet. It created a corps of deputies who were political and legislative professionals. Presumably their skills will not all go to waste with the dissolution of the Supreme Soviet itself.

On the other side of the ledger, however, the Supreme Soviet proved incapable of overcom-
ing the deep cleavages between central and republic-level authority. The more it created a middle
ground of consensus, mutual trust, and legislative professionalism for political elites from the old
regime and the new forces thrust forward by Gorbachev's perestroika, the more distant it grew from
the mobilization of political forces at the republican level. Its institutional devotion to the union
itself proved to be an obstacle to accommodation with the constitutionally suspect but politically
unavoidable “9 + 1” process leading to a far looser form of union. This obstinence became manifest
when elements of the Supreme Soviet, including some of the talented members of its Committee on
Legislation, placed themselves in the absurd position of pretending that they still had a role to play
after the coup, and reconstituted a rump parliament under new leadership.

Fatal to the Supreme Soviet’s authority was the absence of mediating institutions between
deputies and voters. The freedom deputies had to acquire autonomy and professionalism reflected
the absence of other political pressures on them from social interests. Over and over, in response to
questions about whether organized interests, let alone parties, played any palpable part in their work,
deputies indicated that there were hardly any such pressures. Ministries sometimes resorted to
flagrant favor-swapping (for example, one deputy recounted that the railroad ministry was willing to
consider building another line through his district only if he supported its candidate for minister), but
for the most part, organized pressure from labor, entrepreneurs, localities, professional groups, or
any other defined interests was absent.

Deputies, indeed, almost all considered it their duty to defend the interests of the state above
those of their districts (and all found that this question raised a sensitive and real issue for them).
Nearly all the deputies agreed that voter demands mostly concerned particularistic problems (the
scarcity of housing was far and away the most frequent source of appeals from constituents) rather
than policy matters that could be reflected in legislation. Voters regarded the union deputies much
as they did local deputies, and as they had viewed all levels of deputy in the past—as intercessors
with a huge, inefficient, rude state bureaucracy. In short, the very autonomy that enabled deputies to
pass laws by overwhelming margins on any subject they or the government deemed important
reflected the reason their laws could not be implemented—there were scarcely any social interest
groups or parties that had a stake in the success of legislation, could help expose instances of govern-
ment foot-dragging in implementation, or could rally popular support behind a legislative act. No social interest groups linked deputies into coherent parties or factions, despite the efforts to coordinate positions of groups; deputies were for the most part atomized, insecure, and leaderless. Some of those who became specialists in particular areas of legislation could succeed in their legislative goals to the extent that they were influential through their committees in forging acceptable compromises with state or state-sponsored interests. But even they were unable to overcome the gulf separating the union parliament from society or overcome the weakness of civil society. This is not to say that informal groups were not active or important; many of the deputies had arisen precisely because of the burst of associational life sparked by glasnost’ and democratization. Rather, the point is that during perestroika, non-state associational life in Soviet society was concentrated in smaller social communities, particularly republics and cities; hardly any informal organizations spanned the union as a whole. 29 The weakness of civil society at the union level doomed the experiment in parliamentary politics at the union level to become an exercise in legislating in a vacuum. For this reason, the parliament was unable to accomplish what the Novo-Ogarevo, ultimately, also failed to do: to preserve the union.

The Supreme Soviet also shared in the general crisis of representative structures following the heyday of soviet power in 1989 and 1990. Popular disillusionment with the squabbles and paralysis of the soviets at all levels prompted a widespread call for a shift to stronger executive authority through 1990 and 1991. Examples of the results of this movement include the wave of acts establishing presidencies at the union and republic levels and mayoralties in cities, Popov’s widely publicized call for “de-sovietization” at the end of 1990, Yeltsin’s restoration of a prefectorial or governor-general system in the Russian Federation in 1991, the dissolution of large local soviets in some cities, and so on. The cry for strong executive, “vertical,” authority is an understandable response to the weakness and ineffectiveness of the soviets and Supreme Soviets in legislating solutions to the country’s desperate problems. But the answer will be as ineffective as was the move toward parliamentarism, I would predict, because neither executive nor legislative power can be successful in the absence of well-defined and legitimate social organizations that serve the essential but often overlooked functions of social self-control that civic associations perform in a pluralist
society.30

4 See, for example, the description of the legislative process in the old Supreme Soviet provided by Shugo Minagawa, Supreme Soviet Organs (Nagoya: University of Nagoya Press, 1985), pp. 259-262.
5 At the last meeting of the Supreme Soviet over which Anatolii Luk’ianov presided, immediately after the coup, Luk’ianov was denounced by speaker after speaker. Sitting next to him was the writer Danil Granin, who reported Luk’ianov’s reaction. Marveling how Luk’ianov could stand hearing himself attacked by people who before the coup had been unctuous in their praise of him, Granin asked why Luk’ianov did not simply get up and leave. Luk’ianov replied by asking Granin whether he had attended the funeral of his mother, remarking that he was now attending the funeral of his cause—the Soviet Union. Argumenty i fakty, no. 35 (September 1991), p. 1.
10 Bulletin’ Verkhovnogo Soveta SSSR, no. 5 (20 February 1991). Hereafter the proceedings will be identified as BVS with appropriate number and date.
15 Vedomosti ezda narodnykh deputatov SSSR i Verkhovnogo soveta SSSR, no. 28 (10 July 1991), p. 1205.
16 BVS, no. 36 (27 April 1990).
17 Argumenty i fakty, no. 35 (September 1991).
20 BVS, no. 8 (27 February 90).
21 BVS, no. 36 (27 April 1990).
22 BVS, no. 3 (19 February 1991).
This was rather unusual. Most bills passed once amendments had been voted on in the course of voting on each section and article of the bill during the second reading stage. However, a third reading was sometimes required if certain important provisions could not pass during the second reading. In that case, Luk’ianov generally convened a reconciliation commission comprising key committee chairs and interested deputies, charging them with reaching a compromise.


Votes in the Council of the Union are followed by the totals for the Council of Nationalities. In this instance, 186 voted for the bill on its first reading in the Council of the Union, and 174 did so in the Council of Nationalities. 17 members of the Council of the Union voted against it, and 8 members of the Council of Nationalities did so, while five and nine deputies, respectively, abstained.

Remington, “Regime Transition;” idem, “Reform, Revolution, and Regime Transition.”