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CONSTRUCTING A NEW POLITICAL PROCESS: THE HEGEMONIC PRESIDENCY AND THE LEGISLATURE

JOHN P. WILLERTON* AND ALEKSEI A. SHULUS**

INTRODUCTION

Even a cursory examination of contemporary Russian politics would suggest to the observer continued institution building but confused governance at all levels of authority. Since the late 1980s, the Russian political system, reflective of the broader society and economy, has been in a state of dynamic transition. Democratization and privatization have brought significant institutional and policy changes. Yet, important questions still linger as to the strength and durability of the current political arrangements.

In the political realm, the most important struggles have revolved around new divisions of power and authority, as well as the delineation of new formal and informal rules which govern the behavior of decisionmakers.¹ Both Moscow and the locales have experienced these struggles. While much of the political elite and broader society have rejected the authoritarian Soviet past, many continue to disagree on issues involving transitional policies and longer-term goals. In this setting, most of the fundamental principles underlying policymaking and governance are subject to debate. Additionally, politicians have struggled to build the legal and institutional basis for what the 1993 Yeltsin Constitution describes as "a democratic federal system" with a "republican form of government."² This struggle entails new divisions of power and responsibility among the federal branches of government. It also

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1. See John P. Willerton, *Yeltsin and the Russian Presidency*, in *DEVELOPMENTS IN RUSSIAN AND POST-SOVIET POLITICS* 25-56 (Stephen White et al. eds., 3d ed. 1994).

2. See *KONST. ROSSIJSKOI FEDERATSII (CONST. OF THE RUSSIAN FED'N)* (1993), reprinted in *ROSSIJSKAYA GAZETA*, Dec. 25, 1993, at p. i-iv (special insert) [hereinafter 1993 CONSTITUTION].

includes the structuring of a new relationship between the political center, Moscow, and the regions. Thus, this article examines the evolution of the executive, legislative and judicial branches of government from the late Soviet to the post-Soviet periods.

Political changes in post-Soviet Russia have not altered the tradition of a strong executive body of government combined with weak legislative and judicial bodies. Whether by democratic or authoritarian means, the Russian political elite has fashioned a decision-making process that gives considerable power to a relatively limited number of institutional actors. Some have argued that the contemporary Russian political executive, who holds the office of the Federation Presidency, has amassed a level of power that exceeds even that of the Communist Party General Secretary of the late Soviet period.³

Russian Federation President Boris Yeltsin has been the most influential politician in this highly contentious political setting. His forceful leadership, grounded at one time in unrivaled popular support, lent considerable weight to efforts used to build a strong post-Soviet federal executive. While many were apprehensive about a return to an excessively powerful executive, the institutional disarray of the early 1990s reinforced efforts by Yeltsin and others to create a strong presidency. The Yeltsin regime's commitment to implementing a comprehensive economic reform program in the face of considerable institutional opposition only reinforced a proclivity toward aggrandizing power in the executive branch.

Reformers, however, who operated from the executive branch, confronted powerful adversaries, especially in the Russian legislature. Between 1991 and 1993, the popularly elected Congress of People's Deputies and its smaller working body, the Supreme Soviet, advanced a more modest reform program while championing their own institutional prerogatives.⁴ It proved impossible to forge a working consensus across the myriad interests found within these branches. Parliamentary Chairman Ruslan Khasbulatov, a one-time ally of Yeltsin who quickly emerged as a leading spokesperson for those opposing the President and his initiatives, proved savvy in directing the legislature and in safeguarding the prerogatives it had secured during the late Soviet period. The emergent political gridlock reflected not only the politics of personality, but the politics of fundamental system and institution

3. See Vadim Belosterkovsky, *Reformy gubit nomenklatura [Reforms ruin the nomenklatura]*, NEZAVISIMAYA GAZETA, Apr. 23, 1994, at 1, 3 (discussing former Soviet leader Mikhail Gorbachev's comments).

4. See Thomas F. Remington, et al., *The Early Legislative Process in the Russian Supreme Soviet*, paper presented at the Annual Meeting of the Southern Political Science Association, Atlanta, Ga. (Nov. 1992).

building.

Eventually, the federal executive broke the gridlock by dissolving the legislature and judiciary in the fall of 1993. The apparent victory of reformist elements, however, was short-lived. While the Yeltsin-sponsored draft 1993 Constitution garnered public approval through the December 1993 referendum, the simultaneous parliamentary elections yielded a new legislature with centrist-conservative leanings. Thus, while constitutional means permitted further consolidation of the executive, a political shift occurred from reformism toward politicians and groups who challenged the Yeltsin program.

During the shift, the President and other federal officials engaged in complex maneuverings with subfederal actors who energetically strove for greater policy-making autonomy. Republics such as Bashkortostan, Sakha and Tatarstan challenged Moscow's authority by adopting new constitutions and proclamations of the supremacy of their laws. Additionally, republic and lower-level officials attempted to strengthen their policy prerogatives to enhance their own political standing with constituencies. Since 1990, considerable political and economic power has shifted to subnational actors. Yeltsin sought the support of the regional executives on more than one occasion. His efforts to procure support, however, proved tricky, because while seeking support, Yeltsin also attempted to develop the institutional means to control the regional executive and legislative bodies.

Constructing a post-Soviet constitution was a focal point for all the horizontal and vertical power struggles. The legislative branch had been given supreme governing powers under late Soviet period constitutional amendments. Legal amendments guaranteed that the powers of the executive were derived from the legislature, with the executive being politically accountable to the legislature. Ironically, Yeltsin, as chairman of the national legislature, played a critical role in enhancing the legitimacy of legislative prerogatives. Only the presidential crackdown of fall 1993, combined with the approval of the 1993 Constitution, permitted the executive to secure what we characterize as a *hegemonic* decision-making position. The success of conservatives and nationalists in the 1993 and 1994 elections, however, was a stark reminder that the executive still confronted powerful opposition forces.

During the past year, a loose consensus on social and political stability has emerged within the governing elite. The Spring 1994 Civic Accord Agreement, signed by hundreds of leading officials representing most major institutions, nearly all regions of the Federation, and many political factions, has permitted the emergence of an uneasy working relationship among competing interests. The Yeltsin government has adopted more conciliatory posi-

tions, while both the prime minister and government leadership have developed a working relationship with the parliamentary leadership. Fundamental uncertainties, however, surround the future decision-making role of legislative and judicial bodies as well as the unpredictable dynamics of the underdeveloped party system. The pervasive influence of behind-the-scenes, institutionally-based lobbies raises questions about the preeminence of the political executive.

Meanwhile, leaders of major political parties and parliamentary groups maneuver to enhance their positions for the scheduled December 1995 parliamentary and June 1996 presidential elections. Ranging from reformist figures such as Grigory Yavlinsky, Yegor Gaidar and Sergei Shakhrai, to conservatives and nationalists such as Vladimir Zhirinovskiy and Gennady Zyuganov, all faction leaders are carving out policy niches distinct from that of the current Yeltsin government.⁵ As a result of distinguishing themselves from Yeltsin, the long-term viability of Yeltsin institutional and policy decisions is unclear. While the political arrangements of the December 1993 to June 1996 period could constitute the structural foundation for the Russian political future, they may represent nothing more than the transitional arrangements of a provisional government.

I. THE TRADITION OF A STRONG POLITICAL EXECUTIVE

A strong executive, with power concentrated in a small governing elite, characterizes all former Russian political systems. The Tsarist centralized autocracy was predicated on a steep power hierarchy, with the chief executive's position religiously legitimated, and the political system conferring decision-making prerogatives. Eventually, an administrative bureaucracy supporting the political executive emerged under the Tatars. Peter the Great rationalized and professionalized that bureaucracy while simultaneously enhancing the power of central executive agencies.⁶

By the nineteenth century, an extensive system of ministries and advisory councils assisted the Tsar. This system assumed the roles of gathering critical information, consulting and coordinating policy. Additionally, pressures existed to develop representative bodies ranging from the prepetrine *Zemsky Sobor* (assembly of nobility, clergy, and bourgeoisie), to elected councils and assem-

5. All information on politicians' career backgrounds is drawn from Russian newspaper summaries and several books. See *Kto est' kto v Rossii [Who's Who in Russia]* (Novoye vremya, 1993); *Kto est' chto [Who is What]* (Catalaxy, 1993); *Politicheskaya Rossiya Segodnya [Political Russia Today]* vol. 1 and 2, (Moskovskiy Rabochy, 1993).

6. See RICHARD PIPES, *RUSSIA UNDER THE OLD REGIME*, chs. 3-5 (1974); MARC RAEFF, *THE WELL-ORDERED POLICE STATE*, pt. 3 (1983).

blies, and culminating in the National Duma created by Tsar Nicolas II in 1905. Nevertheless, throughout the Tsarist period, the institutions never constrained the chief executive. The executive ignored and even dissolved such representative bodies when necessary.

The Soviet system relied upon strong political executives, well-ensconced within the Communist Party apparatus, to direct the massive state bureaucracy. Essential characteristics of the traditional Soviet political system included its centralized, hierarchical nature. A massive set of interconnected bureaucracies linked all institutions and interests into an apparatus ruled by a small and relatively homogeneous Slavic and Russian elite cohort. Forceful chief executives such as Stalin, Khrushchev and Brezhnev devoted much attention to consolidating power within the Party-state apparatus. Their programmatic success was contingent upon their organizational prowess. In this system, implementing and administering policy fell to governmental institutions (the Council of Ministers and subordinate ministries) headed by a prime minister. Underdeveloped legislative (i.e., the system of soviets headed by the Supreme Soviet) and judicial bodies provided *post hoc* legitimation for the executive's initiatives. Taken together, these executive, administrative and legislative bodies unified the policy-making, implementing and legitimating functions into a single interconnected hierarchy that was controlled by the Communist Party elite. This pattern was replicated at lower levels and the executive assumed the dominant position throughout the system.⁷

It was only with the *perestroika* reform efforts of the late 1980s that this hegemonic executive system began to give way to power-sharing among a wider set of institutions.⁸ A complex agenda of unresolved and deepening domestic and foreign policy problems compelled Gorbachev and other politicians, operating under traditional Soviet norms, to reform the political process and shift the decision-making initiative from the Party apparatus to a restructured governmental executive and an upgraded legislature. The Soviets were to realize their broad political consensus through a viable legislature guided by an executive (i.e., president) who possessed an independent basis of authority. Both the legislature and the executive would be legitimated through popular election, but the leadership assumed the legislature would submit to the will of a reform-oriented executive.

Through extensive institutional adjustments and political

7. See JERRY F. HOUGH, *HOW THE SOVIET UNION IS GOVERNED* (1979) (reviewing the Soviet period).

8. See STEPHEN WHITE, *AFTER GORBACHEV* (4th ed. 1993) (providing a comprehensive overview of developments in the first post-Soviet years).

maneuvering, Gorbachev appeared to assume considerable power in both the political executive, as President, and the increasingly influential legislature, through proteges who held top positions. The new presidency and executive, however, were unable to assume all of the power and prerogatives of the Communist Party apparatus. Meanwhile, many legislators, having come to power through multi-candidate, secret ballot elections, rapidly became independent figures who were more than willing to challenge the executive. For the first time, the legislature consisted of full-time members and possessed growing authority to address a widening range of issues. A system of committees and standing commissions quickly emerged and put considerable pressure on the executive. Legislators took the confirmation of leading government officials (e.g., Prime Minister and members of the Council of Ministers) seriously. They opposed, and even rejected, nominees backed by Gorbachev. As a result, government policies were increasingly subjected to intensive public scrutiny.

All the federal-level changes constituted precedents for similar change at lower levels. Yeltsin and other politicians made use of comparable institutional arrangements to champion their own interests even as they challenged Soviet federal authorities. Russian Republic institutional and procedural changes of the late Gorbachev period (1990-91) laid the groundwork for the institutional and policy cleavages that emerged after the collapse of the U.S.S.R.

II. POLITICAL ARRANGEMENTS OF THE TRANSITION PERIOD, 1990-93

The 1990-93 period involved considerable institutional and policy uncertainty for the newly-enfranchised Russian political elite. New institutional arrangements, along with a changing distribution of power, contributed to considerable political elite posturing and increasing divisions. Following the precedent set by Soviet federal authorities, a new Russian parliament was elected in 1990. As initially constituted, the parliament selected its own executive, a chairman. Within a year, however, the executive was separated from the legislative. The separation permitted the direct popular election of a Russian president. Boris Yeltsin bolstered the parliament's authority during his tenure as its chair. Additionally, as President, he maintained a good working relationship with the parliament as the Russian Republic struggled with Soviet federal authorities. After the collapse of the Soviet system, nevertheless, the policy preferences of the Russian president and parliament diverged almost immediately. This divergence led to a fundamental executive-legislative conflict that overwhelmed the first two years of the new regime.

Contrary to formal constitutional arrangements, the president emerged as the primary policy initiator and coordinator. In these roles, he operated as the chief arbiter among openly competing political interests. During the post-August 1991 transition period, Yeltsin went on the policy offensive. Given the rapid and massive shift of power from Soviet federal bureaucracies to Russian Federation bodies, Yeltsin attempted to govern by decree. A team of young, well-educated, reform-oriented advisers assisted him in developing a radical economic reform package within months.⁹

Late Soviet period constitutional arrangements made the president formally subordinate to the legislature. While the president nominated the prime minister and other leading government members, all of those officials were required to be confirmed by the parliament. Numerous constitutional provisions made executive bodies accountable to legislative oversight. Yeltsin successfully confronted these institutional arrangements by convincing the parliament to grant him extraordinary powers to promote his radical economic reform program. As a result, Yeltsin's decrees were equivalent to laws. The parliament also empowered Yeltsin to appoint heads of local administrations and presidential representatives to regions to supervise their performance. Implicit in the parliament's action, however, was its prerogative to take such appointment powers away. The parliament eventually exercised that option in the spring of 1993.¹⁰

From late 1991 to September 1993, Yeltsin confronted formidable political and legal challenges from the legislature. Those challenges not only entailed institutional prerogatives and policy preferences, but also the career interests of competing politicians. The parliament was a product of the Soviet period, and former Communist workers, kolkhoz chairmen, state enterprise directors, and others who constituted a working majority dominated its membership. Those who sympathized with the Yeltsin domestic and foreign policy lines consisted of no more than forty percent of the parliament's membership. At the same time, the growing system of parliamentary committees and commissions enabled the legislature to place considerable pressure on government officials and their agencies. By law, legislative bodies had the right to initiate laws, exercise power over the budget, review government policies and performance, and annul presidential decrees.

The increasingly conservative Ruslan Khasbulatov steered

9. Boris Yeltsin, Address to the Russian Parliament (Oct. 28, 1991) (outlining his economic reform package).

10. *Postanovleniye S'ezda Narodnykh Deputatov Rossiiskoi Federatsii [Decree of the Congress of People's Deputies of the Russian Federation]*, ROSSIISKAYA GAZETA, Mar. 13, 1993, at 1.

the helm of the legislature. He quickly parted ways with Yeltsin over both policy preferences and institutional prerogatives. Favoring a gradual privatization scheme and cautious price liberalization policies, Khasbulatov fundamentally rejected the shock therapy economic strategy and publicly attacked the Yeltsin government's actions as early as October 1991. Meanwhile, he opposed the wholesale transfer of decision-making power to the Russian executive branch. His desire was to restore the pre-coup dominance of the legislature. Khasbulatov proved effective in guiding the legislature by using a relatively authoritarian leadership style to subdue restive reformers. Indeed, as the executive-legislative struggle intensified, Khasbulatov and conservatives consolidated their position.

During the 1991-93 transition period, executive-legislative struggles over institutional arrangements were key to the outcome of policy cleavages. This held true for both domestic economic reforms and foreign policy. Political and legal battles over who should appoint government ministers and to whom those ministers should be responsible also arose. An important area over which politicians waged such battles was the State Bank and the setting of monetary and fiscal policies. Comparable executive-legislative cleavages involved control over the national media and the structuring of foreign policy. In these and other areas, there was a decided tendency for parallel executive and parliamentary structures to emerge and struggle in setting policies.

All the institutional struggles reinforced the need for a new constitution. All the politicians desired to reconsider the formal delineation of powers and responsibilities among government actors. Constant wrangling burdened efforts in 1990, 1991 and 1992 to develop new constitutional arrangements. Lines of demarcation were drawn between the executive and legislative branches as well as between Moscow and the regions. By 1993, competing presidential and parliamentary drafts emerged. The drafts reflected different preferences in the power balance between the two major branches of government. Though the president's draft accented the decision-making initiative of the executive (e.g., the president as arbiter in disputes among branches; the president choosing cabinet members; the president's right to dissolve parliament), the parliamentary draft reinforced the view that the legislature constituted the superior branch and that the president and government were accountable to it (e.g., the parliament approving the composition and conduct of the government). Meanwhile, Russia's republics were striving for at least economic sovereignty and the *de jure* right to secede.

The Russian Constitutional Court was created in October 1991 and consisted of legal experts. It could have served as the appropriate body for resolving these constitutional cleavages. The

Court was created to address fundamental issues such as governmental separation of powers. With the Court's roots in the late Soviet period, the Constitutional Review Committee seemed especially concerned about holding the Russian Federation together. Parliament had selected nearly all the Court's thirteen members. Most members held centrist policy orientations. Also, several important decisions in 1992 revealed the Court's willingness to challenge the power of other government bodies.¹¹ Valery Zorkin, the Court's Chairman, attempted to mediate between Yeltsin and the parliament. However, many, even his own Deputy Chairman, ultimately adjudged Zorkin's actions as biased and as politicizing the Court.

The executive branch was willing to work around the Court and its rulings. For instance, when the Court upheld the parliament's abolition of the executive branch's Federal Information Center, the President, by decree, simply formed a Russian Information Corporation and granted it essentially the same responsibilities. This constitutional impasse continued until September 1993. At that time, the dissolution of the legislative and judicial branches permitted the executive branch to structure the decision-making process unilaterally.¹²

After two years of constant institutional struggle and policy delay, the Russian executive unilaterally displaced late Soviet-period constitutional understandings and institutional arrangements and asserted its decision-making preeminence.¹³ As reformers struggled with the consequences of a protracted political stalemate with an obstructionist parliament, the ideological implications became clear.¹⁴ This political stalemate gave the Yeltsin government and reformers an immediate and seemingly unconstrained opportunity to shape long-term political structures and dominate the policy agenda.¹⁵ A new 1993 Constitution, drafted by the Yeltsin government, legitimated the dominant position of

11. For example, the Court challenged the constitutionality of the Yeltsin government's ban of the Communist Party.

12. *O Poetapnoi Konst. Reforme v Rossiiskoi Federatsii [On A Stage-By-Stage Constitutional Reform in the Russian Federation]*, ROSSISKIYE VESTI, Sept. 22, 1993, at 1.

13. For an insider's explanation of Yeltsin's moves against the parliament, see *Komsomol'skaya Pravda*, Sept. 29, 1994. (providing comments made by Yegor Gaidar's).

14. See *IZVESTIYA*, Sept. 25, 1993 (discussing a survey of reformist intellectuals' reactions to Yeltsin's September 1993 decree that revealed support for ignoring the old Constitution). See also *LITERATURNIYE NOVOSTI*, No. 37, 1993, at 1-2 (discussing an open letter to Yeltsin from 37 prominent writers who appealed to him to disband the parliament and lower-level soviets).

15. Yeltsin symbolically revealed the preeminence of the executive by determining the new housing arrangements (i.e. the old Gosplan building) for a reconstituted parliament.

the president and the executive branch. The 1993 Constitution basically limited the legislature to a consultative position.¹⁶ Drafters included complex arrangements for amending the 1993 Constitution in order to limit the ability of opponents to threaten the stability of this new system.¹⁷ Meanwhile, the government continued with its economic reform program, returning the central intellectual architect, Yegor Gaidar, to a decision-making position.¹⁸

Russian voters approved the Yeltsin 1993 Constitution in the December 1993 referendum. During that time, the voters also elected a new parliament with a decidedly centrist-conservative orientation.¹⁹ Thirteen political parties and blocs met the legal conditions necessary to participate in the late fall campaign. The Yeltsin government set forth these legal conditions. Those parties also spanned the spectrum of ideological orientations. Even with structural and informational advantages, those allied with the Yeltsin government fared poorly.²⁰ Compared to the previous parliament, the new legislature consisted of an even wider array of ideological views, including more at the political extremes. Politicians who preferred to slow down or even halt the government's economic reform program constituted a solid majority. Thus, while developments in the second half of 1993 strengthened the executive's institutional position, the executive's reform program was compromised and ultimately forced to make significant personnel and policy adjustments. Even with the consolidation of a hegemonic executive branch, a new political struggle emerged that continues to structure Russian political system building and policy debates.

III. THE CONSTELLATION OF POLITICAL ACTORS

The political elite of post-Soviet Russia has been quite di-

16. See 1993 CONSTITUTION, *supra* note 2 (providing the text of the Yeltsin 1993 Constitution).

17. See 1993 CONSTITUTION, *supra* note 2, arts. 108, 136. Generally, an amendment would require the approval of three-fourths of all members of both parliamentary chambers and two-thirds of the constituent-members of the Russian Federation. See Veronika Kutsyllo, *Zasedaniye Soveta Federastii [Meeting of the Federation Council]*, KOMMERSANT-DAILY, Jan. 21, 1995, at 3.

18. The President appointed the First Deputy Prime Minister just weeks before Yeltsin issued Presidential Decree 1400 dissolving the parliament.

19. See Vera Tolz, *Russia's Parliamentary Elections: What Happened and Why?*, 3 RADIO FREE EUROPE/RADIO LIBERTY RES. REP. 1-8 (1994) (giving a comprehensive overview of election results and consequent parliamentary factional breakdowns) [hereinafter RFE].

20. See Jean-Francois Bouthers, *Les détours de la démocratie en Russie*, 59 POLITIQUE ÉTRANGÈRE 381-91 (1994) (providing an insightful overview of the political consequences of the 1993 elections).

verse in ideological orientations. The ideologies range from extremist reformers drawn to Western democratic and capitalist experience to chauvinistic nationalists inspired by the Russian past. Among the varying ideological positions, three major groups have influenced the political agenda: 1) radical reformers, 2) conservatives and nationalists and 3) centrists adopting selected positions held by reformers and conservatives. Categorizing and characterizing this spectrum of views has become increasingly difficult as the reform process evolves. A continuing fractionation of the reformist, centrist and conservative categories reflects the fragmentation of electoral blocs and political parties. Thus, each general category necessarily includes politicians and groups with varying policy preferences. Moreover, the politics of personalities has influenced the evolution of policy orientations, as politicians maneuver for power and as groups and nascent parties form and evolve. DIAGRAM 1 identifies and positions major contemporary political groups and their leaders.

Radical reformers encompass politicians who have supported a rapid shift to a market economy, the rapid privatization of trade and services, the liberalization of prices, limits on government involvement in economic management and the opening up of the economy to domestic and foreign entrepreneurs. They have looked to the Western experience and Western assistance in bolstering reform efforts. These reformers have supported a foreign policy line that favors close political and economic relations with the West, full-scale disarmament and Russia's rapid integration into the global economy. This group places great stock in an unrestricted press that would illuminate both Russia's fundamental systemic problems and relevant foreign and domestic policy responses. Many leading radical reformers emerged from academia, with some of the more prominent (e.g., Yegor Gaidar and Grigory Yavlinsky) trained as economists.

Several political movements and nascent parties have fallen into the Radical Reformer group. Democratic Russia (1990-93), Russia's Choice and Yabloko are among the most influential movements that have fallen into that group. Democratic Russia arose in the spring of 1990 to aid reformers seeking regional and local offices. That movement played an important role in Yeltsin's successful drive for the presidency one year later. At the time, Democratic Russia bridged most major radical reformist elements and was a major supporter of the Yeltsin government during its formative years. After two years of contentious reform efforts, there were significant splits among reformers. The splits were a reflection of both issue differences and mounting intra-elite rivalries.²¹

21. For a discussion of the divisions that have overwhelmed reformers, see Gleb

The electoral blocs Russia's Choice and Yabloko were set up shortly after the October 1993 crushing of the parliament as reformers coalesced to win seats in the new parliament. Yegor Gaidar, the off-again-on-again prime architect of the Yeltsin economic program, assumed the leading role in forming Russia's Choice.²² It supported the government's shock therapy reform program and general policy line. Others, in particular Grigory Yavlinsky, Yury Boldyrev and Vladimir Lukin, signalled their opposition to Yeltsin's September 1993 decrees and formed the Yabloko voter bloc.²³ Critical of the negative features of the Gaidar shock therapy strategy (e.g., inflation and shortages), these reformers countenanced some protectionism while accenting reform initiatives at the regional and local levels.²⁴ Other movements bridging democratic activists included Gavril Popov's and Anatoly Sobchak's Movement for Democratic Russia.²⁵ While these groups are lumped together under the "radical reform" label, their often fractious relations undercut their collective effectiveness both in electoral campaigns and in parliamentary maneuverings.

A diversity of conservatives and nationalists have constituted formidable opposition to Yeltsin's reform efforts. Again, it is difficult to generalize, but most groups have emphasized a unified and indivisible Russia. Their economic proposals have favored the traditional military-industrial and agricultural sectors. They have attempted to slow down, even eliminate, privatization, the stabilization of prices and the maintenance of a fairly extensive government role in economic management. Additionally, conservatives and nationalists have desired to minimize international economic and political connections. Skeptical of Western motives and hesitant about seeking Western assistance, conservatives and nationalists prefer that Russia rely on its own resources as it addresses its economic woes. They are extremely hostile toward westernizing the country's culture.

During the first two years of the Yeltsin period, parliamenta-

Cherkasov, *Vybor Rossii [Russia's Choice]*, SEGODNYA, Oct. 11, 1994, at 2; Feliks Babitsky, *Iz Vybor Rossii Ukhodyat Posledniye Iz Mogikan [From Russia's choice comes the last of the Mohicans]*, ROSSIISKIYE VESTI, Oct. 12, 1994, at 2.

22. Interview with Yegor Gaidar, SEGODNYA, June 15, 1994.

23. See Radik Batyrshin, *Partiya Shakhrraya [Shakhrai's Party]*, NEZAVISIMAYA GAZETA, Oct. 19, 1993, at 1, 3.

24. For an overview of Yavlinsky's positions, see Ivan Zasursky, *Grigory Yavlinsky gotov rabotat v pravitel'stve uzhe segodnaya [Grigory Yavlinsky is already prepared to work in the government today]*, NEZAVISIMAYA GAZETA, Aug. 10, 1994, at 1, 3.

25. This movement was based on the Russian Movement for Democratic Reforms, originally founded by then Moscow Mayor Gavril Popov and St. Petersburg Mayor Anatoly Sobchak in 1991.

ry chairman Khasbulatov and Vice President Aleksandr Rutskoi were the most influential conservative politicians. Both men assumed moderate positions when the Russian Federation struggled against Soviet authorities. However, they rapidly moved toward the conservatives as the government's radical reform program emerged and as Yeltsin increased the power of the presidency. By the time of the September-October 1993 presidential-legislative "showdown," both men were firmly aligned with conservative elements and had adopted more extreme policy positions. Although Khasbulatov and Rutskoi fell from power after the events of the September-October 1993 "showdown," they have re-emerged and are currently attempting to regain some influence in the conservative opposition.²⁶

As DIAGRAM 1 indicates, elements under the broad label "conservatives and nationalists" can be further grouped into a "left opposition" and a "right opposition." The left opposition comprises of communists, elements of the nomenklatura and technocratic elite, the old agricultural establishment and those with social welfarist policy preferences. The December 1993 electoral victories gave the Communist Party of the Russian Federation (CP-RF) and the Agrarian Party a strong position within the ranks of the anti-Yeltsin opposition. Yeltsin banned the Communist Party in November 1991, but a year later it was allowed to function again legally.²⁷

Initially, the communists, who were divided among nearly a half-dozen different party groups, proved weak and unable to assume much influence either among conservatives or within the political process overall. Under the politically astute Gennady Zyuganov, however, the CP-RF has distinguished itself from the Soviet past by a policy stance that emphasizes a single federal state, coalition government and cautious consideration of some market principles.²⁸ Meanwhile, the Agrarian Party, a proto-communist movement, emerged in the fall of 1993 to preserve state allocations to agriculture and to champion the interests of the agricultural establishment (e.g., fighting the free sale of land).

Unlike members of the left opposition, members of the right opposition have stressed the national integrity of Russia. They want Russia to reassert its regional might by strengthening the

26. Rutskoi's Russian Social Democratic People's Party has a deputy in the current State Duma. For an indepth look at this party, see Yelena Pestruchkina & Tatyana Skorobogatko, *The Party of Rutskoi Positioned for Power?*, MOSCOW NEWS, No. 40, Oct. 7-13, 1994, at 6.

27. The Yeltsin decree was partially rescinded by the Russian Constitutional Court in November 1992.

28. See Vladimir Sirotnin, *National Communism*, MOSCOW NEWS, No. 35, Sept. 2-8, 1994, at 6; Tatyana Romanenkova, *Pod novym znamenem—k sotsializmu [Under a new banner of Socialism]*, NEZAVISIMAYA GAZETA, Jan. 24, 1995, at 2.

country's military capabilities. More extreme members have tended to adopt strongly anti-Semitic positions by pointing to a global Zionist conspiracy which is allegedly undermining Russia's socio-economic and political transformation. Vladimir Zhirinovskiy, the leader of the Liberal-Democratic Party (LDP), has had an especially high profile among extremists.²⁹ In June 1991, he championed a quasi-fascist policy stance in the Russian Federation presidency election. He drew six million votes. In the 1993 elections, Zhirinovskiy's LDP won more State Duma seats than any opposition party.³⁰ Despite Zhirinovskiy's success, he has had difficulty forming lasting coalitions with other conservatives and nationalists. Consequently, since 1994, his party has experienced growing fragmentation. Irrespective of the differences, the LDP and all elements of the left and right opposition rail against corruption and emphasize the restoration of order. Were these diverse elements to coalesce, they would constitute a formidable opposition to the government and its policy program.

Situated between the radical reform and conservative and nationalist groups are various centrist elements. Their ideological orientations include selected aspects of reformers' and conservatives' policy preferences. In general, centrists have championed more modest political and economic reform programs. They have been committed to democratization and privatization, but without the excesses and trauma of the shock therapy strategy. Likewise, they have been committed to a stronger and unified Russia, but do not favor arrangements (e.g., a return to past border arrangements) that threaten the independence of former Soviet states. Centrists have also stressed Russian reliance on Russian domestic resources and prefer a lessened Western role in providing investment and assistance. DIAGRAM 1 indicates which centrist groups have leaned toward reformist positions and which groups more naturally favor the conservative opposition.

During the 1990-93 transition, industrial directors and technocrats were an influential centrist element. In May 1990, Arkady Volsky, a former high-ranking Communist Party official with strong ties to the country's military-industrial complex, formed the Scientific-Industrial Union. He formed this Union to champion their interests and to decelerate the privatization of industries.

29. For a summary overview of his political views, see Otto Latsis, *Domatkanyi sotsializm s zapashkom portyanok* [Woven Socialism with Protyanika Flavor], *IZVESTIYA*, Apr. 23, 1994, at 4.

30. For two extensive discussions of Zhirinovskiy's electoral successes and possible role in post-1993 Russian politics, see Alexei Salmine, *Les élections du 12 décembre 1993 dans la Fédération de Russie et le phénomène Jirinovsky*, 59 *POLITIQUE ÉTRANGÈRE* 359-69 (1994); Jerzy Reinhard, *Après Eltsin?*, 59 *POLITIQUE ÉTRANGÈRE* 370-79 (1994).

Two years later, Volsky, along with Rutskoi and Nikolai Travkin, helped to form the bloc Civic Union. The purpose of forming that union was to solidify the center's political position vis-a-vis the Yeltsin government and an emergent conservative-nationalist legislative coalition. Within months, the Civic Union presented an economic program intended to serve as a feasible alternative to the shock therapy strategy. During its most influential period, June 1992 to April 1993, the Civic Union worked through prominent conservative politicians such as Vice President Rutskoi. Since the December 1993 elections, it has worked with the Agrarian Party, though the Civic Union's influence has declined in favor of other groups.³¹

Yury Skokov's Federation of Industrial Producers is one such group. That group includes many of the same managerial and technocratic interests as the Civic Union's. Skokov was a senior associate of Yeltsin's. He served as Security Council Secretary, but broke with Yeltsin in spring of 1993 and aligned himself with more conservative opponents. Similar to many in the center and the conservative opposition, Skokov and his allies worry about the destruction of Russia's industrial base and the social costs of radical reform. They favor stronger state control over the economy and considerable subsidies for the state industrial sector. They also represent an effort to bridge centrists and conservatives within the military-industrial establishment. Like Volsky, Skokov has also been an influential behind-the-scenes figure, working with high-level Yeltsin government officials as well as opposition parties.³²

The late 1993 parliamentary elections yielded modest centrist electoral gains and a number of small centrist parliamentary groups in the newly-constituted State Duma. One such party and group centered around Nikolai Travkin. Travkin has been a leading figure since the late Soviet period and formed the Democratic Party of Russia (DPR) in 1990. He also ran for the Russian presidency a year later. Travkin's and the DPR's policy positions have evolved over time. However, they basically emphasize the maintenance of a strong Russia rather than rapid economic reforms.³³

31. Civic Union has been described as a party of political "hasbeens." OBSHCAYA GAZETA, Nov. 19-25, 1993. Its program for the December 1993 elections was set out in *Za reformy, no bez shoka* [For reforms, but without shock], ROSSIISKAYA GAZETA, Dec. 7, 1993, at 2.

32. See Vasily Kononenko, *Raskol v prezidentskoi komande uvelichivaet shansy oppositsii* [A Split in the President's Team Increases the Chances of Opposition], IZVESTIYA, Sept. 27, 1994, at 2.

33. For a summary overview of his issue positions, see Interview with Travkin, PRAVDA, Nov. 10, 1993. See also Yelena Pestrukhina, *Demokraticeskaya partiya Rossii* [The Democratic Party of Russia], MOSCOW NEWS, No. 36, Sept. 9-15, 1994, at 6.

With a relatively diverse membership, the DPR only secured a small parliamentary bloc after the 1993 elections. Despite the small bloc, Travkin has continued to operate as a political trouble-shooter, even securing a ministerial position, without portfolio, in the 1994 Yeltsin government.³⁴

Another centrist group, the voter bloc Women of Russia, captured twenty-five State Duma seats in the 1993 elections. This group has subsequently worked with both conservatives and reformers to protect the interests of single mothers and large families. It has been especially committed to preserving state aid to the textile industry and other sectors using female labor. Another centrist parliamentary group, the "New Regional Policy," has attempted to protect the political and economic interests of regional actors in the face of federal government pressure.

The Party of Russian Unity and Accord (PRUA) is one of the centrist elements that has established a more cooperative relationship with the Yeltsin regime. Its leader, Sergei Shakhrai, has held a variety of important positions in the Yeltsin government. Compared to other reformers, the PRUA has favored a stronger role for the state in economic reform and it has advocated more cautious reform measures than those promoted by radical reformers such as Gaidar.³⁵ It has generally preferred to proceed with privatization more slowly, emphasizing growth in private investment but with financial stability. Aside from Shakhrai, many top PRUA officials have ties to the state industrial sector and have worked within the Yeltsin government.³⁶

As TABLE 1 indicates, the December 1993 elections yielded a relatively even balance between radical reformers and the conservative opposition within the new parliament. Given the political inclinations of most centrists, many would anticipate a likely centrist-conservative working majority in the more powerful of the two legislative chambers, the State Duma. This likelihood is moderated by the weak position of the conservative opposition in the Federation Council. In fact, stable coalitions of both pro- and anti-government deputies have failed to emerge. Parliamentary factions have tended to fragment and coalitions have varied, often unpredictably, across issues. The political parties themselves have

34. The Democratic Party of Russia finally split in 1994, with Travkin ultimately resigning as its chair in December. See Gleb Cherkasov, *Sergei Glazyev, glava Demokraticheskoi Partii Rossii* [Sergei Glazyev now heads the Democratic Party of Russia], *SEGODNYA*, Dec. 20, 1994, at 2.

35. For an overview of PRUA positions, see Liudmila Telen, *Sergei Shakhrai's interview*, in *MOSCOW NEWS*, No. 6, Feb. 11-17, 1994, at 6; Leonid Nikitinsky, *MOSCOW NEWS*, No. 24, June 17-23, 1994, at 3. For discussion of Gaidar, see *supra* pp. 4, 12, 14.

36. Two examples of PRUA officials are former Deputy Prime Minister Aleksandr Shokhin and former presidential adviser Sergei Stankevich.

not been especially important to the resolution of policy debates. The party system has been underdeveloped; few parties having a large or nation-wide membership. Nevertheless, parties have been important in providing forums for prominent public figures. The parliamentary groups that they helped to elect have assumed an important role in the public scrutiny of presidential decisions and government policy.

As this Article will discuss, the new Federal Assembly faced a Yeltsin government that consisted of a changing mix of radical reformist and centrist elements. Over time, that reformist Yeltsin government shifted increasingly toward the political center as Yeltsin reacted to national and regional elections and to an increasingly centrist-conservative tide within the broader polity. Thus, Yeltsin needed constant personnel and policy changes to maintain the political viability of his reform program.

IV. YELTSIN THE POLITICIAN

Boris Yeltsin has been the central figure in the evolving Russian polity throughout the post-Soviet period. He played a leading role in defeating the Soviet central authorities. Nonetheless, as Russian President, he has inherited difficult political and socioeconomic conditions. Dealing with those conditions has required a strong executive. Yeltsin has been the key official responsible for holding together the fragmenting Russian Federation. Yet, he has concomitantly attempted to fashion a reform program as the Russian economy is transformed. To date, his political legacy has been mixed, with contradictory tendencies that simultaneously enhance and undercut his political power. His formal position has been strengthened as his institutional powers have expanded. Unfortunately, although Yeltsin has gained power, his personal standing with both the political elite and the broader society has fallen precipitously.

When Yeltsin first became President, his political authority stemmed in large measure from his open challenge of the Soviet system. His formal position was legitimated by popular election (i.e., Yeltsin had won three open, contested and democratic elections in 1989, 1990 and 1991). Additionally, his policy preferences were straightforward. His policy championed Russian Federation independence, promoted the country's democratization and supported the introduction of radical market-oriented economic reforms.

Yet, Yeltsin's leadership style and policy preferences quickly alienated many supporters. His actions revealed an unpredictable application of his institutional powers. He could be assertive in countering opponents, but sometimes appeared too remote and even indecisive. He also had a tendency to use authoritarian means to safeguard the fragile democratization process. Initially,

Yeltsin embraced the shock therapy reform program. Thus, his policy preferences placed him squarely in the ranks of those pressing for fundamental root and branch reforms. Later, however, mounting socio-economic dilemmas and political pressures encouraged shifts in tactics and policies. Efforts at building bridges to centrist and even conservative elements suggested waffling and even backsliding. Thus, while the shock therapy alienated centrists and conservatives, radical reformers also deserted Yeltsin as he moved away from their policy preferences. Consequently, Yeltsin constantly found himself in an isolated centrist position, situated between polarized reformist and conservative opponents.³⁷

Certainly Yeltsin has been constrained by competing actors with independent power bases. He operates without a political party base and hence, needs to forge shifting alliances with different political and institutional interests. These constantly shifting alliances have been manifested in the constantly changing composition of his government. Yeltsin exhibits considerable flexibility as he has adjusted his "team" and his policy program to accommodate dynamic domestic interests. In balancing diverse reformist, centrist and conservative elements, however, he has effectively distanced himself from his natural constituency, the radical reformers.

V. THE HEGEMONIC EXECUTIVE

The victory of the executive in the 1993 executive-legislative "showdown" left the president with hegemonic decision-making powers. The post-1993 presidency and executive branch constitute a large pyramid of power that, at least on paper, dwarfs that of all other institutions and branches.³⁸ DIAGRAM 2 sets forth the major components of the post-1993 executive branch. The executive is powerful not only because the president's political position is legally superior to that of all other institutions, but because the president enjoys considerable institutional independence and freedom of maneuver. He has an almost unrestrained ability to direct the decision-making process. The president enjoys direct control over the government through the prime minister and other high-level ministers. He can appoint and remove individual government officials with ease as well as dissolve the government overall. Also, because the president's decrees have the force of law, he can unilaterally establish policy.

37. See Stepan Kisilev, *Elections in Doubt as Yeltsin Government Lurches*, MOSCOW NEWS, No. 8, Feb. 24, 1995 to Mar. 2, 1995, at 3 (revealing that public opinion results as of early 1995 show 72% of respondents state they distrusted Yeltsin, compared with only eight percent of respondents who stated they trusted him).

38. See 1993 CONSTITUTION, *supra* note 2, arts. 80-93 (identifying most of the president's powers in the 1993 constitution).

Other branches assume an essentially advisory or reactive function. Unlike the executive, it is very difficult for other institutions to initiate policy. The president can accept or reject parliamentary decisions regarding government personnel and votes of confidence. The executive can bypass the parliament through presidential decrees.³⁹ Also, when necessary, the president can call a nationwide referendum on an important issue or unilaterally declare a state of emergency. Under certain conditions, he can even dissolve the lower chamber of the parliament, the State Duma. The president's powers of appointment even extend to other branches and levels of government. He appoints the Russian State Bank Director, high court judges and presidential representatives to the regions.⁴⁰ His decision-making powers also include dispute mediation between federal and regional bodies and the overriding of actions by regional executive bodies.⁴¹

While the hegemonic presidency is grounded in the president's wide-ranging unilateral powers, it is also based upon a large and growing administrative apparatus. That apparatus includes over forty advisory bodies, policy-making and policy-implementing agencies and a massive support staff of over 1200 workers.⁴² Originally headed by Yury Petrov, and since January 1993 by Yeltsin's former lieutenant in the parliament, Sergei Filatov, the presidential administration includes many *perestroika* generation officials drawn from research institutes. Increasingly influential among the institutions of the presidency is the Security Council. This Council has arguably emerged as the top deliberative policy body in Russia.⁴³ The Security Council was established under Yury Skokov. He assisted in making the Council a backup for the formal government by the end of 1993.⁴⁴ Major decisions, such as the invasion of Chechnya, have resulted from the Security Council's deliberations.⁴⁵

39. For example, the June 1994 decree on crime bypassed parliament and suspended certain civil rights.

40. See William A. Clark, *Central Authority and Local Governance in Post-Soviet Russia: Leadership Aspects of Center-Periphery Relations Under Yeltsin*, (paper presented at the 26th Annual Meeting of the American Association for the Advancement of Slavic Studies, Philadelphia, Pa.) (Nov. 1994).

41. It should be noted that such suspended acts are to be reviewed by the relevant court.

42. See Yelena Pestrushkina, *Administrative Cuts Announced*, MOSCOW NEWS, No. 45, Nov. 11-17, 1994, at 2.

43. Formed through a presidential decree of June 3, 1992, the parliament never adopted a law setting out its status.

44. See Mikhail Sokolov, *Vsya vlast' Sovetu Bezopasnosti [All power to the Security Council]*, SEGODNYA, Jan. 12, 1995, at 3.

45. See Aleksandr Gamov, *Sovet Bezopasnosti snachala golosuet, potom obsuzhdaet [The Security Council votes first, then discusses]*, KOMSOMOL'SKAYA PRAVDA, Dec. 20, 1994, at 3 (interviewing Justice Minister Yury Kalmykov). See

Other bodies, such as the Presidential Council⁴⁶ and the Expert Council⁴⁷ provide a necessary advisory role, while agencies such as the State Legal Department provide critical staff support.⁴⁸ Unlike the formal government, this presidential apparatus is essentially immune from legislative oversight. When necessary, the president shielded government activities from legislative review by placing them within his apparatus.⁴⁹

The prime minister heads the governmental administrative structure. The president nominates him and the parliament subsequently approves the president's choice. The prime minister and other government ministers assist the president and his advisers in formulating policies. The minister's agencies, however, actually implement and administer those policies.⁵⁰ The prime minister also oversees an apparatus of over 1,000 officials.⁵¹ Theoretically, the prime minister is the top adviser and leading architect for the executive's program. In fact, the prime minister not only plays an important role in linking the executive and legislative branches, but also assists in marshalling support for presidential initiatives from parliamentary bodies. The prime minister also assists in selecting ministers who regularly report to legislative standing committees.

The prime ministership is an extremely important position. It is so important that Yeltsin himself assumed that position in November 1991 as he was initially setting forth his reform agenda. He wanted to signal his involvement in the policy-making process by directly dealing with the parliamentarians who would need to approve it.⁵² By spring 1992, it was clear Yeltsin needed

also Fyodor Burlatsky, *Uroki Kavkazskoi Kampanii [Lessons of the Caucasus campaign]*, NEZAVISIMAYA GAZETA, Jan. 31, 1995, at 2.

46. It includes a wide range of political actors, though its consulting role is unclear.

47. It helps in the formulation of major policy positions for the executive, with the subordinate Presidential Analytic Center producing the drafts of major policies. Center Chairman Yevgeny Yasin was tapped in November 1994 to serve as Yeltsin's Economics Minister.

48. With approximately 250 workers, the State Legal Department, among other activities, works out and announces presidential decrees and draft laws which are forwarded to the parliament. See Pestrakhina, *supra* note 42.

49. For instance, the December 1993 reorganization of the Security Ministry into the Federal Counter-intelligence Service made the security forces directly accountable to the president and not to the parliament.

50. Although a large government apparatus was inherited from the Soviet period, the government ministries were pared down to 29 ministries and four deputy prime ministers. Interfax, Jan. 19, 1994. Interfax is a Russian equivalent to UNITED PRESS INTERNATIONAL (UPI) AND ASSOCIATED PRESS (AP) in the United States.

51. See Aleksandr Bekker, *Boris Yeltsin vyvel iz stroya motor Premera [Boris Yeltsin puts the Prime Minister's motor out of commission]*, SEGODNYA, Nov. 15, 1994, at 2.

52. At the time, First Deputy Prime Minister Gennady Burbulis essentially ful-

someone to assume the prime ministership to rally support for his government policies among parliament members. Yegor Gaidar, the reform program's key architect and most forceful proponent, was the natural choice. However, the lack of majority support for Gaidar in the parliament compelled him to serve as acting Prime Minister. Gaidar maintained this "point man" position for eight months before Viktor Chernomyrdin, a bureaucrat drawn from the gas and energy sector, replaced him. Having served as prime minister during several tumultuous years, Chernomyrdin has helped define the prime minister's central position within the post-Soviet political system. As the executor of the president's policies, Chernomyrdin has proven especially adept at forging agreements and building consensus among executive bodies, legislators and lobbying groups.⁵³

As this Article will discuss, several constraints have been placed on the president's powers and ability to govern. There are means by which legislators, government officials and subfederal authorities can obstruct presidential prerogatives. Indeed, the parliament possesses the formal power of impeachment. However, it can only utilize its impeachment power after first journeying through a complex process that makes such an event highly unlikely. The experience of the past two years suggests that the real limitations on the president's ability to maneuver are not institutional, but practical. These constraints reflect dilemmas in government formation and policy application.

VI. THE YELTSIN TEAM(S)

The evolving Yeltsin government has included a wide range of political interests. These interests include long-time associates from the Soviet period (e.g., Yury Petrov), allies from the struggles of the late 1980s and early 1990s (e.g., Sergei Filatov), and *perestroika* generation academics and politicians (e.g., Gaidar and Sergei Shakhrai). The history of this changing team has reflected a dynamic balancing of radical reformist and more centrist ideological orientations.

During the regime's first two years, radical reformers assumed the decisive position within the governing coalition. Thus, radical reformers held most key decision-making positions. The broad contours of the Yeltsin radical reform program emerged, with Gaidar and Yeltsin adviser Gennady Burbulis overseeing the

filled the prime minister's routine tasks, while Yegor Gaidar, as Deputy Prime Minister for economic policy, developed the actual reform program.

53. The centrist Chernomyrdin's growing political standing led some to characterize his relationship with Yeltsin as entailing a "cohabitation" of reformist and centrist interests. See Adi Ignatius, *Yeltsin Holds the Line for Reform and with Help From an Old Critic*, WALL ST. J., Mar. 23, 1994, at 1, 8.

development of the policy program and Petrov overseeing the presidential administration. By spring 1992, mounting pressure from the parliament forced personnel changes. During that time, Yeltsin ousted Burbulis and elevated Gaidar as acting Prime Minister. Centrists and technocrats were recruited to broaden the Yeltsin coalition's base. Representatives from the industrial sector (e.g., Vladimir Shumeiko and Georgy Khizha) were brought into top governmental positions, suggesting some balancing of centrist interests with the dominant reformist ones. These industrialists and centrist-reformers were integrated into the Gaidar team, while Burbulis worked behind the scenes to strengthen the presidential apparatus. Mounting domestic pressures required Yeltsin occasionally to rotate personnel. Thus, Sergei Shakhrai, an influential team member, moved in and out of several senior government posts during the regime's early years. For example, he served as Deputy Prime Minister on more than one occasion.

Near the end of 1992, the accelerating struggle with the parliament led to a Yeltsin accommodation with centrists. As a result, the centrist Chernomyrdin replaced Gaidar as Prime Minister. Chernomyrdin favored greater state controls and a slower pace of reform. Yeltsin balanced Chernomyrdin's appointment by also appointing radical reformer Boris Fyodorov as Deputy Prime Minister for Financial and Economic Policy. Committed to fiscal responsibility and fundamental economic reform, Fyodorov assumed a decisive role in maintaining the policy initiative vis-a-vis centrists. Meanwhile, a radical reformer, Sergei Filatov, replaced the more centrist Petrov as head of the presidential administration. That replacement permitted the cultivation of a cohort of reform-oriented officials within the presidential apparatus.

This balancing of reform and centrist elements continued through 1993. Yeltsin made a number of gestures toward the increasingly influential Civic Union. For example, he recruited two deputy prime ministers, Oleg Lobov and Oleg Soskovets, from the industrial lobby to oversee that sector. Lobov brought strong centrist industrial credentials to his post. He rapidly became a trusted member of the Yeltsin team and ultimately filled the role of Security Council Secretary. The April 1993 Referendum, in which nearly fifty-nine percent of voters expressed confidence in Yeltsin and fifty-three percent expressed approval of his socio-economic reform policies, temporarily bolstered the confidence of reformers. Yet, because the parliament attacked government policies at every turn, events were moving toward a high stakes "showdown." Yeltsin, undaunted by the continuing parliamentary opposition, returned Gaidar to the First Deputy Prime Minister position in September 1993. The dissolution of the parliament a few weeks later once again suggested at least the temporary victory of the radical reformers. Such expectations of victory were short-lived.

The defeat of radical reformers in the December 1993 elections revealed considerable popular opposition to the Yeltsin program and to radical reform.

The Yeltsin government's policy and personal calculations assumed a balancing of anti-inflation reformist economists with centrist industrialists who favored larger government subsidies and higher employment. It was assumed that such a team would develop policy programs directed towards a softer and more cushioned transition into the market economy. The rotation of politicians was important because, as one observer noted, the government departments were tailored to the views of the officials standing atop them.⁵⁴ Unlike the past, when the government had been formed with relatively like-minded politicians with the radical reformist preferences, it now tapped a wider range of views. The government increasingly included individuals who took their cues directly from the President.⁵⁵

Eventually, Gaidar and Fyodorov quit the government and postured as opposition reformers in the parliament.⁵⁶ Meanwhile, personnel changes in the government suggested the strengthened position of industrial and agricultural lobbies. Sectoral representatives were coopted into the government. For instance, in fall of 1994, Yeltsin appointed Agrarian Party member Aleksandr Nazarchuk as Agriculture Minister. He has been described as a "lobbyist minister" for agriculture.⁵⁷ Nazarchuk replaced the more reformist Viktor Khlystun. Thus, this appointment consolidated the government's relationship with an influential sector and its parliamentary group.

The awkward balancing of reformist and centrist-conservative interests was reflected at the highest levels by elevating two top deputies of the Prime Minister, Oleg Soskovets and Anatoly Chubais.⁵⁸ Soskovets has been a First Deputy Prime Minister since April 1993. He has strong ties to the military-industrial and

54. Mikhail Leontyev, *Chubais naznachen na post Gaidara [Chubais is appointed to fill Gaidar's role]*, SEGODNYA, Nov. 9, 1994, at 1.

55. See Sergei Chugayev, *Yeltsin, sleduya reformam, ishchet kabinet professionalov [Yeltsin, sticking to reform, seeks cabinet of professionals]*, SEGODNYA, Nov. 9, 1994, at 1.

56. Nearly all of the members of the original Gaidar team were gone by 1995, with many in the forefront of the parliament reformist opposition. Deputy Prime Minister and Economics Minister Aleksandr Shokhin, who had reservations about both the Chernomyrdin 1995 budget and a newly-appointed conservative Finance Minister, was among the last members to depart. He departed in November of 1994.

57. Valery Kononov, *Prezident otdaet dervniu agrarnyi partii [President gives up countryside to Agrarian Party]*, IZVESTIYA, Oct. 29, 1994, at 2.

58. See Kirill Aushkin, *Kto pocheta sredi zamestitelei [Who is honored among the deputies]*, NEZAVISIMAYA GAZETA, Dec. 9, 1994, at 2 (discussing the responsibilities of the top personnel in the Chernomyrdin government).

machine-building sectors and became an increasingly more powerful figure under Chernomyrdin.⁵⁹ He was also a relative moderate on price liberalization and was concerned about a further drop in people's standard of living. Soskovets served as something of a "troubleshooter" on important issues. Examples of important issues included the economy, and later, the invasion of Chechnya.⁶⁰ Chubais, on the other hand, was a strong reformer who oversaw Yeltsin's privatization program. His administrative portfolio grew dramatically in 1994-95 as he ascended to a First Deputy Premiership.⁶¹ He also served as a key troubleshooter, especially in implementing Chernomyrdin's austere 1995 budget.

Ultimately, these fluctuations in the government's composition did not preclude the fashioning of coherent policies. The Chernomyrdin government held the line on the 1994 budget and pushed a tight-money policy reminiscent of Gaidar-Fyodorov.⁶² One observer even concluded that "we either do not know our own prime minister very well, or there is something we don't know."⁶³ The Chernomyrdin government team submitted nearly three dozen major pieces of legislation to the parliament for consideration. Clearly, the new constitutional arrangements favored the political influence of executive branch officials. When fifty prominent Russian academics and political observers were asked to identify Russia's most influential politicians, it was no surprise that the academics and observers mainly identified those who held posts in the federal executive.⁶⁴ In the *Nezavisimaya gazeta* survey, eight of Russia's ten most influential politicians were executive branch members. In contrast, the most influential parliamentary leader ranked twelfth and the most influential party leader ranked twentieth. Thus, while there was considerable opposition to Yeltsin's government policies, there were few formidable politicians in a position to oppose him. This reality reflected both inter-elite squabbling and the new Yeltsin institutional arrangements.

VII. THE POST-1993 LEGISLATURE

The political "showdown" of 1993 significantly weakened but

59. See Vladimir Petrov, *NOVAYA YEZHEDNEVNAYA GAZETA*, July 6, 1994.

60. See Irina Savvaleeva, *Oleg Soskovets*, *IZVESTIYA*, Jan. 19, 1995, at 5.

61. For an overview of his enhanced authority, see Vladislav Borodulin, *Chubais stanovitsya polnovlastnym simbolom ekonomicheskikh reform [Chubais becomes fully empowered symbol of economic reforms]*, *KOMMERSANT-DAILY*, Jan. 20, 1995, at 2.

62. Thus, bank credits were not to be used to finance the budget deficit for 1995. See Aleksandr Bekker, *Mezhdru Shilli i Sharybdisa [Between Scylla and Charybdis]*, *SEGODNYA*, Oct. 26, 1994, at 1.

63. Vladimir Gurevich, *Chernomyrdin Puts Forth Radical Economic Plan*, *MOSCOW NEWS*, No. 43, Oct. 28, 1994 through Nov. 3, 1994, at 1, 3.

64. See TABLE 2.

did not remove the federal legislature's influence on the policy process. Although the unexpected results of the December 1993 elections returned some momentum to the opposition, the new constitutional arrangements severely limited immediate options for checking presidential prerogatives. While each of the legislative chambers had different domains of responsibility, both were limited in their ability to initiate policy.⁶⁵ The new parliament found itself in an essentially reactive position. The absence of a viable independent judicial body to review presidential actions only further weakened any effective legislative constraints on the executive.

The bicameral Federal Assembly consists of the Council of the Federation and the State Duma. The Assembly reflects the diversity of regional, ethnic, ideological and party influences. Voters have elected deputies through both single-member constituencies and proportional representation of party lists. Of the State Duma's 450 deputies, one-half are elected from 225 districts, each district consisting of approximately 500,000 voters. The other half are elected according to popular support for political parties and public organizations. The 178 members of the Council of the Federation are popularly elected on the basis of two deputies representing each of the eighty-nine "subject" regions of the Russian Federation.⁶⁶

Under the 1993 Yeltsin Constitution, the Federation Council has a more limited domain of responsibility. It considers issues related to the federal system as a whole (i.e., state boundaries, the application of martial law and the use of the armed forces) as well as certain procedural matters (i.e., the calling of presidential elections, the confirmation of judicial nominees and the prosecutor-general). In the spring of 1993, Yeltsin had created a consultative Federation Council, composed of the representatives of Russia's various regions. Yeltsin essentially transformed that Council into the Council of the Federation of the 1993 Constitution.

Given the importance and complexity of contemporary center-periphery relations, the new Federation Council could consider many of the critical issues involving the various constituent units of the Federation. With nearly half of the Federation Council members executives of Russia's constituent republics and regions, and another ten percent being directors of large state enterprises and heads of commercial organizations, political executives dominated this legislative body.⁶⁷ Yeltsin's parliamentary lobbyist

65. See 1993 CONSTITUTION, *supra* note 2, arts. 94-109 (identifying most of the parliament's powers in the 1993 constitution).

66. Federation Council members do not have to claim a party identification in seeking election, though they may be endorsed by parties.

67. See Dmitry Orlov, *Za Konstitutsiiu* — 58.4% [For the Constitution —

characterized its membership as "our Russian nobility."⁶⁸ Additionally, since Yeltsin had appointed forty-six members to regional leadership positions, it is not surprising that members on average hold more moderate policy stances.

The State Duma, through its confirmation powers and budgetary and policy review prerogatives, has more decision-making authority than the Federation Council. It confirms the prime minister and top members of the government. It also has the formal ability to express confidence, or the lack thereof, in the government and its policies. It considers legislation on budgeting and taxes, federal laws, international treaties, as well as presidential declarations of war. Given the results of the 1993 elections, it was expected that the State Duma would be the formal locus of opposition to the executive rather than the Federation Council, because a relatively high number of deputies had more extreme policy views.⁶⁹

As previously mentioned and as conveyed in TABLE 1, reformers and more conservative elements (including centrists to extremists and nationalists) each won approximately thirty-five to forty percent of the seats. Nonaligned deputies (including some centrists and others) held the balance. Political factions were influential in the State Duma, with all major factions represented in the presiding Council of the Duma and all factions allotted a proportional representation of committee chairmanships. With half of the Duma's members elected on party lists, a good deal of party discipline existed. The membership was divided among approximately a dozen parliamentary groups. As a result, all major factions were in a position to influence the Duma's agenda and the movement of bills through the legislature. Indeed, factions quickly learned that an easy way to block legislative action was for members to "leave" the sessions before a vote. Intentionally leaving the session effectively obstructed the formation of a quorum.⁷⁰

The parliament's first session, winter/spring 1994, was a "shakedown period." During that period, standing committees were formed and initial operating norms developed.⁷¹ The State

58.4%], ROSSIISKIYE VESTI, Dec. 18, 1993, at 1.

68. Anna Ostapchuk, *Prezidentskiye lobbisty gotovy deistvovat [Presidential lobbyists are prepared to act]*, NEZAVISIMAYA GAZETA, Aug. 3, 1994, at 1-2 (quoting Andrei Loginov).

69. Such deputies were generally elected through the party lists.

70. For example, the failure of the October 1994 State Duma no-confidence vote in the government. See Indira Dunayeva & Ivan Rodin, *Pravitel'stvu ne doveryaiut 194 deputata [194 deputies do not confirm the government]*, NEZAVISIMAYA GAZETA, Oct. 28, 1994, at 1-2.

71. See Thomas F. Remington & Steven S. Smith, *The Party Legislative Process in the Russian Federal Assembly*, (paper presented at the Annual Meeting of the American Political Science Association, Washington, D.C.) (Sept. 1994).

Duma formed twenty-one standing committees and the Federation Council formed thirteen such committees. The State Duma considered 205 pieces of legislation. Of these pieces, the deputies submitted 139 pieces, the government submitted 33 pieces, and the President submitted 22 pieces. Overall, as a result of the submitted legislation, the State Duma adopted forty-four laws.⁷² Beyond the drafting of legislation, the primary means of legislative influence centered around parliamentary hearings on government initiatives. One of the central legislative responsibilities was to approve the annual budget. The 1995 budget became a major focus of attention.⁷³

Also, parliament could place public pressure on government officials when those officials testified before the parliamentary committees. In addition, the membership of parliament could create other committees to investigate specific government actions (e.g., corruption). Most parliamentary actions reflected legislative maneuvering in reaction to executive initiative.⁷⁴ Occasionally, one or the other of the parliamentary chambers directly rejected presidential legislation.⁷⁵

In a formal sense, the potential for executive-legislative clashes was grounded in the reality of "competing mandates" between a popularly elected legislature and president. Yeltsin, however, demonstrated his ability to bypass the legislature with ease. He could suspend parliamentary legislation, and his suspension could only be overridden in the unlikely event of a two-thirds majority vote in both parliamentary chambers. Furthermore, where the Federal Assembly failed to confirm draft laws, Yeltsin issued a presidential decree.⁷⁶ A review of executive-parliamentary actions in 1994 reveals that the most important political moves

72. Yelena Pestrakhina, *Duma Finishes First Term*, MOSCOW NEWS, No. 30, July 29, 1994 through Aug. 4, 1994, at 1-2.

73. For an in-depth discussion by the chairmen of key legislative committees, see Oksana Dmitriyeva et al., *Duma Plays Budget Games*, MOSCOW NEWS, No. 48, Nov. 2-8, 1994, at 3.

74. An additional constraint on the parliament's influence was the relatively small size of committee staffs.

75. Examples range from the Federation Council rejecting Constitutional Court nominees, to its failure to extend the state of emergence in Ingush-Ossetia, and both legislative chambers' overriding of Yeltsin's veto of the Russian budget bill (Oct. 1994).

76. For example, when the parliament failed to generate a compromise draft law on post-voucher privatization in the summer of 1994, Yeltsin put his program into effect by presidential decree. See Aleksandr Bekker, *Chubais teryaet chast' roditel'skikh prav [Mr. Chubais loses some of his parental rights]*, SEGODNYA, Aug. 2, 1994, at 2. Likewise, when the State Duma voted down Yeltsin's proposal on December 7 to make December 12 the national holiday to celebrate the anniversary of the new 1993 Russian constitution, he issued the necessary decree on December 8, the following day.

came in presidential decrees. Instead of working with the legislature on critical matters, Yeltsin moved unilaterally. For example, the contentious decision to invade Chechnya was in the absence of formal consultation with the Federation Council, even though that parliamentary body is constitutionally charged with handling center-periphery issues.⁷⁷

While institutionally quite powerful, the 1993 electoral setback motivated a conciliatory stance on the part of the executive. As previously noted, Yeltsin reorganized his government and reframed his policy program. He accepted the Duma's provocative February 1994 proclamation of amnesty for those involved in the August 1991 coup and October 1993 crisis.⁷⁸ More importantly, he proposed a "civic accord" among all major federal and regional institutions, parties and officials to stabilize the political situation and enhance the prospects for Russia's economic recovery. Devoid of detailed commitments, Yeltsin intended for the April 28 Civic Accord to signify that all signatories would attempt to reconcile their policy differences within the confines of the new constitutional arrangements.⁷⁹ Federal authorities enticed eighty-six of eighty-nine regions in the Russian Federation to sign, given the understanding that the Federation Council would adopt laws on some devolution of powers to the regions. Most parliamentary leaders joined in signing the agreement,⁸⁰ and nearly all signatories stood by the agreement through at least its first six months.⁸¹ Reconciliation committees and round-table discussion groups helped to bridge counterposed interests. In addition, leading elements from powerful lobbies (e.g., Arkady Volsky) were also drawn into discussions.

Meanwhile, a moderate leadership emerged in the 1994-95 parliament. The Federation Council selected former First Deputy Prime Minister and Yeltsin ally, Vladimir Shumeiko, as Chairman. As a moderate reformer with strong ties to heavy industry, he took a relatively conciliatory stance toward the executive.⁸² Given that Federation Council members are part-time, with most

77. Only after the invasion, by way of a presidential decree on January 10, 1995, did Yeltsin make the heads of the two parliamentary chambers permanent members of the Security Council.

78. See Indira Dunayeva and Ivan Rodin, *Gosduma ob'yavila amnistiiu [State Duma declares an amnesty]*, NEZAVISIMAYA GAZETA, Feb. 24, 1994, at 1-2.

79. For the text of April 28 Civic Accord see *Dogovor ob obshchestvennom soglasii [Civic Accord Treaty]*, ROSSISKAYA GAZETA, Apr. 29, 1994, at 1-2.

80. The exceptions were the Communists, Agrarian Party and Yabloko.

81. See Anna Ostapchuk & Yuly Lebedev, *Na politicheskom barometre yasno [Political barometer is clear]*, NEZAVISIMAYA GAZETA, Sept. 15, 1994, at 2.

82. See Vladimir Shumeiko, *Ya ponimaiu Korzhakova, potomu chto ya takoi zhe [Vladimir Shumeiko: I understand Korzhakov because I'm that way myself]*, KOMMERSANT-DAILY, Jan. 26, 1995, at 4 (interviewing Vladimir Shumeiko).

simultaneously serving in other capacities, Shumeiko was in a stronger position to set forth the agenda and coordinate chamber actions. The Duma, with a full-time membership, had a relatively weaker speaker and a more influential presiding Council.⁸³ The membership elected Agrarian Party member Ivan Rybkin as Speaker by a one-vote majority.⁸⁴ Rybkin proved to be a pragmatist who adopted more moderate stances to make the parliament a more effective participant in the policy process. His party was an important element in the conservative opposition to the Yeltsin government. However, the party's primary concerns revolved around the agricultural sector, and the party did cut deals with the appropriate government officials.

Overall, the first session of the new Federal Assembly proved less contentious than might have been anticipated. Reviewing executive-legislative relations, Prime Minister Chernomyrdin observed that legislators, "despite the heated nature of the debates, are staying within the constitutional field and strictly observing the balance of powers."⁸⁵ Upon the opening of the fall 1994 session, both Rybkin and Yeltsin noted the "constructive dialogue" between the two branches. The two leaders contended that *both* branches played a role in stabilizing the Russian polity.⁸⁶ Many factors, including some already alluded to, contributed to this stabilization. A working relationship among the Prime Minister, Chernomyrdin and the two parliamentary leaders, Shumeiko and Rybkin, helped bridge moderate-reformist, centrist and moderate-conservative elements.

Given the party discipline within the Duma, agreements among faction leaders (e.g., in the Duma Council) help to coordinate the parliamentary proceedings.⁸⁷ Many contentious issues

83. The legacy of the Khasbulatov's considerable powers also encouraged Duma members to organize a stronger governing Council with a weaker speaker.

84. See Olga Bychkova, *Ivan Rybkin: Thorough work lies ahead*, MOSCOW NEWS, No. 4, Jan. 31, 1994, at 6 (providing Rybkin's biography). While the Agrarian Party secured the speakership and Russia's Choice the first deputy speaker's position, the three remaining deputy speaker positions went to the Women of Russia, Liberal Democratic and Communist parties.

85. Irina Vladykina & Pyotr Zhuravlyov, *Vso khorosho v kabnete Viktora Chernomyrdina [All is well in Viktor Chernomyrdin's cabinet]*, SEGODNYA, Sept. 22, 1994, at 2.

86. See Aleksei Kirpichnikov, *Prezident odobryaet Duma, yego predsedatel' odobryaet prezidenta [The President approves of the Duma and its chairman approves of the president]*, SEGODNYA, Oct. 6, 1994, at 1.

87. It should be noted that over the course of first year, there was some attrition in faction memberships and in both the radical reformist and conservative camps. During the first sessions, a number of informal "deputy clubs" were formed. See Yelena Pestrukhina, *A Season of Divorce in Parliament*, MOSCOW NEWS, No. 47, Nov. 25, 1994 through Dec. 1, 1994, at 1-2 (discussing Gennady Burbulis forming such a club for business interests).

were settled outside of formal sessions. Certainly the logic of this working relationship reflected the reality that the executive branch generally could "get its way." Many within the parliamentary opposition itself recognized the legislature as the "fifth wheel" of the new Russian polity. There was, however, a rationale for most parliamentary factions to "back away" from a consistently confrontational stand and engage the government.

Conservatives remembered the fate of the last parliament when the executive was less powerful. Moreover, parties generally focused on advancing their own parochial interests. The Agrarian Party made sure to preserve allocations to agriculture and to "slow down" the privatization of farmlands. Women of Russia attempted to preserve government assistance to the textile and other preferred sectors. At the same time, moderate and radical reformers did not want conservatives to derail the reform process. Opposition posturing and public attacks on the government did not necessarily translate into the halting of the reform agenda. Thus, Russia's Choice deputies were concerned about the creation of a legal basis for the new regulated market economy. They and other reformers were interested in slowing down the opposition and, where necessary, they could rely on presidential decrees to maintain the reform momentum.

Notwithstanding its institutionalized decision-making advantages, the Yeltsin government took legislative capabilities seriously. The government gave considerable attention to lobbying efforts. A Presidential Department of Interaction with Deputies to the Federal Assembly was established to coordinate the activity of various government lobbyists attempting to influence legislators.⁸⁸ It focused on rather mundane, day-to-day activities. Those activities included parliamentary hearings, committee and faction meetings and the myriad informal interactions between sessions. Chief presidential lobbyist Andrei Loginov commented that he and his lobbyists desired "to smooth out the rough edges . . . and try to find a constructive procedure for reaching agreement."⁸⁹ He and other lobbyists stressed the vital importance of informal contacts in the conduct of executive-legislative negotiations.

These informal arrangements are quite pervasive in the post-Soviet political system. They are difficult to assess from the outside. Considerable evidence exists that sectoral lobbies have been especially important in influencing the content of legislation and its application. As one observer remarked, "In one way or another, the Russian parliament is more and more surely turning into a machine for satisfying the interests of competing economic clans

88. See Anna Ostapchuk, *Prezidentskiye lobbisty gotovy deistvovat'* [Presidential lobbyists are prepared to act], *NEZAVISIMAYA GAZETA*, Aug. 3, 1994, at 1-2.

89. See *supra* note 88.

and political groups.⁹⁰ What might be termed “undisciplined lobbying” has replaced the well-developed and routinized lobbying process of the Soviet period. Contemporary powerful interests include the military-industrial complex, the agricultural sector and the fuel and energy sector. In some cases, these lobbies have focused on state allocations, but have often been especially concerned about taxes, licenses and quotas. The personnel connections involving lobbyists and politicians, both in the parliament and in the government, can be quite strong. The agricultural lobby reportedly has good ties with Duma Chairman Rybkin, Deputy Prime Minister Aleksandr Zaveryukha and Agriculture Minister Aleksandr Nazarchuk.⁹¹ Agricultural lobbyists work through the Communist and Agrarian Party delegations (constituting nearly twenty percent of the State Duma’s membership) and leaders (in particular, Agrarian Party leader Mikhail Lapshin) and apparently have good working relationships with the relevant parliamentary committees.⁹² Comparable arrangements exist for other major lobbies.⁹³ The pervasiveness of informal lobbying and the influence of powerful economic-branch elements make it difficult to be definitive about the real power of executive and legislative actors. Lobbies can reinforce the policy orientations of anti-government parliamentary forces just as they can strengthen the policy initiatives of executive agencies. Simultaneous lobbying activities in both the executive and legislature may enable economic-branch elements to moderate executive-legislative tensions. These activities, however, raise questions about the decision-making prerogatives of all formal actors. Until these lobbying activities are brought into the open and regulated, they will continue to constitute an important and unpredictable dimension of the Russian decision-making process.

VIII. CHRONIC POLITICAL CRISIS AND INSTITUTION BUILDING

Developments of the post-Soviet period point to the continu-

90. Valery Vyzhutovich, *Iskusstvo trebovat' zhertv* [Art demands sacrifices], *IZVESTIYA*, Dec. 6, 1994, at 4.

91. See Aleksandra Lugovskaya, *Karavai delit Politburo Agropromyshlennogo Kompleksa* [Agroindustrial Complex Politburo divides a Big Loaf], *IZVESTIYA*, Sept. 3, 1994, at 4.

92. See Yelena Yakoleva, *Agrarnaya partiya rugaet vlasti, a Krest'yanin nadeyetsya tol'ko na sebya* [Agrarian Party curses the authorities, but the peasant relies only on himself], *IZVESTIYA*, Aug. 27, 1994, at 1 (detailing efforts by both the Agrarian Party leadership and Deputy Prime Minister Zaveryukha to help the agricultural sector implement the 1994 budget).

93. In the military industrial sector, linkages with Federation Council Chairman Shumeiko, Chairman of the Duma Committee on Economic Policy Sergei Glazyev, and government ministers such as Yury Shafranich. See Vyzhutovich, *supra* note 90.

ing relevance of that permanent Russian question: who is in charge? Confusion and uncertainty about the most basic policy matters naturally come with the process of political and socioeconomic transformation. This uncertainty has been true throughout the period of Russian Federation sovereignty and for the most critical policy matters. Thus, when the Duma finally adopted the 1995 draft budget, arguably its most important task, neither its members nor government officials were able to cite figures for the revenue and expenditure sections or the size of the budget deficit. Yet, the law dictates that these three basic indicators be explicitly approved at this stage of the process.⁹⁴

Since the turbulent early 1990s, the federal executive has consolidated its position vis-a-vis other federal actors. The 1993 Yeltsin Constitution formally expanded the power of the president, providing wide-ranging unilateral prerogatives with minimal legislative and judicial checks. Meanwhile, the forceful actions of the executive, reinforced by the 1993 Yeltsin Constitution, bolstered the position of federal authorities vis-a-vis regional actors.⁹⁵ Nevertheless, important question marks remain.

First, the institutional power of the presidency contrasts markedly with the political weakness of its current occupant. During the course of Yeltsin's presidency, growing numbers of radical reformers have deserted him. Those reformers constitute Yeltsin's natural political base. At one time, some of Yeltsin's prominent critics were members of his government.⁹⁶ The pattern of defection by reformers culminated with the December 1994 invasion of Chechnya and public break with Gaidar and Russia's Choice. As a result, the besieged President has relied upon an increasingly strong Prime Minister, more centrist-conservative government officials and a handful of prominent officials outside the executive branch (e.g., Vladimir Shumeiko). The fact that the Russian media have focused attention on the head of Yeltsin's security services, Major General Aleksandr Korzhakov, is a sign of the President's relative political isolation.⁹⁷ Korzhakov has loyal-

94. See Yelena Kolokottsev, *Deputaty Gosdumy ne znaiut, za chto golosuiut* [State Duma deputies don't know what they're voting for], *SEGODNYA*, Jan. 26, 1995, at 1.

95. Limitations of space preclude our addressing the complex center-periphery relationship in the Russian Federation. Suffice it that while regional officials have challenged Moscow's traditional preeminence, most regions still find themselves economically dependent on federal authorities and vulnerable to executive pressure. In one study, 66 of 89 regions were found to be highly dependent on federal subsidies. See Yuliya Kiselyova, *Regions Hold Key to Russia's Future*, *MOSCOW NEWS*, No. 41, Oct. 14-20, 1994, at 8.

96. Grigory Yavlinsky was a one-time Deputy Prime Minister, Yegor Yakovlev served as the general director of the Ostankino Television Center, and Yuri Boldyrev worked in Yeltsin's chancellery.

97. See Tamara Zamyatina, *Beznakazannost' spetssluzhb mozhet privesti k*

ly served Yeltsin for a decade, but his political influence is at best informal and entirely depends on Yeltsin's patronage.⁹⁸

Second, the future potential for enhanced legislative influence cannot be dismissed. The new 1993 Constitution provides for legislative review of the government's work and permits legislative policy initiative. Contemporary circumstances have not favored a revived authoritative legislature. The parliamentary leadership itself has generally cooperated with the regime. As previously noted, influential conservative and opposition elements have been unwilling to risk a new constitutional confrontation with Yeltsin. In addition, although Yeltsin has become increasingly unpopular, the parliament has failed to rally widespread popular support.⁹⁹ Yet, a constitutional and institutional foundation exists for the legislature to assert its prerogatives and under other circumstances, such an assertion of prerogatives could occur.

Third, the future potential of the judicial branch remains unclear. While its powers are more limited than those of its predecessor, the 1993 Constitution has empowered the Constitutional Court to review the legality of presidential decrees. It represents the only body potentially able to resolve jurisdictional disputes between political institutions. Its current weak status reflects both past presidential hostility to such a body and more recent presidential-parliamentary wrangling over its composition. Although Yeltsin has nominated, as Constitutional Court members, reformers and individuals with ties to his government, he has experienced some difficulty convincing the Federation Council to approve his nominees.¹⁰⁰ While finally formed in February 1995, it is likely this new nineteen-member Constitutional Court will proceed cautiously.¹⁰¹ Its Chairman, Vladimir Tumanov, was a prominent pro-Yeltsin legal expert who helped write the 1993 Constitution. Deputy Chairman Tamara Morshchakova was one of

sozdaniyu v Rossii politseiskogo gosudarstva [Impunity of special services may lead to the creation of a police state in Russia], IZVESTIYA, Dec. 7, 1994, at 1, 4. See also Stepan Kiselev & Azer Mursaliyev, A Goose Hunt Is a Logical Phenomenon, MOSCOW NEWS, No. 4, Feb. 17-23, 1995, at 1, 4.

98. See Andrei Uglanov, *Aleksandr Korzhakov: Nikorgda politikoi ne zanimaliya [Aleksandr Kovzhakov: I was never engaged in politics], ARGUMENTY I FAKTI, No. 3, Jan. 1995, at 3 (interviewing Aleksandr Korzhakov).*

99. In a fall 1994 survey of 1600 urban residents, 40% of respondents said they would not even bother to participate in the next parliamentary elections. See *Opros: 40% russkikh ne zainteresovany v novykh deputatakh v Gosdumu [Survey: 40% of Russians are not interested in new deputies to State Duma], SEGODNYA, Nov. 11, 1994, at 2.*

100. See Sergei Parkhomenko, *Novichki v Konstitutsionnom sude: polovina kandidatov ne prishli muster [New recruits in the Constitutional Court: half of the drafters fail to pass muster], SEGODNYA, Nov. 16, 1994, at 2.*

101. See Leonid Nikitinsky, *Constitutional Court Is Formed At Last, MOSCOW NEWS, No. 7, Feb. 17-23, 1995, at 2.*

the members of the previous Constitutional Court who refused to condemn Yeltsin's 1993 dissolution of the parliament. Future circumstances, however, could dictate more assertive behavior.

As previously indicated, the entire period of post-Soviet transformation has been one of the continuing politics of personality and career rivalry. Such politics will continue and likely accelerate as politicians anticipate the scheduled December 1995 parliamentary and June 1996 presidential elections. Viable alternatives to Yeltsin are already on the horizon. The victories of conservatives and nationalists in the November 1994 regional elections underscore the mounting strength of these opposition forces.¹⁰² Meanwhile, the ranks of reformers are divided, as prominent politicians jockey to challenge for Yeltsin's mantle. Grigory Yavlinsky and Yabloko members helped form the All-Russia Democratic Alternative Party in February 1995. They are laying the foundation for an electoral challenge. Some have warned that reformers have been too quick to abandon Yeltsin.¹⁰³ Yavlinsky concluded, however, that "we, the democratic opposition, regard Yeltsin's mission as complete and his reform potential as exhausted."¹⁰⁴ One observer commented, "Yeltsin possesses two qualities that are quite ordinary for many other countries but are in extremely short supply in the Russian establishment today. He is not a thief and not a villain. That in itself is enough to make him an acceptable President of Russia."¹⁰⁵ Yet, significant societal opposition, in addition to divisions among reformers, makes it unlikely that not being a villain or a thief will be enough for Yeltsin to maintain the presidency after June 1996.

For the post-1993 Russian political system, the invasion of Chechnya represents the greatest policy crisis to date. It reflects the ongoing dilemmas of governance at the federal level. Yeltsin and the executive branch made the unilateral decision to invade. They made that decision without consulting any other federal or subfederal bodies or officials. Only a small group of officials, operating through the President's Security Council participated.¹⁰⁶ The Federation Council, which handles relations with regions, was not even consulted. The move generated immediate and near-universal condemnation. Public opposition has only grown with extensive media coverage.¹⁰⁷ Yet, the reaction by political par-

102. See Vladimir Lysenko, *Demokraty terpyat porazheniye [Democrats suffer defeat]*, NEZAVISIMAYA GAZETA, Dec. 2, 1994, at 3.

103. See Aleksei Kiva, LITERATURNAYA GAZETA, Nov. 16, 1994.

104. RADIO FREE EUROPE/RADIO LIBERTY DAILY REP., No. 206, Oct. 28, 1994.

105. Mikhail Leontyev, *Okhotniki gusi [Goose Hunters]*, SEGODNYA, Jan. 19, 1995, at 2.

106. See Aleksandr Gamov, *Sovet Bezopasnosti snachala golosuet, potom obsuzdaet [The Security Council votes first, then discusses]*, KOMSOMOL'SKAYA PRAVDA, Dec. 20, 1994, at 3 (interviewing former Justice Minister Yury Kalmykov).

107. For a discussion of the war's negative impact on public opinion, see *Kak vy*

ties and the legislature, while shrill, was weak and ineffectual. Russia's Choice, Yabloko and Women of Russia immediately opposed the move,¹⁰⁸ while others such as the PRUA, Agrarian Party and Communists waffled.¹⁰⁹ Although issuing resolutions of condemnation and creating an investigatory commission, the parliament chose to refrain from forceful legal or budgetary measures to end the Russian invasion.¹¹⁰ The executive had its way, but the position of all political actors was compromised by the evolution of the Chechnya crisis.

Contemporary Russian Federation political arrangements are fragile. The long-run prospects for political system stability are likely dependent upon the ultimate success of the government's economic transition program. One commentator identified 1995 as the year for ending dramatic financial shifts, 1996 as the year for finalizing the structural pre-conditions for longer-term economic growth and 1997 as the year for initiating a period of steady domestic productivity growth.¹¹¹ Such long-term economic stabilization and consequent growth would be conducive to ending the state of chronic political crisis of the past half decade. Only at that point would one be in a position to evaluate whether the political arrangements of the Yeltsin regime have been system-defining or merely provisional.

otsenivaete sobytiya v Chechne [How do you assess the events in Chechnya?], KOMSOMOL'SKAYA PRAVDA, Jan. 18, 1995, at 1-2; Grazhdane Rossii o voine v Chechne [The People of Russia on the Chechen War], SEGODNYA, Jan. 19, 1995, at 3.

108. *See V Dume okazalos' bol'she militaristov, chem my predpolagali [There turned out to be more militarists in the Duma than we had thought], KOMMERSANT-DAILY, Jan. 24, 1995, at 4.*

109. *See Aleksei Kirpichnikov, Sergei Shakhrai ukazyvaet na Bosfor i Dardanelly [Sergei Shakhrai Points to the Bosphorus and Dardanelles], SEGODNYA, Dec. 21, 1994, at 2.*

110. *See Pyotr Zhuravlyov & Sergei Parkhomenko, Rezul'taty debatov v Dume ne proizvedut upechtleniya na Kremli' [The results of the Duma's debates will make no impression on the Kremlin], SEGODNYA, Jan. 14, 1995, at 1.*

111. *Aleksandr Bekker, Novaya logika reforma [The new logic of reform], SEGODNYA, Nov. 29, 1994, at 2.*

Diagram 1: Spectrum of Major Political Movements, Parties, and
Parliamentary Blocs in the Russian Federation, 1994-95

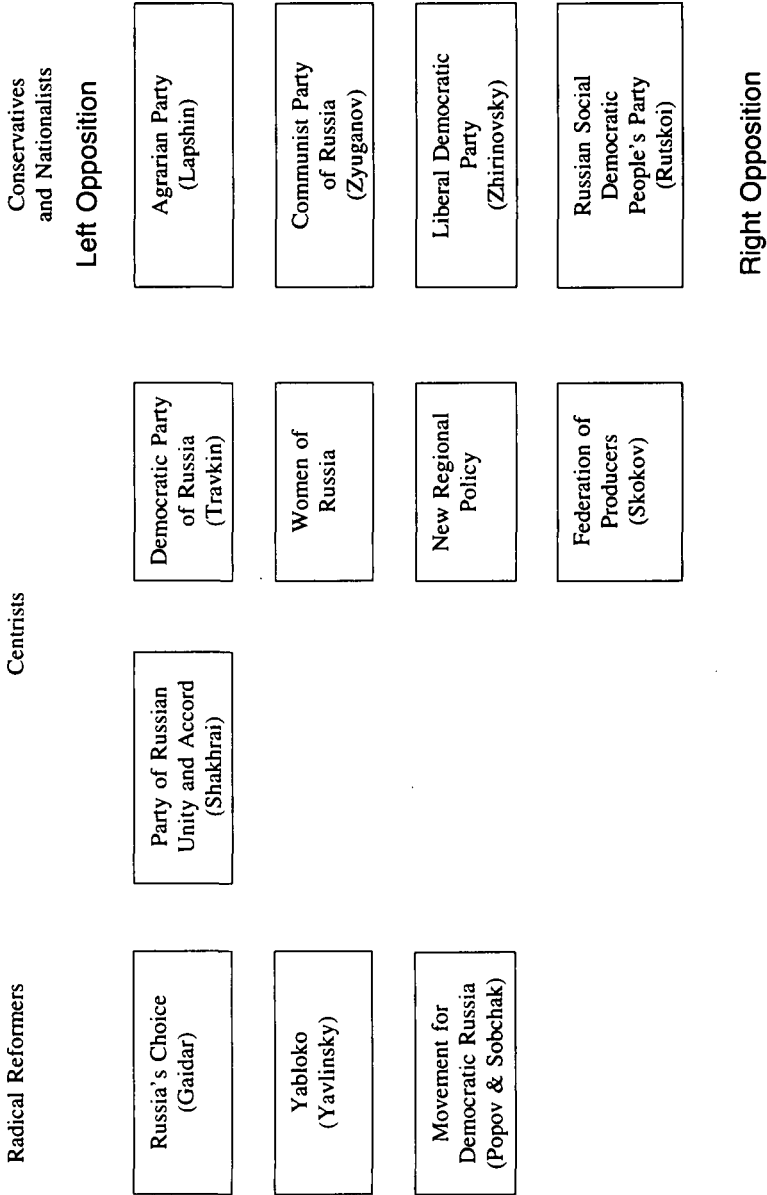
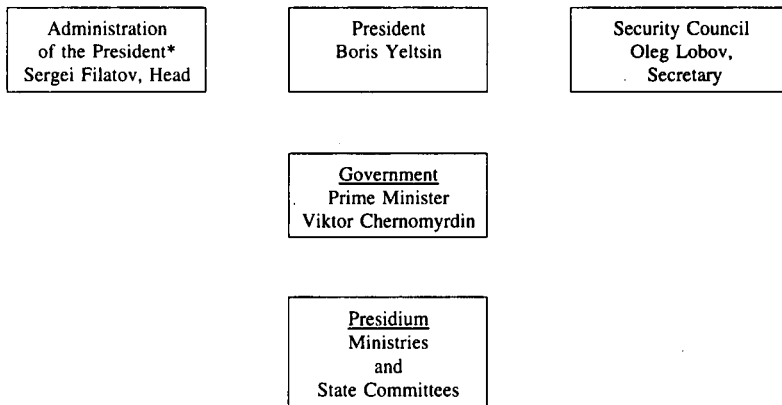


Table 1: Ideological Factions of the Russian Federal Assembly*

	<u>Federation Council</u>	<u>State Duma</u>
Radical Reformers	48 = 28%	88 = 20%
Moderate Reformers	23 = 13%	55 = 12%
Centrists	36 = 21%	103 = 23%
Communists and Socialists	20 = 12%	100 = 23%
Extremists and Nationalists	2 = 1%	88 = 20%
Unknown/Other	<u>42 = 25%</u>	<u>10 = 2%</u>
Total	171 = 100%	444 = 100%

*Calculations based on information from Russkaya mysl', January 6-12, 1994, and Novaya yezhednevnyaya gazeta, January 18, 1994. At the time, 7 Federation Council and 6 State Duma seats were yet to be filled.

Diagram 2: Russian Federation Executive Branch



*Subsumed under this heading are over four dozen committees, commissions, councils, and agencies attached to the President's office.

Table 2: Leading Russian Politicians, as Identified by
Top Russian Political Observers and Specialists, 1994-95*

	<u>January 1995</u>		<u>August 1994</u>		<u>Position</u>
	<u>Rank</u>	<u>(Score)</u>	<u>Rank</u>	<u>(Score)</u>	
Yeltsin, Boris	1	(8.94)	1	(8.70)	President ^a
Chernomyrdin, Viktor	2	(8.02)	2	(7.84)	Prime Minister ^a
Grachev, Pavel (Gen.)	3	(7.64)	7	(5.78)	Defense Minister ^a
Dudaev, Dzhokhar (Gen.)	4	(7.62)	15	(5.44)	Chechen President
Korzakov, Aleksandr (Gen.)	5	(7.43)	19	(5.03)	Head, Pres. Security Guards ^a
Kovalyov, Sergei	6	(7.26)	66	(3.59)	Human Rights Commissioner
Stepashin, Sergei	7	(6.55)	16	(5.37)	Director, Federal Counterintelligence Service ^a
Soskovets, Oleg	8	(6.42)	5	(6.11)	1st Deputy Prime Minister ^a
Yegorov, Nikolai	9	(6.38)	56	(3.81)	Deputy Prime Minister ^a
Iliushin, Viktor	10	(6.33)	18	(5.08)	Presidential Aide ^a
Luzhkov, Yury	11	(6.32)	3	(6.76)	Mayor, Moscow
Rybkin, Ivan	12	(6.28)	11	(5.57)	Chairman, State Duma
Shumeiko, Vladimir	13	(6.26)	9	(5.72)	Chairman, Federation Council
Yerin, Viktor (Gen.)	14	(6.23)	12	(5.51)	Minister of Internal Affairs ^a
Chubais, Anatoly	15	(6.17)	18	(5.76)	1st Deputy Prime Minister ^a
Lobov, Oleg	15	(6.17)	43	(4.42)	Secretary, Security Council ^a
Kozyrev, Andrei	17	(6.04)	6	(6.00)	Foreign Minister ^a
Filatov, Sergei	18	(5.74)	4	(6.22)	Head, Pres. Administration ^a
Barsukov, Mikhail (Gen.)	19	(5.59)	34	(4.70)	Kremlin Commandant ^a
Gaidar, Yegor	20	(5.51)	22	(4.81)	Chairman, Russia's Democratic Choice Party
Shakhrai, Sergei	21	(5.36)	30	(4.39)	Deputy Prime Minister ^a
Yushenkov, Sergei	22	(5.32)	62	(3.63)	Chairman, State Duma Defense Committee
Zhirinovskiy, Vladimir	23	(5.28)	25	(4.67)	Leading Figure, Liberal Democratic Party
Aushev, Ruslan	24	(5.19)	70	(3.52)	Ingush President
Zyuganov, Gennady	25	(5.13)	35	(4.16)	Chairman, Russian Federation Communist Party

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^aDenotes position within the executive branch.

