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# 1 The dual state in Russia

The debate over Russian politics remains as contested as ever, but with an emerging consensus that by the end of Vladimir Putin's second presidential term in 2008, Russian democracy was in crisis. The system in formal institutional terms was undoubtedly a liberal democracy, but practice fell short of declared principles. Views differed over the reasons for, and nature of, the crisis. This chapter will focus on two key issues. First, it will provide a theoretical framework in which the features of the crisis can be examined; and second, the fundamental processes characterising the crisis will be analysed. The combination of methodological and substantive analysis will allow us not only to examine developments, but also to frame how best to think about contemporary Russian politics. Our dual state model, which contrasts the constitutional state with the administrative regime, suggests that it is premature to write off the democratising impulse in Russia altogether. Instead, we shall argue that in an intensely contradictory but nonetheless substantive manner, the potential for democratic renewal within the existing constitutional order has not been exhausted; but at the same time authoritarian consolidation remains possible.

## Politics in the 'gray zone'

The crisis of Russian democracy does not take place in a vacuum, and reflects the broader challenges facing the post-communist world. The instrumental use of the democratisation agenda in the post-Cold War world has provoked something of a backlash against the whole notion of a staged transition to democracy. The democratisation 'industry' has also been called into question.[1] The reality on the ground has prompted

[1] Sarah L. Henderson, *Building Democracy in Contemporary Russia: Western Support for Grassroots Organizations* (Ithaca and London: Cornell University Press, 2003); Marina Ottaway and Thomas Carothers (eds.), *Funding Virtue: Civil Society Aid and Democracy Promotion* (Washington, DC: Carnegie Endowment for International Peace, 2000); Peter J. Schraeder, *Exporting Democracy: Rhetoric vs. Reality* (Boulder, CO: Lynne Rienner, 2002); Janine R. Wedel, *Collision and Collusion: The Strange Case of Western Aid to Eastern Europe 1989–1998* (Basingstoke and London: Macmillan, 1998).



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some rethinking, since much of the post-Soviet region appears trapped between an authoritarian past and an unclear future. Against this background, Thomas Carothers announced 'The end of the transition paradigm'.[2] In his view, early work on 'transitology' in the 1980s was later adopted as a 'universal paradigm' based on a number of assumptions: 'that any country moving *away* from dictatorial rule can be considered a country in transition *toward* democracy';[3] 'that democratisation tends to unfold in a set sequence of stages', with an *opening* followed by a *breakthrough*, with *consolidation* coming along at the end of the process; a belief in 'the determinative importance of elections';[4] that structural factors, such as level of economic development, institutional legacies, cultural traditions and the like will not be decisive; and finally, that the transitions were taking place in viable states.[5] Carothers notes that 'Of the nearly 100 countries considered as "transitional" in recent years, only a relatively small number – probably fewer than 20 – are clearly en route to becoming successful, well-functioning democracies . . .'[6] Russia is not one of these.

### *Elections and managed democracy*

The other countries find themselves in what Carothers calls the 'gray zone'. These are characterised by a number of syndromes, including 'feckless pluralism', notably in Latin America but not only there, where 'the whole class of political elites, though plural and competitive, are profoundly cut off from the citizenry, rendering political life an ultimately hollow, unproductive exercise'.[7] Another syndrome is 'dominant-power politics', where there is some formal contestation, but a group, 'whether it is a movement, a party, an extended family, or a single leader – dominates the system in such a way that there appears to be little prospect of alternation of power in the foreseeable future'.[8] He notes that in dominant-power systems, there is 'the blurring of the line between the state and the ruling party (or ruling political forces)',[9] a feature that is characteristic of Russian politics. As a description of contemporary Russian politics, Carother's analysis can hardly be bettered, yet it lacks a conceptual appreciation of the dynamics of the system.

As Yeltsin's rule came to a close in 1999, it looked as if with his political demise the whole system established during the decade would

[2] Thomas Carothers, 'The End of the Transition Paradigm', *Journal of Democracy* 13, 1, January 2002, pp. 5–21.
[3] *Ibid.*, p. 6. [4] *Ibid.*, p. 7. [5] *Ibid.*, p. 8. [6] *Ibid.*, p. 9. [7] *Ibid.*, p. 11.
[8] *Ibid.*, pp. 11–12. [9] *Ibid.*, p. 11.

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also pass with him. As the succession approached, factional conflict intensified, to the point that the entire regime appeared under threat from insurgent elites in the capital and the regions, which forged an alliance to storm the Kremlin. In the event, the regime and its associated elites managed to survive, but it was a close-run thing. In the 2000 presidential election, Putin came to power and thereafter consolidated what came to be known as 'managed democracy', accompanied in his second term, from 2004, by the notion of 'sovereign democracy'. The rampant elite struggles of the 1990s gave way to a system in which elite conflict was internalised within the regime and an 'imposed consensus' prevailed in society.[10] In the 'gray zone', elections help sustain authoritarian regimes and, at the same time, constrain the opportunities for outsider groups to come to power. The 2007–8 electoral cycle and its associated succession was by now a smoothly managed process, although there were a few alarms on the way.

There is a process of 'dual adaptation' in Russian politics, reflecting the bifurcated nature of the system in its entirety. The electoral system operates at two levels, corresponding to the formal constitutional and nominal para-constitutional (administrative) levels. On the one hand, elections are held according to the appropriate legal-normative framework, the sphere of public politics and political contestation. On the other hand, a parallel para-constitutional system operates, in which the regime imposes its preferences and where factions seek to influence outcomes through a closed and shadow political system. The most successful actors are those who can operate successfully at both levels. The electoral process and parties are forced to adapt to both the formal and the informal levels, hence the emergence of a dual adaptive system.

Features of this emerged from the very first days of post-communist competitive politics (for an overview of the electoral performance of the main parties since 1993, see Table 1.1). No election in post-communist Russia can be considered to have been free and fair.[11] The December 1993 election and referendum on the constitution was condemned as fraudulent, with widespread ballot stuffing, accompanied by inflated

[10] The term 'imposed consensus' is from Vladimir Gel′man, 'Vtoroi elektoral′nyi tsikl i transformatsiya politicheskogo rezhima v Rossii', in V. Ya. Gel′man, G. V. Golosov and E. Yu. Meleshkina (eds.), *Vtoroi elektoral′nyi tsikl v Rossii: 1999–2000gg.* (Moscow: Ves′ mir, 2002).

[11] For the various methods employed to adapt elections to desired outcomes, see Mikhail Myagkov, Peter C. Ordeshook and Dimitry Shakin, 'Fraud or Fairytales: Russia and Ukraine's Electoral Experience', *Post-Soviet Affairs* 21, 2, 2005, pp. 91–131. Their arguments are developed at greater length in Mikhail Myagkov, Peter C. Ordeshook and Dimitry Shakin, *The Forensics of Election Fraud: Russia and Ukraine* (Cambridge: Cambridge University Press, 2009).

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Excerpt
More information

Table 1.1 *Vote distribution between major parties (PR vote), 1993–2007*

| | 1993 | 1995 | 1999 | 2003 | 2007 |
|---|---|---|---|---|---|
| **Turnout** (%) | 54.8 | 64.4 | 61.7 | 55.7 | 64.1 |
| **The 'against all' vote** | 4.22 | 2.77 | 3.30 | 4.70 | n.a |
| *Five elections* | | | | | |
| Communist Party (CPRF) | 11.6 | 22.3 | 24.3 | 12.6 | 11.6 |
| Liberal Democratic Party (LDPR) | 21.4 | 11.2 | 6.0 | 11.5 | 8.1 |
| Yabloko | 7.3 | 6.9 | 5.9 | 4.3 | 1.59 |
| *Four elections* | | | | | |
| Agrarian Party | 7.4 | 3.8 | n.a | 3.6 | 2.3 |
| *Three elections* | | | | | |
| Women of Russia | 7.6 | 4.6 | 2.0 | n.a | n.a |
| Union of Right Forces (SPS) | n.a | n.a | 8.5 | 4.0 | 0.96 |
| *Two elections* | | | | | |
| Russia's Choice | 14.5 | 3.9 | n.a | n.a | n.a |
| Russian Unity and Concord (PRES) | 6.3 | 0.4 | n.a | n.a | n.a |
| Cedar | 0.7 | 1.4 | n.a | n.a | n.a |
| Our Home is Russia (NDR) | n.a. | 10.1 | 1.2 | n.a | n.a |
| Communist Workers for Russia | n.a | 4.5 | 2.2 | n.a | n.a |
| Congress of Russian Communities (KRO) | n.a | 4.3 | 0.6 | (see Rodina) | n.a |
| United Russia (Unity + OVR) | n.a | n.a | (see Edinstvo) | 37.6 | 64.3 |
| *One election* | | | | | |
| Democratic Party of Russia (DPR) | 5.1 | n.a | n.a | n.a | n.a |
| Edinstvo (Unity) | n.a | n.a | 23.3 | n.a | (see UR) |
| Fatherland – All Russia (OVR) | n.a | n.a | 13.3 | (see UR) | (see UR) |

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| | | | | | |
|---|---|---|---|---|---|
| Rodina (Motherland) | n.a | n.a | n.a | 9.0 | (see JR) |
| Social Justice Party | n.a | n.a | n.a | 3.1 | n.a |
| Party of Russia's Rebirth | n.a | n.a | n.a | 1.9 | (see Patriots of Russia) |
| People's Party | n.a | n.a | n.a | 1.2 | n.a |
| Just Russia (JR) | n.a | n.a | n.a | n.a | 7.74 |
| Civic Force | n.a | n.a | n.a | n.a | 1.05 |
| Patriots of Russia | n.a | n.a | n.a | n.a | 0.89 |
| Party of Social Justice | n.a | n.a | n.a | n.a | 0.22 |
| Democratic Party | n.a | n.a | n.a | n.a | 0.13 |
| *Other parties/against all/invalid* | 18.1 | 26.6 | 12.7 | 11.2 | n.a |
| TOTAL (%) | 100 | 100 | 100 | 100 | 100 |

*Sources:* Adapted from Richard Rose, Neil Munro and Stephen White, 'Voting in a Floating Party System: The 1999 Duma Election', *Europe-Asia Studies* 53, 3, May 2001, pp. 419–43, at p. 424; with 2003 data from *Vybory deputatov gosudarstvennoi dumy federal'nogo sobraniya Rossiiskoi Federatsii 2003: elektoral'naya statistika*, Central Electoral Commission (Moscow: Ves' Mir, 2004), pp. 29, 141, 192; and 2007 data from www.cikrf.ru.

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turnout figures to ensure that the 50 per cent minimum was achieved to allow the constitution to be adopted.[12] The authors of a study of the December 1995 Duma elections note that 'The new Duma's own composition changed after the election in ways that bore little relation to the "will of the people" it was meant to have embodied.'[13] As always, the electoral system was condemned, with particular criticism of the excessively large numbers of parties and alliances that participated. By 2007 the opposite criticism was levelled: too few groupings were allowed to take part. There is also a broader institutional problem in that parties fight for representation in the Duma and not for power, since Russia's version of the separation of powers creates a disjuncture between parliamentary representation and government formation. Of course, strong representation may translate into veto power and allow access to governmental posts, but this is a matter of presidential choice and not a systemic characteristic.

At first, however, the 1999–2000 electoral cycle looked as if it would have the uncertainty of outcome that characterises genuinely free and fair elections. A multitude of forces rushed to fill what was perceived to be a developing vacuum as Yeltsin prepared to leave the scene. First, there were a number of ambitious regional leaders. These included Moscow mayor Yury Luzhkov, who allied with President Mintimir Shaimiev of Tatarstan and some others to create the Fatherland – All Russia (Otechestvo – Vsya Rossiya, OVR) electoral bloc, which by mid-1999 looked as if it would sweep all before it. The OVR threat was immeasurably strengthened when former prime minister Yevgeny Primakov in August 1999 agreed to act as the opposition's figurehead in the parliamentary elections and the putative candidate in the presidential ballot. Primakov had served as foreign minister from January 1996 and as prime minister from September 1998 to May 1999, and signalled the return of Soviet-era officials to prominence, ousting the new generation of 'democrats'. This shift in appointment patterns reinforced the consolidation of the administrative regime.

Second, the 1990s had spawned what were colloquially known as 'oligarchs', a new class of super-rich individuals who held a large part of the Russian economy in their hands. Boris Berezovsky, the most egregiously political of them all, crowed that seven bankers had been responsible for Yeltsin's re-election in 1996 and controlled 50 per cent of

[12] Richard Sakwa, 'The Russian Elections of December 1993', *Europe-Asia Studies* 47, 2, March 1995, pp. 195–227.
[13] Stephen White, Matthew Wyman and Sarah Oates, 'Parties and Voters in the 1995 Russian Duma Election', *Europe-Asia Studies* 49, 5, 1997, pp. 793–4.

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the Russian economy.[14] Some of these had become very close to Yeltsin (although people like Berezovsky greatly exaggerated their proximity to the throne) and had virtually merged with the political system to create the 'family', the nexus of business and economic links. Even those not part of the 'family' network had a large stake in the Yeltsin succession. The alliance of regional leaders and big business sponsored what Henry Hale calls 'party substitutes', para-political groupings representing not social interests but acting as vehicles to seize the Kremlin.[15] We shall return to this issue below.

Third, the forthcoming electoral cycle was considered a contest between 'chekists of the Andropov school' and the democrats, with the Berezovsky-sponsored mass media warning that a 'communist restoration' would be catastrophic for the country. The liberal media was shocked by Primakov's suggestion that gubernatorial elections should be abolished, but the idea brought into focus fears that the security services were beginning to set the national agenda.[16] Such concerns had already been prompted by the role played by the 'party of war' in launching the first assault against Chechnya in December 1994, and again in the prominent role played by Yeltsin's 'bodyguard', Alexander Korzhakov, in 1996, when he advocated cancelling the presidential elections and fought against the liberal reformers in government. Putin's role at the head of the Federal Security Service (FSB, the successor to the KGB) in assisting Yeltsin dismiss Yury Skuratov as prosecutor general in spring 1999 signalled the growing role of the security services and brought Putin into the frame as a potential presidential nominee. Alexander Voloshin, who replaced Valentin Yumashev as head of the presidential administration on 19 March 1999, was the first to suggest that Putin could become president.[17] Primakov's dismissal on 12 May, on the eve of the Duma vote on Yeltsin's impeachment, signalled the beginning of Russia's first succession operation. The appointment of Sergei Stepashin as the new prime minister was considered no more than an interim measure, and he was replaced by Putin on 9 August. Rem Vyakhirev, at the head of the giant gas production and distribution monopoly, Gazprom, was immediately hauled over the coals for having

[14] The seven bankers were Boris Berezovsky, Vladimir Potanin, Mikhail Khodorkovsky, Vladimir Gusinsky, Alexander Smolensky, Mikhail Fridman and Pyotr Aven. Chrystia Freeland, John Thornhill and Andrew Gowers, 'Moscow's Group of Seven', *The Financial Times*, 1 November 1997.

[15] Henry E. Hale, *Why Not Parties in Russia? Democracy, Federalism and the State* (Cambridge: Cambridge University Press, 2006).

[16] Mikhail Zygar′ and Valeri Panyushkin, *Gazprom: Novoe russkoe oruzhie* (Moscow: Zakharov, 2008), p. 70.

[17] *Ibid.*, p. 72.

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financed Luzhkov and Primakov.[18] Even before Putin's accession, public politics had been marginalised and the Kremlin had become the main focus of decision-making at the political as well as the administrative level: 'Chinovniki with endless papers glided along the red carpets, glancing in the mirrors. This was already Byzantium.'[19] The semi-autonomous administrative regime had taken shape during the period of 'phoney democracy' between late 1991 and 1993, and it now came into its own.

The fourth, and by far the weakest, collective actor in the succession were the actual political parties. The Communist Party of the Russian Federation (CPRF) had declined significantly since its powerful challenge in 1996, when the presidency seemed within its grasp, and the party remained locked in a time warp of Soviet concerns and an increasingly outmoded leadership, personified by its head, Gennady Zyuganov.[20] The liberal groupings, above all Yabloko and the Union of Right Forces (SPS), were weakened by their endemic failure to unite. Yabloko, headed from its foundation in 1993 to 2008 by Grigory Yavlinsky, is typically characterised as the party of the intelligentsia losers,[21] while the SPS is taken to represent the vulgar 'bourgeois' winners. In the event, in autumn 1999 the regime created its own para-political electoral machine, Unity, that managed to wrest the initiative from the other 'party substitutes' and forged a link between presidential leadership and party politics that had been missing throughout the 1990s. Unity became the core of the pro-presidential United Russia (UR) party, formed on 1 December 2001 when it incorporated the remnants of OVR, and went on to dominate the parliamentary elections in December 2003 and 2007.

The tension between popular choice and managed democracy has been the subject of considerable analysis. The regime's creation and sponsorship of Unity provided the instrument to shape the succession operation and allow the designated successor, Putin, to come to power. Colton and McFaul aptly call this 'the transition within the transition'.[22] Although around 70 million people voted in each stage of the 1999–2000 electoral cycle, a 'pre-selection' had taken place that eliminated

[18] *Ibid.*, p. 77. For various reasons Berezovsky was the loudest in calling for Vyakhirev's resignation; *ibid.*, p. 78.
[19] *Ibid.*, p. 79.
[20] Luke March, 'The Contemporary Russian Left after Communism: Into the Dustbin of History?', *The Journal of Communist Studies and Transition Politics* 22, 4, December 2006, pp. 431–56.
[21] David White, *The Russian Democratic Party Yabloko* (Aldershot: Ashgate, 2006).
[22] Timothy J. Colton and Michael McFaul, *Popular Choice and Managed Democracy: The Russian Elections of 1999 and 2000* (Washington, DC: Brookings Institution Press, 2003).

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such powerful candidates as Luzhkov and Primakov by the time votes were cast in March 2000. Six months before the election, OVR looked set to equal the Communist vote, but after having been trashed by Sergei Dorenko and others on the main television channel (ORT), the party managed only third place with 13.3 per cent of the vote, compared to the CPRF's 24.3 per cent, while Unity gained 23.3 per cent, a major success given that it had been established only a few months earlier (Table 1.1). The Yabloko vote declined in December 1999 to 5.9 per cent compared to 6.9 per cent in 1995, and in the 2000 presidential election Yavlinsky scored two points lower than his party in the Duma election, confirming a secular decline that saw the party fail to enter parliament in 2003. Independent parties were crushed by the titanic struggle between Moscow and regional bureaucratic alliances.

Once in office, Putin developed the system of managed democracy as part of his project of technocratic modernisation. He had clearly taken to heart the classic argument of Samuel Huntington in his *Political Order in Changing Societies* about the dangers of excessive mobilisation in a period of change, a key text of the era before the modernisation paradigm gave way to the discourse of democratisation and globalisation.[23] As Colton and McFaul argue, 'Putin's minitransition inside the transition is a regression away from some of the democratic gains of the 1980s and 1990s – a backtracking and not merely stalling of forward motion.'[24] According to Gel′man, the 2003–4 electoral cycle demonstrated that an equilibrium had been reached in Russian politics, in a 'non-democratic consolidation' of a dominant party and suppression of the intense elite struggles that characterised Yeltsin's presidency.[25] For Richard Rose and his colleagues, this equilibrium represented the 'resigned acceptance of an incomplete democracy', with the regime enjoying majority approval and with no majority for any alternative.[26] The persistence of a regime, they stress, does not necessarily betoken viability. The East European communist regimes travelled the road from stability to collapse in a matter of months.[27] From our dual state perspective,

[23] Samuel Huntington, *Political Order in Changing Societies* (New Haven, CT: Yale University Press, 1968).
[24] Colton and McFaul, *Popular Choice and Managed Democracy*, p. 16.
[25] V. Ya. Gel′man, 'Evolyutsiya elektoral′noi politiki v Rossii: Na puti k nedemokraticheskoi konsolidatsii', in V. Ya. Gel′man (ed.), *Tretii elektoral′nyi tsikl v Rossii, 2003–2004 gody: Kollektivnaya monografiya* (St Petersburg: European University, 2007), pp. 17–38.
[26] Richard Rose, Neil Munro and William Mishler, 'Resigned Acceptance of an Incomplete Democracy: Russia's Political Equilibrium', *Post-Soviet Affairs* 20, 3, 2004, pp. 195–218.
[27] *Ibid.*, p. 212.

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we argue that by 2003–4 the two pillars had become locked in a stalemate that endures to the present.

Colton and McFaul nevertheless suggest that it is wrong to dismiss Russian elections as meaningless and as entirely staged. The 1999–2000 electoral cycle (just like the 2007–8 cycle, but in a far more overt manner) was accompanied by real struggles over 'power, position and policy'.[28] The argument can be applied to the 2003–4 cycle, although the presidential election was more of a plebiscite than a contest with real alternatives.[29] Once in power, Putin's government dominated the political system, the political agenda and increasingly the whole political process. This in part embodied aspirations to manage the political situation, but it also reflected the inability of the political opposition to respond to the changing dynamics of Russian politics in order to forge an effective and credible political alternative. Even Mikhail Khodorkovsky, the head of Russia's largest private oil company, Yukos, about whose destruction by the administrative regime we shall have much to say later, came to this view in the wake of the 2003–4 elections.[30] The split in the liberal wing between SPS and Yabloko meant that neither entered the Fourth Duma. The electoral failure of independent political forces is pre-eminently because of the manipulative techniques employed by the administrative regime, but the 'democrats' themselves also contributed to what Vladimir Ryzhkov, a Duma deputy between 1993 and 2007, called the 'liberal débâcle' of 2003–4, above all by their failure to unite and inability to distance themselves from the chaos of the 1990s.[31]

For Colton and McFaul, the concept of 'managed democracy' accurately reflects the nature of the emerging system. There remains a degree of popular choice and accountability, but this is combined with constraints on the free play of political forces and the contestation of policy options. As they note, 'If it is too early to sign the death certificate for democracy, it is too late to ignore tokens of a backing away from the liberal and democratic ideals in whose name the Soviet regime was overthrown.'[32] Their data demonstrate the gulf between the normative orientation towards democracy of the Russian population and their

[28] Colton and McFaul, *Popular Choice and Managed Democracy*, p. 11.
[29] Richard Sakwa, 'The 2003–2004 Russian Elections and Prospects for Democracy', *Europe-Asia Studies* 57, 3, May 2005, pp. 369–98.
[30] Mikhail Khodorkovskii, 'Krizis liberalizma v Rossii', *Vedomosti*, 29 March 2004; an English version was published as Mikhail Khodorkovsky, 'Liberalism in Crisis: What Is to Be Done?', *Moscow Times*, 31 March, 1 April 2004.
[31] Vladimir Ryzhkov, 'The Liberal Debacle', *Journal of Democracy* 15, 3, July 2004, pp. 52–8.
[32] Colton and McFaul, *Popular Choice and Managed Democracy*, p. 207.

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