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Article

The Problem of Executive Power in Russia

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As Alexis de Tocqueville's discussion of the American presidency reminds us, incorporating the executive power within an effective system of checks and balances is critical for the successful operation of democratic government. The dangers of allowing too much authority to the executive are visible in many third-wave democracies, but in none more so than in Russia. In fact, the Russian president today possesses powers that in many ways are closer to those of France's constitutional monarch in Tocqueville's era than to those of an American president. And the consequences of this undue concentration of power have gravely damaged Russia's democratic prospects.

Russia's superpresidential regime was formed in December 1993 after President Boris Yeltsin had forcibly dissolved the Russian Supreme Soviet, closing a chapter in the history of the new post-communist state that had been characterized by an all-out battle between the executive and the legislature. As the victor, Yeltsin got the chance to build a new structure of government without having to compromise with other political actors. He exploited this opportunity to create his own "presidential pyramid" (or *vertikal,* a term his advisors use to describe a system of strong executive power supported by presidential appointments of loyal supporters to leading positions at all levels and frequent resort to presidential decree). In forming the **[End Page 32]** new regime, Russia's ruling group drew upon the models of the American and French presidencies (it was especially impressed by General de Gaulle and the

French Fifth Republic). But what Russian political "engineers" took from Western experience was the external attributes of liberal democracy and the mechanisms guaranteeing strong presidential power; mechanisms creating checks and balances to the presidency were deliberately weakened or simply rejected. The American founding fathers thought that steps must be taken to rein in ambition through a system of institutional restraints, but the founders of the Russian government in 1993 proceeded from the opposite principle, making the "Leader-Arbiter" the core of the new Russian regime. The most important component of France's Fifth Republic was a more ordered party system and the formation of stable party coalitions supporting the president, [1] but the architects of the Russian presidency ignored the need to anchor it in the support of parties and of parliament.

It is virtually impossible to remove the Russian president from office. (According to the impeachment procedure established in Article 92 of the Russian Constitution, two-thirds of the State Duma must vote to charge him with treason or some other grave crime. These charges must be validated by the Supreme and Constitutional Courts. Then, two-thirds of the Federation Council must vote to remove him within three months of the filing of the charges.) Yet the president may dissolve the Duma if it rejects his candidate for prime minister three times or passes a no-confidence vote twice in three months. Yeltsin has actively used the threat of dissolution to force the deputies to submit to his will by approving his budget, confirming his latest choice for premier, and the like. Russia also lacks a strong judiciary able to restrain the president's authoritarian inclinations or to curb the corruption of his entourage; the leaders of the Constitutional and Supreme Courts have been chosen from among those personally loyal to Yeltsin. In short, the Russian president has powers reminiscent of those of the French monarch in Tocqueville's time.

Within the Russian executive branch there is no clear division of powers between the president and the government; the prime minister and his cabinet are completely dependent on the president. Yeltsin has shown that he can change prime ministers (he did so five times between March 1998 and August 1999) without any explanation or consideration of the balance of political forces, thereby devaluing the post of prime minister and turning the government itself into little more than a puppet. Although the cabinet's lack of independence permits the president to have a decisive influence on all current policy, it also leaves the president responsible for all of the cabinet's mistakes. The fact that the government does not need a support base in parliament—as noted above, if the Duma rejects the president's choice **[End Page 33]** for prime minister, the president can simply appoint a prime minister and dissolve the Duma—allows the parliament to be irresponsible and even hostile to the cabinet and the president. The exclusion of the parliament—and consequently, the parties—from any participation in forming the government turns the process into a struggle between shadowy groups behind the scenes and hinders the development of an effective parliament or a stable multiparty system.

Going Back to the Well

Why did Russia return to a model of unseparated powers after the fall of communism? There are several reasons. First, the habit and tradition of monolithic government, personified by a charismatic leader, remain powerful within both the Russian establishment and Russian society as a whole. On several occasions, Yeltsin has declared various people (Boris Nemtsov, Viktor Chernomyrdin, Vladimir Putin) to be his successor, and these statements have been seen as legitimate by the Russian establishment, demonstrating once again that monarchical ideas are alive and well in Russian political circles. A second significant factor was the need to carry out radical economic reforms and to avert economic collapse, which required strong executive power and narrowed the possibilities for working out consensus decisions, especially since the reformers had little support in society. Third, it must be kept in mind that Russia needed to establish the foundations of a new state, which also requires a strong leader. With society fragmented and political groups constantly fighting among themselves, a strong presidency came to be seen as the embodiment and symbol of national unity for the new Russia. Paradoxically, it is the communists who are the most consistent advocates for elections and a strong parliament (not, of course, out of adherence to the principles of liberal democracy, but because parliamentarism will make it easier for them to survive and to defend their party's interests).

Yeltsin's initial decision in 1991 to give preference to economic reform while putting political reform on the back burner narrowed whatever opportunities might have existed for a transition to a more liberal system of government immediately after the collapse of the USSR. After the confrontation with the parliament and the latter's liquidation by force in the dramatic events of September–October 1993, it was already doubtful whether a system of separated powers would be established. The personal preferences of Yeltsin and a narrow group of his advisors—the aspirations of some of them to establish "enlightened authoritarianism" and the attraction of others to economic determinism—were also an important factor influencing the shape of the new regime. In sum, Russia, unlike the countries of **[End Page 34]** Central and Eastern Europe, began once again to build a "power pyramid" oriented toward one-man rule.

In the end, however, Russia did not wind up with the clearly defined presidential *vertikal* that Yeltsin and his backers had wanted. What emerged instead was a hybrid regime that combines a democratic method of choosing the executive (through nationwide elections) with a semiauthoritarian style of government. This mixing of democratic and authoritarian principles has made serious structural conflict inevitable, resulting in an unstable regime. On the other hand, it makes it easier for the superpresidency to survive by giving it the flexibility to move simultaneously in opposite directions (democratic and authoritarian and various modifications of each) at once.

The order built on the basis of the Leader-Arbiter mechanism leads to the personification of power. This mechanism of rule has made it easier to carry out market reforms and to resolve conflicts between influential groups. At the same time, however, it has become a serious obstacle to developing solid democratic institutions and transparent politics, leading to the formation of networks of informal ties and "shadow rules of the game" rather than a political system based on clear rules and the separation of powers. A direct result of the substitution of informal ties for institutional politics is the growth of oligarchic tendencies, nepotism, and clanism. The negative tendencies of presidentialism that Juan Linz and other scholars have warned against have appeared in the Russian superpresidential regime, [2] exacerbated by Russian traditions of autocratic rule and by the lack of a consensus among the ruling class on the meaning of Russia's past and present and a vision for its future.

Paradoxically, the communist party, a pillar of the Soviet system, has been transformed into a systemic element of the new political order. The presence of the communist party, which is constantly subjected to criticism by the ruling group, makes it easier to consolidate the regime on an anticommunist platform and thus helps to guarantee the regime's survival without posing a real threat to its foundations. But the preservation of the communist party as a fundamental political force also shows that the current regime has still not made a complete break with the past.

The Russian superpresidency only seems to be all-powerful. In fact, with society fragmented, the practice of pluralism well-established, and a good deal of power already devolved both to the regions and to numerous interest groups, the ruling group's attempts to concentrate all the basic instruments of influence in its hands have proven fruitless. In reflecting on the American presidency, Tocqueville said that although it had great powers, its potential for exercising them was limited by circumstances. The same is true of the Russian presidency. (In fact, one might best describe it as *impotently omnipotent.*) The difference is that **[End Page 35]** the circumstances that limit the strength of the Russian presidency are linked, above all, to the absence of institutional mechanisms demarcating the separation of powers and their spheres of authority. This forces the president to resort to making deals behind the scenes and makes the interplay of forces within the president's entourage more important than what goes on in front of the political "curtain."

The Russian superpresidential regime can resolve certain short-term problems if there is at least limited popular support for reforms, but it cannot guarantee stable and dynamic development and economic growth. [3] A structure based upon the weak institutionalization of the government, the retreat of the decision-making process into the shadows, and the strengthening of the "gray zone" in society will not suddenly collapse. It is more likely to

stagnate, leading to continuing rot from within, to a slow and tortuous unraveling of the social fabric, to moral and political degradation, and finally to a rupture of the ties holding the federation together.

Over the course of many years, the Leader-Arbiter principle allowed Yeltsin to resolve conflicts and to monitor the activity of groups close to his "court" by creating an informal system of counter-weights. In fact, the leader himself often provoked these conflicts, which demanded his constant intervention, so that he would have the opportunity to play the role of Supreme Judge, directing indignation in the direction he needed and assigning responsibility for political failures to the prime minister or other executive-branch officials. In 1999, however, Yeltsin virtually ceased to play the role of Arbiter, trying instead to take all the main levers of power into his own hands and those of his family. This destroyed the regime's main "insurance" mechanism, which had consisted of maintaining a certain equilibrium among a wide array of groups contending for influence. The new axis of conflict pitted a small ruling "family corporation" against the overwhelming majority of the political class, threatening to destabilize both society and the regime itself.

Superpresidentialism and Stagnation

To a certain extent, the Russian regime fits Guillermo O'Donnell's concept of a "delegative democracy," and in this light it may be compared to other executive-dominated third-wave democracies, especially in Latin America. [4] Yet this concept does not fully explain how the Russian government functions. Even the term that Tocqueville uses to characterize the government in prepartition Poland—"elective monarchy"—applies only conditionally to the Russian regime. Perhaps it would be most useful to define the form of government in Russia as a "nonsystemic regime." [5] This definition allows us to stress that Russia is ruled not by a system of institutions with clearly drawn spheres of **[End Page 36]** activity but by a regime that strives to swallow up all institutions and even the state itself. In short, what has arisen in Russia is a regime that has transformed itself into a replacement for the formal political system and whose further existence is the main obstacle to the institutionalization of politics.

How long can a regime that has become the instrument for pursuing the interests of a very small group survive, and what are the prospects for its future development? The regime could persist for a long time in a state of stagnation if the socioeconomic situation does not turn sharply for the worse and large-scale social protest is avoided. The political forces might reach a compromise for the sake of survival, leaving the constitution and the main mechanisms of rule in place. This scenario is even compatible with the appearance of certain "zones of success" and a temporary increase in stability. But for all that, society would have no vision for the future, and all its energies would be directed at maintaining the status quo and resolving

small conflicts. Without serious reform of the regime, it would be impossible to stop the stagnation. In the final analysis, the result would be the slow but irreversible degradation of society and government, and in the end, the disintegration of Russia. This sort of stagnant development for at least the next five years is the most likely scenario for Russia's development.

Another scenario, although less likely, cannot be ruled out: Some faction could try to seize the weakened state and rule by force. In practice, this would mean a return to the traditional pendulum of Russian history, with periods of stagnation and weak government followed by a new authoritarian regime, as happened at the beginning of the twentieth century. Yet the preconditions for reestablishing and, above all, for maintaining an authoritarian regime do not seem to be present today. There is no loyal army, striving to play a political role, and no consolidated bureaucracy or political apparatus. The regional authorities would hardly support any strengthening of the center or scaling back of their feudal rights. Society is already accustomed to living in an atmosphere of freedom and pluralism, and will not easily accept their limitation. Moreover, the ruling class itself is also used to these new freedoms. Thus it seems unlikely that one faction would be able to seize power by force. Another version of this scenario is somewhat more likely: An authoritarian regime could be established through the agreement of several political factions—and with the support of society—under the slogan of "law and order."

Splitting the Executive

The best way out of Russia's current impasse would be through constitutional and political reforms that redistribute some of the **[End Page 37]** president's powers to the premier and his government and make the cabinet need the support of a parliamentary majority. This would mean moving closer to the French model, often labeled "dual leadership," a "divided executive," or a "bipolar executive." [6] Of course, this would not solve all of Russia's problems; it is even possible that some elements of this model would not be effective in Russia. One must heed the warnings of such scholars as Juan Linz, Thomas Baylis, and Ezra Suleiman, who have pointed out the problems associated with a regime of "dual leadership," in particular, the possibility of conflicts between the president and the premier and of deadlock when a majority in parliament hostile to the president refuses to compromise with the executive branch. [7] One must also keep in mind that a similar regime in Weimar Germany turned out to be the prelude to fascism. The success so far of "dual leadership" in France does not necessarily mean that it will be as effective under other historical and national circumstances.

For Russia, however, “dual leadership” offers a path for escaping from superpresidentialism. This formula would make the president responsible for political stability and the preservation of the Federation while placing responsibility for issues of economic reform squarely on the government. It would also force the parliamentary parties to reach agreement and make them responsible for the broad direction of economic policy. In short, there would finally be an incentive to build a more effective legislature and a multiparty system. Most importantly, “dual leadership” would help prevent a return to authoritarianism.

Whether a system of “dual leadership” in Russia would become permanent or would evolve in the direction of a parliamentary system is a question for the future. At the present stage, what is most crucial is to overcome the legacy of old traditions peacefully, to divide up the executive power, and to provide an incentive for the development of a strong parliament. This may require beginning with temporary constitutional decisions (as Poland did when it adopted the temporary “Little Constitution” in 1992) and only later, as political practice confirms the usefulness of these innovations, moving on to more lasting constitutional reform.

In early 1999, a certain degree of consensus arose among the main political forces, expressed in their support for Prime Minister Yevgeny Primakov, that the superpresidency was ineffective and that it had become the main source of unresolved conflicts and social stagnation. Yet a number of factors prevented an agreement on political and constitutional reform: the resistance of Yeltsin himself, who resisted reforming the superpresidency; the battle that had begun on the Russian political scene, during which the main participants showed that they had their eyes on the main prize, the Kremlin; and the inability of Russian political forces to make compromises or to keep their word. **[End Page 38]** As a result, a stalemate has arisen. New presidential elections are essential for bringing a peaceful conclusion to the Yeltsin chapter in Russian history. Yet without a restructuring of the executive power, these elections could merely create the illusion of renewal and prolong the existence of a regime that has proven to be destructive for Russia. In that case, the task of forming the kind of well-ordered system of government about which Tocqueville reflected will have to be left for the next generation of Russian statesmen.

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Footnotes

1. Ezra N. Suleiman, “Presidential Government in France,” in Richard Rose and Ezra N. Suleiman, eds., *Presidents and Prime Ministers* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1980).

2. See Juan J. Linz and Arturo Valenzuela, eds., *The Failure of Presidential Democracy: Comparative Perspectives* (Baltimore: Johns Hopkins University Press, 1994).

3. See George W. Breslauer, *Evaluating Yeltsin as Leader* (Washington, D.C.: National Council for Eurasian and East European Research, 1999).

4. Guillermo O’Donnell, “Delegative Democracy,” *Journal of Democracy* 5 (January 1994): 59–62.

5. My coauthor Igor Klyamkin and I use this conception to define the Russian regime. See Igor Klyamkin and Lilia Shevtsova, *Rezhim Borisa Vtorogo. Osobennosti postkommunisticheskoi vlasti v Rossii* (Moscow: Moscow Carnegie Center, 1999).

6. Juan J. Linz and Arturo Valenzuela, eds., *The Failure of Presidential Democracy,* 48.

7. See Thomas A. Baylis, “Presidents versus Prime Ministers,” in *The Failure of Presidential Democracy,* 48–55.

Additional Information

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