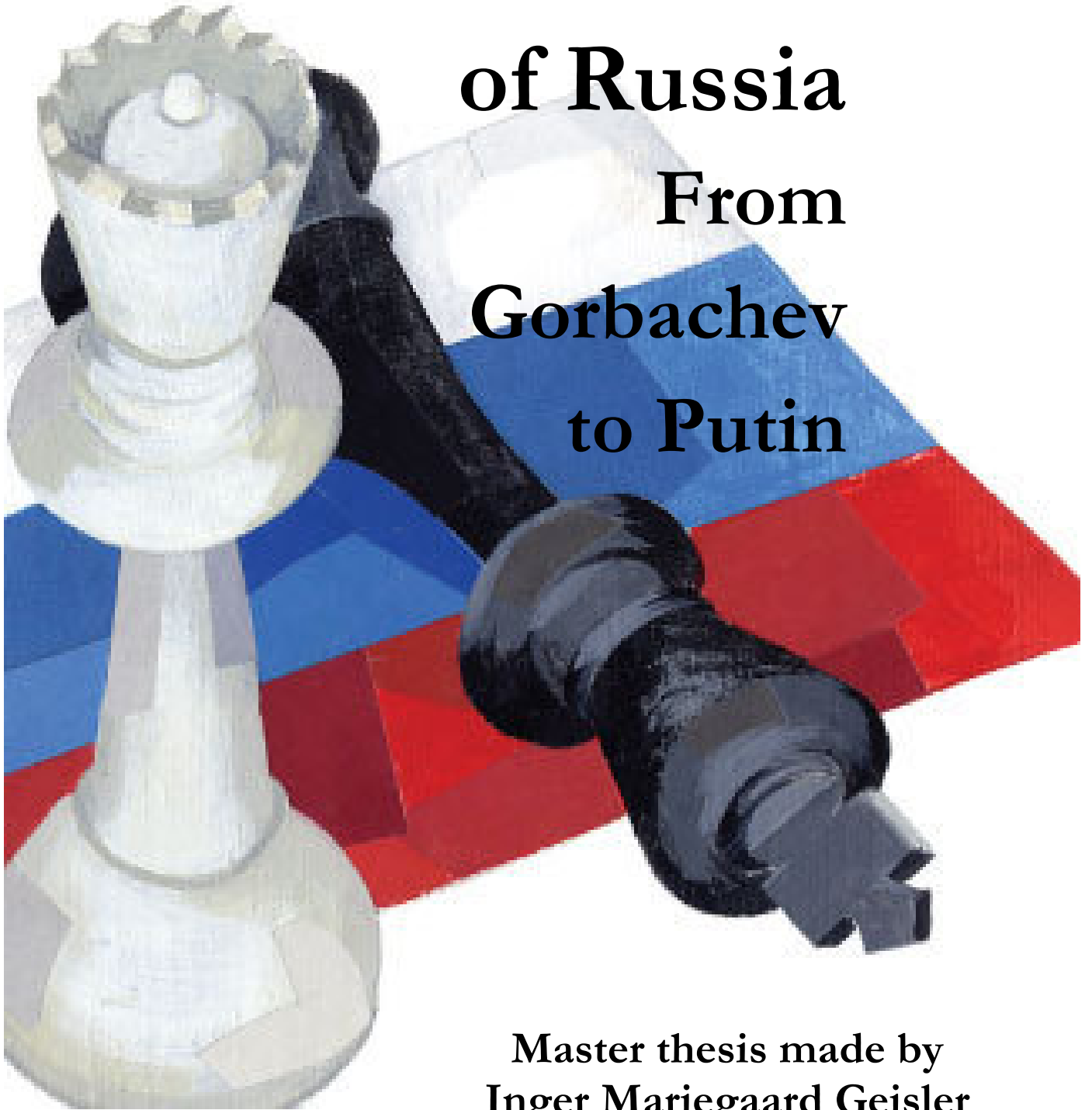


# **Democratisation of Russia From Gorbachev to Putin**



**Master thesis made by  
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## Introduction

With the dissolution of the Soviet Union in 1991 Russia began a transition away from a totalitarian system to a more democratic regime led by Boris Yeltsin. The process of democratisation which began in Russia after the dissolution of the Soviet Union caught my interest. Now more than two decades later Russia is still transforming.

Recent cases furthermore sparked my interest in democratisation of Russia. A recent example is concerns a coalition of opposition groups called Other Russia which has recently been arrested again and again. The 15 of December 2008 the headline in The New York Times stated, “*Russian Antigovernment Protesters Detained*”<sup>1</sup>. I find that this is not the first time something like this has happened and this made me wonder about the democratisation of Russia, the causes, the obstacles and the actors involved.

To answer these questions it is important to draw attention to the history of the country which we are addressing. The history of Russia is a history with many crisis, revolutions and civil wars so what is it that caused the process of democratisation? This question I find is quite important to understand the recent development in Russia when oppositional parties are arrested and denied the right of demonstrating.

### ***Relevance***

I have chosen to write about democratisation of Russia because democratisation of Russia has been a much debated subject since the dissolution of the Soviet Union and the subsequent democratic transition. Since 1993 the Russian Federation has had a constitution which gives the president as the chief executive much power and independence. The type of regime in the Russian Federation has often been debated and especially if the Russian Federation can be defined as a democracy at all, but according to the Constitution of the Russian Federation, the Russian Federation is “... *a democratic federal law-bound State with a republican form of government*”<sup>2</sup>. The Constitution of the Russian

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<sup>1</sup> <http://www.nytimes.com/2008/12/15/world/europe/15russia.html>

<sup>2</sup> The Constitution of the Russian Federation, First Section, Main provision, Chapter 1. The Fundamentals of the Constitutional System, article 1. <http://www.constitution.ru/en/10003000-02.htm>

Federation was amended for the first time since 1993 in November 2008. President Dmitri A. Medvedev proposed to extend the Russian presidency term from four to six years. The bill was passed by the State Duma in haste with an overwhelming majority. A member of the State Duma said afterwards, *“Why are we in such a hurry? A strict authoritarian regime has already been established in this country. There is already an unprecedented concentration of power in one person’s hands.”*<sup>3</sup> The member of the State Duma has a point. The president has, since the constitution of 1993, had a lot of power, and by extending the president’s term the president will gain more power due to the decrease in referendums where a president is held accountable for his actions or lack thereof. I therefore find it interesting to examine the role and the executive power and how this has affected democratisation of Russia through time.

The interest is not to make an analysis of democratisation in present day Russia but to look at the development in retrospect. My aim is to get an understanding of how the executive power has been established in Russia and how it has worked and influenced democratisation.

To examine the executive power and influence on democratisation of Russia I have to examine the judiciary, the parliament and other political institutions. It is not enough to examine the executive power alone. The institutional dynamic between the institutions can give me a better understanding of the executive power and liberty of action. Without involving the other institutions the executive power and role on democratisation would be out of context and therefore of no use.

### ***Delimitation of the Problem Area***

The timeframe relevant for analysing the process of democratisation in the Russian Federation spans from Gorbachev to Putin. The period of transition from the authoritarian Soviet rule to democracy started with initiatives under the leadership of Gorbachev. The transition gained momentum under Yeltsin as he set the pace and direction for the transition in the First and Second Russian republic. My timeframe ends with the Putin

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<http://www.nytimes.com/2008/11/15/world/europe/15duma.html?scp=1&sq=bill%20to%20extend&st=cse>

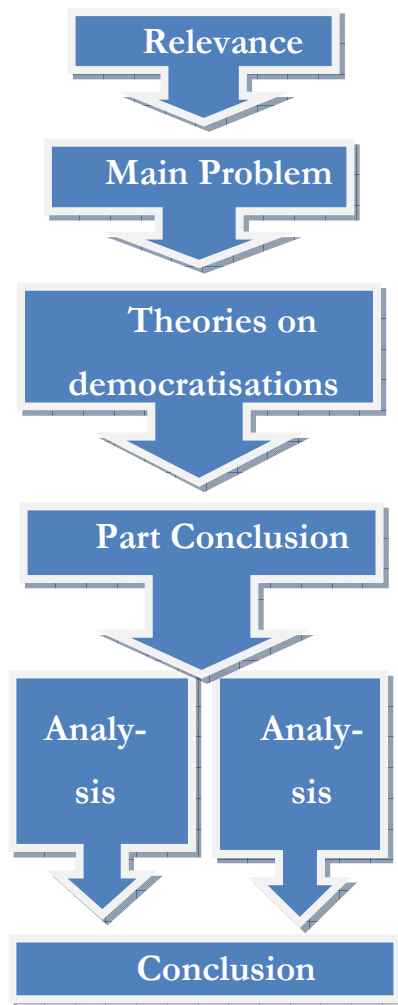
administration. The development under Putin is equally important to the one under Yeltsin because of the question of how Putin has grasped the power and the enclosed opportunities that remained a legacy from Yeltsin. I could furthermore have chosen to examine the development under the present President Mr. Dmitri A. Medvedev, but have chosen not to. My choice is based on his relative short time in power, which I find would make it difficult to analyse the process of democratisation under his term. Furthermore, as mentioned before, I find that it is better to analyse processes of for example democratisation in retrospect.

My geographical limitation is the present Russian Federation, which before was known as Russian Soviet Federative Socialist Republic, later the First Russian Republic and thereafter the Second Russian Republic. I have chosen to focus on Russia because the dissolution of the Soviet Union centres round Russia. Yeltsin came to power in Russia, through a new Russian legislative body created by Gorbachev, and it was Yeltsin who dismantled the Soviet Union and took over all the obligations of the Soviet Unions. Russia was heir to the obligations of the Soviet Union and due to the size and political role of Russia I find that the democratisation of Russia influenced a whole region of the world and is therefore important. This leads me to this thesis main question;

#### *Main Question*

“What is the role of the executive power in the democratisation of Russia from Gorbachev to Putin?”

## Method and theory



### *Choice of Method*

Democratisation is in my opinion a transition from an authoritarian to a more democratic political regime. The outcome can be a fully consolidation of democracy or democratisation can experience stagnation, setbacks and even reversals. Democratisation can be influenced by different causes, such as economic development, civil society and historical legacy.

I decided that I wanted to focus on the role of the executive power on democratisation due to the recent development in the Russia Federation where I find the executive power has been a main actor. This led me to my main problem. To make my main problem operational I have made the figure to illustrate how I will proceed and how the thesis will be structured.

To examine the different causes which can have had an influence on democratisation in Russia I will present different theories of democratisation. I have chosen to do

this because I find that there can have been other causes to democratisation in Russia than the executive power. First, I will introduce theories on democratisation which are separated in preconditions and post-transitions. The causes for democratisation can be wealth, modernisation, external factors and national unity. Afterwards I will examine the framework of institutional legacies to examine which of the theories can be used to examine the causes of democratisation in Russia.

After I have presented the different theories of democratisation I will make a part conclusion and discuss which theory I find relevant to answer my main problem. This chosen theory will be used in the analysis of the role of the executive power in the democratisation of Russia.

In my analysis I will connect the chosen theory with empirical data. In the first part of the analysis I will examine the political reforms from Gorbachev to Putin because I find that the causes of the transition and democratisation can be found in this period due to the dissolution of the Soviet Union and the establishment of the new regime. I will focus on the executive power and examine its historical role in the transition and democratisation of Russia. In the second part of the analysis I will connect the chosen theory to empirical material to examine the role of the executive power and analyse the impact the executive power have had on democratisation in Russia. In my conclusion I will answer the main problem of the thesis.

When I use the term the executive I refer to the president of Russia. When I include the government or administration in the term I will write it.

### ***Theoretical choice***

There has been written a lot about democratisation, what triggers it, what hinders it and what can make it survive. The theoretical perspectives on democratisation are general theories which can be used as tools to analyse the cause of democratisation. I have chosen to present the most common theoretical perspectives on the causes of democratisation to exemplify how nuanced and complicated the area is. Another reason to present the different theoretical perspectives is that they can all be used in analysing the causes of democratisation in Russia. I find that the term democratisation is a fluent term; no single theory can explain the causes of democratisation without the company of other. By presenting the theories on democratisation I will find out which are relevant in explaining democratisation of Russia.

### ***Theoretical Perspectives on Democratisation***

#### *Preconditions and Democratisation*

The transition from an authoritarian regime to democracy is a process with many different phases<sup>4</sup>. Democratisation normally begins with a precondition which favours the process of democratisation. It can be difficult to distinguish some of the preconditions

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<sup>4</sup> Sørensen, Georg, 2008, page 29



from the post-transitions which are the conditions following the initial transition. They are all conditions which dependent on their presence can help a country's democratic development or hinder a democratic development. I will not be able to present all the different causes of democratisation but will in the following present the most common shortly. My main author in this paragraph is Georg Sørensen whom is a Danish Professor in Political Science<sup>5</sup> and Michael Bratton which will be introduced later because I find they both provide a good overview of the main theoretical perspectives on democratisation.

### *Modernisation and Wealth*

Modernisation and wealth can be a cause of democratisation. Modernisation and wealth has especially been connected to the industrialisation in the western countries. Sørensen explains that this development gave life to the idea that the modern industrial society had caused democratisation and political democracy. Modernisation and wealth do contribute with factors favourable for democratisation, for example mass media, high rates of literacy, urbanisation and education. Sørensen argues that there exist empirical analyses which support this precondition<sup>6</sup> and Robert A. Dahl stated in 1971 that he considered it “*pretty much beyond dispute*”<sup>7</sup>, that the higher socioeconomic status a country has, the more likely it is to be a democracy. I find that the socioeconomic status in Soviet Union was complicated. Under the Soviet Union the population was provided healthcare, education, housing, employment and retirement pensions but according to Judy Twigg the quality of the system was “shabby”<sup>8</sup>. Due to the education system the literacy rate was almost 100 per cent. During the transition Twigg finds that the social service fell apart leaving a vacuum which was not replaced with a new system<sup>9</sup>. Peter Rutland furthermore finds that Russia, as a part of the Soviet Union, experienced economic breakdown in the last years of the 1980s<sup>10</sup> and combined with Twigg's findings I do not find that Russia had a high socioeconomic status before the transition or under and I therefore find that there must be other preconditions that caused democratisation.

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<sup>5</sup> <http://person.au.dk/da/georgs@ps.au.dk>

<sup>6</sup> Sørensen, Georg, 2008, page 30

<sup>7</sup> Dahl, Robert A., 1971, page 65

<sup>8</sup> Twigg, Judy, see White, Stephen et al, 2005, page 204

<sup>9</sup> Twigg, Judy, see White, Stephen et al, 2005, page 2004

<sup>10</sup> Rutland, Peter, see White, Stephen, 2005, page 187

*Political Culture and External Factors*

Sørensen explains that certain political culture, values and beliefs can be connected to different systems. The political culture in some societies tend to emphasize authority, intolerance and hierarchy more than other and these countries are therefore not as likely to turn democratic<sup>11</sup>. Some of these values are called “authoritarian” or “communist legacies”<sup>12</sup> by some. Sørensen explain that Confucianism, Catholicism and Islamism normally do not favour democracy while Protestantism does. According to this precondition Russia with both communist and authoritarian legacies would not be likely to make a transition to democracy. In this connection Sørensen finds that it is important to remember that cultural systems can change, as for example in Eastern Europe where the Catholic Church in the 80s opposed the authoritarian rule<sup>13</sup>. Sørensen furthermore presents that the role of external factors as cause of democratisation is unclear and that the impact of external factors on democratisation is an ongoing discussion between modernisation theorists and path dependency theorists. Modernisation theorists find that the leading western countries can have a promoting effect on democracy, whereas path dependency theorists conclude the opposite<sup>14</sup>. I do not find that either the theory of political culture or the external factor can explain democratisation of Russia. According to the theory of political culture Russia would not have been like to begin a process of democratisation and I find democratisation in Russia began after the dissolution of the Soviet Union. The theory does state that systems can change which I find it did in Russia but I do not find it is sufficient enough explains why. The theory of external factors states that external factors can have an effect on democratisation but as I understand it is cannot alone cause democratisation.

*Post-Traditions and Democratisation*

Post-transitions come after the initial transition to a more democratic regime and like the preconditions, the post transitions can, dependent on their presence, help or hinder a country’s democratic development. I will now examine if any of the post-transitions can explain the democratisation of Russia.

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<sup>11</sup> Sørensen, Georg, 2008, pp. 30 -31

<sup>12</sup> Gitelman, Zvi, see White, Stephen et al, 2005, pp. 246-248

<sup>13</sup> Sørensen, Georg, 2008, pp. 30 -31

<sup>14</sup> Sørensen, Georg, 2008, page 31

*Socioeconomic Structures*

Socioeconomic structures are important as a cause of democratisation as well as the post-transition. High level of GNP and literacy contributes positively to further democratisation<sup>15</sup>. A low level of GNP and other weak structural conditions can undermine a state's accountability which is necessary for creating an effective democratic rule<sup>16</sup>. When Gorbachev came to power he immediately began to implement economic reforms because the economic situation was stagnated in the Soviet Union. Under Yeltsin the GDP grew for the first time in 1997 since 1990 but only with 0,7 per cent followed by a financial crisis in 1998<sup>17</sup>. As mentioned earlier Twigg finds that the socioeconomic level fell during the transition due to the new agenda of democracy and a free market-system and that the old Soviet social welfare system has not been replaced effectively. After the transition in 1999 35 per cent of the Russian population lived under the poverty minimum level and even though the percentage of people living under the poverty line has declined in the recent years the contribution of wealth has separated the population into two<sup>18</sup>. I do therefore not find that the socioeconomic structure in the post-transition is sufficient enough to explain democratisation in Russia.

*Ethnicity and National Unity*

Other important elements that affect the socioeconomic structure are frozen conflicts. The conflicts can be released as political competition because of democratisation becomes legitimate. Bratton finds that these conflicts often will be ethno-regional. These destroying conflicts are unavoidable in fragile new democracies, but they can be avoided, especially if the political elite's effort to create national unity succeeds<sup>19</sup>, which I do not find in Russia with Chechnya. Of course, not all political elites pursue to create political alliances which can stabilise the society; other ignores the ethnic conflicts which then can have a disturbing and destabilising effect<sup>20</sup>. National identity can also have an impact on ongoing democratisation. National unity is not necessarily build around borders. National identity

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<sup>15</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 238.

<sup>16</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, pp. 238-239

<sup>17</sup> Rutland, Peter, see White, Stephen et al (2005), page 189

<sup>18</sup> Twigg, Judy, see White, Stephen et al, 2005, pp. 204-205

<sup>19</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 239

<sup>20</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 239

can also be developed even though religion and lineage is very persistent and political activities is build around ethno-regional groups<sup>21</sup>. These causes also speak against democratisation in Russia due to the dissolution of the Soviet Union in 1991 where Russia had to delineate new borders. This has not been without problems especially due to Chechnya which refused to be a part of Russia and has thereby challenged Russian territorial integrity.

#### *The Economic Condition*

The economic condition as cause of democratisation is also important. An ongoing economic crisis will undermine the government's legitimacy because the government will be blamed for the situation and not be beneficial for further democratisation<sup>22</sup>. Bratton finds that in a consolidated democracy an economic crisis can lead to a change of government by using the ballot box but in a frail democracy or in a non-consolidated democracy the penalty for bad performance of a government can be the end of a democratic rule and a return to autocracy. The economic legacy depends on the former regime; on how long and how severe the economic crisis has been. In some countries it is possible that a new government creates a fast economic recovery. However, the will of the government to economic recovery is not enough to save a new democracy; the recovery depends also on the infrastructure of the country and on the resources of human capital<sup>23</sup>. Both Gorbachev and Yeltsin did, as I have mentioned before, struggle with the Soviet and later Russian economy and I do therefore not find that the economic condition can be used to explain the democratisation in Russia.

#### *International Context*

The impact of the international context on democratisation should not be exaggerated according to Bratton. The external impact cannot be decisive for the survival of a new democracy in the absence of cooperation with the government of that particularly country. The work of the western diplomats normally consists of encouraging or discouraging development in the newly democratised countries. The threats from the western countries are sanctions for undemocratic behaviour but Bratton finds that the threats normally are

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<sup>21</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 239

<sup>22</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 239

<sup>23</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 240

empty rhetoric. The support from the western countries is normally rhetorical and political stability has been higher on the agenda than democratisation<sup>24</sup>. Commercial interest can also mean that the western countries are less likely to fight for their principles of democracy. In conclusion the international community in some degree put pressure on newly democratised governments to hold election etc. but Bratton finds that the international context has no implication for whether or not a democracy will sustain<sup>25</sup>. I have not found any evidence that suggests that democratisation in the Russia has been influenced by external pressure. I do on the other hand find that the western European countries in high degree supported Yeltsin due to his democratic agenda. Shevtsova, which I will present later, finds that the western countries are not alarmed by the development in Russia as long as it does not pose a threat for them<sup>26</sup>.

### *The Military*

The military is another cause which can shape democratisation. The military is important because it can possess the power to intervene and in some cases even destroy a democratic development. It is also a problem for the democratic survival if the military possess the same role and power in the new democratic regime as in the old. A former military rule can possess a problem for the path of democratisation if the military is unwilling to let go of power. Especially in countries with a history of military rule, a coup by the military would not be unusual. How dependent a former authoritarian regime was on the support of the military can be seen on the military spending. The more the military received in benefits and privileges during the ancient regime, the more it would hurt the military when these benefits and privileges are taken away. This threat can of course be a powerful motivation for a military intervention or a coup d'etat<sup>27</sup>. In Russia after the August Putsch, Yeltsin wanted to integrate the military under his rule, but I do not find that it was due to a fear that the military would act independently, but a fear that if he did not gain their loyalty they would obey the power ministries. Power ministries are ministries that deal with foreign policy, security and military affairs<sup>28</sup>. It was the power ministries

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<sup>24</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 241

<sup>25</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 242

<sup>26</sup> Shevtsova, Lilia, 2007, page 23-24

<sup>27</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 244

<sup>28</sup> <http://www.ruslandsinfo.dk/regering.html>

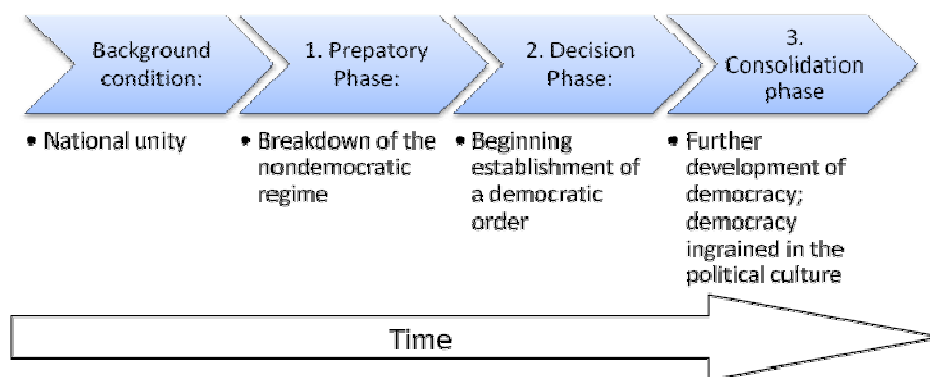
which had the power over the military and they could pose a threat. After Yeltsin gained the control over the military I find that the role of the military in the democratisation of Russia was marginal and I do therefore not find that this cause is sufficient to explain democratisation in Russia.

### *Consolidating Democracy*

Consolidating democracy is a theory where democratisation consists of different phases. The end goal is when a democracy is consolidated. There is no proper agreement about how to define consolidation. Some of the definitions are very broad while others are very narrow. One of the most difficult definitions find that consolidation is not reached before all democratic institutions are formed and the democracy is capable of handing over the power to the opposition which is the biggest challenge in a democracy. Definitions like this can lead to the outcome that almost no country can be defined as totally consolidated.

According to Sørensen a democracy is fully consolidated when it is the “only game in town”<sup>29</sup>. The transition toward democracy is often a long process, e.g. in Great Britain the full process took more than 200 years<sup>30</sup>. The model below shows the main phases and problems in a transition toward democracy and describes some of the main elements in such a process<sup>31</sup>.

### Transition toward democracy<sup>32</sup>



<sup>29</sup> Sørensen, Georg, 2008, page 46

<sup>30</sup> Sørensen, Georg, 2008, page 46

<sup>31</sup> Sørensen, Georg, 2008, page 47

<sup>32</sup> Sørensen, Georg, 2008, page 47

The figure is made by Georg Sørensen on background of an article written by Dankwart A. Rustow in 1970<sup>33</sup>. The model is updated by Georg Sørensen<sup>34</sup>.

The background condition for the transition toward democracy is national unity. The population can easily be different, having different ethnic backgrounds and be divided into different groups, but it is only when such a division creates doubt about national unity that it is a problem for a democratic transition. The next phase is the Preparatory Phase, which is the next step in the transition toward democracy. This phase consists mostly of a very long and inconclusive political struggle where groups, classes and individuals challenge the non-democratic rulers<sup>35</sup>. This struggle does not necessarily have democracy as the main aim<sup>36</sup>. Gorbachev challenged the communist elite but not because he wanted to dismantle the Party or the Union, but because I find he wanted to implement a very ambitious reform agenda in which civil society was given a voice. This eventually led to the struggle between Yeltsin and the communists. As mentioned earlier, it can be discussed to which extent there has existed national unity in Russia. I, furthermore, believe that Yeltsin came to power, not only because of his democratic agenda but also, due to his vision of a sovereign Russia.

The decision phase is characterised by “*deliberate decision on the part of political leaders to accept the existence of diversity in unity and, to that end, to institutionalize some crucial aspects of democratic procedures.*”<sup>37</sup> This decision phase also depends on the institutional legacies. If there have existed democratic institutions or democratic procedures before the non-democratic regime it is an advantaged. The background can thereby set the pace for the process in this phase. In countries with no earlier experience with democracy the implementation of democratic institutions and democratic procedures will take longer time<sup>38</sup>. I find Russia has been constrained of its institutional legacy and I furthermore find that Russia had no previous

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<sup>33</sup> Rustow, Dankwart A., ”Transitions to Democracy – Toward a Dynamic Model”, from Comparative Politics, Vol. 2. No. 3. (Apr. 1970)

<sup>34</sup> Sørensen, Georg, 2008, page 47

<sup>35</sup> Sørensen, Georg, 2008, page 48

<sup>36</sup> Sørensen, Georg, 2008, page 48

<sup>37</sup> Rustow, Dankwart A., 1970, page 355

<sup>38</sup> Sørensen, Georg, 2008, page 50

experiences with implementation of democratic institutions and procedures and therefore has been restricted by this.

The consolidation phase is by Sørensen defined as when democratic institutions and practises is fully implemented in the political culture and the population, leaders and major political actors see democratic practises as the only natural thing or as the only game in town<sup>39</sup>. I do not find that the Russian Federation is consolidated or even close to no matter how you define consolidation. Democracy is not the only game in town and the democratic institutions are not fully institutionalised. It can furthermore be discussed as I have mentioned earlier if Russia has national unity which for this theory is the precondition for democratisation. Already there I find that the theory is not possible to explain democratisation in Russia.

### ***Institutional Legacies and the Executive Power***

The most used framework to examine the survival or failure of democracy is investigating the institutional legacies. Institutional legacies are traditions which are inherited and thereby shape democratisation. Within the framework of institutional legacies there are different institutions which depending on their capacity shape the democratisation process. The process is furthermore determined by the resources and status of the institutions before and during the democratisation<sup>40</sup>.

Michael Bratton<sup>41</sup> is a Professor in the Department of Political Science and African Studies Center at Michigan State University. Bratton has in the book “Democratic Experiments in Africa<sup>42</sup>”, which he has written together with Nicolas van de Walle, presented the theory of institutional legacies in relation to the situation in Africa. I have chosen to use their presentation of the framework because I find it relevant and find that the framework can be used as a possible explanation for democratisation in Russia. Within the framework of institutional legacies I will present the judiciary, the legislature, the

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<sup>39</sup> Sørensen, Georg, 2008, page 46

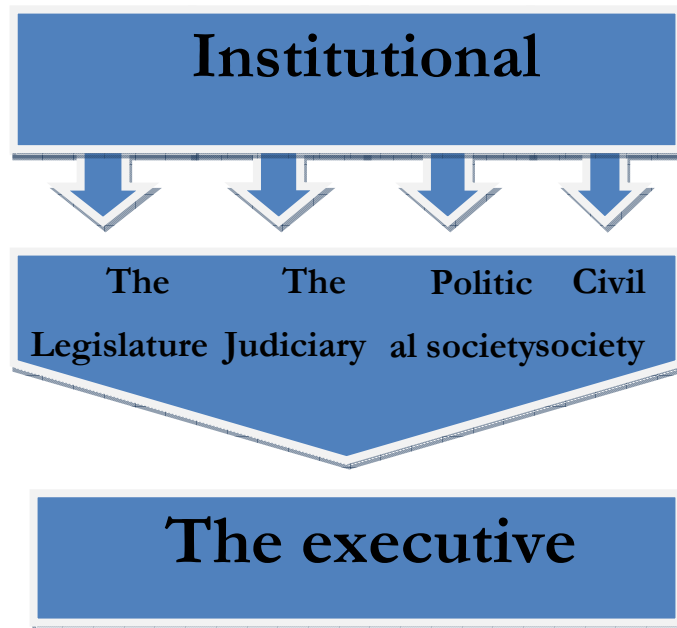
<sup>40</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 242

<sup>41</sup> <http://polisci.msu.edu/people/bratton.htm>

<sup>42</sup> Bratton, Michael, and Walle, Nicolas van de, “Democratic Experiments in Africa – Regime Transitions in Comparative Perspective”, Cambridge University Press, 1997



political and civil society and I will examine if this framework can be used to analyse the role of the executive power in the democratisation of Russia.



Institutional legacies operate on two levels. The first level deals with the informal tradition of the former authoritarian ruler. The second level deals with the power of the institutional actors. At the first level political behaviour can be imbedded in the traditions. The institutional legacy can for example be seen on the amount of power which is given to the president. If the

president is granted or inherit a lot of power due to the institutional legacy, it could constitute a problem for the process of democratisation, especially if the president obtains or receive so much power that it is a continuation of the authoritarian rule which can obviously contradict a successful democratic development<sup>43</sup>.

In the Soviet Union the communists had since 1917 had totalitarian power. I will examine if the power given to the executive power in Russia after the dissolution of the Soviet Union was a continuation of the communist authoritarian regime. Bratton finds that another danger can be if the executive power also enjoys legislative power or majority. This can for a president in desire of more power, be tempting and the president can therefore try to enhance its power by changing the constitution to his own advantage. I find both Yeltsin and Putin has enjoyed legislative power or majority. Putin's successor has recently used his legislative majority to amend the constitution and extend the presidential term and I therefore find this part of the theory very relevant.

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<sup>43</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 242

At the second level we have the institutional actors. The power of the institutional actors depends, among others on participation and competition. Both participation and competition is normally influenced by the inheritance from the pre-democratic system. Political and institutional actors often feel constrained by their past roles. Consolidation can therefore be hard to reach due to the political spaces which were created before the democratic transition. The most constraining institutions for the new political and institutional actors can be the military, interest associations and political parties. However, countries with earlier experience with participation and competition could be expected to be better equipped for a successful democratisation<sup>44</sup>. This is also relevant because Russia in seventy years only had one party, the communist party, and no other parties were allowed. I therefore find that institutional actors in Russia besides the communist party have been very limited. It was only with Gorbachev's reform agenda that the population was given a voice.

The state institutions are also very important for the democratic development. Strong civilian control as legitimacy, organisational strength and representativeness is determinant in controlling for example the military and thereby hinder a possible coup d'état<sup>45</sup>. In this Russian case, the control of the old ruling elites, the communist would be more appropriate than the military due to the ancien régime. The stronger the state institutions are, the easier it is to control the powerful classes from the ancient regime who tries to alter the political rule in their own favour<sup>46</sup>. I find that this could be a possible reason for why the Russian Congress created the presidential office.

### *The Legislature*

The parliament in a new democracy is very important for its survival. Most former authoritarian regimes do not chose presidentialism over a parliamentary constitution. Presidentialism is normally considered anti-democratic in relation to parliamentary democratic rule. But Bratton notes that low income countries can have better success with democratic presidentialism than with parliamentary democracy.<sup>47</sup> Although presidentialism

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<sup>44</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 243

<sup>45</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 245

<sup>46</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 246

<sup>47</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 246

can be anti-democratic it can also foster political stability, which Bratton argues many emerging democracies are in need of<sup>48</sup>. I find this relevant because it fits with the creation of the Constitution of the Russian Federation where a strong executive power was established by Yeltsin to prevent political instability as the constitutional conflict between the Congress and the president.

The move toward or choice of a presidential democracy can follow different paths<sup>49</sup>. In the first example we have a new democratic country with a parliamentary system. Within the parliament we have a high level of party fragmentation which leads to legislative instability. The legislative instability can create conflicts and unrest which in the end can lead to the death of the newborn democracy. In the following period of democratic transition the country will choose presidentialism over parliamentarism, because parliamentarism did not succeed in their first democratic experiment<sup>50</sup>. In the Russian case Yeltsin chose a semi-presidential constitution but neither the State Duma nor the other institutions objected to this even though many did not approve of it. I find that they accepted it because they feared a repetition of the constitutional conflict. In the new presidential system the legislative power can be strengthened through the parliament because it will try to balance the executive power<sup>51</sup>. I find that the executive power in such a case has to approve of it. If we assume that the executive power has more power than the parliament, due to the presidential system, then the strengthening of the parliament would only succeed if the executive power gave its permission. If not, the executive power could dismiss or overrule the parliament.

In the second case, we have countries where the future of the legislature seemed more effective after the transition. In this case the country has, after the transition, one strong hegemonic party. The leaders of the party seek power and thereby some kind of presidential system. These states enjoy civilian rule, but are dominated by the executive power in which the legislature also is assigned to<sup>52</sup>. I find that the legislature in the Russian

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<sup>48</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 246

<sup>49</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 246

<sup>50</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 246

<sup>51</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 246

<sup>52</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 247

Federation since 1999-2000 has been assigned to the president. The legislature has furthermore contributed to a non-democratic development which makes it very difficult for parties to enter the State Duma.

Commonly for these examples is that the president control members of parliament through some kind of clientelism. In Russia the presidents has, since 1999, enjoyed control of the legislature due to the majority in the parliament which is pro-presidential. A further democratisation will in these cases still seek to strengthen the legislative branch, so in the end it will be so strong that it is able to check the executive power<sup>53</sup>. According to Bratton, the prospect for effective legislature is better in countries with a legislative tradition build in the former authoritarian ancien régime. Of course, the legislative traditions will not be fully democratised but it will have a stabilising effect on the new democracy. In newly parliamentary democracies with no legislative tradition the possibility for party fragmentation and polarisation can create instability which can undermine the democratic order<sup>54</sup>.

#### *The Judiciary*

The judiciary is also very important in the transition. Civil and political rights are gains of the transition. The judiciary is critical to the survival of these gains. The judiciary should be the guarantor for freedom of expression and association and promote rule of law and enhance transparency and accountability for the public. Moreover, one of the most important roles of the judiciary is that it exerts control with the executive power<sup>55</sup>. A strong judiciary can play a big role in the democratisation process, because it can counteract a president who tries to gain more power or short-term advantages. The judiciary can also settle disputes between the executive power and the legislature which the Constitutional Court also has done in the Russian Federation. But the judiciary is not always as strong as just exemplified above— often the judiciary's power is inherited from the time of the transition<sup>56</sup>.

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<sup>53</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 247

<sup>54</sup> Bratton, Michael and Walle, Nicolas van de, 1997, pp. 247-248

<sup>55</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 248

<sup>56</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 248

The independence of the judiciary can vary a lot and in some cases it has been subordination to the executive power. The judiciary can be under funded and in need of legal training. Furthermore, magistrate can be disregarded and diplomas as magistrates can be handed out by the president with no eye for the legal expertise. Magistrates can also be chosen on the background of loyalty to the rulers. In cases where the judiciary is professional and the executive power tolerant, the judiciary can gain more independence<sup>57</sup>.

In the first year of democratic rule, the judiciary will be asked to settle disputes regarding the constitution or the other legal disputes. If the judiciary in such cases rules partisan, the judiciary loses its legitimacy. Because the role of the judiciary is to settle cases which in reality are political struggles, the decisions are likely to have an impact on the quality of democracy. For this to happen, the judiciary has to be independent, have a reputation of integrity and be backed by the legal establishments<sup>58</sup>. The Constitutional Court has ruled against president Yeltsin in disputes but during the constitutional crisis Yeltsin dismissed the Court for many months. In the recent years I also find that there have been cases where the judiciary has failed to protect the population from the state and I therefore find that the picture of the judiciary in Russia is complicated.

#### *Political Society*

Political parties play a big role in founding elections and the following democratic politics. The key function of political parties is to represent the individuals' interest and to give the people a voice and channel the political demands upwards in the political system. Parties can furthermore act as recruitment of political leadership and as a structuring factor of electoral choice, political competition and framing political alternatives. In turn, political parties legitimate the systems political process down to local level. The opposition parties will seek the accountability of those in power and thereby provides the choice to the population<sup>59</sup>.

But what is more important is the organisational strength and resources of the parties and the structure and the dynamic of the party system which existed during the transition.

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<sup>57</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 248

<sup>58</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 249

<sup>59</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 251

In some cases a dominant ruling elite has monopoly and in other cases the political parties is held together by access to resources and do not have any political mobilisation behind them. In other cases, the same parties which for example fought for power several decades ago becomes re-established under the same leader decades after<sup>60</sup>. This could suggest some kind of party tradition, but normally the parties do not become reinvigorated due to organisational heritage but due to informal clientelism. The weakness of parties' organisation is very common in new democracies and it is not good for further democratic development. It is associated with parliamentary instability, anti-democratic political culture and perseverance of some kind of clientelism<sup>61</sup>.

Elections indicate that party fragmentation not necessary poses a problem and that the structure of parliament in a new democracy can be quite similar to European ones, with several parties represented in the parliament. In other cases elections can give rise to governments lacking a parliamentary majority. In others again, the majority party has in the transition period, made governments with the opposition party to form a transitional government of national unity. Majority parties can also be coalitions of many small parties. The problems can arise if the coalition becomes disintegrated and if some part of it leaves. This means that the ability of the remaining coalition to push through the legislative agenda can be compromised<sup>62</sup>.

There are two likely patterns for party development; the first is where the weak parliamentary government fails to regain power at the next election due to a fragile coalition. In the second pattern the winning dominant parties can win the next election and even win more seats due to a transition driven by the opposition movement. This can give rise to the "big man democracy"<sup>63</sup> where the dominant party abuse state resources to dominant electoral politics. If the dominant party prevents alternation at the polls then the democracy is far from consolidated<sup>64</sup>. I also find this relevant for Russia. In the Russian Federation the party United Russia has been a dominant party in the State Duma since

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<sup>60</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 251

<sup>61</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 252

<sup>62</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 252

<sup>63</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 253

<sup>64</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 253

2001. With a majority in the State Duma United Russia has passed electoral laws which have made it very difficult for parties to enter the State Duma.

### *Civil Society*

Civil organisations provide public arenas for political participation and promote the accountability of the political class. At elections the parties normally dominate the picture and the organisations steps in the background. Organisations can have an influence on policy outcome between elections, especially if the parties are weak. Organisations can also disappear after, or become less interested in national politics after, a transition. Human and religious groups fighting for democracy can also lose mobilisation after a transition due to non-partisanship<sup>65</sup>.

The role organisations play in democratisation is determined by several factors. First of all, the resources and organisational strength the organisation has, when it emerges from the authoritarian rule has an impact. Richer and industrialised countries normally have better organised groups and in countries which have made a transition from authoritarianism to democracy the organisations are normally weak. They have for a long time been suppressed by the old neo-patrimonial or authoritarian regime and are also affected by the size and structure of the economy. Although the organisations during the transition gains strength and skills, they typically need more time to gain experience. Organisations in general perform less well after the transition. The reason for this is that the political energy, so to speak, moves. If the democratic forces win power, the organisations leaders are drawn into the political arenas, maybe government, parliament or party hierarchies, which weaken the voluntary organisations<sup>66</sup>. Although such leaders are now in a position to hold the executive power accountable they normally feel constrained. They can be constrained to hold the executive power accountable due to different reasons, but norms of collective responsibility can be one of the reasons. Another reason is for personal benefits connected to the economic inducement related to the office<sup>67</sup>. Yeltsin, after the democratic movement had led him to power, distanced himself from it and he lost further support when he composed the constitution.

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<sup>65</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 254

<sup>66</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 255

<sup>67</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 255

Another setback for organisations can be that they after having reached their common goal as for example ejecting an authoritarian leader, the organisation realises its differences. Another reason can be that the political engagement which existed during an election and mobilised people cannot be sustained under normal conditions. Newly elected political leaders, carried by popular support, can furthermore dampen their supporter's unrealistic dreams and thereby put a lid on the fire. In sum; after the transition organisations will often demobilise which is not necessarily good for democratisation. On the other hand, organisations can also make demands on the state, which the state can be incapable of, which in the worst case can lead to instability or repression<sup>68</sup>.

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<sup>68</sup> Bratton, Michael and Walle, Nicolas van de, 1997, page 255



## Part Conclusion

After having presented the theoretical perspectives on democratisation I find that the framework of institutional legacies best can be used to explain the cause of democratisation and to analyse the role of the executive power in democratisation of Russia. The other theories which I presented could not explain democratisation in Russia because the causes were not sufficient enough to explain the development or because the causes were not present in Russia at the time of the transition or after. I find that the framework of institutional legacies can be used to examine the role of the executive power on democratisation. It furthermore includes the other important political actors and institutions which together delineates the dynamic of the process and the role of the executive power. I find that the framework of institutional legacies is useful for my thesis and can be used to examine my main question. The framework furthermore tries to answer a similar question as my main question which of course makes it very relevant. The framework of institutional legacies moreover provides me with a structure in which I can proceed with my analysis.

In the first part of my analysis I will examine the historical development in Russia with focus on the political reforms from Gorbachev to Putin. I will in the second part examine the role of the executive power in the democratisation of Russia using the framework of institutional legacies as a tool. The structure will follow the chosen theory and I will at first examine the role of the president, thereafter the legislature, the judiciary and in the end the political and civil society. This should provide me the full picture of the executive power and I will in the conclusion be able to conclude on the role of the executive power in the democratisation of Russia.

## Political Reform from Gorbachev to Putin

I will in this first part of my thesis present the most important situations in Russian history which delineated the role of the executive power and shaped the process of democratisation. I will describe and discuss the political reforms made by Gorbachev and Yeltsin and the consequences hereof. I find that both the intentional as well as the unintentional developments are important for democratisation in the Russia and will therefore discuss both.

My main focus will be on the political reform-process carried out by the executive power or situations which had an implication for the executive power and the action hereof. My main author in this historical part of my analysis is Michael McFaul. McFaul is a Hoover Fellow and Associate Professor of Political Science at Stanford University and author to many books about the Russian Federation and Eastern Europe<sup>69</sup>.

### *The Gorbachev Era*

In 1985 when Mikhail Gorbachev was inaugurated as the General Secretary of the Communist Party of the Soviet Union (CPSU) there did not according to McFaul exist any democratic movement in the Soviet Union<sup>70</sup>. Gorbachev's ambition was to create economic development, something which he had worked for already before he became General Secretary. Economic reforms were necessary due to severe economic failure and stagnation which had existed since the latter half of 80s in the Soviet Union<sup>71</sup>. His first economic reforms only had marginal results and Gorbachev therefore introduced a more ambitious reform plan in 1987<sup>72</sup>, named Perestroika, which means "rebuilding"<sup>73</sup>.

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<sup>69</sup> <http://fsi.stanford.edu/mediaguide/michaclamcfaul/>

<sup>70</sup> McFaul, Michael, 2001, page 36

<sup>71</sup> McFaul, Michael, 2001, page 42

<sup>72</sup> McFaul, Michael, 2001, page 41

<sup>73</sup> McFaul, Michael, 2001, page 42

*Perestroika and Glasnost*

Gorbachev was confident that the solution could be found within the socialist choice and he never advocated for dismantling the Soviet economy or society<sup>74</sup>. Perestroika among other things increased the autonomy for enterprises in the Soviet Union. The conservatives within the Party did not like the increased decentralisation because they felt they lost power. They furthermore felt that their “deal” could be ruined. The party leaders had due to the informal system, long enjoyed de facto property right, owned by the state. In return the party leaders provided order and a minimal of economic production. They felt threatened by Gorbachev’s reform, and with the increased autonomy of enterprises the Party bureaucrats who supervised the activities of the enterprises feared decreased power and bribes. Gorbachev eventually realised that the communist elite was his biggest opponents because they were against radical changes and thereby Perestroika<sup>75</sup>.

Gorbachev felt that he could better rely on the state, than on the Party, if Perestroika had to be accomplished<sup>76</sup>. He therefore stimulated the pressure on the conservative forces in the Party with a reform in 1986 called Glasnost which means “openness”. Glasnost was a part of the Perestroika reform programme. Glasnost gave more freedom of expression, in press, in literature, in science and art. This led to publications about the Soviet Union which before had been censored. Social, economic and political problems also came out in the open<sup>77</sup>. Gorbachev thereby activated the human factor, putting societal pressure on the Party. Gorbachev hoped that Glasnost could mobilise society against some of the ingrained practises of the system and the Party<sup>78</sup>.

The liberalisation created with Perestroika and Glasnost gave rise to forums where people discussed the Soviet system. Several critical newspapers and journals were also created<sup>79</sup> and in 1987 and 1988, a new type of groups, which fought for human rights,

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<sup>74</sup> McFaul, Michael, 2001, page 43

<sup>75</sup> McFaul, Michael, 2001, page 43 -44

<sup>76</sup> McFaul, Michael, 2001, page 46

<sup>77</sup> McFaul, Michael, 2001, page 47

<sup>78</sup> McFaul, Michael, 2001, page 47

<sup>79</sup> McFaul, Michael, 2001, page 64

morality and democracy, saw the day of light. In 1988 Democratic Union<sup>80</sup> was founded and in May 1988 Democratic Union declared their organisation to be a political party. With the declaration of Democratic Union as a party, it represented the first opposition party to the CPSU in seventy years<sup>81</sup>. Even though CPDU was no longer the only party, the constitution, until 1990, still stated that CPSU had a leading role in society, and it was first with the amendment of article 6, in 1990, that this changed<sup>82</sup>. I find that Gorbachev with Perestroika and Glasnost challenged the party and their hegemonic power. This gave rise to popular mobilisation and criticism of the system which until that time had been forbidden for many decades.

To make changes easier Gorbachev revived the idea of Party Conferences<sup>83</sup> to discuss policy change between the Party Congresses which was held one time a year. The motives for Gorbachev were not to create institutional change but to create change within his personnel to break the way for Perestroika<sup>84</sup>. Gorbachev doubted to which extent the Party would accept the Perestroika, an aspect he found essential for the reform agenda<sup>85</sup>. McFaul finds, that the problem with the Perestroika-agenda was, that it was not very clearly defined. If it had been more clear and specific the CPSU rank had maybe reacted differently<sup>86</sup>.

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<sup>80</sup> The Democratic Union was the first oppositional party to the CPSU and was formed by a coalition of multiple political ideologies from liberals to anarchist. It was against the cult of Leninism and were seeing a future Russia with a multiparty democracy. It did not support Gorbachev's reforms and would rather overthrow the Soviet system completely. It was not supported by the Russian liberal intelligentsia, which was still hoping for reform from the top of the system. McFaul, Michael, 2001, page 65)

<sup>81</sup> McFaul, Michael, 2001, page 65

<sup>82</sup> McFaul, Michael, 2001, page 56

<sup>83</sup> The Party Conference was revived to approve policy changes between the Party Congresses. The first Party Conference since 1941 was held in 1988. At the 19<sup>th</sup> Party Conference held in June 1988 a document was ratified which validated that the next Party Conference could replace up to 20 percent of the Central Committee. This did not change the political institution of the Soviet Union. McFaul, Michael, 2001, page 45.

<sup>84</sup> McFaul, Michael, 2001, page 45

<sup>85</sup> McFaul, Michael, 2001, page 45

<sup>86</sup> McFaul, Michael, 2001, page 46

Boris Nikolayevich Yeltsin<sup>87</sup> was a former politburo candidate, and his political career was restarted at the 19th Party Conference, where he had a sharp exchange with a current politburo member. At the Party Conference Yeltsin became known as a radical reformer and at the same Party Conference it became clear that the Communist Party was hard to influence from within. The informal movement which was not represented at the Party Conference doubted Yeltsin character while other saw him as an ally and possible leader. The Party Conference was televised live which further politicised the Soviet society<sup>88</sup>.

#### *The Congress of People's Deputies*

In 1988 Gorbachev realised that the economic reform which he found so important could not pass the Party so he revived the old Bolshevik institution of the Soviets. The Soviets “rubberstamped” decisions made by the Party, but Gorbachev wanted to give the institution real legislative power. The creation of the independent semi-competitive institution, which was named the Soviet Congress of People's Deputies, should separate the party and the state. Gorbachev furthermore hoped that he, through the Congress, could be elected Head of State, which meant that the Central Committee would not be able to remove him as General Secretary. He hoped that his economic reform, through this re-established state institution, could pass<sup>89</sup>. In other words, he both wanted his reform agenda and his own power separated from the Party, which I find was because he had lost faith in the Party, due to their reluctance to make changes within the system, in fear of losing power and benefits. At the election to the Soviet Congress of People's Deputies Yeltsin won a landslide victory in Russia. The denominator between Yeltsin and his supporters was criticism of the Party-state<sup>90</sup>.

#### *The First President of the Soviet Union*

During the 19<sup>th</sup> Soviet Congress of People's Deputies, Gorbachev was elected as chairman for the Congress and the Supreme Soviet. He furthermore proposed to create an Office of President of the Soviet Union. The Politburo approved the idea without agreeing

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<sup>87</sup> Boris Nikolayevich Yeltsin was born the 1. February 1931 and died the 23. April 2007.

<sup>88</sup> McFaul, Michael, 2001, page 67

<sup>89</sup> McFaul, Michael, 2001, page 48

<sup>90</sup> McFaul, Michael, 2001, pp.70 -72

about the details of power of the new Office of President<sup>91</sup>. Gorbachev's liberal advisors, which supported the creation of a strong state, wanted Gorbachev to hold a direct election, because it would give him more legitimacy and more power and a mandate independent of the Congress. But Gorbachev decided that the Congress should elect the president, because he at that time, did not find, that there was time enough, to set up an election. The construction of the new executive power had to be defined quickly, so his agenda could be approved, and therefore there was no sufficient time for a long discussion about the office. Even though the first president would be elected by the Congress, it was agreed that the next president should be elected by a referendum. The 15<sup>th</sup> of March 1990 Gorbachev won the election and became President of the Soviet Union<sup>92</sup>. He granted himself more power as president to pursue the execution of his economic reform policies<sup>93</sup>. Around the election in 1990 the CPSU had, due to Gorbachev's liberalisations, split into many different political groups. The conservative wing eventually saw Gorbachev's liberalisation as treacherous, and decided to resist him<sup>94</sup>.

*Yeltsin and the Russian Congress of People's Deputies*

In 1990 the Russian Communist Party, which was one of the political groups from CPSU, became the largest coherent faction, in the election to the Russian Congress of Peoples Deputies, followed by Democratic Russia<sup>95</sup>. The conservative communists, also won 40 percent in the election, but were threatened by the success of Democratic Russia. The conservative communists, even though they had the largest number of seats, saw how the elections swung in favour of the democratic opposition<sup>96</sup>. Up to the election, Democratic Russia nominated Yeltsin as their candidate, as chairman of the Russian Congress<sup>97</sup>.

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<sup>91</sup> McFaul, Michael, 2001, page 52

<sup>92</sup> McFaul, Michael, 2001, page 52

<sup>93</sup> McFaul, Michael, 2001, page 53

<sup>94</sup> McFaul, Michael, 2001, pp 81-82

<sup>95</sup> McFaul, Michael, 2001, page 85

<sup>96</sup> McFaul, Michael, 2001, page 86

<sup>97</sup> McFaul, Michael, 2001, page 86

McFaul finds that CPSU and Gorbachev, did not devote much attention to the election, and were maybe not aware, of the importance of the Russian Congress of People's Deputies<sup>98</sup>. Yeltsin was elected chairman even though Democratic Russia was a minority; he succeeded in gathering a majority on the issue of Russian sovereignty. Yeltsin and his allies, soon after his victory, began a political battle against Gorbachev and the Soviet government, concerning the ancien régime's lack of reform and willingness hereto. The battle between the ancient regime and the Democratic Russian, with Yeltsin as chairman, led to a statement, in May 1990, in which Yeltsin advocated for Russian sovereignty, as a solution to the many problems in Russia<sup>99</sup>. The Russian Congress of People's Deputies voted on it a couple of months later and the result was an overwhelming support to declare Russia sovereign. Even though Russia was declared sovereign, it was not de facto immediately; the same with recognition of it in the international community<sup>100</sup>.

*Gorbachev and Yeltsin in a Trial of Strength*

The Soviet Government announced a market reform which would raise prices in spring 1990<sup>101</sup>. Yeltsin and his government refused to let this reform operate in Russia, and his government therefore created their own Commission, which made a plan called the 500-day plan<sup>102</sup>. Negotiations about the two economic reforms were therefore necessary, and Gorbachev realised that he had to work together with his rival Yeltsin, to find a joint standpoint. The reason why it was so important for the Soviet Government to create a joint plan was that it would signal unity and create relations, which Gorbachev, in the end thought, could save the Union<sup>103</sup>. The negotiating process was promising, but the plan was not. The whole idea was that the Soviet command economy within 500 days should be replaced with a market system. Gorbachev saw the plan as a provocation from the Russians, and as a way to promote Russian sovereignty and not market economy<sup>104</sup>. The debate over the 500-days plan was a political one. Both sides knew that it was not realistic

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<sup>98</sup> McFaul, Michael, 2001, page 87

<sup>99</sup> McFaul, Michael, 2001, pp. 87-88

<sup>100</sup> McFaul, Michael, 2001, page 88

<sup>101</sup> McFaul, Michael, 2001, page 98

<sup>102</sup> McFaul, Michael, 2001, page 99

<sup>103</sup> McFaul, Michael, 2001, page 99

<sup>104</sup> McFaul, Michael, 2001, page 100

to implement a new system in only 500 days, but the debate revealed, which of the sides, were more radical. This undermined the Soviet Government, and made them look, as though they were not interested in reforms<sup>105</sup>. Of course, this was a political fight, but also an ideological fight, where the Russian side wanted a free market and the Soviet side wanted change, but not to abandon socialism<sup>106</sup>.

*The 1991 Elections and the Baltic Invasion*

In March 1991 a referendum concerning the preservation of the Soviet Union was held. The result surprisingly showed that a majority of Russians did not wish sovereignty. Many demonstrations showed significant support for democracy, and even though a majority did not want sovereignty, they wanted political change<sup>107</sup>. Moldova, Georgia, Armenia, Lithuania, Latvia and Estonia refused to hold the referendum regarding sovereignty. Other republics changed the wordings or like Russia implemented their own questions. In the Russian referendum ballot, a question regarding the creation of a Russian president was supplemented. The question received overwhelming support<sup>108</sup>. In June 1991 Boris Yeltsin was the first to be elected president of Russia<sup>109</sup>. McFaul finds that a result of the disrupted power balance in the Soviet Union, resulted in Soviet troops attacked Latvia and Lithuania<sup>110</sup>.

There was, within USSR Supreme Soviet, created an organisation which would fight for the Soviet Union at every cost, the organisation was named Soyuz<sup>111</sup>. The organisation accused Gorbachev for loosing Eastern Europe, and for the disintegration of the Soviet

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<sup>105</sup> McFaul, Michael, 2001, page 101

<sup>106</sup> McFaul, Michael, 2001, page 102

<sup>107</sup> McFaul, Michael, 2001 page 95

<sup>108</sup> McFaul, Michael, 2001, page 89

<sup>108</sup> McFaul, Michael, 2001, page 103

<sup>109</sup> McFaul, Michael, 2001, page 89

<sup>110</sup> McFaul, Michael, 2001, page 90

<sup>111</sup> Soyuz, an alliance dedicated to preserve the Soviet Union. The alliance was founded by colonel Victor Alksnis and Yuri Blokhin, both members of the USSR Supreme Soviet. In December 1990, Soyuz were a part of forcing Shevardnadze to resign and pressured Gorbachev to put aside the reformist policies.

McFaul, Michael, 2001, page 91



Union<sup>112</sup>. Democratic Russia chose after the Baltic intervention, to change strategy, and to pursue confrontations, instead of fruitless negotiations with the Soviet authorities, and staged a lot of demonstrations in Moscow, where more than 200.000 participated. The demonstrations were protests against the Baltic invasion and the referendum on the preservation of the Union, which the democratic anti-Soviet forces had lost<sup>113</sup>.

*The New Union Treaty and the August Putsch*

Three month after Yeltsin was elected president of Russia, the need for balance of power, was necessary and both Gorbachev and Yeltsin were willing to compromise. Therefore they agreed to a new union treaty, which made the republics more independent, but at the same time assigned the Soviet Union the responsibility for defence, foreign policy and commerce. The compromise between Gorbachev and Yeltsin was met with opposition from all sides<sup>114</sup>. The conservative communists found, that if they had to preserve the territorial integrity of the Soviet Union, they had to seize power before the treaty was implemented. While Gorbachev was on vacation, the Emergency Committee, eight Soviet top-officials, launched the coup. Gorbachev was the only one who was directly removed from power<sup>115</sup>. Yeltsin as the President of Russia began to organize resistance and called on the Russian citizens and military to obey him and not the anti-constitutional Emergency Committee<sup>116</sup>. Those who chose side chose Yeltsin's side. The Emergency Committee gave up in the end, due to no popular mobilisation, and pleaded Gorbachev to return as the leader of the Soviet Union<sup>117</sup>. Gorbachev accepted the political victory won by Yeltsin and his allies and resigned from power the 25 of December 1991<sup>118</sup>.

***Institutional Design in the First Russian Republic***

The failed Putsch became one of the most important turning points in Russian history. The atmosphere in Russia was euphoric. It was a cardinal break with the totalitarian

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<sup>112</sup> McFaul, Michael, 2001, page 91

<sup>113</sup> McFaul, Michael, 2001, page 93

<sup>114</sup> McFaul, Michael, 2001, pp. 104 -105

<sup>115</sup> McFaul, Michael, 2001, page 106

<sup>116</sup> McFaul, Michael, 2001, page 107

<sup>117</sup> McFaul, Michael, 2001, page 110

<sup>118</sup> McFaul, Michael, 2001, page 127

communist regime, and was seen as a victory for the democratic forces<sup>119</sup>. The democratic forces took advantage of their political power to arrest the coup leaders and ban the CPSU. This marked the death of communism and would, a couple of month later also, mean the demise of the Soviet Union<sup>120</sup>. For Yeltsin it also signalled a new period where he had to cope with a frail economy, stabilise an equally frail system, create new borders and learn the democratic principles<sup>121</sup>. The Russian Federation now had the opportunity to pursue both economic and political change simultaneously, but even more important was it, to quickly delineate new borders. Russia furthermore had no sovereign currency or military. After December 1991 and the creation of the Commonwealth of Independent States<sup>122</sup>, there still existed confusion in Russia and in the surrounding independent states, as to where they belonged<sup>123</sup>.

### *Dismantling the Soviet Union*

The Baltic republics declared independence a couple of month before the August Putsch, and more followed after. Yeltsin took over many of the Soviet Union's administrative work and ministries. He also made a strategy to neutralise the power ministries, because the Soviet armed forces, the Ministry of Internal Affairs and KGB, were the only bastions which had the power to alternate a union-based administrative authority. After long negotiations the heads of the different ministries were replaced and the ministries were allowed to exist under Soviet jurisdiction during the transitional phase. After the dissolution of the Soviet Union the ministries came under Russian jurisdiction without any internal reform of civilian control<sup>124</sup>.

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<sup>119</sup> McFaul, Michael, 2001, page 121

<sup>120</sup> McFaul, Michael, 2001, page 122

<sup>121</sup> McFaul, Michael, 2001, page 122

<sup>122</sup> Commonwealth of Independent States (CIS):

After the Soviet Union collapsed in August 1991, the Commonwealth of Independent States (CIS) was formed. The political, territorial and psychological locations were however still uncertain. For example there were multiple problems with ethnic Russians in the old Soviet republic and on the other hand problems with ethnical minorities inside Russia. McFaul, Michael, 2001, page 123

<sup>123</sup> McFaul, Michael, 2001, page 123

<sup>124</sup> McFaul, Michael, 2001, page 133-135

After the Putsch, negotiations started about the future of the union. Gorbachev fought for an Executive Council at union level, and tried to get the head of the different republics to sign the accord, but they refused. Gorbachev still hoped that a new union treaty could be signed the 20 of December 1991, but Yeltsin destroyed this plan. Yeltsin was convinced that the future of the Soviet Union had to be clarified pronto. He therefore made an accord which would dissolve the Soviet Union. The foundation of the Soviet Union was in 1922 signed by three republics, Belarus, Ukraine and Russia and Yeltsin therefore sat up a meeting in Belarus, the 8th of December 1991, where the same signatory republics, should sign the new accord, which would dissolve the Soviet Union as legally as possible. The three head of republics signed it and feared the following reaction. Many were in shock over the signing of the accord, which dissolved the Soviet Union, but even so, the accord was ratified in the Supreme Soviet. Gorbachev had the possibility to make resistance calling upon the KGB, or the military, but even though he was against the accord, he did not act on it. After this event Yeltsin could overtake the Kremlin, possess the codes to Soviet nuclear power, and gain the support of the Soviet military. He furthermore enjoyed the support of the head of the new independent republics<sup>125</sup>.

### *Creating Russia*

One of the most urgent problems in Russia, at that time, was the unresolved economic situation. Yeltsin therefore appointed a young economist Gaidar and his team as head of government and to create a radical economic reform. Gaidar chose a neo-liberal economic-political strategy where the state should intervene as little as possible in the market. This maybe sounds strange, but his strategy was made in consideration to the new state, which did not have capacity to implement economic reforms and especially not through administrative means. Heavy reform, like gradual prize liberalisation and state-run competitive auctions of enterprises, need a strong state to be implemented, and Gaidar acknowledged the weakness of Russia and made the strategy<sup>126</sup>.

The primacy of the economic reform meant little attention to designing new political institutions in the new country<sup>127</sup>. Yeltsin and his team were, according to McFaul,

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<sup>125</sup> McFaul, Michael, 2001, pp. 135-140

<sup>126</sup> McFaul, Michael, 2001, pp. 140-143

<sup>127</sup> McFaul, Michael, 2001, page 146

convinced that the executive authority had to be strengthened to enhance the implementation of the economic reform, and to protect it against populist and especially communist interference. The power of the Russian President was not clear, because the constitutional amendment, which was the frame of the presidency, had been set up in haste. To strengthen the executive power, Yeltsin obtained legislative power to rule by decree for one year, beginning in November 1991<sup>128</sup>. With this new power Yeltsin formed his government and appointed himself prime minister. Officials from the former Soviet regime and from the CPSU were given positions of political power which was a quite controversial decision, but I find he found them qualified to govern. He also took in new people like Gaidar and Burbulis, his closest advisors. He furthermore refused to create a presidential party, because as he said, he was elected on non-party basis, and he wanted to act as a president for the entire Russian population. He, moreover, distanced himself from Democratic Russia, which was the party many thought, should be the presidential party, but he only thought, were good protest organisers, but poor governors<sup>129</sup>. I find that it is very important to notice that Yeltsin strengthened his executive and legislative power, both to implement economic reforms, but also to create stability, because he wanted to control the communist forces.

Russia was, after the August Putsch, in a confused state. Everything from the constitution to the economic reform was debated and discussed. Democratic Russia supported the economic reform even though they were not likely to benefit from it on short term. Many others were against and found it too radical. Democratic Russia no longer had a common goal, their aim had succeeded and the Soviet Union had collapsed. They still supported Yeltsin, but as he gained more executive power, some earlier supporters feared Yeltsin would create an authoritarian system, instead of a democracy, and left the group<sup>130</sup>.

### *The Battle of Power*

Gaidar's economic reform got a good start in January 1992. But the prices quickly skyrocketed. The Russian population did not complain, they hoped for a better future and put up with it. Instead the Supreme Soviet and the Russian Congress of People's Deputies

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<sup>128</sup> McFaul, Michael, 2001, page 147

<sup>129</sup> McFaul, Michael, 2001, page 154-157

<sup>130</sup> McFaul, Michael, 2001, page 161-175

reacted negatively and formed a coalition, in April 1992, against Gaidar's economic reform. The problem was, moreover, that Yeltsin before the reform had promised a quick economic turnaround with results already in fall 1992<sup>131</sup>. Gaidar ended his term in the end of January 1992, after a period with high inflation, and Yeltsin began to work together with the centrist party Civic Union<sup>132</sup>, making a compromising economic reform<sup>133</sup>. The reactions on the compromise were heated and no one supported it.

At the Seventh Congress in 1992, the new Prime Minister from Civic Union was elected, but this did not change the situation between the conservative Congress and Yeltsin and his government. The debate about the economic reform was instead superseded by a debate about the presidential-parliamentary balance of power<sup>134</sup>. After a long fatiguing conflict, where Yeltsin had called for state of emergency, which was annulled by the Constitutional Court, the two conflicting sides agreed on a compromise. The compromise was a referendum in April 1993, where the population was asked to take a position<sup>135</sup> to Yeltsin and his reforms, and whether or not new elections should be held earlier than scheduled<sup>136</sup>. Yeltsin won the referendum, surprisingly enough, in a period with painful economic transformation. He used his victory to legitimise a presidential constitutional draft.

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<sup>131</sup> McFaul, Michael, 2001, pp. 180-181

<sup>132</sup> The Civic Union supported Yeltsin's first program for the post communist government, it apposed strongly against the shock therapy and were all in all a third way between the Democratic Russia and the militant communist groups. The Civic Union supported the general goal of privatization, but was of the opinion that the property should be handed over to the managers and directors instead of outside owners. Calibrated wages and price indexing were the right way of preserving the economy according to the Civic Union. McFaul, Michael, pp. 165-166

<sup>133</sup> McFaul, Michael, 2001, page 183

<sup>134</sup> McFaul, Michael, 2001, pp. 184-185

<sup>135</sup> The referendum questions were drafted by the Congress and were a following: 1. Do you trust Russian President Yeltsin? 2. Do you approve of the socioeconomic policy conducted by the Russian president and by the Russian Government since 1992? 3. Should the new presidential election be conducted earlier than scheduled? 4. Should the new parliamentary election be conducted earlier than scheduled? McFaul, Michael, 2001, page 189

<sup>136</sup> McFaul, Michael, 2001, pp. 185-189

At the Constitutional Conference which was created shortly after the referendum, both Yeltsin's presidential draft and Romyantsev's parliamentary draft<sup>137</sup>, was considered. The Congress threatened to approve the Romyantsev constitution, which they were in favour of, at the Tenth Congress, which they had the power to do. The powers of the institutions were not properly delineated and both the Congress and the president had mixed and overlapping rights. In fear of the approval of the Romyantsev draft at the Tenth Congress, Yeltsin used his power to issue Presidential Decree 1400, the 21 September 1993, which dissolved the Congress and the Constitutional Court. The Congress was furious and met the 23 of September and appointed Aleksandr Rutskoi<sup>138</sup> as President of Russia. Russia now had, as in 1991, two executive powers, which led to a bloody conflict. The 3rd and 4th of October 1993 Rutskoi's forces attacked. Yeltsin made a contra attack and ended the conflict in victory. During the two days of civil war hundreds of people died<sup>139</sup>.

### *The Emergence of the Second Russian Republic*

Besides the demise of the Congress of Peoples Deputies and the end of the First Russian Republic, Yeltsin's successful, yet brutal, use of force gave him power to design new institutions independent of other political actors<sup>140</sup>. Yeltsin was now in a position where he had a lot of power, due to the dissolved Congress. He acknowledged that a political reform was necessary to outline the balance of power, which had been the reason for the conflict. He therefore formed a group that should draft a new constitution. The draft was published and the constitutional referendum was scheduled 4 weeks later and ratified<sup>141</sup>.

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<sup>137</sup> Romyantsev were a coauthor of the first draft of the constitution. He was secretary in the Constitutional Commission. This first draft proposed a weak semi presidential system and spoke of separation of the power in the executive, the legislative and the judicial branches. But the parliament was very powerful in this draft because the president did not have the power to dissolve the parliament.

McFaul, Michael, 2001, pp. 168-169

Aleksandr Rutskoi was Yeltsin's vice president and a military officer. He disapproved of the institutional design of the First Russian republic in 1991. McFaul, Michael, 2001, page 139

<sup>139</sup> McFaul, Michael, 2001, page 189-198

<sup>140</sup> McFaul, Michael, 2001, page 204

<sup>141</sup> McFaul, Michael, 2001, pp. 207-210

*The Constitution*

The new constitution gave the president increased power, changed the legislative branch and gave it less power. McFaul find that the organisational structure broke with past practises. The new legislature consisted of a bicameral national parliament, with an upper and lower house. The new constitution reaffirmed the independence of the judicial system and the Constitutional Court, but some of the institutional arrangements at the same time decreased the power of the court, because the president himself nominated the judges. Yeltsin furthermore downplayed the importance of separation of power, because he feared that separation could create a situation, as the constitutional crisis with dual power<sup>142</sup>. The same date as the constitutional referendum, Yeltsin also hold the parliamentary referendum to a parliament, which did not exist unless people voted yes to the constitution. This was intentional because Yeltsin hoped it would then be easier to pass the constitution. Yeltsin was, furthermore, according to McFaul, not interested in being a dictator much longer, which he was without a parliament<sup>143</sup>.

The constitution was ratified. Even though the State Duma, as well as other political actors, thought the constitution gave the president too much power, no one made resistance. The State Duma instead focused on survival and on legitimising its existence<sup>144</sup>. The constitution, furthermore, introduced proportional representation to half of the seats in the State Duma, which was a mistake made by Yeltsin's team. After 1993 they tried to collect the necessary voters to amend the electoral system which failed and they gave in<sup>145</sup>.

*The War in Chechnya and Election to the State Duma*

The borders of the Russian Federation were a contested matter, and several republics did not immediately recognise the legitimacy of the new constitution. But where the other republics in the end recognised the constitution Chechnya refused and declared independence. The 10 of December 1994, this led to a Russian invasion to defend the constitutional order and the territorial integrity. During the civil war, which dragged out and was a military disaster, many died. The State Duma was split in the matter and even

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<sup>142</sup> McFaul, Michael, 2001, pp. 207-213

<sup>143</sup> McFaul, Michael, 2001, pp. 215-216

<sup>144</sup> McFaul, Michael, 2001, pp. 228-241

<sup>145</sup> McFaul, Michael, 2001, pp. 313 - 314

though this situation put pressure on the political system, it was never pushed over the edge.

The war in Chechnya made Yeltsin unpopular but the anti-Yeltsin forces did not succeed to unite or challenge the constitutionality of the war. The constitutional court was meet with human right activist questioning the legality of the war but the Constitutional Court was a the same time overburdened with Yeltsin loyalist which McFaul finds made Yeltsin win through<sup>146</sup>.

To the State Duma election in 1995 the opposition force, which consisted of the communists, were very keen on supporting democratic principles, because they believed that they, due to democratic elections, could return to power. Since 1993 the public support had shifted from Yeltsin to his opponents, due to the war in Chechnya, the economic crisis, increasing crime and social inequality. The democrats were furthermore in disarray<sup>147</sup>. The election to the State Duma in 1995, a very cold winter, gave more power to the opponent parties, especially the Communist Party of the Russian Federation (CPRF)<sup>148</sup>. McFaul finds that the election showed that the Russian population took the democratic rule seriously and 65 percent voted. That may not sound of much, but for Russia it was. It was a significant improvement compared to the 1993 election. This should also be seen in the light that it is an election to an institution with little power. This shift in support almost made Yeltsin postpone the presidential election in June 1996, because he feared that it would turn out to be a communist victory<sup>149</sup>. Luckily enough, he did not postpone the election and he won. If he had postponed the election in fear of a return to the communist, he would violate his own constitution, and would not be able to convince anyone about his fight for democracy<sup>150</sup>.

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<sup>146</sup> McFaul, Michael, 2001, pp. 257-258

<sup>147</sup> McFaul, Michael, 2001, pp. 279-281

<sup>148</sup> CPRF: The CPRF, the Communist Party of the Russian Federation, rebuilt itself between 1993 and 1995 to a grassroots political party, and there were representatives in every town in Russia. In this period they also formed a youth organization and strengthen the connections with women groups and trade organizations. McFaul, Michael, 2001, page 283

<sup>149</sup> McFaul, Michael, 2001, pp. 285-289

<sup>150</sup> McFaul, Michael, 2001, page 289- 290



*Yeltsin's Legacy*

To lead Russia out of communism required a strong leader. It also needed a leader with charisma and courage to break with the past, and force the political forces to leave the past behind. But to introduce a new system and surrender executive power to other institutions requires yet another kind of leader<sup>151</sup>. I find that Yeltsin was a good leader in the first case, not the second. He destroyed the shattered regime, a destruction which Gorbachev unintentionally had begun<sup>152</sup>. Lilia Shevtsova<sup>153</sup> which I will use in this paragraph and in the next part of my analysis is a professor of political science at the Moscow State Institute of International Affairs and Senior Associate at the Carnegie Endowment for International Peace and has written books about both Yeltsin and Putin.

When Yeltsin came to power, the Russian political class was aware, that they needed to reject some of the principles, which had existed in Russia for centuries. For the first time Russia had a regime, with which elections legitimised its power, instead of ideology, communist totalitarianism or tsarist succession, to the throne. Yeltsin introduced a free market which weakened the states control and introduced political pluralism. But something had not changed. Executive power remained personalised and dominant<sup>154</sup>. The system which Yeltsin created was at no time fully consolidated, and this gave room for what Shevtsova calls a hybrid regime in the grey zone between democracy and authoritarianism. When he dismantled the Soviet Union and amended the constitution in his favour, he created a regime, which was based on a leader that had a lot of power. Shevtsova finds that Yeltsin, destroying the old system, can be called a revolutionary, but at the same time he also tried to restore what Gorbachev had tried to undermine; autocracy<sup>155</sup>. She furthermore writes that it was Yeltsin and not Putin who re-established the old model of rule and he in some ways both rejected and restored the tradition<sup>156</sup>. I do not find did Yeltsin made the constitution to restore authoritarian conditions, on the contrary. The fact that the president legitimises his power by elections, have made it impossible to resort to

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<sup>151</sup> Shevtsova, Lilia, 2007, page 1

<sup>152</sup> Shevtsova, Lilia, 2007, page 2

<sup>153</sup> [http://www.carnegieendowment.org/experts/index.cfm?fa=expert\\_view&expert\\_id=5](http://www.carnegieendowment.org/experts/index.cfm?fa=expert_view&expert_id=5)

<sup>154</sup> Shevtsova, Lilia, 2007, page 3

<sup>155</sup> Shevtsova, Lilia, 2007, page 5

<sup>156</sup> Shevtsova, Lilia, 2007, page 5

the past. The president is now dependent on popular support, and if Yeltsin wanted to a return to authoritarian conditions, he would not have implemented elections where he is dependent on popular support.

Shevtsova also argues that the political actors, which could have moved Russia in another direction, in the first years after the dissolution of the Soviet Union, were not fully formed and the leaders were not able or willing enough. I think she has got a point. I do not find that the political actors were fully mature to affect the development. The democratic force was much divided and already in 1993 began to doubt their leader's vision. I will also agree with Shevtsova that these things combined, have stopped the Russian Federation in a grey zone, with no desire to return to the old system and with lack of resources to move forward<sup>157</sup>. I also find that the focus, due to the economic situation in the Russian Federation, has shifted from democracy to a desire for a stabile society and a functioning market. I find that this shift already occurred in the early years of Yeltsin. I will also return to this issue in my analysis.

There are three things which affected the Russian development in the 90s, the historical legacy, the institutions and the role of the president<sup>158</sup>. Russia faced very severe challenges in the 1990s and had to create a whole new political framework. The Russian society also had to learn the democratic principle of legitimising through elections, and to create a new state. To democratise a regime and create a new system is a big challenge, but to do it at the same time, may seem impossible. According to Shevtsova, and Bratton a stable state is a very important precondition for a successful democratisation, but in Russia, in the beginning of the 90s, everything was unstable.

The obstacles did not stop here. Besides trying to democratise a state, which also first had to be created, Yeltsin also tried to create a free market, seeking a new geopolitical role and democratise the political system. Where the western countries over centuries have introduced nation building, capitalism and political democratisation, Russia tried to do all

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<sup>157</sup> Shevtsova, Lilia, 2007, page 6

<sup>158</sup> Shevtsova, Lilia, 2007, page 6

three things in one leap<sup>159</sup>. The other eastern countries, which are now members of the European Union, started their transformation with the establishment of a new political system. Both under Gorbachev and under Yeltsin their main priority was economic reform. No one in Russia around 1990 was unaware of the demise of the Soviet Union, but did not unite in building new political institutions, democracy was envisioned as more or less consisting of holding elections<sup>160</sup>. Maybe it was a sign of naivety when the executive power thought that introducing capitalist economy was enough, thereby ignoring the need of other new institutions. The absence of viable independent institutions together with the mayor economic reform could become a destabilising factor, which would push the ruling forces away from democracy, in order to defend their own interests<sup>161</sup>.

Russia was in lack of almost all the preconditions, which I have mentioned earlier, wealth, modernisation and national unity, but Shevtsova writes that other countries have shown that effective leadership can compensate for some preconditions and have successful transitions to democracy, provided that the elite is ready to break with the past<sup>162</sup>. I find that Yeltsin did break with the past, but instead of effectively implementing democratic institution, he focused on economic reforms and keeping the communists from power. I also find that the Constitution of the Russian Federation was designed, as it was to create stability and secure power.

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<sup>159</sup> Shevtsova, Lilia, 2007, page 9

<sup>160</sup> Shevtsova, Lilia, 2007, page 9

<sup>161</sup> Shevtsova, Lilia, 2007, pp. 9-10

<sup>162</sup> Shevtsova, Lilia, 2007, page 12

## The Executive Power and Democratisation

I will in my analysis examine the cause of democratisation in Russia. I find that the cause for democratisation can be found within the framework of institutional legacies. I have come to that believe, because I as mentioned earlier, found that Russia lacks the other causes for democratisation, which normally can be found in a transition to democracy. The framework of institutional legacies can be used to examine the institutional dynamic and thereby the possible outcome, the institutional legacies have had on the role of the executive power in the democratisation of Russia.

### *Strong Executive Past and Present*

According to the framework of institutional legacies, one of the dangers of the executive power can be if the power is embedded in the traditions of the old rule. This is especially a danger if it is a continuation of the old authoritarian rule, which is not beneficial for democratisation.

In tsarist times the centralised autocracy was build on the basis of hierarchy. The tsar was the ultimate decision making authority and his position was legitimised by the position as the formal head of the Russian Orthodox Church. The tsar was assisted by a large administration, consisting of advisory councils, bodies which undertook information gathering. In tsarist times, representative bodies also existed, for example Zemskii sobor, which was established in the mid sixteen century and the State Duma, which was created in 1905. The representative bodies rarely functioned, and they never constrained the actions of the tsar. If the tsar found the representative body was to inconvenience, he either ignored or dissolved the body without hesitation<sup>163</sup>.

The Soviet period, 1917 – 1991, was a continuation of the tradition of a strong chief executive leading a massive state bureaucracy. The core characteristic of the Soviet system was its centralised, hierarchical structure, where a huge bureaucratic apparatus, were ruled by a small communist elite. The focus for the executive power was to consolidate and maintain the power within the state apparatus. Due to the huge administration, a leader's

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<sup>163</sup> Willerton, John P., see White, Stephen et al, 2005, pp. 20-21

ability to promote their policy agenda was dependent of their skills. The growing policy problems eventually necessitated a fundamental reform of the executive power and the centralised party bureaucracy. These reforms proved central to the later collapse of the Soviet Union. Gorbachev's reforms, as mentioned earlier, from 1985 to 1991, shifted power away from the party to the new legislative body and the President of the Soviet Union. The aim was that through the new viable legislature and with the independent president guiding, political consensus could be achieved. The federal changes were copied to the lower level of the system, where politicians, including Yeltsin, tried to use the new system to advance their own agendas, thereby challenging the Soviet authority<sup>164</sup>.

I find that Gorbachev unintentionally started the period of transition. He tried to create bodies separating the Party and the state to implement his agenda. I find he began the transition because he saw it necessary for the stagnated union. His reform agenda did start an escalator of change and I find that he was not aware of the changes and consequences hereof, which came to life. When Yeltsin came to power in Russia the democratic movement wanted further reforms of the society and found that both Gorbachev and the party lacked willingness to do so. Especially the Party was reluctant, because they not only would lose control, power and benefits, but also lost the grip with the whole society, which for decades had been suppressed by the Party.

I do therefore not find that either Gorbachev or Yeltsin wanted a continuation of the traditions. The question which then arises it, why did Yeltsin then construct a presidential constitution, which gave the executive almost hegemonic powers? Another danger according to the institutional legacies is if the executive enjoys legislative power and use it to further enhance the executive power. I find that both the decrees and the constitution are important to examine in this section. I will start by discussing the decrees and will thereafter examine the making of the constitution and the impact of this for democratisation.

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<sup>164</sup> Willerton, John P., see White, Stephen et al, 2005, page 21

*The Presidential Decrees*

Yeltsin was in 1991 by the Congress allowed to issue decrees. In the 1993 constitution this power was implemented<sup>165</sup> and the president in office thereby got legislative power. With the decrees the president can make institutional and policy changes and the decrees have the force of law and are binding in the whole Russia, as long as they do not contradict the law or the constitution. The administration is, as I have mentioned earlier, huge. With the top-down power of the decrees the president has a weapon, which he can use directly in activities, without being troubled with conflicting ministries and slow administration. The parliament can override a decree, but that requires a two-third majority in both houses<sup>166</sup>.

Decrees have had a significant impact on Russian politics. Yeltsin issued, in his nine years in power, two thousand decrees. They spanned from institutional changes to policy concerns. In Putin's first term he issued more than five hundred decrees. During his first term Putin and the parliament came closer to each other and the political gap closed in, which made some of the decrees unnecessary. With support in the parliament Putin could use the legislative process instead<sup>167</sup>. I do not find that the president's right to issue Presidential decrees is advancing for democratisation. This makes the executive power able to make legislation without the parliament. Because it is difficult to annul a decree I conclude that the executive power obtain legislative power. The use of decrees, I find, is connected to the support of the State Duma and I will examine the executive powers relation to the State Duma more closely later in this analysis.

*The Constitution and the Executive Power*

Besides the decrees, which give the executive power legislative power, the constitution is also important. According to the institutional legacies a president can try to enhance his own power by changing the constitution which not enhances further democratisation. The constitution also delineates the institutional dynamic and thereby the role of the executive power.

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<sup>165</sup> <http://www.constitution.ru/en/10003000-05.htm>

<sup>166</sup> Willerton, John P. see White, Stephen et al, 2005, pp. 24-25

<sup>167</sup> Willerton, John P. see White, Stephen et al, 2005, pp. 24-25

The constitution was, as I have mentioned earlier, approved by referendum in a time of suppression of the opposition's political forces. The conflict between the conservative Congress and the president ended in violence, and the 1993 constitution is the winner's constitution, not a constitution created on consensus<sup>168</sup>. The starting point for the making of the new constitution in 1990 was the 1978 RSFSR Constitution, which was built on the Breznev Constitution from 1977. The constitution had been amended by Gorbachev to fit with the Perestroika, but still contained all the Soviet attributes. The work for the new constitution began at the First Russian Congress of People's Deputies, June 1990<sup>169</sup>. At the Congress a Constitutional Commission was set up<sup>170</sup>. From the beginning there were two different approaches in the Constitutional Commission, a presidential- and a parliamentary approach. The advocates of the presidential approach argued that their approach could secure stability and balance of power. The advocates of the parliamentary approach argued that it was better with a constitution, where the government was accountable to the parliament<sup>171</sup>. Sheinis finds that a democratic constitution only could have been approved in 1991, immediately after the August Putsch, in the democratic upheaval, but the democratic forces missed the moment<sup>172</sup>.

#### *The Power of the Executive Power*

The 1993 constitution states that the president defines the direction of domestic and foreign policy, and represents the country both domestically and internationally. He, furthermore, as head of state, is commander in chief for the armed forces and can thereby declare state of emergency, call for referendum and suspend the decisions of the other state bodies, if their action violates the Constitution or the federal law<sup>173</sup>. As easy it is for the president to suspend the other institutions, as hard is it to suspend or remove the president. It requires among other two-third majority in the lower and upper house<sup>174</sup>.

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<sup>168</sup> Sheinis, Viktor see McFaul, Michael et al, 2004, page 56

<sup>169</sup> At the same Congress the deputies approved the Declaration of Sovereignty which established the supremacy of the constitution over the Soviet Union. In retrospect it was the first legally formulated step towards the collapse of the Soviet Union. Sheinis, Viktor see McFaul, Michael et al, 2004, page 58

<sup>170</sup> Sheinis, Viktor, see McFaul, Michael et al, 2004, pp 57-58

<sup>171</sup> Sheinis, Viktor, see McFaul, Michael et al, 2004, pp. 59-60

<sup>172</sup> Sheinis, Viktor, see McFaul, Michael et al, 2004, pp. 59-60

<sup>173</sup> Willerton, John P., see White, Stephen et al, 2005, page 23

<sup>174</sup> Willerton, John P., see White, Stephen et al, 2005, page 24

The government is selected by the president, not on a parliamentary basis, and the government follows the directions issued by the president. All the power ministries are assigned to the president and the rest of the ministries are assigned to the prime minister. The president also nominates a candidate as Prime Minister, after which, the candidate has to be approved by the State Duma. If the State Duma three times rejects the president's candidate, the president can dissolve the State Duma. The State Duma has the right to propose impeachment procedures against the government. The president is not obliged to dissolve the government, but if the State Duma two times within three month begins impeachment against the government, the president can dissolve the State Duma and issue a referendum<sup>175</sup>. I find that all the above mentioned clearly illustrates the dominant power of the executive power, and the dominant role of the executive branch, in relation to the other institutions.

There is no doubt that the executive power in Russia is strong. According to the institutional legacies, it is normally not beneficial of democratisation, to have an executive power with that amount of power. It is neither good for democratisation if the president enhances its power. Yeltsin did, as I have shown, more or less make his own constitution. The constitution was in the making for three years, but the different groups could not agree to the design and the Congress was, furthermore, not in a hurry to finish a new constitution, because they knew it would end their mandate in the Congress. In the end Yeltsin issued the presidential decree 1400, which dissolved the Congress, and the conflict ended bloody. As the winner of the conflict Yeltsin had free hands to write the constitution and he used this power to issue presidential decrees which gave him legislative power and was, furthermore, against a total separation of power because he feared a similar situation as in 1993.

John P. Willerton wrote in 2005 that the biggest constraint on the president was the constitutionally mandated two-term limit for office, each term with four years duration<sup>176</sup>. As I wrote in the introduction, this constrains has now been extended, which I find is

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<sup>175</sup> <http://www.ruslandsinfo.dk/regering.html>

<sup>176</sup> Willerton, John P., see White, Stephen et al, 2005, page 24



solely in the advance of the present president and the following. This action is, according to the framework of institutional legacies, not promising for democratisation and I agree, because the president now only is held accountable for his acts every six year.

### ***The Legislature and the Executive Power***

According to the framework of institutional legacies the legislature is very important for democratisation. A presidential constitution is not necessarily a problem, because a presidential constitution can foster stability. When stability is obtained the legislative power can strengthened the power and thereby balance the executive power<sup>177</sup>. Another problem can be if the legislature is assigned to the executive power which I find will decrease the independence of the legislature. The electoral law is in this connection also relevant because it reflects the political outcome and the political actors' space for participation.

### *The Electoral Law*

The parliament in the Russian Federation is called the Federal Assembly and is separated in the upper and the lower house, the Federation Council and the State Duma. The parliament in the Russian Federation is, as I have written earlier, weak in relation to the executive power. The electoral law is important for the parliament, because electoral law influences the outcome and political actors will therefore always seek to create an electoral law, which gives them the ability to maximise their success in an electoral process. The electoral law in the Russian Federation should therefore reflect the preferences of the dominant executive power. As I have explain earlier, the electoral law does not reflect the preference of the executive power, due to a mistake made by Yeltsin and his administration, Yeltsin and his administration tried to alter the electoral law afterwards, but could not obtain the required majority. That the mistake occurred can be due to the little attention given by Yeltsin and the administration to the creation of the State Duma and the connected electoral law<sup>178</sup>.

The electoral law gave proportional representation to 50 percent of the seats in the State Duma. Yeltsin's advisors stated that the good thing about the mixed system was that it would stimulate party development and democratic consolidation. Yeltsin did not see,

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<sup>177</sup> Bratton, Michael, and Walle, Nicolas van de, 1997, page 246

<sup>178</sup> McFaul, Michael et al, 2004, page 129

according to McFaul, the importance of party development, but his advisors convinced him that his supporters, Russia's Choice, would win a majority, and that he therefore could benefit of the electoral system<sup>179</sup>. Russia's Choice and the other pro-Yeltsin parties did not do well at the election. The proportional representation stimulated party formation as expected, but for the drafters of the electoral law it stimulated the wrong kind of parties because they has hoped for another outcome which would give them support in the parliament<sup>180</sup>.

The parliamentary development in the following years could go two ways; either it could dismantle the presidency, developing a multiparty parliamentary system, or the proportional system of representation could be dismantled, and thereby creating a two-party presidential system. The advisors, which stood behind the electoral law, according to McFaul, hoped for the weakening of the presidential powers by the strengthening of the State Duma. The only way this could succeed, was if constitutional amendment would decrease the power of the president, which thereby would stimulate party power. McFaul finds that such an amendment after Putin is unlikely<sup>181</sup>.

The result of the 1999 election undermined the majority, which was in favour of the proportional representative system, which had existed since 1993. The party Unity, which through proportional representation captured one-quarter of the seats at the 1999 election, was the first electoral block that wanted to eliminate proportional representation, but won seats by proportional representation. The party Unity is, according to McFaul, not surprisingly created by the presidential administration<sup>182</sup>. Since 1999 other parties have joined Unity, which now is named United Russia. The first attempt of United Russia to eliminate proportional representation was to raise the threshold to 7 percent from the 2007 election<sup>183</sup>. McFaul wrote, in 2004, that according to opinion polls, only United Russia and CPRF had electorate enough to make the threshold<sup>184</sup>. McFaul finds that a two-party

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<sup>179</sup> McFaul, Michael et al, 2004, page 130

<sup>180</sup> McFaul, Michael et al, 2004, page 130 -131

<sup>181</sup> McFaul, Michael et al, 2004, page 132

<sup>182</sup> McFaul, Michael et al, 2004, page 133

<sup>183</sup> McFaul, Michael et al, 2004, page 133

<sup>184</sup> McFaul, Michael et al, 2004, page 133

system consisting of United Russia and for example CPRF could easily mean a return to a hegemonic party system. Proportional representation has not been changed, but the single mandate list has, by the 2007 election to the State Duma, been removed. This again limits the small parties' chance which, before this, was elected by the single mandate lists<sup>185</sup>.

It was under Yeltsin that the Russian society began to search for a strong man that could restore order. The hopes from 1991 for democracy had, under the last chaotic years of Yeltsin, been disappointing and this led the way for Putin<sup>186</sup>. Putin quickly gained popular support, because he promised to do what Yeltsin had failed to deliver. He promised to create stability, eliminate corruption and then he looked and behaved nothing like Yeltsin which, Shevtsova finds, was in his advantage<sup>187</sup>. He furthermore enjoyed the support of the pro-president United Russia, which voted as instructed due to the majority in the State Duma. The executive administration thereby continued to be the most powerful institution.

#### *Putin and the Opposition*

Putin used his support to remove anything resembling opposition, starting with the independent press and television owned by the oligarchs. The Putin administration furthermore came up with a scheme, to make life hard for their targeted opponents, by accusing them of petty-offences, which could cause a lawsuit. Shevtsova finds that the courts and prosecutors were forced to participate in the schemes<sup>188</sup>. Besides the 7 percent threshold, which was introduced by the pro-presidential party, United Russia, Shevtsova finds, that the consequence hereof is that only parties with support from Kremlin have a chance for entering the State Duma. To hinder that several small parties would form blocks, a law was passed which banned forming blocs<sup>189</sup>. Opposition candidates can, furthermore, be prevented from taking part in an election due to a spelling mistake or other trivial reasons. Should one succeed, the candidate would be prevented from campaigning,

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<sup>185</sup> <http://www.ruslandsinfo.dk/parlament.html>

<sup>186</sup> Shevtsova, Lilia, 2007, page 42

<sup>187</sup> Shevtsova, Lilia, 2007, page 43

<sup>188</sup> Shevtsova, Lilia, 2007, page 41

<sup>189</sup> Shevtsova, Lilia, 2007, page 48

due to a law that allowed any criticism of the present regime; he would be classified as an extremist and thereby be disqualified<sup>190</sup>.

I find that the balance of power between the legislature and the executive is unequal and that the recent changes of the electoral law has made it even more unequal because it decreased the space and competition of the political actors. I, furthermore do not find, that the legislature has succeeded in gaining more power, on the contrary. This can be connected to the support of the executive power, in which I find that the legislature in higher degree serves the executive than the population. According to the framework of institutional legacies such a development can amount in a hegemonic party which through some kind of clientelism is assigned to the executive power. Such a development is not good for further democratisation. The framework of institutional legacies also notes that that legislature can be affected by the historical legacy which I also can agree to. The State Duma, especially under Putin has to some degree worked as the old “rubberstamping” institution of for example the Soviets.

### ***The Judiciary and the Executive Power***

The judiciary is very important for democratisation, and I will therefore examine the judiciary’s role and examine how this can have shaped the role of the executive power on democratisation. Katrine Hendley writes that many have referred to the Soviet Union as a lawless society. The Soviet Union possessed all the institution and elements of a typical legal system, and the notion about the Soviet Union as a lawless society, is according to her, not correct. All the institutions were under the control of the Communist Party and in some cases the “telephone law” decided the outcome<sup>191</sup>. The “telephone law” means that in cases important for the Party, the Party decided how the judges should act. Besides the interference in cases of importance to the Party, the judiciary functioned without interference<sup>192</sup>.

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<sup>190</sup> Shevtsova, Lilia, 2007, page 48

<sup>191</sup> Hendley, Kathryn, see Herspring, Dale R., 2007, page 100

<sup>192</sup> Hendley, Kathryn, see Herspring, Dale R., 2007, page 100

*A State Based on Rule of Law*

When Gorbachev came to power he wanted the Soviet Union to become a state based on the rule of law. He made reforms which changed the electoral system and put a stop to the “rubberstamping” legislature. The judiciary was closely examined and changed and he, among other things, abolished the life tenure of the judges. All his changes did help on the independence of the judiciary, but it was far from enough<sup>193</sup>. Gorbachev sat up a Committee on Constitutional Supervision, to supervise both the act of the executive, and the legislature, to introduce some kind of check and balance of the institutions. The Committee only existed from 1990 to 1991, but fought in that year, for human rights and tried to make the state live up to the rule of law. The Committee did make some decision, but was ineffective in enforcing them<sup>194</sup>. Hendley finds that it is not good to know what Gorbachev could have accomplished if he was not removed. He started some key reforms which pushed the judiciary away from the soviet legacy and toward a system of rule of law.

*Yeltsin and Rule of Law*

The rule of law under Yeltsin was challenged by the demise of the Soviet Union, the creation of democracy and market reforms, which left the reformers with their hands full. The infrastructure of both democracy and the new market system was implemented as rule of law. The amount of laws was huge and no areas was untouched, but the top-down method of carrying it out, did not pay any attention for whom it might affect and how. For the population it meant a continuation of misbelieve in the legal system<sup>195</sup>. Misbelieve and scepticism in the usefulness of the rule of law did not change, due to the many cases of corruption, in the Yeltsin period.

One of the most drastic reforms, which signified a break with the autocratic tradition, was the creation of the Constitutional Court. The Court can declare acts of the legislative and the executive branches for unconstitutional, which makes it an important player. During the constitutional crisis it supported the parliament, which made Yeltsin dissolve the Court, which first began working again 15 month after the new constitution was ratified. This taught the court to be careful in sensitive political matters. Life tenure has

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<sup>193</sup> Hendley, Kathryn, see Herspring, Dale R., 2007, page 101

<sup>194</sup> Hendley, Kathryn, see Herspring, Dale R., 2007, page 101

<sup>195</sup> Hendley, Kathryn, see Herspring, Dale R., 2007, page 101

been introduced again though judges have to retire from the court at age 65<sup>196</sup>. The necessary building blocks for rule of law have been founded. Judiciary supervision and isolation of the courts from political pressure is very important for the courts independence. In Russia, Hendley finds, still lurks the tradition of dependency, which also makes the population doubt if the court is capable of defending them against Kremlin<sup>197</sup>.

Hendley finds that with Putin's consolidation of power in the State Duma, and the weakening of the upper house, the Federation Council has allowed legislative reforms, which could not had been succeed under Yeltsin. Yeltsin met resistance in the State Duma, with the consequence that the law on different areas is a patchwork of different decrees. This has not only undermined the predictability of the law, but has also left the Soviet Union guiding principles. Putin has on the other hand been able to pass a lot of laws which resembles the Soviet norms of rubberstamping legislation<sup>198</sup>.

The new constitution confirmed an independent judiciary and the Constitutional Court as the final arbiter of constitutional disputes. The work of the Constitutional Court, as mentioned earlier, was suspended indefinitely in the 1993 constitutional conflict, and began to work again fifteen month after the new constitution was ratified. Yeltsin's excuse was that the Constitutional Court was not able to work properly without the ratification of a new constitution. The new Constitutional Court began its work in March 1995. The opposition judges were diluted by Yeltsin, understood in that way, that he expanded the number of judges to nineteen. It was furthermore introduced that Yeltsin nominated the judges who thereafter was approved by the upper house, the Federation Council<sup>199</sup>.

#### *Putin and the Law*

In the late 80s a Judicial Qualifications Commission (JQC) was sat up. The role of the JQC was to objectively examine the candidates and send their recommendations to the president, who finally selected the judges. Normally the president follows the recommendations made by the JQC. Under Putin the composition of the JQC has been

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<sup>196</sup> Hendley, Kathryn, see Herspring, Dale R., 2007, page 102

<sup>197</sup> Hendley, Kathryn, see Herspring, Dale R., 2007, page 103

<sup>198</sup> Hendley, Kathryn, see Herspring, Dale R., 2007, page 103

<sup>199</sup> McFaul, Michael, 2001, page 212

changed. Before it only consisted of judges, and they still compose two-third, but the last part consists of lay people. Putin has been criticised for this, because of the fear of influence on the lay people. The judge in the JQC has seen it as a way for Putin to exert control of the Commission. Hendley finds that it maybe is easier to influence the commission, but also points out, that similar organs in Europe consists of a mixture of judges and laypeople<sup>200</sup>.

To conclude on Putin's role on rule of law is complicated. His legislative agenda has been pushed through the system and has also restricted human rights, and his use of courts on opponents further questions the independence of the judiciary. These acts reminds one of the Soviet way of solving problems, which should not be the case in a country, striving to become a state of rule of law. But on the other side, he has also created the Justice of Peach Courts, which has been responsive to the population, and has relived the pressure on the regional courts, which for many years have had an enormous work load. Furthermore, the use of the courts continues to grow, which suggest a willingness and faith in the system<sup>201</sup>. Russia became a member of the Council of Europe in 1996 and ratified the European Convention on Human Rights in 1998<sup>202</sup>, which I find show the willingness of Russia to make the transition to become a state based on rule of law. I find that this also provides a safety for the population, in cases where the Russian system fails to protect the citizens.

As I have mentioned before, the new constitution also made it hard to dismiss the president. The Supreme Court, a separate organ from the Constitutional Court, is the only one which can decide if the president qualify to the impeachment proceedings. These proceedings can only begin if the Supreme Court finds that the president is guilty in treason or high crimes. Impeachment requires two-third majority in both houses, which has to be followed by a confirmation from the constitutional court and the Supreme Court that the act is an impeachable offence<sup>203</sup>. As I have shown there have been both cases where the judiciary has ruled against the executive power but there are also cases in which

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<sup>200</sup> Hendley, Kathryn, see Herspring, Dale R., 2007, page 106

<sup>201</sup> Hendley, Kathryn, see Herspring, Dale R., 2007, page 118

<sup>202</sup> Hendley, Kathryn, see Herspring, Dale R., 2007, pp. 115-116

<sup>203</sup> McFaul, Michael, 2001, page 213

the judiciary has followed the direction of the executive power. In conclusion, I find that the role of the judiciary is complex but that the role of the judiciary is assigned to the Constitution of the Russian Federation.

### ***Political Society and the Executive Power***

Political society and civil society can be hard to distinguish, but it will in this paragraph and the following separate them and examine how, respectively political and civil society, influence the executives role on democratisation in Russia. Parties represented in the State Duma, are also examined in the earlier paragraph, called the Legislature and the Executive, and I will therefore refer back where necessary to avoid repetitions. According to the framework of institutional legacies, political parties are very important for elections and democratic politics, and political parties key function is to represent the individual's interest and negotiate political demands, from the society upwards the political system. It is furthermore equally important that parties legitimate the political process down to the local level.

#### *Party Development*

McFaul argues that party development in Russia has a long way to go, because parties only have limited representation within the state and the influence of the states action is even more limited. He moreover argues that party development in Russia is a consequence of the powerful politicians, which have chosen to make them weak. Russia's history, culture and socioeconomic factors has not either been promoting for party development, but is the individual decision regarding the institutional design, which has impeded party development most<sup>204</sup>. He furthermore argues that the institutional arrangement reflects the preference of the executive, with the electoral law of the State Duma as the only exception, which I have discussed earlier in the analysis.

Parties have played a marginal role in nominating presidential candidates, and have only gained representation in the government in few exceptions, but party leaders have participated in presidential elections. In the 1991 election parties only had a marginal role, but at the following presidential election in 1996, three of the five, which received most votes, had party affiliation and the leader of the CPRF, Gennady Zyuganov, made it to the

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<sup>204</sup> McFaul, Michael et al, 2004, page 106



second round. In 2000 party leaders also participated, but Putin who, as we know, won, had no party affiliation at that time.

Parties have also had a little role in influencing the composition of the government through the State Duma, and the composition of the State Duma does not reflect the selection of the ministers or the prime minister, which weakens the role of the parties. The State Duma has only had an impact on the composition of the government and the selection of the prime minister in period of crisis. This can be illustrated with the initial period after the 1993 December parliamentary election, where Yeltsin, due to a devastating defeat to Russia's Choice, invited representatives from the winning parties in the government to partly reflect the will of the population. This happened again after the financial crisis in 1998, but the president and the prime minister are not obliged to bring in party members in the government. McFaul writes that when a party member has been placed in the government, the party member usually shifts loyalty to the prime minister and thereby drifts away from the party<sup>205</sup>. The framework of institutional legacies emphasises exactly this scenario for a development, which is not promoting for democratisation, but which is not uncommon in new democracies.

The Federation Council is more or less a party free institution. Between 1993-1995 only a handful of the senators elected had party affiliation, and between 1955-1999 the Council consisted of the chief executives of regional government regional legislatures, which had no party affiliation. At the run up to the 1999 election nine regional executives joined the Fatherland-All Russia electoral bloc, but the coalition quickly fell apart. The rest lost their seats due to Putin's changed composition of the Federation Council. During the campaign to the 1999 election some members of the Council approved of Unity, but none of them joined the party and they did not join the bloc to enhance their electoral outcome. Thomas F. Remington writes that the change Putin made of appointment to the Federation Council means that members are selected on basis of their loyalty to Putin, and potentially opponents are intimidated or harassed<sup>206</sup>.

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<sup>205</sup> McFaul, Michael et al, 2004, page 108

<sup>206</sup> Remington, Thomas F., see Herspring, Dale R., 2007, page 54

*Parties and the Population*

Stephen White finds that parties, instead of representing the interest of the voters, have become a part of Putin's "top-down managed democracy"<sup>207</sup>. Parties have, for example, with a law adopted in 2001, monopoly on nominating candidates, and parties can furthermore only be registered if they have a substantial membership. To gain membership in the State Duma it was, before 2007, required to secure 5 percent of the party list votes, and in the 2007 election, 7 percent is required, where representation to the State Duma can only be drawn from party lists votes. Single mandate lists was at the 2007 election abolished<sup>208</sup>. The largest parties furthermore benefit on the system of state funding, because the funding is proportional to the votes received at the election. Another law, which is also in advantage of the largest parties, is a law from 2004, which requires a party to have 50.000 members to be able to register. This amount is five times as big as the requirements before 2004, which makes it even more impossible for small parties to gain influence<sup>209</sup>.

White argues that there is no evidence that Russian parties are loyal to the Russian population<sup>210</sup>. A direct measure of party legitimacy is to measure the Russian populations trust in the parties compared with other state institutions. White concludes that the Russian population has very little trust in the political parties, actually less than the parliament in which the parties are represented<sup>211</sup>. The Russian party system has been called different things; White mentions the term "floating party system", due to the turnover which makes it difficult for the population to judge on the parties' performance. It can also be called "client party system", because parties are dependent on the support of the central authorities and other sponsors. At last it can be called a "party of power" if the party is sponsored by the regime<sup>212</sup>.

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<sup>207</sup> White, Stephen et al, 2005, page 94

<sup>208</sup> White, Stephen et al, 2005, page 94

<sup>209</sup> White, Stephen et al, 2005, page 94

<sup>210</sup> White, Stephen et al, 2005, page 89

<sup>211</sup> White, Stephen et al, 2005, page 89

<sup>212</sup> White, Stephen et al, 2005, page 81

Remington finds that Yeltsin was not as powerful as Putin, due to the Federal Assembly, where Putin has succeeded in support from the pro-president party Unity, now United Russia. Yeltsin's freedom to manoeuvre was not as big and therefore he, for example, used decrees in a higher degree than Putin, to implement his reforms. It is important for the president to seek the approval of the parliament to pass legislation. The parliament can, as mentioned earlier, veto a presidential decree, but it requires a two-third majority in both houses, the president is therefore dependent on the State Duma, and must seek support from the majority<sup>213</sup>. Laws are more authoritarian than decrees, understood in the way that laws are legitimised by the parliament, where decrees are not. As I mentioned earlier, Yeltsin used decrees to a higher degree than Putin, because Putin, with his majority in the State Duma, has chosen to use the legislative road, which I find, also legitimises his acts.

#### *Putin and United Russia*

I will now turn my attention to Putin and his parliamentary majority, because I find it very important to examine the development of the political society, since 1999. At the gathering of the Third Duma in 2000, Unity had 18 percent of the seats in the State Duma. Putin's advisor forged an alliance between Unity and the communists, both to bloc the election of an opponent as chairman, but also to put Unity in a coalition which could be indispensable for winning. The communists quickly realised that the coalition was not to their advantage, they did not receive any of the chairmanships of importance, nor could they determine the majority, which they had been the pivotal faction in the First Duma (1994-1995) and the Second Duma (1996-1999)<sup>214</sup>. Unity now took over the role as the central faction and had a big advantage; support from Kremlin. At the same time Putin also took control over the Federation Council and thereby secured support from both houses of the Federal Assembly.

From 2000 to 2003 Unity, later named United Russia, still played an important role for the winning coalition and delivered the government and president victories. But the government was also compelled to make concessions on a number of policy fronts for the State Duma to pass their highest priority legislation. In 2001 Unity joined a coalition called

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<sup>213</sup> Remington, Thomas F., see Herspring, Dale R., 2007, page 56

<sup>214</sup> Remington, Thomas F., see Herspring, Dale R., 2007, page 59

the “the coalition of the four”, which should coordinate positions on major legislation<sup>215</sup>. The coalition faced problems, because the three other parties had a bad voting discipline, and because building majority on an ad hoc basis, was demanding and required many concessions. White finds that from the president standpoint, the circumstances of the coalition were too costly and ineffective, but Putin’s advisors found a way to give Unity political monopoly<sup>216</sup>.

The advisors found that the next step was to swallow the coalition of the Fatherland-All Russia (OVR) and become the dominant party in Russia. The name was in this connection changed to United Russia. OVR stood, before the 1999 election, to be winners, but the oligarchs and other businessmen pulled their strings, because they feared that their business and political interest would be at stake, if OVR won the election. This was the background for the creation of Unity, which should compete with OVR to the appointment of Putin as president, which also was a defensive move according to Remington. While Putin and Unity enjoyed popular support OVR faced decline. After the surprising election OVR had no real influence and therefore joined the Unity coalition<sup>217</sup>.

Kremlins desire to create a dominant party, which would have legislative majority in both the State Duma and in the regional legislature, made Kremlin sponsor legislation, which made it difficult for prominent candidates and small parties to participate. The legislation, which limits small parties and ad hoc candidates, which I have addressed earlier, have meant that United Russia has been able to dominate in the State Duma as well as at regional level. Kremlin has furthermore put pressure on regional officers and businesses to support United Russia<sup>218</sup>. The outcome was an overwhelming victory to United Russia in 1993. United Russia won 300 seats in the State Duma, which is two-third of the seats. Thereby Putin did not need to find support anywhere else<sup>219</sup>.

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<sup>215</sup> Remington, Thomas F., see Herspring, Dale R., 2007, page 61

<sup>216</sup> Remington, Thomas F., see Herspring, Dale R., 2007, page 62

<sup>217</sup> Remington, Thomas F., see Herspring, Dale R., 2007, pp. 62-63

<sup>218</sup> Remington, Thomas F., see Herspring, Dale R., 2007, page 63

<sup>219</sup> Remington, Thomas F., see Herspring, Dale R., 2007, page 64

The framework of institutional legacies states that the key function of political parties is to represent the individuals' interest and to give the people a voice and channel the political demands upwards in the political system but as I have shown I find that the party development in Russia has turned away from the individual's interest. Which I also have mentioned earlier, I find that the consequence of the changes of the electoral law has been a decrease in political competition and political alternatives.

### ***Civil Society and the Executive Power***

A functioning civil society is, according to the institutional legacies, important for democratisation, because civil society can influence political outcomes and can be a contributing factor to consolidating democracy. I find that due to the weak civil society in Russia, there exists a gap between the ruling class and the population. This gap has been widening since the initial transition. Especially under Putin, new legislation and the changes of the electoral law have made it harder to be represented in the State Duma; I find that both the political, but also the civil society, has been weakened. Is it at all possible to talk about a civil society in Russia? According to McFaul and Treyger, the civil society in Russia is very weak and apolitical, and dependent on assistance from the western European countries, but it was not like this around the transition<sup>220</sup>.

#### *Revival of the Civil Society*

Gorbachev initiated liberalisation of the Soviet civil society with his reform agenda Perestroika and Glasnost. With Glasnost the Soviet criminal code was changed, so that critical books and newspapers were allowed, and in 1990 article 6 was amended, so the communist monopoly on power was challenged, because it became legal to form parties. The structure of Soviet society and economy did not give the civil society real independent spaces or resources, and the channel from society to state was not weak. The climate of openness, which emerged with Gorbachev's reforms, stimulated civil society, and the first organisations emerged in 1985. The first organisations were apolitical, but in 1988 organisations with a political message began to emerge<sup>221</sup>.

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<sup>220</sup> McFaul, Michael and Treyger, Elina, see McFaul, Michael et al, 2004, pp. 135-136

<sup>221</sup> McFaul, Michael and Treyger, Elina, see McFaul, Michael et al, 2004, page 145

It was with the creation and the partially free elections to the Soviet Congress of People's Deputies in 1989 that society could influence politics directly and the electoral process created societal mobilisation. The societal mobilisation made critical media to boom. The groups, which have been mobilised during the 1989 election to the Congress, tested their mobilisation again in 1990, where there was election to the Soviet republics and to the districts. The civil society enjoyed, to the 1990 election, higher electoral success. Democratic Russia, for example, won hundreds of seats in the Russian Congress and Yeltsin was elected chairman. After a century without societal involvement, the Soviet society gained a powerful role, and could for the first time in a century influence policy outcome<sup>222</sup>. Even at this peak in civil mobilisation, the organisations had not been institutionalised, and participation was on the street, instead of in lobbying or voting. In other words, the civil organisations were still poor and inexperienced and political parties were only beginning to be formed.

In the end, the societal forces from below, exceeded Gorbachev's reform agenda, and began to oppose the communist leaders. The Baltic State were the first to challenge Soviet rule, but Yeltsin and Democratic Russia soon followed and declared Russian sovereignty and destruction of the Soviet regime<sup>223</sup>. After Yeltsin was elected chairman to the Russian Congress the civil society could participate in two different institutions. Where Yeltsin and the Congress had strong ties to civil organisations, non-communist political parties and trade unions, had no ties to the Soviet state. The fact that Gorbachev did not have a popular mandate, underscored the difference between the two institutions. The Soviet state still controlled resources and Yeltsin and the Russian Congress enjoyed support from the population<sup>224</sup>. At the failed August Putsch in 1991 civil mobilisation was a decisive factor for victory on Yeltsin side<sup>225</sup>.

#### *The Fading of the Civil of Society*

After the dissolution of the Soviet Union the organisation, which had fought against the Soviet Union role, faded. In winter 1992 attention was turned to economic transformation

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<sup>222</sup> McFaul, Michael and Treyger, Elina, see McFaul, Michael et al, 2004, page 146

<sup>223</sup> McFaul, Michael and Treyger, Elina, see McFaul, Michael et al, 2004, page 147

<sup>224</sup> McFaul, Michael and Treyger, Elina, see McFaul, Michael et al, 2004, page 148

<sup>225</sup> McFaul, Michael and Treyger, Elina, see McFaul, Michael et al, 2004, page 148

and Yeltsin and his government wanted to demobilise society. The reason for this was, that they knew, that standards of living in the transformation to market capitalism would decrease. A mobilised society could, due to economic hardship, destroy the economic agenda, and Yeltsin's government wanted to implement the agenda, without troubling with societal pressure<sup>226</sup>. This does not mean that Yeltsin wanted to suppress civil activity, on the contrary. There is in the 1993 constitution provided for the protection of civil liberties such as freedom of speech, peaceful assembly, press and religion<sup>227</sup>. Without such rights I do not find that civil organisation at all can exist. Other laws were passed by the State Duma, which further outlined the rights and secured the independent groups. Even though many of the laws have shown to be discriminatory and obstructive to civil activity, they at the same time legally enable society, to act independent of the state.

McFaul and Treyger find that the socioeconomic structures have been an obstacle for the organisation of civil society, because the state has not been conducive to involve civil organisations in political life<sup>228</sup>. Strengthening the executive branch limited influence from civil organisations, but the civil organisations have not had more luck with the parliament, due to the fact that the executive power is relatively autonomous from the parliament. This has implied that organisation, to influence major policy decision, need to address the executive branch which is not easy<sup>229</sup>. Because civil organisations could not seek influence in the two institutions, a "social chamber" was set up, to bridge the gap between the civil organisations and the executive branch<sup>230</sup>. This social chamber did not work effectively, rather than attending to the interest of the organisation, it has tried to camouflage it.

There are several reasons for the weakening of the civil organisation under Yeltsin. As mentioned earlier in the thesis, many of the organisations that formed under Gorbachev disappeared after the dissolution of the Soviet Union. Another factor is that under the Soviet regime participation was mandatory on many levels, and the population, after the

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<sup>226</sup> McFaul, Michael and Treyger, Elina, see McFaul, Michael et al, 2004, page 149

<sup>227</sup> McFaul, Michael and Treyger, Elina, see McFaul, Michael et al, 2004, page 150

<sup>228</sup> McFaul, Michael and Treyger, Elina, see McFaul, Michael et al, 2004, page 155

<sup>229</sup> McFaul, Michael and Treyger, Elina, see McFaul, Michael et al, 2004, page 155

<sup>230</sup> McFaul, Michael and Treyger, Elina, see McFaul, Michael et al, 2004, page 155

dissolution of the Soviet Union, enjoyed the freedom not to participate<sup>231</sup>. Mistrust in the state and the judiciary has furthermore implied that the population has sought to solve their own problems instead of seeking help upwards. Small local organisations, which operate on ad hoc basis, exist but do not seek to influence at higher levels, they work to secure better condition in the local relieve practical problems<sup>232</sup>.

### *Putin and Civil Society*

Under Putin, none of the institutional structures, which limited the civil society under Yeltsin, has changed. The policy carried out by the Putin administration concerning civil society has on the other hand changed and McFaul and Treyger find it less friendly for civil society. When Putin came to power he advocated for strengthening the civil society and for more dialog between the state and the organisations. His concept of civil organisations apparently only includes the pro-state organisations, which is quite different from his speeches at the beginning at his first term<sup>233</sup>. McFaul and Treyger furthermore find that positive dialog between state and organisations only apply if it is a pro-state organisation. All organisations, which criticise or embarrass the state, are considered to be anti-state organisations, and criticism is thereby not seen as expression of freedom or speech, but as anti-state activity<sup>234</sup>.

The Putin administration's strategy to eliminate their opponents is to use harassment. Putin and his administration alone are not to blame for the development, but the atmosphere has, since he became president, worsened. One of the most used tactics to curb civil organisation has been registration and re-registration. This has made it more complicated for organisations to form and to legitimise their existence. Treyger and McFaul write that they find it deliberately complex, and that the government has plenty of "legal" reasons for denying organisations the right to exist<sup>235</sup>. Parallel to the effort used on curbing the anti-state organisations, pro-state organisations, with support from Kremlin, has been created. The Putin administration has both recruited allies in civil organisation, and has also

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<sup>231</sup> McFaul, Michael and Treyger, Elina, see McFaul, Michael et al, 2004, page 157

<sup>232</sup> McFaul, Michael and Treyger, Elina see McFaul, Michael et al, 2004, page 156

<sup>233</sup> McFaul, Michael and Treyger, Elina see McFaul, Michael et al, 2004, page 159

<sup>234</sup> McFaul, Michael and Treyger, Elina see McFaul, Michael et al, 2004, pp. 159-160

<sup>235</sup> McFaul, Michael and Treyger, Elina see McFaul, Michael et al, 2004, page 161



created state funded organisations. Putin has furthermore supported civil organisation, which he finds, embraces Russian traditions<sup>236</sup>.

In conclusion I find that the civil society after the initial transition have had limited access to influence policy outcome. According to the framework of institutional legacies, a weak civil society does not promote democratisation, but it is at the same time normal that the mobilisation from the transitional period fades. I do find that civil mobilisation has faded, due to several reasons, which fit with the point outlined by the institutional framework. Mobilisation in the Soviet Union was focused around the destruction of the Soviet Union, and when this succeed mobilisation faded. Yeltsin also distanced himself from the movement, and focused on implementing his economic agenda, which he feared that civil society could block the way for. He did at the same time provide civil society with liberties, but made it hard for them to participate in policy decisions. Putin continued the development, though the atmosphere has worsened. Civil society in Russia does not have contact with the system above them, and are therefore not able, as I have shown, to influence the executive power.

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<sup>236</sup> McFaul, Michael and Treyger, Elina see McFaul, Michael et al, 2004, page 165

## Conclusion

In this conclusion I will answer my main problem, which is, “What is the role of the executive power in the democratisation of Russia from Gorbachev to Putin?” I find that the role of the executive power in the democratisation of Russia has been considerable. To explain why I have come to this understanding, I will discuss and conclude on the historical development from Gorbachev to Putin, the different institutions and their impact on democratisation, and on the executive power. The institutional dynamic is also very important, because I find it shows the leeway of the executive power compared with the other institutions.

In the first part of the thesis I found that the framework of institutional legacies provided the best theoretical explanation to understand democratisation in Russia. Throughout the analysis I discovered that the role of the executive power in the democratisation of Russia has been partly negative, especially the latest development where the executive power, with the extension of the president's term, has been extended from four to six years. The recent arrest of Mr. Kasparov, who is one of the founding members of a new opposition party Solidarity, further exemplifies the negative impacts on democratisation in the Russian Federation, but that is just one example of many.

The negative influence on democratisation began with the Constitution of the Russian Federation in 1993, where the power of the executive power was consolidated. Before the constitution was ratified there was still a chance for a better outcome, but due to political polarisation and undefined power balance, it failed and, I find that, the constitution was made on these conditions. The basis for the constitution was who should be kept from power, instead of, who should have access to it. This should be understood in the way, that Yeltsin, because of his fear of a return to the communist rule and the socioeconomic situation, changed focus from the democratic agenda, to a radical economic agenda.

Presidentialism is, according to the framework of institutional legacies, not necessarily negative, because presidentialism can create stability. When stability has been achieved, further parliamentarism can be forged. For a fragile democracy polarisation can create instability and thereby a return to an authoritarian regime. In the case of Russia I do find

that Yeltsin also wanted to prevent polarisation, because he feared a repetition of the constitutional crisis with dual power. He therefore chose a constitution, which made the balance of power very clear, but not very equal. What he did not do, was to allow for more parliamentary power, eventually.

The parliament also failed, after the constitutional crisis, in gaining more power, and to limit the power of the president. If the parliament had succeeded to gain more power and limit the president's power, the likely outcome would have been further democratisation. I do not find that there is anything which indicates that the parliament will gain more power. President Putin did not increase his own power during his two terms in office, and he did not use decrees, to as high a degree as Yeltsin, but he limited the parliament and the political and civil society. He did this by limiting the access to the political institution. This development does not strengthen democratisation, it limits it.

The role of the executive power in the democratisation of Russia has been significant, in both starting, and halting it. From when the transition gained momentum the executive power has played a leading role. This is also why I find that democratisation has not gained momentum since 1993. The executive power has not been interested in it, since the balance of power was determined. The constitution provided the executive power with the frames to concentrate on chosen obstacles, and democratisation therefore stagnated.

The political and civil society role has, due to the institutional legacies, been limited. There has not existed any tradition of political or civil society, besides the Communist Party. The political and civil society came to life with Perestroika and Glasnost, but have in the recent years, been constrained due to laws made under Putin and by United Russia. I furthermore find that due to the institutional dynamic, there is a gap between the civil society and the parliament, and between the parliament and the executive power. The civil society is, as I have shown, constrained by the other institution and the parliament which should seek legitimacy at the population has moved away and seeks the legitimacy from the executive power.

I do not find that the judiciary has played any significant role on the role of the executive power or democratisation, because the role of the judiciary is assigned to the

constitution, which I find, has determined the role of it. The judiciary is thereby a product of the constitution, which delineated the institutional dynamic. To change the constitution requires two-third majority in both houses of the parliament, and as long as there is a majority, the judiciary is, of course, bound to follow it. Because the judiciary does not have any legislative power, it follows the legislature made by the executive power and legislative branch, which I find are the institutions which set the direction for the development.

In conclusion, I find that the role of the executive power in the democratisation of Russia from Gorbachev to Putin has been significant. The Constitution of the Russian Federation was created by the executive power and it is the constitution which delineates the balance of power. From the ratification of the constitution the process of democratisation lost pace and has not since gained momentum.

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## Summary

Due to the recent development in Russia where the presidential term has been extended from four to six years I found it interesting to examine the role of the executive power on the democratisation in Russia. Preconditions can favour democratisation, for example national unity, wealth, modernisation, strong socioeconomic structures and external factors. In Russia none of the preconditions could explain democratisation in Russia. The framework of institutional legacies focuses on the executive power, the legislature, and the judiciary and on political and civil society as a cause or obstacle of democratisation. The framework of institutional legacies could be used to explain democratisation in Russia and the role of the executive power.

Gorbachev unintentionally began the destruction of the Soviet Union by liberalising society which put pressure on the communist rule. With the dissolution of the Soviet Union and the coming of the First Russian President the transition to democracy gained momentum. The development stagnated with the constitutional crisis in 1993 which ended in bloodshed between the President and the Congress. The winner, President Yeltsin, thereby had the power to make the Constitution of the Russian Federation in 1993 which gave the executive power more power than the other institutions and thereby created a balance of power in favour of the executive power. Yeltsin which had fought for democracy during the transition period focused his energy on economic reforms and neglected the democratic agenda. The other institutions did not succeed in gaining more power and the democratic development slowed down. When Putin came to power in 2000 he continued the path of personalised power which Yeltsin had constructed. Putin, as Yeltsin, focused on other issues than democracy and the population to some degree did the same due to hardship and a desire of stability. The gap between society and state has with Putin not been decreased, on the contrary.

Democratisation in Russia has been influenced by the executive power because the executive power has delineated the path of development. The executive power is in relation to the other actors autonomous and has besides executive power also legislative power. The consequence of this has been that it is hard for other actors to delineate a more



democratic path. Democratisation in Russia is in conclusion, in the hands of the executive power.