

PUTIN RUNNING THE DUMA: A QUEST FOR STABILITY, REGARDLESS OF DEMOCRATIZATION

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Abstract:

The institutional change on the level of Executive-Legislative relationships initiated through the Putin Presidency, although less visible than the prolonged stand-offs between Yeltsin and the Congress or the consequences related to the adoption of the 1993 Constitution, is apt to produce results at least as spectacular. Certainly some of the features of the Putin presidency provide positive prospects for the State-Duma's functioning: the last four years of office proved that until now, the President has sought to give the legislation he initiates the legitimacy of parliamentary control and approval, and that he is committed to keep the Duma the main stage for law-making. On the other hand, further obstruction of party participation in government formation, administrative pressure on political parties through the 2001 party law, the transformation of regional elites into enemies of federal parties through maneuvering in and around the Federation Council, and, most of all, recent State Duma elections suggest that the Duma's part in the near future will remain subsidiary.

Key words: Russian Federation, Russian State Duma, presidency, parliamentary functions

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Unfortunately, much of the Western literature on Russian politics failed to prepare us for Putin's campaign to remake Russian institutions. (Huskey 2002:87).

INTRODUCTION

This paper assumes that institutional arrangements between State Duma and the Russian President have changed in 2000-2004 as compared to 1993-1999, *mainly on the level of presidential action and policy towards other institutions*. During Putin's rule, presidential strategies have encompassed a variety of different goals, and the achievement of many of them has included and used the Duma. The President allowed the Lower Chamber to pass more legislation, and initiated clear trends of cooperation with left-wing parties that had previously exerted vigorous criticism against the Yeltsin presidency. Sometimes these strategies broke with some of Yeltsin's practices, for instance by not resorting to rule-by-decree, by restoring effective legislative functions to the Duma or by providing prime-ministerial-continuity. Yet other strategies show not only a continuation of Yeltsin's policies, such as that of keeping parties away from government building, but also their intensification, especially through electoral maneuvering.

At the beginning of a new presidential term for Vladimir Putin, this paper aims to show the President's record in his dealings with the State Duma. Even if, in comparison to the Yeltsin presidency, Putin has managed to limit the ambitions of regional elites and 'oligarchs' via a partnership with the Duma, thereby ensuring the overall political stability of Russia, he has done so at the expense of the Parliament, altering its composition and refusing to cede it any control over the executive. All in all, while Yeltsin weakened federal politicians by strengthening regional and economic elites, Putin strengthened the Duma - even if only apparently - in order to weaken federal politicians, regional elites and oligarchs together.

On the Model Used in This Paper

The thesis of the paper is that Putin changed the presidential Russian policy towards strategic elites¹ (federal politicians and political parties grouped in the Duma, regional elites, and 'oligarchs'), in the 2000-2004 period, by granting certain powers to the Duma and using it to weaken regional elites and political parties. Briefly put, this paper argues for the existence of a more general trend of increased presidential control over the Duma within the constitutional framework (in order to ensure a better control of Russia's strategic elites).

This paper aims at measuring the level of institutional change, i.e. the change in the **President-Duma relation - variable**². One of the observable characteristics of this relationship is that change on the level of Executive-Legislative relations could be correlated to **presidential action**. Such an approach of institutional change keeps this paper on the level of individual-action-analysis, i.e. a certain type of action within a certain institutional framework (i.e. the presidency) is considered to be the main predictor for institutional change over short-term periods. This perspective relies on 'classical' rational-choice theories where analysis is centered on actors (politicians, parties, etc.), rather than on structures or other aggregate concepts (such as 'classes'), actors that operate in specific institutional settings (Tsebelis 1990). Measuring institutional change in Legislative-Executive relations by changes in presidential action, that is, by assuming only correlation and not also causation, sets this paper within the limits of descriptive inference (King, Keohane, Verba 1994:56).

1 E. Huskey's theory of Russian strategic elites opposes the tendency presented in much of the Western literature of regarding institutional arrangements introduced by the 1993 Constitution as the establishment of a superpresidential (second) republic. This was the case only when comparing the attributions of State Duma and President, with a legislative body weakened after the September 1993 showdown and a Presidency which achieved constitutional recognition by its military victory over the People's Deputies Congress. Yet President "Putin's recent campaign to remake Russian institutions" (Huskey 2002:87) showed that even if the 1993 Constitution managed to downplay the ambitions of politicians organized on the federal (Duma) level, it failed to foresee the increase in power of other social actors, which would eventually claim their place on the federal political stage. Actors such as regional elites and oligarchs created their place in central politics by profiting and making use of the 1993 constitutional provisions. Regional elites pushed for Yeltsin's 1995 federal reform and oligarchs profited from the lack of State Duma control over the Executive and thus pushed for specific informal nominations. Putin was elected in a moment when there was a serious need to restore some of the prerogatives of central authorities. Oligarchs, regional elites and federal politicians represent to E.Huskey Russia's strategic elites, with a new question emerging in the light of Putin's reforms:

"Strategic elites": If radical institutional reform... challenges the political authority and in some cases even the personal freedom of the governors, the oligarchs and the deputies, why should these elites comply with Putin's leadership?... The success of this negative leadership strategy towards the elites depends on numerous factors, among which the most important are the continued loyalty of the Prosecutor and powerful ministries and the broad support of the nation (Huskey 2002: 93-94).

2 The nature of the relationship between President (Executive) and Duma (Legislative) has been described as "Pre-parliamentary constitutional parliamentarism, where collision and collusion between the Executive and the Legislative alternate" (von Beyme 2003:74). Von Beyme's notions of collision and collusion refer to the period dominated by Yeltsin, although this paper points to the conclusion that between 1993-1999 the model has been that of collision (though sometimes less direct), while after President Yeltsin's retreat the model shifted to collusion.

It has been observed that Putin's presidential actions changed, as compared to Yeltsin's rule, on the following levels, i.e. the three 'change-in-presidential-action' levels (1.1-3.3: indicators): (1) not resorting to rule-by-decree and restoration of the law-making process to the Duma, (2) unshared control of government formation, and (3) establishing parties 'from above'. This approach was chosen for this paper as actions on these levels directly affect the basic parliamentary functions of law-making, control over the Executive and interest articulation and representation via political parties³. The president's actions do not just affect the Duma-Presidency relations directly - this could have been less significant, but they also affect them by perturbing and distorting parliamentary functions, and thus having a crucial impact on preserving the weakness of the Duma on the long run. The three levels of change in presidential action and their detailed indicators are as follows:

1. Law-Making: The President maintained the law-making processes - the Parliament's main function and area of competence - within the Duma, by avoiding rule-by-decree, through Presidential agenda-setting of the legislative in key areas. This guaranteed the preserving of the Duma's prestige as well as a mutual concessions policy (indicator 1.1) and a positive Parliamentary response showing the willingness to build the required coalitions (indicator 1.2).

2. Control over the Executive: The President refrained from offering the Duma to exercise the typical parliamentary function of control over the Executive, even though it granted more stability by decreasing the frequency of prime-minister dismissals (2.1), and by continuing Yeltsin's practice of not nominating any party members into the government (2.2).

3. Interest Articulation and Representation: The President extended his support to the 'party of power' and continued the practice of establishing parties 'from above'. This led to the creation of parties with weak interest in the electorate, which formed therefore an unstable party system that prevents the Parliament from articulating and representing the interests of the population. The President thus altered the institution (rule) of elections⁴ through (3.1.) unequal access to media and the introducing of new registration requirements for parties according to the 2001 party law, (3.2) presidential involvement in electoral campaigns of pro-presidential factions and (3.3) support for parties allegedly

³ The variable and the three levels (categories) it is measured on are built around the "four basic parliamentary functions: representation and articulation, control, issuing of legislation and recruitment" (von Beyme 2003:73), with the "control" and "recruitment" functions merged in the same level of "Executive formation". Note that the "presidential action" variable is nominal, i.e. "observations are grouped into a set of categories without the assumption that the categories are in any particular order" (King, Keohane, Verba 1994:151).

⁴ According to McFaul (2001), leading institutions (rules of game) in Russian politics for the 1993-1995 time frame were electoralism and constitutionalism. Decision to change the former is a sign that the distribution of power doesn't support that rule any longer (for instance, because Putin enjoys much more popularity and has secured the support of the state apparatus).

established from within the presidential administration during the December 2003 parliamentary elections.

It is useful to note that the presidential action of keeping control over government formation away from political parties, assumed to perturb the Parliament's function of control over the Executive, also affects the interest articulation and representation function of the Parliament, as political parties have only very few incentives to compete with each other and represent their electorates in an environment that lacks a clear 'stake' - parties can not implement policies and stand the test of elections as they are not permitted to form the government.

The paper will thus embark, according to the model outlined above, on describing the three levels of presidential actions.

The President Restoring to the Duma its Legislative Functions

This first part of the paper argues that President Putin has initiated⁵ a significant change regarding the relations between Presidency and State Duma in the key issue of law-making, a basic parliamentary function that has been perturbed in the first years of the Yeltsin regime by extended use of presidential decrees, which avoided the passing of legislation by the Duma. President Putin changed the practices of his predecessor in various ways, especially by decreasing the number of presidential decrees, but - equally important - also by granting numerous concessions to Duma opposition parties with regard to legislation initiated by the President. He also changed Yeltsin's practices by choosing a particular model of legislative agenda setting for the Duma, an agenda that offered the Duma the chance of waging again the legislative battles it had lost during the Yeltsin Presidency, most notably the legislation on the Federation Council, but also the new law on political parties (studied in Part III). The first section of this part, The Duma Chairmanships and the New Coalition Model, points out the main factors that allowed President Putin and the faction he controlled in the 2000-2004 Parliament to undertake such a shift. The most notable such factors were the President's attitude of accepting to work together with the main opposition party, the Communist Party of the Russian Federation (a), which alone demonstrated a significant change to the Yeltsin Presidency, and the comfortable share of seats enjoyed by the pro-presidential faction (b).

⁵ The President is assumed to be in control of actions taken by the pro-presidential faction Yedinstvo taking into account the faction's high level of discipline and the fact that most legislation pushed for by Yedinstvo was initiated by the President himself or had his approval.

This section refers to the two indicators of the law-making level of presidential strategy, while the second section, The Reform of the Federation Council, is a case study intended to draw the necessary conclusions out of what has been a very hotly debated issue in the Duma under both Presidencies. These conclusions will discuss the significance of the way President Putin chose to wage this legislative battle (that is, first of all, waging it in the Duma, and second, allowing for concessions to opposition parties).

The Duma Chairmanships and the New Coalition Model

The New Coalition Politics Model of 2000 resides mainly in the way the pro-presidential faction Yedinstvo understood to cooperate inside the Duma - depending on the issue - with either of the two major coalitions: the left coalition on one hand, and the center-right and rightist parties on the other hand. How could Yedinstvo enjoy such a freedom in forming temporary coalitions?

The first issue that arose in the newly-elected Duma was the election of the Chamber chairmanship, first deputy chairmanship, and standing committee chairmanships, which in 1993 and 1995 have been divided according to "factional demands" (Remington 2003: 184). Yet in January 2000 the faction leaders failed to reach an agreement over the distribution of these seats, and Yedinstvo, the Communist Party of the Russian Federation (CPRF) and a "start-up group of single-member-district-independents called People's Deputy (ND)" used their majority not only to elect CPRF member Seleznev as speaker, but also to divide most of the committee chairmanships among themselves. Despite their opposition, the OVR⁶, SPS⁷ and Yabloko⁸ parties had to settle for the

6 OVR, the Otechestvo-Vsya Rossiya (Russian for Fatherland-All Russia) electoral block was founded in autumn-winter 1998 by Yury Luzhkov (Moscow mayor), Yury Yakovlev (Sankt Petersburg mayor) and Yevgeny Primakov, former prime-minister and foreign affairs minister in the Chernomyrdin cabinet (Chernomyrdin himself, after being elected in a single-member-district joined Yedinstvo after the elections). The alliance enjoyed the support of several very influential governors, and was aimed to back Primakov for the presidency, as by the summer of 1999 he was the number one candidate to Yeltsin's succession. In order to prevent this and place their own candidate in the race, members of Yeltsin's entourage triggered the creation of Yedinstvo in September 1999, in order to undermine the "OVR governor-coalition's" campaign (Michaleva Luchterhandt 2002:63). Yedinstvo and OVR would finally merge in 2001.

7 SPS, the Union of Right Forces was established by former prime-minister Kirienko and his vice-prime-minister Boris Nemtsov in late 1998. It includes several other very small formations, among which the core formation of this electoral block, Democratic Choice of Russia, which competed both in the 1993 (as its predecessor, Russia's Choice) and the 1995 elections (McFaul 2001:313). SPS is therefore considered to be one of the four established Russian political parties (together with the communist CPRF, Zhirinovskiy's LDPR and Yabloko).

8 Yabloko, the most famous "liberal" or "center-right" party is the only party (with the exception of CPRF) that participated in all elections under the same name. Led by G. Yavlinsky, it includes also other very important members such as Viktor Sheynis (who drew the draft for the 1993 decree which would become the Russian electoral law for parliamentary elections) and Elena Dubrovina (who, in 1993, played the most important part in drafting the text for the decree on the elections for the Federation Council). Both SPS and Yabloko failed to enter the Parliament in last year's elections to the State Duma.

distribution outcomes, which were dictated upon them by the Yedinstvo-CPRF alliance, even if these three parties initially tried to boycott the parliamentary sessions (Remington 2003: 184). According to Remington, OVR, SPS and Yabloko gave up their boycott in exchange for Yedinstvo's promise to support their legislative initiatives. Also according to Remington, "by turning the speakership over to Gennadii Seleznev, the communist who had held the job over the 1996-1999 Duma term, Putin torpedoed Primakov's chance [OVR leading member and future presidential candidate] of mounting a serious challenge to Putin for the presidency" (2003:186).

The vote for the Duma chairmanships initiated an unprecedented trend of cooperation between the President and CPRF on both domestic and institutional issues, even if it is still not clear whether this change was an effect of the retirement of the highly divisive figure of former President Yeltsin or of the drop in seats experienced by the Communists. The point that issues such as market reforms - over which pro-presidential and communist Duma factions had clashed before - have lost their salience (McFaul's theory on the narrowing agenda of change in Russian politics, as time passes and conflict between political actors decreases, 2001: Chapter 1) does not necessarily hold as the Russian political stage is not just confronted with changing issues, but also with changing methods. Allowing the Duma to alter legislation initiated by the Executive/Presidency and insisting that legislation has to be passed by the Duma - instead of overriding it through the extended use of presidential decrees - certainly contributed to the present situation. True, the vote over the chairmanships was a premiere and actors were not in the position of knowing how the presidential attitude to the Duma would shift. Yet the common position and the willingness to cooperate were signaled from the very beginning by statements such as the following excerpt from an interview with President Putin: "Cooperation with the Communists always existed in our Duma. No law was ever adopted without the Communists' support" (Putin 2000 in von Beyme 2001:143). If looking back at the period between 1993-1999, this might be seen as a way of saying that the only institution that could pass decisions with normative character and still call them 'laws' was the Duma.

President Putin's last four years of office proved that he has sought to award the legislation he supported the legitimacy of parliamentary control and approval, and that he has been committed to keep the Duma as the main stage for law-making.

Yet others do not see it this way: V. Sheynis, condemns the Duma coalition model and states that "This is an effect not of the cooperation [between parties] due to similar situations, but of the unconditioned

dominance of the executive powers. The State-Duma became at the same time maneuverable", with the "Executive [having had] formed itself a favorable Parliament and a ruling semi-party" (Sheynis 2003:99-100). That is, if the President does not bypass the Duma anymore by issuing decrees, it is because he has the power to control the legislative outcome. Moreover, Sheynis believes that Kremlin-strategists are actually aiming at the establishment of a two-party-system, or of a two-and-a-half-party system similar to Western models, but where the one and the same party always gets to be on the governmental-side, as proved by the Yedinstvo-CPRF 2000 alliance on distributing Duma leading positions (Sheynis 2003:103-104).

However, as the voting of other issues that followed that of the Duma chairmanships proves, the Parliament was not ruled by an Yedinstvo-CPRF coalition, but by a pro-presidential faction constantly switching between different coalition members depending on the issue voted on. Passing legislation via the Duma had therefore its price: the President had to make important concessions⁹ to different parties and had difficulties in controlling the outcomes. Nevertheless, he probably preferred such vague outcomes and legislative compromises, rather than preserving his predecessor's way of law-making. Yedinstvo was clearly the "pivotal faction... allowing the Kremlin to choose between a center-left and a center-right alliance¹⁰ for each particular piece of legislation,... a faction without which no majority can form" (Remington 2003:187 and 196). On the question of the Duma chairmanship Yedinstvo sided with the CPRF, yet on at least one other issue - as important as the one voted upon in January 2000 - Yedinstvo was supported by the liberal groups: the June 2000 Federation Council reform, which was strongly supported by SPS and Yabloko. These parties saw in this reform "Putin's strategy [to make] the Federation Council a full-time professional chamber and reduce some of the power of the governors", while the communists - generally in favor of legislation strengthening the state - "decided for tactical reasons to oppose Putin this time" (Remington 2003:188). The Federation Council reform clearly shows that Putin tried to revert some of the damaging of the central authority during the mid-90's to the benefit of Russia's 89 regions. What remains striking is that most of the

⁹ For instance, The Duma refused to pass a new version of the Housing Code as proposed by the government, it successfully opposed the state in trying to eject tenants who did not pay their rents and compromised with the government over raising the excise tax and decreasing the turnover tax. Yet, the most important outcome was to force the government to a compromise over property rights, regarding the new Land Code legalizing the purchase and sale of land (Remington 2003:192) and to give up on some of the reforms to the Federation Council (discussed in the paper's next part).

¹⁰ Remington mentions three alternative majority working coalitions, i.e. possible combinations among Duma parties for forming majorities: the first coalition, the "rightist" one, was made out of Fatherland-All Russia (OVR), Union of Right Forces (SPS), Yabloko, Yedinstvo and Russia's Regions. This group amounted to 217 seats (49.2%). The second "leftist" coalition, formed of the CPRF, the Agrarian Party (APG), OVR and People's Deputies (ND) had the support of 233 MP's (52,8%). The "Putin" group was formed out of the CPRF, Yedinstvo and ND, counting on the votes of 228 MP's (51,7%).

relations between federal and regional authorities as well as the June 2000 reform were carried out outside the constitutional framework.

The Federation Council under Yeltsin

According to McFaul (2001:211), the Federation Council was created in 1993 by presidential decree, just as the conflict between Yeltsin and the People's Deputy Congress was intensifying. Such an action was seen as necessary for the pursuit of regional support for presidential reforms. The decree stated that the Council members (two for each of the Federation's 89 subjects, amounting to a total of 178 members) were to be elected by the population, for a two year term of office, and that all the federative regions were to enjoy equal status (already by that time Chechnya did not participate in the elections, see also McFaul 2001:211). Indeed, the 1993 'superpresidential' Constitution did not specify any procedure for the selection of the Federation Council members. This omission left room for all the maneuvering around the Council ever since, mainly the 1995 legislation on the Council's composition and the June 2000 reform to the law passed 5 years earlier. What the Constitution did mention was that each region would send two representatives into the Council - one sent by the legislative and one by the executive body of each region. According to Sheynis this provision was added the night before the official publication of the Draft Constitution, hand-written by Yeltsin himself, and was part of the "intricate game between the President and local and regional leading elites in the severe political situation of the 1993 Hot Autumn" (2003:101).

Yet in 1993 there had been some attempts to regulate the status of the center-regions relationship through the means of a Federal Treaty, which was initially supposed to be included in the 1993 Constitution. Still, as it was becoming more and more obvious who would be the winner of the stand-off between Congress and President, Yeltsin and his advisors abandoned the idea of including the Treaty in the Constitution, as they did not consider regional support as being that important any more (McFaul 2001:212). However, as the situation in Chechnya further aggravated, with ever growing chances of secessionist trends to appear also elsewhere throughout the Federation, Yeltsin and his presidential administration sought to increasingly appease regional leaders (mainly the governors and presidents of regions and republics), and pushed for a legislative reform to be passed before the term of the first (elected) Federation Council members came to an end. The law passed in 1995 was treated with great hostility by State Duma members, and according to

Sheynis it was passed only "under pressure and through the use of blackmail methods right before the end of the legislative term of office in December 1995" (2003:101).

The most critical 'reform' pushed for by Yeltsin in 1995 was the abolition of the direct elections system for Council members, as introduced by the 1993 presidential decree and almost immediately contradicted by the ("hand-written") provisions of the Draft Constitution. The direct elections through which the Council was formed in 1993 were replaced in 1995 by a system of appointments (each governor was entitled to sit in the Council). Yabloko repeatedly tried to have this system of appointment removed, and therefore was very critical of the fact that five years later President Putin did not reach the same conclusions in his 2000 reform package (Sheynis 2003:102). The State Duma's violent initial rejection of Yeltsin's reform can probably be explained by the particular relationship the Duma was enjoying with the 1993-1995 Council, when both parliamentary chambers were pushing for the institutionalization of the presidential decrees that had introduced and regulated the electoral processes leading to their creation. Both Duma and Council were trying to have the decrees recognized, by passing them through the chambers. According to McFaul, the two chambers struck a deal and decided to support each other in passing the decrees, and the Duma therefore succeeded to have its founding document recognized as Electoral Law (2001:246). The Duma can pass legislation even with the opposition of the Council, but only if it can secure a two-thirds majority, which was a questionable task in the fragmented 1993-1995 legislature. The strategy of a temporary alliance with the Council seemed suitable, and it probably signaled to political actors inside the Duma that they could find support within an elected Council. Still, the "initial design for constituting the Federation Council did not stick because the fall 1993 decree was radically out of alignment with the balance of power and the preferences of those actors most affected by the decree" (McFaul 2001:245), i.e. the appointed administrative power-holders among the federal subjects. Yeltsin's reform made it clear that while the Council was able to reach - even if partly - a compromise with the Duma, this would not be possible any more after 1995, as the Council would subsequently emerge as an ally of the President. This triggered the Duma's rejection in December 1995, and the approval of Putin's actions five years later, especially since Yeltsin's move of changing the selection procedure for Council members was also seen as a weakening of the central state in relationship to its constitutive parts.

It was President Putin, who, with the help of the pro-presidential

Yedinstvo faction, put an end to a President-Council relation dubbed by von Beyme as "Yeltsin's Schmusekurs towards the regions", i.e. a more than pleasing (and over-conciliatory) attitude to regional power-holders.

The Reform of the Federation Council

In June 2000 the State Duma passed the new law on the selection of Federation Council members, with only few amendments to the initial text. Putin's reform concentrated on the selection of council members, on the procedure of having governors dismissed and on local self-government regulations. The initial text provided that chiefs of Executives were no longer permitted to sit in the Federation Council, that Federation Council members were to be appointed by chiefs of Executives, that the President could fire a governor if charging him of law violations and disband regional legislative assemblies without the assent of any other institution, and that governors had the right to appoint and recall their representatives in the Council and dismiss mayors. According to von Beyme (2001:143-144) the Duma succeeded in amending the initial text so that regional parliaments could block the governors' rights of appointment and recall; the President needed a court decision before removing a governor from his office; and regional parliaments could only be dismissed with the assent of the State Duma.

In trying to explain why the President agreed to make the above-mentioned concessions to the Duma, it has to be noticed that the reform was rejected by the Federation Council, thus requiring a two-thirds majority in the State-Duma. The Council reform needed the legitimacy of Duma approval, due to the extent of the changes implied, but also because President Putin successfully tried to downsize the number of presidential decrees issued during his first term of office in comparison to that of the former President (already in 1999 only 36% of decrees dealt with the structure of the political system compared to 44% in 1994, see von Beyme 2001:144). As the communists refused to support the reform, the two-thirds majority had to be reached through negotiations with the liberal parties at a moment following the Gusinsky arrest, and this made concessions even more important. The bill was passed with the needed majority (300 out of 450 votes) on both readings, with 302 respectively 308 votes (Remington 2003:191). The breakdown of the vote shows that despite communist opposition, and with the well-known party discipline of the CPRF, the vote was eased by lack of discipline among the deputies in the Agro-Industrial Group (a

close-to-the-CPRF faction) and hardened by the same lack of discipline among Russia's Regions members, a group close to the center-right alliance. At the core of the alliance that passed the Federation reform bill were Yedinstvo, OVR and SPS, with Yabloko having problems in controlling more than two thirds of its members, and having also a very small share of seats (for data on the vote breakdown in June 2000, see Remington 2003:190).

Why did the governors accept the reform? First of all, they were left with no alternative, given that most of them would have avoided a confrontation with Putin at the peak of his popularity. Secondly, they probably did not perceive the reform as weakening the subjects of the Russian Federation in their relationship to central authorities, but rather as a weakening of the Council in comparison to the State Duma. It seems that President Putin had offered a decoy for the governors' anger. According to Sheynis, governors affronted by the Putin federal reform are now pushing and demanding for a reform of the State-Duma and for a decrease in its powers through the weakening of its federal factions (mainly through the change of the electoral system in order to eliminate the proportional-representation nation-wide electoral district), as regional elites harbor a deeply hostile attitude towards national (federal) parties (Sheynis 2003:105).

Thirdly, governors received generous side-payments. The tasks of the Putin-established State Council, reuniting all chiefs of regional executives, ranged from what was perceived as the attributions of an advisory body to those of a third (!) parliamentary chamber. At the same time, according to the reformed law, governors could control nominations of both seats in the Council for each region, eliminating the provision according to which regional parliaments were also supposed to send one representative. The Constitution was interpreted in the sense that one of the two deputies had to be a member of the regional legislative assembly, even if appointed by the Executive, and not elected by the respective Parliament.

Conclusions

Concluding, what clearly has not changed is the Executive's role as the most important institution in setting the Duma legislative agenda. During Yeltsin's times, the Duma was simply too divided and presidential factions were too small to be able to reach a compromise over the agenda, that is, over the legislation which was to be initiated/passed. The Executive -and therefore the Presidency - acted as an arbiter, imposing compromises and

then forcing parties to abide to them¹¹, such as in the cases of the political parties law and the Federation Council law reforms of 1995, or pointing to loyal factions at which coalition to build in the 1999-2003 time period. The lengthy description of the Federation Council's reform was necessary to understand why this was such an important issue for the Duma, as the Council reform was a battle the Parliament had lost before, against the former President. The current President chose to revert the results of this battle, much to the Duma's satisfaction.

However, what definitely changed with Putin was the presidential attitude towards the Duma and towards the legislative process as a whole. The battle over legislation was carried out in the Duma, partly also because the current President felt that he could control the results more than his predecessor did. Not only that there was a genuine drop in presidential decrees as the need for them was downsized, but the conflict-pattern of negotiating over legislation was replaced by a coalition building model that reconciled¹² the pro-presidential faction with the other parties¹³, and especially with the communists. This willingness of cooperation and of passing legislation through the Duma was also greeted by most parties, now genuinely involved in the legislative process and thus even more willing to cooperate:

[...]The Duma supported Putin in all main problems, yet it succeeded to secure important concessions by the means of [legislative] amendments (von Beyme 2001:143).

The Presidential Attitude towards the Executive - Signs of Stability, but Still Out of the Reach of Parliamentary Control

Putin's actions have proved to be controversial in respect to their consequences on the Duma's functioning: on one hand, President Putin's choice of restraining from the use of his power to dismiss the prime-

11 [Yeltsin's] "defective parliamentarism" especially relied on the four anti-parliamentary means used by the President (von Beyme 2003:74):

1. Permanent government-change: taking MP's out of the Parliament and granting them high positions within the presidency [or the government, helped] undermine the recruitment function of the Parliament. The appointment of Kirienko was treated almost as a joke. Returning to Chernomyrdin was also not a sign of the President's policy commitment (von Beyme 2001:87).
2. The threat of disbanding the Parliament
3. The Ukazocracy [i.e. the President's rule by decree]
4. The use of the presidential Veto-power (used in 55% of all cases of legislation submitted by the Duma for promulgation).

12 Whereas "the anti-Yeltsin opposition used 19th century style budget rejections and sabotaged especially the 1998 tax-reform" (von Beyme 2003:74), the CPRF supported the Executive's draft budgets on each occasion after Putin's election to the presidency, and reached a compromise with the Executive over the tax reform. (Remington 2003:192).

13 For instance the CPRF launched four impeachment procedures against the President, in 1994, 1995, 1997, 1999 (von Beyme 2001:86).

minister has diminished the conflict, which repeatedly arose between the Duma and President Yeltsin over dismissals and subsequent appointments of prime-ministers. The improvement could be noticed by comparing the difference in lengths of rule between Putin's and Yeltsin's prime-ministers. This part of the paper analyzes the implications of Mikhail Fradkov's appointment earlier this year, and concludes with remarks on the perturbing effect that the presidential action of limiting party access to Executive membership has on basic parliamentary functions.

Fig 1: 1993-2004 Russian Prime-ministers and length of mandates (Mommsen 2003:111)¹⁴

	Name	Time spent in office	Background
"Under" Yeltsin (1993-2000)	Viktor Chernomyrdin	12/1992-3/1998	Technocrat, NDR
	Sergei Kirienko	4/1998-8/1998	Technocrat, later to become SPS leading member
	Yevgeny Primakov	9/1998-5/1999	Foreign Affairs Minister since 1996, later to become Fatherland-All Russia leading member
	Sergei Stepashin	5/1999-5/1999	Internal Affairs Minister, technocrat
	Vladimir Putin	8/1999-3/2000	Secretary of the National Security Council, FSB Director
"Under" Putin	Mikhail Kasyanov	5/2000-25/02/2004	Former Finance Minister, technocrat
	Mikhail Fradkov	5/03/2004-today	Diplomat, former Tax Police Director, Russia' representative to the EU

¹⁴ With the exception of Mikhail Fradkov. data on the vote for his candidature in Märkische Oderzeitung 6./7.03.2004, page 4; data on background: Süddeutsche Zeitung, 5.03.2004, page 4.

During Jeltsin's office no prime-minister got appointed while being in a party top position or a party member, with the possible exception of Viktor Chernomyrdin. This trend was continued by Putin, as Kasyanov and Fradkov were both marginal figures in the Russian party scene and members of no party. The appointment of Mikhail Fradkov is extremely significant due to two factors: first of all, Fradkov is Putin's second prime-minister with no party affiliation, which is proof that President Putin continues the trend initiated by his predecessor of keeping party members out of the Executive. Second, Fradkov was voted in with an overwhelming majority of 352 out of 450 votes, never experienced before. This shows that, whatever the Parliament's structure in terms of pro-Putin support and whatever the side payments to pro-presidential Yedinaia Rossiya-faction and to its leader Boris Gryslov - a favorite to the prime-ministerial office only a few weeks before - the federal political class and the Duma chose to back the confirmation of this trend, which keeps the Parliament away from what should be one of its major functions. Therefore, it can be concluded that the Duma has stopped acting as a self-assertive actor: the parliamentary voices that had once asked for Duma empowerment, such as Khasbulatov's proposals in spring 1993 or CPRF leader Zyuganov's platform for the 1996 Presidency electoral campaign, have been silenced.

There can be no doubt that, as compared to the previous period, Putin's rule has brought the much needed stability to the prime-ministerial office. By doing that, he also guaranteed coherence in policy, credibility and, most of all, a certain degree of predictability. However, Putin completely banned politicians out of the prime-ministerial office, and chose to keep (almost the same) technocrats on the job, leaving aside professional politicians such as Yeltsin's Chernomyrdin and Primakov. Putin did not change the trend of keeping politicians out of the government, although it is usually admitted that the role of politicians in governments is to build up consensus and seek for compromises between different sides. In the words of Alexander Shokhin, one of the few NDR politicians who stood by Chernomyrdin during the 1998 crisis and subsequent dismissal, "the Prime-Minister is not allowed to be a technocrat, his position is political. First of all he has to know how to reach an agreement with the Parliament. This is politics. Then he has to know to do the same [reach agreements] with the governors. Third, he has to take political decisions, not pragmatic ones, including for the economy" (in Trud, 15.4.1998, cited in Mommsen 2003:128). This trend is not likely to change, because Presidents in Russia tend to see the prime-ministerial office (or other key ministries) as a form of help to politicians seeking election to the Presidency. This is why Yeltsin came to fear

Chernomyrdin and Primakov as prime-ministers, and this is why Putin took over the presidency, after an 'electoral campaign' that started in August 1999 with his election as prime-minister, and continued with his appointment in December as interim-President.

Yet this situation seriously affects the Parliament's recruitment function: not only that there is no incentive to run in elections for the office of Duma deputy, as legislative initiatives are mostly undertaken by the pro-presidential party or the Government, and with no chance of ever getting in the Government, but it is also much more difficult for the Duma as a whole to acquire knowledge and experience the way it did under Yeltsin, when dismissed prime-ministers turned to political parties for support and even joined the opposition. The fact that the President does not open the Executive to political parties represents by itself a significant way of making political parties less attractive to the electorate, and therefore a way of weakening the party system as a whole, as it can not guarantee the representation of societal interests via the Parliament.

The next part of the paper will give a better account of the issue of interest articulation and political representation.

The President's Control over Who Enters the Duma

This last part of the paper brings to the forefront those presidential actions that may threaten the third parliamentary function of (societal) interest articulation and representation via political parties¹⁵. There are two presidential actions that tend to interfere with this function: extending support to the 'party of power' and establishing parties 'from above'. The first of these actions is revealed by two indicators. The first indicator is the undermining of smaller parties via the presidential initiative of the new 2001 party law, an action that was difficult to interpret one-sidedly by itself. Even though it raised internal administrative costs for parties and affected unequally smaller parties in comparison to more important ones, the party law of 2001 recognizes the legal status of political parties, and differentiates between already established parties with recurring and successful electoral involvement and newer ones. Besides that, the law represents a legislative battle lost in the past to Yeltsin's advantage, raises the Duma's prestige, and helps to discipline parties entering the electoral race for the first time. The second

¹⁵ The argument runs as follows: as the President 'crowds out' political parties that can not benefit of state resources in electoral campaigns, these parties - even if they enter the Parliament - have nothing to offer the electorate in exchange for its support (as they are not co-opted in the government, see page 27 on two surveys in Russia on party-electorate links); meanwhile, parties that enter the Duma with presidential (state-administrative) support do not need to set up a relationship of trust with the electorate (a process that can take years, see the section how the Rodina Party was 'created').

indicator for the extended support to the 'party of power' is the President Putin's conduct before and during electoral campaigns, i.e. to Yedinstvo in 1999 and to Edinaya Rossya in 2003. The second presidential action having a negative impact on the Russian party system, on its link to the electorate and therefore on the interest articulation and representation side in the State Duma is the formation of parties through use of state-administrative resources and is studied in *The Establishing of Parties from Above and Implications of the 2003 Parliamentary Elections* section of this paper.

Extending Support to the 'Party of Power'

Indicator 1:

Placing high organizational costs on the shoulders of small parties through the 2001 party law

Any discussion on representation has to start from the very notions of political party and party system. The President's change in attitude regarding political parties was probably the most striking, as it resulted in the change of the party law in January 2001. There was little credit given to the importance of political parties before 2001. Existing Russian law did not even recognize this term, as electoral blocs and alliances were the only the subjects of such laws and regulations. These blocs had a very temporary character and basically functioned by setting elections as the only possible objective (see, for instance, Rose 2000). Established political parties already having a certain tradition were not encouraged by the 1995 law, but this was to change in January 2001, when the Duma passed a new law, initiated by the Government. Some of the main features of the new law were as follows: recognition of parties as the only subject of law on the federal level; definition of parties as entities formed out of individual members only (this was aimed at discouraging electoral blocks); the requirement for parties to establish themselves as federal parties, i.e. with a minimum of 10,000 members in branches with at least 100 members in each of 50% of the Russian Federation's subjects and at least 50 in the other 50%. Another requirement was that of participating regularly in elections, while the state recognized the right of parties to public funding and to the media. Still, parties are forbidden to receive donations higher than 100,000 minimum wages (approx. 1,000,000 Euros), which is unrealistic given the fact that the costs for one Duma candidate in a single member district was as high as 20,000 USD for the 1999 campaign (Michaleva Luchterhandt 2002:46-49). The new party law was met with hostility by

most of the smaller parties, with SPS and Yabloko opposing it the most, due to the huge organizational strains they faced. Besides that, parties also had to re-register according to the new law, which required them to organize new founding assemblies. This meant high costs, especially for smaller parties, while other groups used this occasion to merge in order to strengthen their position (Yedinstvo and OVR merged in spring 2001). However, it is hard to tell to which extent it was the new regulations of the party law that caused the failure of SPS and Yabloko to enter the Duma in the December 2003 elections, but clearly this parties interpreted the law as an attack against them, although it was bringing some elements of normality on the Russian political scene, which corresponded to European standards (Michaleva Luchterhandt 2002:49).

Indicator 2:

Involvement in the 1999 and 2003 electoral campaigns

Another element of change in the Executive's attitude towards political parties was Putin's involvement in the electoral campaigns of Yedinstvo in 1999 and of Edinaya Rossya in 2003. This point is somewhat controversial: Lilia Shevtsova states that the President was keeping his distance from the party scene, despite the electoral campaigns, and cites his declaration on the occasion of the Yedinstvo-OVR merging congress, when Putin explicitly spoke out "against calling the movement a ruling one" (2002:31). Other authors note however that "whereas Yeltsin had always avoided direct association with a political party, Putin has identified himself openly with a new party of power..." (Huskey 2002:93). By comparison, there is no doubt about Yeltsin's attitude, who vowed never to join a party again after quitting the Communist Party in 1990 (McFaul 2001:315) and there were many people sympathizing with his pledge by that time. It is also true that Putin enjoyed a different kind of relationship with his party of power, Yedinstvo, than Yeltsin did with the NDR. Most of all, the discipline among Yedinstvo members was very high, only to be compared with the one of CPRF deputies. This discipline was preserved by giving powerful examples such as the exclusion from the party of prominent liberal member Vladimir Ryzhkov, who voted against Putin's proposals to remove governors from the Federation Council and to revise the law on local administration in 2001 (Huskey 2002:93). In his study on Yedinstvo's voting discipline, Thomas F. Remington indicated two possible explanations for this discipline: the first reflected "the benefits of remaining in a close embrace with President Putin", while the

second referred to homogeneity in policy outlooks. A survey among Yedinstvo members showed that "...they vote even more cohesively than their policy outlooks might suggest" and that their policy outlooks shifted from what has been labeled as a centrist ideological position before the elections, to one very close to that of Yabloko only six months later, which actually proves that Yedinstvo "underwent a major evolution... [that] had to do with its stake in a close relationship to President Putin" (Remington 2003:193-194).

Moreover, the results of surveys in the mid-nineties showed that only 4% of voters felt very close to a political party and only 9% somewhat close, as compared to 50% in Western countries (White et al. 1997:135). A survey conducted by Michael McFaul and Timothy Colton five years later in January 2000 showed that 58% of the people questioned felt close to a party, movement, or association while only 35% answered that they felt no such thing (McFaul 2001:316). It makes sense to relate this significant change in the population's attitude towards political parties to Putin's rise and, consequently, to Yedinstvo's large share of votes in the 1999 elections. This does not contradict the figures presented earlier, as these may be interpreted as a sign of the electorate's trust in the only party that is connected to Putin's decision-making level, while non-presidential factions obviously do not benefit from this position, and therefore suffer in their function of representing the electorate's interest. It can also be concluded from these surveys that the Russian party system might be enjoying some positive developments, as the public's party identification has increased significantly. Yet other variables that define a party system¹⁶ remain unstable, such as the division of tasks between parties and interests groups, as it is logical to assume that since parties do not play any role in government formation, interest groups will continue to play their game in politics by influencing government members rather than by lobbying MP's. However, much more worrying are recent developments concerning the emergence of extremist parties - parties that have successfully made it in the Duma in December 2003. These developments indicate that a precondition for having an efficient party system, i.e. the absence of system-opposing extremist parties with strong electorates in the Parliament, is no longer met.

16 A consolidated party-system, coordinating the way a parliament functions, requires the following (von Beyme 2003:77-78): Clear cleavage structures, division of tasks between parties and interest groups, no extremist parties or rejection of system-opposing parties, party identification of the population.

The Establishing of Parties from Above and Implications of the 2003 Parliamentary Elections

Breaking the rule of elections¹⁷ and destabilizing the party system appear to be, up to this point, the most striking effects of the 2003 parliamentary elections in Russia.

Trust in elections and the perception of elections as a legitimate way of gaining access to power have been landmarks in Russian politics that convinced the CPRF to give up its previous anti-system tactics and play by the rules even if it did not recognize the 1993 Constitution. The belief that it stood a fair chance in elections transformed CPRF in one of the guarantors of the system, as pointed out even by President Putin (see the excerpt from his interview in Part I). Michael McFaul cites CPRF leader G. Zyuganov who "made repeated statements urging his comrades to seek power by 'civilized ways... through the ballot box'" (2001:240) and probably made a premature statement when he defined electoralism as a "positive outcome, that is, the institutionalization of elections as the only means for assuming power [...] electoralism is real progress over Soviet totalitarianism" (2001:288). The last elections showed that their outcome depends more on media control than on the actual campaign, and thus broke a rule of the game that had been widely accepted, as those parties that had no ties to the Kremlin were simply banned from media access. Newly established parties, such as the nationalist Rodina party, benefited on the contrary from media coverage to a large extent. The Rodina party was asking through the media for nationalization of natural resources, canceling of the 1990's major privatizations and the "destruction" of SPS leader Anatoly Chubais. They were so present in the media that during the campaign's last days "Putin showed up with Chubais discussing on ... winter preparations" (Yvanovsky and Szyszkovitz 2003:64).

As regards the party system, the 2003 elections destabilized it in at least three ways: it institutionalized a pattern of establishing parties "from above"; it blurred the cleavage structures which had remained almost unchanged since 1993; and it allowed for powerful extremist factions to gain strength. The Rodina case, together with the earlier creations of Yedinstvo or United Russia, signal at least one negative aspect for the Russian party system, namely that the creation of parties and their survival does not depend so much on their performance, but on their connection to the State and its resources. As Michael McFaul pointed in an interview after elections, "The State builds itself the parties and

¹⁷ According to McFaul, leading institutions (rules of game) in Russian politics for the 1993-1999 time frame were electoralism and constitutionalism. Electoralism is the rule of abiding to the electoral game, and constitutionalism represents the recognition of the 1993 Constitution and acceptance to play by its rules (2001: Chapters 7,8).

government it wants" (Yvanovsky and Szyszkovitz 2003:67). There are even voices tracking the creation of Rodina back to the plan of Vladislav Surkov, one of the vice-heads of the presidential administration (Nougayrede 2003), although party leaders Rogozhin and Glasyev, declared themselves as "left-oriented intellectuals" and strongly objected against the "myth of Rodina being a Kremlin-creation. If it had been the case we would have gotten 20% of the votes [instead of 9%] (Yvanovsky and Szyszkovitz 2003:64)".

However, Putin sent to the Kremlin a faction with no party program, a party that has unequivocally avoided TV confrontations or discussions over its past activities in the Duma or its future plans: the Yedinstvo-OVR alliance, United Russia (Yedinaia Rossiya). With a massive presence of 222 seats in the new Parliament, this new party-of-power will probably have no great problems in running the Duma. A threat to this party could emerge nevertheless from the fact that it has no program other than Putin's, while other parties, most notably Rodina, showed that populist ideas, such as their proposal for nationalization of natural resources as a means of punishing oligarchs do gain the votes of the electorate. Ideology does count, even if it is only to help supporters distinguish between parties. Yet it is difficult to say if there are any political forces left - other than United Russia - that would have the interest of distancing themselves from Rodina. What is clear is that the CPRF-Yabloko axis and cleavage structure no longer exists, as CPRF went down to some 10% of seats and Yabloko is out of the Duma. As to Rodina's anti-systemic features, for the moment it is clear that this party has no means of mounting a real threat to Putin or United Russia, but their anti-oligarchs discourse is capable of putting the Kremlin under a lot of pressure, as Rodina members will ask, in exchange for their cooperation in the Duma, for certain governmental or administrative offices.

Conclusions

Although within the constitutional framework and despite a certain degree of continuity of the party system between 1999 and 2003, the Executive-Legislative relations experienced profound change over the past four years, with other important changes to take place during Putin's second term as a President. The Duma has been reinstated as the central place for law-making, and the results of two of the legislative battles lost by the Duma during Yeltsin's rule have been reverted: Political parties have been recognized and the powers of the Federation Council were diminished. Moreover, an end has been put to the practice of frequently

dismissing prime-ministers, and the President came closer to political parties, both to those he personally supported and those that opposed the presidential institution in the past (the CPRF). Still, parties have been kept out of the government and they had no access to the media during the electoral campaign - except for those close to the presidency. Because of that parties that had participated in all elections since 1993 disappeared in the 2003 elections and their place was taken by oversized extremist factions.

At the same time, the worrying practice of establishing parties "from above", i.e. from within the state and with the use of governmental resources, has continued between the 1999 and 2003 electoral campaigns. This tendency diminishes the President's credit for restoring the Duma's legislative functions, since the development of the party system, on which the Parliament is based, has been distorted and even reverted through state intervention. The model used in this paper, i.e. linking change in Duma-Presidential relationships to presidential actions, focused on those actions able to affect the three basic traditional parliamentary functions, as it assumed this relationship changed in the direction of an even more powerful President. This finding confirms Huskey's hypothesis of a presidential campaign aimed to the remaking of Russian institutions. Even more important, according to the same hypothesis, the President's efforts to restore the Duma's law-making function but weaken it on other levels, appears as a means of securing other gains, most notably in the relationship to regional elites. As to the three parliamentary functions altogether - law-making, Executive-formation and representation - the obvious conclusion is that despite positive developments in the law-making dimension, developments in the representation dimension of the Parliament are extremely worrying and able to cause further distortions in the functioning of the Russian political system. All this evidence seems to indicate that the Duma has actually weakened during Putin's office.

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