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DEMOCRACY AND INSTITUTIONAL DESIGN IN RUSSIA

Eugene Huskey

Abstract¹

The literature on democratization has revived interest in the relationship between institutional design and political and economic development. This literature assumes that the selection of particular rules and institutions of state will facilitate or obstruct the transition from authoritarian to democratic politics. For transition regimes, the most important institutional choice is the variant of parliamentarism or presidentialism to be adopted--or maintained. This paper examines the development of semi-presidentialism in Russia and the implications of this institutional model for the transition from Communist rule. The paper also assesses the ways in which the logic of semi-presidentialism has adapted to the distinct circumstances and culture of Russian politics.

Semi-presidentialism contains a danger that is often overlooked: the politics of the dual executive. The logic of semi-presidentialism in the Second Russian Republic suggests that the president's ability to hire and fire the prime minister will ensure the cooperation of presidency and Government. Such is not the case. Yeltsin has frequently chosen to rule around rather than through the Government.

The presence of presidential and prime ministerial management teams above the ministries has confused lines of authority within the executive and encouraged ministries to play the head of state and head of Government against each other. All too often, the result is confusion and self-destructive competition, which is especially dangerous in Russia, where the ministries have a legitimacy that predates the democratic legitimacies of president and assembly. According to Egor Gaidar, "our ministries consider themselves first representatives of their own sphere of activity in the highest leadership of the country, and the interests of these spheres is very sharply divided." Because of this, the greatest peril facing Russia is not authoritarianism but warlordism, whether regional or departmental. The transition regime in Russia is therefore struggling to rationalize executive authority as well as to democratize. In this vital project of rationalization, the dual executive attendant to semi-presidentialism retards efforts to impose discipline and a sense of collective responsibility on the ministries, which are the building blocks of state power.

Russia has a strong form of semi-presidentialism without a strong president. Although Yeltsin exhibits occasional bursts of energy as leader, daily politics is the province of "an oligarchy...of rival chief administrators, who [are] united by no common political opinion and therefore [are] in continual opposition to one another" (endnote 60). Russia falls short, then, of classic delegative democracy, where a vigorous central figure imposes his will on the state and society. Yeltsin is no Fujimori.

¹Complied, in part, by Council Staff.

Introduction

The institutional landscape does not, of course, dictate the path of development. Rather it rewards or punishes, facilitates or obstructs, decisions made along the way by masses and elites. Thus, the particular pattern of institutions and rules will favor certain political outcomes over others. This axiom is most easily seen in electoral competition, where the type of voting system can produce dramatically different assemblies from similar popular results. But it is at work throughout a political system in the myriad of formal and informal rules that govern relations within the state and between state and society.

At the core of a country's institutional arrangements are rules that govern the relations between the executive and the assembly and between these structures and society. Put simply, the choice is between variants of presidentialism and parliamentarism.² For Russia, as for all countries in transition, the decision to adopt--or maintain--a presidential or parliamentary model has fateful consequences for the stability and efficacy of the regime. This paper examines the development of Russia's political architecture and the implications of institutional design for Russia's transition from Communist rule.

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

At the beginning of this century, Bolshevik writings championed an extreme form of parliamentarism known as soviet democracy.³ In the soviets, or councils, deputies were to deliberate and dispose of policy, thus overcoming the traditional tension between executives and legislatures by fusing the two institutions into a single body. In practice, however, the Bolsheviks used the soviets as instruments of insurrection and not rule. They erected a massive party-state executive that stripped the soviets of all but the symbolic attributes of power. The formal residue was a structure akin to traditional parliamentarism, with a Government formed

from a parliamentary majority, but parliaments in the USSR were neither deliberative bodies nor instruments of popular will. For seven decades this fictional parliamentarism remained a thin cover for one-party rule.

At the end of the 1980s, faced with broad-based resistance to reform within the Communist Party apparatus, Mikhail Gorbachev sought alternative institutional arrangements that would at once enhance regime legitimacy and offer the leader an additional institutional base outside of the party. Invoking a variant of the Leninist slogan "All Power to the Soviets,"⁴ Gorbachev settled upon a reinvigoration of the moribund legislature. Following constitutional changes in December 1988 and competitive elections in February 1989, an extraordinary, if short-lived, experiment in "speaker's parliamentarism" began.

From his post as chairman of the new Congress of People's Deputies, Gorbachev sought to formulate policy, manage a growing parliamentary bureaucracy, and direct floor debate, all the while maintaining his Communist Party office. It was an unworkable amalgam. Furthermore, parliament itself proved to be an unwieldy and unreliable vehicle of rule. In a period of mounting social and economic crises, the length and contentiousness of debates and committee hearings constrained executive action. Prime Minister Nikolai Ryzhkov estimated that parliamentary duties occupied a third of his ministers' time.⁵ Parliament also began to insist on direct involvement in the implementation of policy.⁶ Moreover, an essential component of efficient parliamentarism, a loyal and stable legislative majority, was missing. It was often unclear which faction presented the greater liability to Gorbachev: the conservative Communist majority, procedurally sycophantic but hostile to substantive change, or the vocal and independent-minded minority, which continually criticized the pace and depth of reforms.

Frustrated in his role as speaker, Gorbachev authorized the design of a new political architecture barely six months into the life of the parliament. The goal was to create for the leader a more dignified and powerful constitutional office distinct from the legislature. How this was to be accomplished became the subject of an intense debate among Gorbachev's advisors in the first weeks of 1990. While some favored the establishment of an American-style presidential system, others, most notably Anatolii Lukianov, rejected the separation of powers inherent in presidentialism as alien to Soviet and Russian traditions.⁷ At the end of this brief in-house debate, Gorbachev opted for semi-presidential arrangements modelled largely on those of the Fifth French Republic, whose constitution combined elements of presidential and parliamentary rule. Reluctant to subject himself or the country to the uncertainty and strains of a direct election for the post of president, Gorbachev also followed the French example in holding an indirect presidential election for the first term.⁸

Semi-presidentialism had numerous advantages, for Gorbachev personally and for a regime in transition from one-party rule.⁹ Separating the posts of head of state (president) and head of government (prime minister) elevated the president above the unpleasant business of managing a vast and inefficient bureaucracy. Removed from daily politics, the president could aspire to the majesty of a republican monarch. A dignified presidency seemed to promise a new source of legitimacy for a regime with a failing ideology and institutions. If under semi-presidentialism the prime minister assumed direct responsibility for social and economic policy, the president played the leading role in matters of national security. This division of labor, which mirrored that in France, rewarded Gorbachev's passion for foreign affairs and his aversion to budgets. Under the new institutional arrangements Gorbachev was free to reach strategic compromises, whether with foreign dignitaries or with the miners and other groups within Russia. It then fell to the Government to make good on his often exaggerated promises.¹⁰

Semi-presidentialism was also the least disruptive alternative to the existing institutional order. A parliament and Government were already in place. The new arrangements required only the addition of a small presidential bureaucracy, initially staffed by some 300 persons. In the transition from communism, the presidency appeared to be the logical successor to the beleaguered Communist Party. According to Georgii Shakhnazarov, at the end of the Soviet era the presidency "gradually began to take over the Central Committee apparatus."¹¹

The foundations of semi-presidentialism that were laid in early 1990 served as the model for fourteen of the fifteen states that succeeded the Soviet Union.¹² These states made only one major design change: direct presidential elections. In the Russian Federation, the direct presidential election of June 1991 played an important, and perhaps decisive, role in the successful resistance of Yeltsin and his circle to the conservative coup in August 1991. Yeltsin's popular mandate made it far more difficult for elites in strategic ministries and professions to side with the coup plotters.

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

In the first two years of post-Communist rule, semi-presidentialist systems throughout much of the former Soviet Union fell victim to a disorder latent in all varieties of presidentialism, a stalemate between legislative and executive institutions. Unlike parliamentary systems, where only the legislature can claim a direct popular mandate, presidentialist arrangements produce what Juan Linz has called "dual democratic legitimacies" for president

and assembly.¹³ Because both institutions are directly elected, each is able to promote itself as the bearer of sovereign authority. When the assembly and president are at odds, the system provides no constitutional means to defuse the crisis. A denouement occurs, if at all, because elites themselves craft a means of cohabitation. Parliamentary systems, by contrast, can simply turn out a wayward executive through a vote of no confidence.

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

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

It would be naive, of course, to portray executive-legislative conflict in policy terms alone. Policy debates in the First Russian Republic were also extensions of struggles for personal and institutional power similar to those that had animated succession crises in Soviet history. Emboldened by a growing popular and elite opposition to the president's policies, the parliament and its leadership laid claim to a larger and more direct role in governing the country. Standing at the head of the anti-Yeltsin majority in parliament, the speaker, Ruslan Khasbulatov, sought to curtail presidential authority and revive elements of the radical parliamentarism associated with soviet democracy. In the words of Nikolai Fedorov, Yeltsin's Justice Minister, Khasbulatov sought to create "a parallel center of executive power in the parliament."¹⁴

In an immediate sense, the struggle between Yeltsin and Khasbulatov and between presidency and parliament was for control of the bureaucracy, especially the ministries that controlled guns, money, and property. To attract the loyalty of the officers of the state, each side used laws, patronage, and funding, the traditional weapons in the institutional confrontation endemic to presidentialism. It was a standoff that recalled the conflict between president and Congress in the United States in the wake of the Civil War. In the American case, a battle between legislature and executive on the right to make bureaucratic appointments led to the impeachment, though not the conviction, of President Andrew Johnson.

If presidentialism predisposes political systems to legislative-executive confrontation, it does not dictate the use of violence or other extreme measures as weapons in the political struggle. There are other means out of an impasse. In France, for example, staggered elections have returned parliamentary majorities opposed to the president. Rather than attempt to rule around the parliament through reserved powers or the plebiscite, the French president has, during periods of cohabitation, deferred to the parliamentary majority and retreated into a largely ceremonial role.¹⁵ Thus, semi-presidentialism in France developed "a safety valve that avoids the clash and crises of two popularly elected legitimacies by permitting the political system to function now as a presidential system, now as a parliamentary system."¹⁶ The French case serves as a reminder that institutional arrangements succeed or fail in large measure because of the willingness of elites to forge compromises in the available constitutional space. As Forrest MacDonald remarked with regard to American politics, "was that the formal distribution of powers between legislatures and executive is not so important as institutionalized means of cooperation."¹⁷

Why did Russian political elites fail where their American and French counterparts succeeded? More specifically, why did Yeltsin refuse to follow the lead of Mitterand? For one, the circumstances differed. Not only was the election sequencing reversed--in France the parliament was elected <u>after</u> the president--but the stakes of Russian politics were far higher. The victors, it seemed, would define Russia's new economic model, its replacement ideology, and, perhaps, even its borders. They would also insure for themselves the accoutrements of modern life, such as desirable apartments, country homes, and automobiles.¹⁸ In Russia, there was as yet no revolving door to offer sustenance to the politically dispossessed. And because Russia lacked an institution common to Western democracies--a permanent civil service--all state officials felt threatened by the struggle between president and parliament.¹⁹ Taken

together, these circumstances raised the stakes of Russian politics in 1992-1993 to a level with few historical precedents.²⁰

Added to this unfavorable mix of institutional design and circumstance was an elite unschooled in the tactics of democratic accomodation. Most of the leaders in the presidency, parliament and the Constitutional Court were neophytes in national politics, if not in public life generally.²¹ Most retained the values learned in an authoritarian political culture, with its aversion to compromise and its emphasis on personal rather than legal authority. Few had yet developed a civic consciousness, which could elevate raison d'etat above departmental or personal interests. The elite itself, then, was ill-suited to the task of nurturing fledgling democratic institutions.

The impediments to democracy outlined here should not obscure elite maneuvers intended to make Russia's institutions work. President Yeltsin, for example, sought to deflect criticism of his policies and enhance his parliamentary support through periodic reshuffling of the Government. His most dramatic concession came in December 1992, when he sacrificed his acting prime minister. Egor Gaidar. Gaidar's replacement, Viktor Chernomyrdin, was a manager (*upravlenets*) whose background and beliefs struck a responsive chord for a time among the deputies. But these and other moments of elite accomodation brought only fleeting respite from executive-legislative conflict. When the new "political year" began in September 1993, politics had reached a juncture through which only one elite group could pass. As Robert Sharlet has argued, each side insisted on a new constitutional framework favorable to it: "one promoting the model of a parliamentary republic with a restricted executive, the other (Yeltsin's), a presidential model with a dependent legislature and a weak constitutional court."²² The First Russian Republic was unable to sustain dual democratic legitimacies.

The Second Russian Republic: Toward a Delegative Democracy?

Rather than face almost certain impeachment, Yeltsin disbanded the parliament in the fall of 1993, first by decree and then by force.²³ These extra-constitutional measures enabled the president to advance two ballot initiatives for December 12, both designed to enhance the sources of presidential authority. The first, elections to a new parliament, was expected to produce a workable legislative majority for the president. Pollsters close to the presidency believed that the mood of the country, together with the electoral rules that the president himself had dictated, would permit the party of reform, Russia's Choice, to form the core, if not an outright majority, in the successor parliament.²⁴ On December 12, voters also cast

ballots on a constitutional referendum. Last-minute changes to the draft constitution dramatically strengthened presidential power at the expense of the parliament. If denied a legislative majority, the president could use reserve powers to rule around the parliament. Thus, instead of the politics of alternation, as in semi-presidential France, Yeltsin advanced the politics of redundancy.

Under the new constitution, which passed by a slim and still disputed majority, the formal structure of Russian government remains semi-presidential. A directly elected president shares executive responsibility with a prime minister, who needs the support, or more accurately the forebearance, of the parliament. But the rules governing the generation and accountability of the Government reduce to a minimum the parliament's ability to limit executive authority. According to the prime minister's chief of staff, the Government exercises executive power "independently [samostoiatel'no], subordinate to the President but not to the parliament, with whom it works in parallel."25 Individual ministers are not subject to confirmation, recall, or sanction by the legislature, though they may be subject to weekly parliamentary question time.²⁶ Although parliament retains the formal right to reject a president's appointment to the office of prime minister, or to express no confidence in a sitting Government, it can do so only under the most unappealing conditions. According to Article 111.4, a president may insist on his candidate for prime minister through three successive rejections by the lower chamber, the State Duma, after which the president installs an interim prime minister, dissolves the parliament, and calls new elections. Moreover, Article 117.3 grants the president the option of ignoring the Duma's first vote of no confidence in the Government. Should a second no confidence motion pass within three months, the president may opt to dissolve the Duma rather than sacrifice his prime minister.

The new institutional arrangements place the president as well as the prime minister beyond the reach of all but the most united parliaments. To impeach the president, the State Duma first brings charges of high treason or other grave crimes against the president. These charges must be supported by two-thirds of the deputies on the basis of a written opinion of a special Duma commission. As Vladimir Lysenko has noted, the president's power to dissolve the lower chamber--and keep in place the more malleable upper house, the Federation Council--"forestalls any attempt by the State Duma to raise first the question of impeaching the president."²⁷ Should the Duma bring charges, the Supreme Court must issue a finding that the elements of a crime are present, and the Constitutional Court must confirm that the Duma has respected the appropriate procedures in the bringing of the charges. It then falls to the Federation Council to convict the president by majority vote. In the event impeachment

proceedings reached this final stage, the Federation Council would be most unlikely to remove the president. Many of its members are local executive officials appointed by Yeltsin.²⁸

The design and operation of the Second Russian Republic exhibit many of the features of "delegative democracy" found in Latin America. In the words of Guillermo O'Donnell:

Delegative democracies rest on the premiss that whoever wins election to the presidency is thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term in office.²⁹

The key difference between representative--or institutionalized--democracy and delegative democracy lies in the nature of executive accountability. Whereas in representative democracies the president is accountable both vertically to the voters and horizontally to "a network of relatively autonomous... institutions,"³⁰ in delegative democracies the president is accountable to the nation alone. Delegative presidents regard parliaments and constitutional courts "as unnecessary encumbrances to their 'mission' [and] they make strenuous efforts to hamper the development of such institutions."³¹

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

...institutionalized democracies are slow at making decisions. But once those decisions are made, they are relatively more likely to be implemented. In delegative democracies, in contrast, we witness a decision-making frenzy, what in Latin America we call *decretismo*. Because such hasty, unilateral executive orders are likely to offend important and politically mobilized interests, they are unlikely to be implemented.³²

When Yeltsin broke new ground on economic and law enforcement policies in the late spring of 1994, he did so by issuing his own decrees instead of submitting laws to parliament. Rather than "build[ing] new legislative coalitions with every issue,"³³ the task confronting all leaders in multiparty presidentialist systems, the Russian president has chosen the decidedly less troublesome option of initiating new policies by decree.³⁴ Like party directives under the old regime, presidential decrees are designed to serve as guidelines for subsequent

parliamentary legislation. In the interim, they enjoy the force of law as long as they do not contravene the constitution or existing legislation. Or so the constitution stipulates. In fact, some decrees have altered parliamentary laws.³⁵

The president's fundamental mistrust of parliament was also evident in his formation of the Public Chamber [*Obshchestvennaia palata*] in February 1994. A kind of corporatist assembly appointed by the president and appended to the presidential administration, the Public Chamber is designed to serve as an alternative source of popular support for Yeltsin and as an alternative venue for the resolution of disputes.³⁶ Comprised of leaders from churches, trade unions, veteran groups, and other social and regional organizations, the Public Chamber is the third leg in a triad of presidential legitimacy, the other two of which are direct presidential election and parliamentary support for the executive. A further refinement of the politics of redundancy, the Public Chamber may be relied on in a moment of crisis to shore up legitimacy denied by a hostile--or dissolved--parliament. Moreover, it furthers the myth, nurtured actively in 1994, that Yeltsin is the leader of a national consensus in Russian politics. The Chamber and a new Reconciliation Commission [*Soglasitel'naia komissiia*], chaired by the head of the presidential administration, Sergei Filatov, are charged with implementing the Civic Accord, signed by representatives of Russian society in April 1994. This Accord is intended to rally the country around a program of measured reform.³⁷

Although Yeltin has been reluctant to accept parliamentary institutions and their leaders as full partners in governing, he has been willing to grant them a measure of dignity and influence. Among other things, he has cultivated parliamentary support at strategic junctures. Shortly after the disappointing results of the December 1993 parliamentary elections, the president removed several visible reformers from their Government posts as a concession to the new parliament. By the fall of 1994, Anatolii Chubais remained the lone radical reformer in the Cabinet. Moreover, the president chose not to provoke a constitutional crisis over the parliamentary amnesty of February 1994, which freed the instigators of political violence in August 1991 and October 1993. In this episode, at least, he exhibited an essential trait of a democratic politician, the willingness to accept defeat.³⁸

Yeltsin has also attempted to anticipate and defuse potential conflict with the parliament by creating agencies in the presidency for liaison with the legislature.³⁹ Rather than establish a presidential party or even a presidential coalition in parliament, the president has introduced a kind of entente cordiale with virtually all forces in the legislature.⁴⁰ As part of this strategy, he has sought to coopt the heads of the two chambers of parliament--the Duma and the Federation Council--by appointing them to several key presidential structures, including the Security Council and the Council on Cadres Policy [*Sovet po kadrovoi politike*].⁴¹

For its part, the parliamentary leadership has in general worked to minimize executivelegislative tensions. Contrary to the expectations of many, the speaker of the Duma, Ivan Rybkin, a Communist turned Agrarian, has studiously avoided direct public confrontations with the presidency.⁴² Known in some quarters as "Mister Social Accord,"⁴³ Rybkin has proved at least as cooperative as Vladimir Shumeiko, the chair of the Federation Council, who had been a close protege of Yeltsin before his move from the presidency to parliament in December 1993. Because of a still fragmented party system and the remnants of apparatus dominance in the legislature, the parliamentary leaders have been able to resolve many conflicts with the executive through private negotiations.⁴⁴ Unlike their predecessor, Ruslan Khasbulatov, Rybkin and Shumeiko have been steady and discrete; if not always agreeable, in their dealings with the president.

The tactics of accomodation just described grow out of the prevailing balance of power between the presidency and parliament as well as personal relations. A president ignores or angers a parliament at his peril. Although the 1993 Constitution elevated the presidency above parliament, it reserved for the legislature sufficient powers to complicate presidential rule. Three times in 1994, the Federation Council rejected the president's nominee for the post of Procurator-General, Aleksei Il'iushenko.⁴⁵ The Federation Council also turned down several presidential nominees to the Constitutional Court. To avoid confrontation with the legislature, in May 1994 Yeltsin reluctantly signed the Law on the Status of Deputies, which gave members of parliament broader personal immunity and more expansive rights to information from executive agencies.⁴⁶ The "power ministries" and the head of Yeltsin's own presidential administration, Sergei Filatov, had vigorously opposed this bill. The debates over the 1995 budget also illustrated that the parliament and its leadership retain some capacity to frustrate executive action. In late 1994, the Duma and Federation Council overrode a presidential veto of legislation that requires stringent executive reporting requirements in future budgets--the first veto override under the new Constitution.⁴⁷ It remains to be seen whether a parliament capable of amassing such super-majorities will serve as an effective brake on presidential rule. Much depends on the willingness of the president to accept legislative defeat.

Mitigating the effects of the anti-presidential majority in parliament have been the tactics of the legislative leadership and the institutional arrangements, which require a higher threshhold of consensus before collective action is attractive. But two other factors are also at work. Because Yeltsin's Administrator of Affairs [*upravliaiushchii delami*] distributes housing,

telephones, and vacation packages to legislative as well as executive personnel, the presidency has been able to use "dacha politics" to influence individual deputies.⁴⁸ Furthermore, the opposition has at times denied itself minor parliamentary victories in order to position itself for an assumption of executive power in the future. With the country in crisis and a presidential election scheduled for June 1996, the anti-Yeltsin majority in parliament prefers to remain in opposition during the presidential campaign. The strategy of the conservative parliamentary majority is to restrict Yeltsin's freedom of maneuver without assuming governing responsibility. Thus, when a vote of no confidence was held in October 1994, the result was what might be termed a "maximum losing coalition"--enough votes to distance the legislature from the executive and destabilize politics but not enough to force an early parliamentary election or to provoke a constitutional crisis.⁴⁹ This strategy was also apparent in the wake of the no confidence vote, when the Communist Party expelled one of its deputies, Valentin Kovalev, for assuming the Justice portfolio in the Chernomyrdin Government. For the conservatives, there is nothing better than "a discredited Government hanging around the neck of the president."⁵⁰

The president's occasional defeats in parliament--or the more frequent concessions to the deputies--reveal as much about the vulnerabilities of a divided executive as the strength of a united parliament. Had executive agencies adhered to what the British call collective responsibility, the president's position vis-a-vis the legislature would have been virtually impregnable. But individual departments within the executive, most notably those responsible for defense, agriculture, and social spending, have publicized intra-executive conflict as a means of mobilizing support for their positions in parliament, the executive, and the nation. Thus, cutting across the major institutional divisions of Russian politics are sectoral cleavages that often set the executive against itself and thereby dilute the formal powers of the presidency vis-a-vis the assembly.⁵¹ Although such bureaucratic interest groups exist in all political systems, their effect is magnified in Russia because of the absence of rules and conventions to discipline executive officials. One may indeed argue that the most effective set of checks and balances in Russia is in the tension between these sectoral elites rather than between institutions. Those wishing to rationalize Russian government would reduce the power of these informal sectors, but to do so would eliminate the only potent source of horizontal accountability in the system. Such is the dilemma of Russian politics in transition.

The Perils of Russian Presidentialism

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

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

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

The increasing importance of regional and local government in Russia has also mitigated the winner-take-all consequences of presidential elections. As the central state has grown weaker, the governments of subject territories have assumed greater political authority. Through patronage powers and the postponement of local elections, Yeltsin has sought to rein in opposition elites in the provinces. But many local authorities continue to pursue policies that are directly at odds with the president's reform course. If radical reformers can look to the experiments in Nizhnyi Novgorod for encouragement, Communists and Agrarians find comfort in the old regime politics characteristic of the "red belt" regions south of Moscow.⁵² The danger, of course, is that such regions will develop into "reserved domains of undemocratic power."

A second potential weakness of presidentialism arises from the rigidity of the fixed term of office for the president. Electing presidents at regular intervals--every four years in Russia, beginning in June, 1996--denies the voters an opportunity to remove executives who have lost the confidence of the nation, a not unlikely occurrence in a period of transition. As recent Russian history has already vividly demonstrated, resorting to impeachment to remove a president is likely to provoke a regime crisis. The death in office of the president would also destabilize the regime, quite unlike the loss of a prime minister in a parliamentary system. In the event of the president's resignation, incapacity or death, the Constitution of the Second Russian Republic transfers power to the prime minister and prescribes that a presidential election be held within three months. With a new state machinery traumatized by the loss of the leader, the nation is immediately plunged into a divisive electoral campaign.

Even during leadership successions determined by regularly-scheduled elections, presidentialism poses a threat by granting "outsiders" immediate access to the country's most powerful institution.⁵³ Absent are the many filters built into recruitment of a prime minister in parliamentary regimes. To be sure, the election of an outsider may accelerate the dismantling of undemocratic rules and structures, especially in a country in transition from communism. It was Boris Yeltsin who campaigned successfully as an outsider against the party establishment in the Russian presidential election of June 1991. But the strong showing of Vladimir Zhirinovskii in December 1993 reminds us that, in an era of crisis and videopolitics, extremist politicians may rise to power on a wave of popular frustration. A candidate able to win the votes of an alienated and uncertain electorate often lacks the skills to shape and sustain a governing consensus. In short, direct presidential elections in a weak party system are likely to bring to office unaccomodating elites.

Whence will come the new elites in Government and parliament? In a parliamentary system, they would rise within the legislature itself on the basis of longevity, party loyalty, and competence. Presidentiaiism advances a more diverse elite more rapidly. In Russia, the new elite is emerging from the ranks of regional governors, academics, deputies, entepreneurs, and industrialists.⁵⁴ Instead of party loyalty, personal loyalty promotes these careers. This combination of diverse personal loyalties and diverse *formations professionelles* will almost certainly complicate efforts at elite accomodation in Russian politics.

To this point we have focused on the challenges associated with all varieties of presidentialism. But semi-presidentialism contains an added danger that is often overlooked in the comparative literature: the politics of the dual executive. The logic of semi-presidentialism in the Second Russian Republic suggests that the president's ability to hire and fire the prime minister will ensure the cooperation of presidency and Government. Such is not the case. Yeltsin has frequently chosen to rule around rather than through the Government.⁵⁵

The presence of presidential and prime ministerial management teams above the ministries has confused lines of authority within the executive and encouraged ministries to play the head of state and head of Government against each other.⁵⁶ All too often, the result is confusion and self-destructive competition, which is especially dangerous in Russia, where the ministries have a legitimacy that predates the democratic legitimacies of president and

assembly.⁵⁷ According to Egor Gaidar, "our ministries consider themselves first representatives of their own sphere of activity in the highest leadership of the country, and the interests of these spheres is very sharply divided."⁵⁸ Because of this, the greatest peril facing Russia is not authoritarianism but warlordism, whether regional or departmental.⁵⁹ The transition regime in Russia is therefore struggling to rationalize executive authority as well as to democratize. In this vital project of rationalization, the dual executive attendant to semipresidentialism retards efforts to impose discipline and a sense of collective responsibility on the ministries, which are the building blocks of state power.

Russia has a strong form of semi-presidentialism without a strong president. Although Yeltsin exhibits occasional bursts of energy as leader, daily politics is the province of "an oligarchy...of rival chief administrators, who [are] united by no common political opinion and therefore [are] in continual opposition to one another."⁶⁰ Russia falls short, then, of classic delegative democracy, where a vigorous central figure imposes his will on the state and society. Yeltsin is no Fujimori.

ENDNOTES

1. Cited in Kathleen Thelen and Sven Steinmo, "Historical institutionalism in comparative politics," in S. Steinmo, K. Thelen, and Frank Longstreth (eds.), *Structuring Politics. Historical Institutionalism in Comparative Analysis* (Cambridge: Cambridge University Press, 1992), p. 8.

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

3. It should be noted that the soviets emerged spontaneously in the 1905 Revolution in Russia and were later embraced by the Bolsheviks.

4. Whereas the Bolsheviks in 1917 employed the slogan vsia vlast' sovetam [all power to the soviets], Gorbachev used a more ambiguous formulation: *polnovlastie sovetam* [full power to the soviets].

5. M. Nenashev, Poslednee Pravitel'stvo SSSR (Moscow: AO "Krym", 1993), p. 18.

6. "From the Archives," Demokratizatsiia, no. 2 (Spring 1994), vol. II, pp. 316-331.

7. "We've Got a Special Way of Thinking. On the Establishment of the Soviet Presidency," *Demokratizatsiia*, no. 2 (Spring 1994), vol. II, pp. 228-233 [interview with Georgii Shakhnazarov].

8. In France, of course, the Fifth Republic Constitution envisioned the indirect election of the president as a permanent feature of the political system. In the Gaullist-inspired referendum of 1962, the French electorate approved the change to direct elections for the president.

9. For an introduction to semi-presidentialism, see Maurice Duverger, "A New Political System Model: Semi-Presidential Government," *European Journal of Political Research*, no. 2, vol. 8 (1980), pp. 165-187.

10. In his autobiography, Yeltsin observed that Gorbachev's descent from power began in early 1991, when, having thrown in his lot with only one pole, the Right, "he was stripped of his chief weapon--the political game, the maneuver, the balancing act." Boris Yeltsin, *The Struggle for Russia* (New York: Random House, 1994), p. 24. On the role of the prime minister as "whipping boy" in post-Soviet Russia, see Vladimir Mironov, "Nuzhen li prezidentu 'mal'chik dlia bit'ia'? Bor'ba za pravitel'stvo prodolzhaetsia," *Vek*, no. 28 (1994), p. 3.

11. "We've Got a Special Way of Thinking. On the Establishment of the Soviet Presidency," *Demokratizatsiia*, no. 2 (Spring 1994), vol. II, p. 230.

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

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

14. "Nikolai Fedorov: Parlament dopuskaet antikonstitutsionnye deistviia," Rossiiskie vesti, 13 March 1993, p. 2.

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

16. Ezra N. Suleiman, "Presidentialism and Political Stability in France," in Juan J. Linz and Arturo Valenzuela, *The Failure of Presidential Democracy. Comparative Perspectives*, vol. 1 (Baltimore: The Johns Hopkins University Press, 1994), p. 151.

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

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

19. See, for example, Samuel Huntington, "Will More Countries Become Democratic?" *Political Science Quarterly*, no. 2 (1984), pp. 193-218. In some sectors, such as justice, finance, and economics, state officials are now finding attractive jobs in the private sector. In fact, for some ministries and divisions of the presidential administration, it is becoming increasingly difficult to keep competent specialists who can make a better living outside of government. Sergei Filatov, "Kto pridet zavtra v organy vlasti," *Rossiiskie vesti*, 13 September 1994, pp. 1-2.

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

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

22. Robert Sharlet, "Russian Constitutional Crisis: Law and Politics under Yeltsin," Post-Soviet Affairs, no. 4 (October-December 1993), p. 320.

23. In his autobiography, Yeltsin notes that after the Eighth Congress, he had no choice but to dismantle parliament or become a figurehead president. He was obviously not prepared to assume the latter role. Boris Yeltsin, *The Struggle for Russia* (New York: Random House, 1994), p. 205.

24. See, for example, the analyses of Aleksandr Sobianin, E. Gel'man and O. Kaiunov, "The Political Climate of Russia's Regions: Voters and Deputies, 1991-1993," The Soviet and Post-Soviet Review, no. 1 (1994), pp. 63-84.

25. Vladimir Kvasov, "Konflikta mezhdu pravitel'stvom i Prezidentom ne budet," Rossiiskaia federatsiia, no. 6 (1994), pp. 7-8.

26. The Duma and Government agreed to the following rules regarding the interpellation of ministers: they would invite members of Government to weekly question time at least three days in advance; they would invite no more than two, and preferably one minister; and they would make sure that deputies in the sector were prepared to ask informed, rather than childish [detskie], questions. Liubov' Vladimirova, "Deputaty prevrashchaiut 'Chas Pravitel'stva' v vecher voprosov i otvetov," Rossiiskie vesti, 21 June 1994, p. 1.

Earlier drafts of the 1993 constitution had envisioned Duma confirmation of all but the power ministries. Yeltsin returned to that idea in October 1994 in discussions with parliamentary factions. He has not yet agreed formally, however, to this major concession to parliament. "Vyraziv votum nedoverila pravitel'stvu, Gosduma mozhet postavit' pod udar sebia," *Izvestila*, 27 October 1994, p. 1.

27. Vladimir M. Lysenko, "Toward Presidential Rule," Journal of Democracy, no. 2 (1994), p. 11.

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

29. Guillermo O'Donnell, "Delegative Democracy," Journal of Democracy, vol. 5. no. 1 (1994), p. 59.

30. Ibid., p. 61.

31. Ibid., p. 62.

32. Ibid., p. 66.

33. Scott Mainwaring, "Presidentialism, Multipartism and Democracy. The Difficult Combination," *Comparative Political Studies*, vol. 26, no. 2 (1993), pp. 200. Mainwaring offers here a penetrating analysis of the importance of party system for presidentialism. He argues that two-party systems enhance the prospects for survival of transition regimes with presidentialist arrangements. Under presidentialism, multipartism exacerbates executive/legislative conflict, increases the likelihood of ideological polarization, and complicates interparty coalition building.

34. Among the many shortcomings of rule by decree is the lack of deliberation in policymaking, which is especially dangerous in areas where the president lacks expertise. In the vital fields of economics and interethnic affairs, of which Yeltsin has at best a rudimentary understanding, the president at times signs decrees on the spot on the basis of one-sided information from a Government or presidential official. Such was the case with a decree freezing wages. See Svetlana Alekseeva, "El'tsin: Popytka politicheskogo portreta," *Sovetskaia Rossiia*, 1 October 1994, p. 3. One of Yeltsin's closest aides, Georgii Satarov, has complained that Yeltsin has failed to develop a "technology of decisionmaking." "Georgii Satarov: Prezidentu nado chashche ob'iasniat' svoiu pozitsiiu," *Argumenty i fakty*, no. 33 (1994), p. 3. Even under the autocracy, when tsars were often not up to the demands of office, there was at least a well-developed "technology of decisionmaking." See, for example, Petr Zaionchkovskii, *The Russian Autocracy under Alexander III*, trans. David Jones (Gulf Breeze, FL: Academic International Press, 1976).

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

36. See Anna Ostapchuk, "Carte Blanche: The Public Chamber as Boris Yeltsin's Tool," Nezavisimaia gazeta, 7 July 1994, p. 2, as translated in The Current Digest of the Post-Soviet Press, no. 27 (1994), p. 15.

37. Anna Ostapchuk and Yuly Lebedev, "Conference: Political Barometer Reads 'Clear'," *Nezavisimaia gazeta*, 15 September 1994, p. 2, as translated in *The Current Digest of the Post-Soviet Press*, no. 37 (1994), p. 15. Georgii Satarov seems to be behind this initiative. In the late summer of 1994, he called for a grand coalition of social forces and executive and parliamentary officials to devise legislation before presenting it to parliament.

38. "Democracy," Mainwaring notes, "presupposes the willingness of political actors to accept electoral and policy defeats. This willingness is enhanced when actors believe that defeats are reversible through the democratic struggle and that they are not catastrophic." Scott Mainwaring, "Presidentialism, Multipartism and Democracy. The Difficult Combination," *Comparative Political Studies*, vol. 26, no. 2 (1993), p. 219.

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

40. The phrase is that of Mikhail Shchipanov in "Osoboi prezidentskoi partii ne budet," Kuranty, 7 April 1994, p. 4.

41. "Novaia nomenklatura ili novaia kadrovaia politika?" Rossiiskie vesti, 23 September 1994, p. 1.

42. Rybkin and Yeltsin noted the "constructive dialogue" between president and speaker that characterized the first session of the Duma. Aleksei Kirpichnikov, "Duma: The President approves of the Duma, and its Chairman approves

of the President," Sevodnia, 6 October 1994, p. 1, as translated in The Current Digest of the Post-Soviet Press, no. 40 (1994), p. 1.

43. Mikhail Leont'ev, "Prem'er Skokovets [sic] kak produkt 'obshestvennogo soglasiia'," Segodnia, 25 October 1994, p. 1.

44. Thomas F. Remington and Steven S. Smith conclude that Shumeiko's position in the Federation Council is more dominant than that of Rybkin in the Duma, where parties are more developed and deputies more active. "The Early Legislative Process in the Russian Federal Assembly," (unpublished manuscript, August 1994).

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

46. Sergei Chugaev, "Kto voz'met na sebia grekh narushit' konstitutsiiu: prezident ili zakonodateli?" *Izvestiia*, May 12, 1994, p. 1.

47. RFE/RL Daily Report, 26 October 1994.

48. Andrei Uglanov, "Ministry prikhodiat i ukhodiat, apparat ostaetsia," Argumenty i fakty, no. 20 (May 1994), p. 3. The Administration of Affairs is a powerful, but little studied, arm of the Russian presidency, which now houses under one roof the remnants of the administrations of affairs of the Communist Party Central Committee and the Council of Ministers. Where the budget of the Russian Government (excluding the individual ministries) was 15 billion rubles in 1994, the Administration of Affairs received 82 billion rubles. "O finansirovaii raskhodov iz federal'nogo biudhzeta vo II kvartale 1994 goda," Sobranie zakonodatel'stva, no. 1 (1994), st. 1.

49. As is so often the case in Russian parliamentary votes, the motion failed because of high levels of tactical nonvoting by deputies. Non-votes are counted as nay votes in the Duma. As Thomas F. Remington and Steven S. Smith point out, "...for the January-July 1994 period, the mean number of "yea" votes was 211 and the mean number of "nay" votes was 49, so the typical motion was defeated (211 is less than a majority) because of nonvoting." "The Development of Parliamentary Parties in Russia," (Unpublished manuscript prepared for presentation at the annual meeting of the American Association for the Advancement of Slavic Studies, Philadelphia, November 1994), p. 16.

50. Andranik Migranian, "Prezident dolzhen priniat' reshenie i naznachit' prem'erom cheloveka, kotoryi sposoben sozdat' pravitel'stvo natsional'nogo spaseniia," *Nezavisimaia gazeta*, 4 November 1994, pp. 1,3. This argument was first made by Sergei Chugaev, "Bol'shinstvo politikov zainteresovano v krakhe pravitel'stva," *Izvestiia*, 27 January 1994, p. 2.

51. A revealing analysis of competing elite coalitions in Russian politics may be found in Vladimir Berezovskii, "Dva politicheskikh lageria federal'noi elity Rossii," *Svobodnaia mysl'*, no. 9 (1994), pp. 67-86. Where the article above divides the elite into two camps, an analysis by Vladimir Lepekhin finds ten elite "centers" at the apex of Russian politics. See Vladimir Lepekhin, "Kto poluchit dostup k ukhu Prezidenta," *Komsomol'skaia pravda*, 30 August 1994, p. 3.

52. See Elizabeth Teague, "Russia's Local Elections Begin," RFE/RL Research Report, 18 February 1994, pp. 1-4.

53. This argument is developed in Juan Linz, "Presidential or Parliamentary Democracy: Does It Make a Difference?" in Juan J. Linz and Arturo Valenzuela (eds.), *The Failure of Presidential Democracy (Comparative Perspectives, volume 1)* (Baltimore: Johns Hopkins University Press, 1994), pp. 26-27.

54. On the new Russian elite, see the research of the Russian sociologist, O.V. Kryshtanovskaia, discussed in Oleg Dmitriev, "Staraia nomenklatura i novaia elita," *Rossiiskie vesti*, 3 June 1994, p. 2; see also, Irina Savvateeva, "O tekh, kto nami pravit," *Izvestiia*, 18 May 1994, p. 2.

55. See Eugene Huskey, "Presidentialism in Russia: The State-Legal Administration and the Politics of Redundancy," *Post-Soviet Affairs*, no. 2 (1995), forthcoming. The precariousness of dual executive arrangements in Russia is evident if one imagines the sudden death of the president. In this case, a presidential apparatus of several thousand officials would either float freely in the three months before new elections or be subjected to the authority of the prime minister. A prime minister would be tempted to decimate the ranks of the presidential bureaucracy or integrate the officials into his own administration. Either option would provoke a regime crisis.

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

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

58. "U nas net bolee vazhnoi problemy, nezheli dogovorit'sia o pravlilakh igry," *Posev*, no. 5 (1993), pp. 7-17. This is an interview with Gaidar.

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

60. The words are those of V.I. Gurko, an official in the Ministry of the Interior during the reign of Nicholas II. His subject: the collapse of the autocracy at the end of Imperial Russia. Quoted in Tim McDaniel, Autocracy, Modernization, and Revolution in Russia and Iran (Princeton: Princeton University Press, 1991), p. 54.