



## Institutions, Restoration, and Revolution

By Leon Aron

In its pursuit of an authoritarian recentralization of Russian politics and a greater state presence in the economy, the Putin government is increasingly steering Russia away from the liberalizing course that has characterized the previous decade and a half.

It is true, of course, that every great revolution is followed by a restoration, but this generality tells us little about the particulars. It does not explain, for instance, why in the Russian case the deviation from the values and ideas of the 1991 revolution has been far more pronounced than in Eastern and Central European countries, whose own “restorations”—which in many cases brought former communists back to power and witnessed sharp, leftward turns in economic policy—were of a much milder nature and did not raise concerns about recurrent authoritarianism.

While the closely related issues of the genesis, goals, and resilience of the Putin restoration are complex and invite an array of analytic approaches,<sup>1</sup> the restoration’s institutional context is especially important to consider. Some key political and social structures and processes have clearly facilitated the authoritarian drift, while other systemic features thus far have resisted the Kremlin’s agenda, adhering to the legacy of the 1991 revolution. As popular revolutions sweep autocrats from power from Ukraine to Kyrgyzstan, an understanding of the systemic strengths and weaknesses of the Putin restoration is indispensable to gauging the sustainability of Russia’s present direction.

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### The Federal Assembly

If there is an overarching theme to the Kremlin’s policies, it is the exploitation of institutional loopholes and ambiguities in order to erode checks and balances and replace the separation of powers with what President Vladimir Putin likes to call “the vertical of power.” The stealth subjugation of the legislative and judicial branches to the executive begins with the country’s parliament.

*The Federation Council.* Stipulating only that the upper chamber of the federal assembly consist of two representatives from each of Russia’s eighty-nine regions and that they be elected to four-year terms, the 1993 constitution is silent on the actual mode of election to the Federation Council, except to say that it is to be determined by “federal laws.” Although such laws require the “constitutional majority” of 300 votes (two-thirds of the lower chamber, or Duma) to pass, the lacunae have invited tampering.

In the first legislature (1993–1995), senators were directly elected by the regions’ populations. Between 1996 and 2001 the chamber was made up of regional governors and presidents (speakers) of local parliaments *ex officio*—a less immediate but nevertheless tolerably democratic practice, as both the governors and the speakers were elected directly.

Shortly after Vladimir Putin was elected president in 2000, the Duma passed a law at the Kremlin’s urging that filled the Federation Council with unelected representatives from each

region: one appointed by the region's governor and the other by the local legislature.

This past February, in an overt violation of the separation of powers, Putin told the leaders of the Federation Council that fifty senators whose terms expire this year (slightly less than one-third of the 178-member chamber) should not be reappointed. "I am convinced," Putin said, "that the personnel should be reshuffled to make the chamber's work and personnel more stable."<sup>2</sup> Given Putin's recent proposal to eliminate the direct election of the governors (described below), the "reshuffling" means that senators sent to Moscow by the governors will almost certainly be selected by the Kremlin.

*The State Duma.* The same exploitation of a constitutional gap has been recently perpetrated in the Duma. Apart from specifying the size of the lower, and more powerful, chamber of the parliament at 450 deputies and setting their term of office at four years, the 1993 constitution, again, leaves the details to be determined by "federal laws."

To facilitate the emergence of political parties after seven decades of the one-party state, the original federal law established that half of the Duma's deputies should be elected by party lists. Of the 225 seats thus filled, a party receives a share proportionate to the percentage of the national party list vote it garnered. To qualify for Duma membership, a party must poll no less than 5 percent of the national party-list vote. The other half of the Duma is filled by individual candidates who win a majority of votes in the country's 225 "single-mandate" districts (the "first-beyond-the-pole" method).

Last September, in the wake of the Beslan massacre, President Putin proposed that all Duma deputies be elected by party lists. While party-list-only elections are practiced in a number of established democracies (for instance, Israel), the elimination of single-mandate races in today's Russia, where less than 1 percent of the population belongs to a party, is a blow to democratic self-government at a national level.

Compared to the individual races, a number of requirements for a party to qualify for the ballot (including the collection of 200,000 signatures, no more than 10,000 of which can be from any one region, or a deposit of 39 million rubles—approximately \$1.3 million) make party-list competition far more expensive, cumbersome, and vulnerable to interference by state and federal authorities. In addition, beginning in 2007, a new elec-

tion law will raise the threshold for entry to the Duma from 5 percent to 7 percent of the national party-list vote, thus making it still more difficult to qualify for membership in the parliament.

Public opinion polls have established a strong and consistent preference for single-mandate representation. Since 1997, between two and five times as many respondents have favored direct election as those who support the party-list system.<sup>3</sup> In September 2004 the breakdown was 50 percent to 9 percent.<sup>4</sup>

As of this writing, the legislation to eliminate single-mandate voting has passed the Duma in the first of three required readings.

## Local Self-Government

Too big and diverse to be governed democratically as a centralized, unitary state, Russia was held together through most of its history first by the authoritarianism of the tsars and then the one-party dictatorship of the Soviet Union. Whenever the "center" collapsed, the country literally fell apart. Tyranny and anarchy were the only alternatives until 1995, when President Boris Yeltsin authorized direct popular elections of the regional governors. A new Russian state was born: decentralized and democratic yet whole, and consisting of self-governing provinces.

Last September Vladimir Putin proposed that governors should be "nominated" by the Kremlin rather than directly elected by their constituents, and on December 12, 2004, signed into law the corresponding legislation passed by the federal assembly.<sup>5</sup> Again, the government used the absence of an explicit mention of gubernatorial elections in the country's constitution to violate the spirit (and almost certainly the letter) of the basic law. This breach is even more obvious than in the case of the federal assembly "reforms" and has been widely recognized as such by Russian observers.<sup>6</sup>

According to the Russian constitution, "the citizens of the Russian Federation have the right to elect and be elected to ... bodies of local self-government" (Article 32, Part 2). Self-government is to be exercised, among other means, through "elections," while the structure of self-government "shall be determined" by the population of the regions (Articles 130, Part 2, and 131, Part 1).<sup>7</sup> It is further stipulated that the eighty-nine regions "have all the powers of state" except for those that are held either by the federal government or jointly shared between it and the regional authorities

(Article 73). Nowhere does the detailed list of the president's duties and powers (Articles 83 and 84) include the "nomination" of the governors.

In this break from the country's basic law, Putin has embarked on a very dangerous experiment of attempting to recreate a unitary state, risking Russia's destabilization and perhaps even disintegration.<sup>8</sup> The official reasons for the "reform"—to protect people from their bad choices, to prevent the election of inept or corrupt individuals, and to reign in governors' rapacity or dictatorial tendencies—are seen by leading Russian critics as a cure that is worse than the illness and a fig leaf for what the Kremlin really seems to want: "strict subordination to the center."<sup>9</sup> Can Russia really be governed as a unitary state? In the words of one Russian analyst: "A definite no . . . The vertical of power, so cherished by the administration, will begin to buckle under the weight of corruption, popular dissent, and administrative inefficiencies."<sup>10</sup>

The people agree. Polled on September 18, 2004, five days after Putin announced his intention to abolish gubernatorial elections, 61 percent of respondents in a national survey said governors should be elected by the citizens of the regions, while only 25 percent supported their appointment "by the leadership of the country."<sup>11</sup>

## The Legal System and Judicial Independence

Perhaps no other key institution has been so affected by the retreat from the revolutionary achievements of the previous decade as Russia's legal system. Described in these pages three years ago,<sup>12</sup> the post-Soviet legal revolution ended the state's monopoly on dispensing justice, bringing a measure of independence unimaginable before 1991.

The 1993 constitution has established every Russian citizen's equality before the law and his or her right to defend personal "rights and liberties" in court (Articles 18, 19, and 46). It declared judges "independent," irremovable, and immune from prosecution (Articles 121, 122, and 123). Court proceedings, it held, are to be conducted "on an adversarial and equal basis" between the defense and the prosecution (Article 123, Part 3). Self-incrimination is no longer required of the defendant (Article 51).

The courts' jurisdiction thus vastly expanded, and their rulings on hundreds of thousands of lawsuits brought by people against local and federal authorities helped bolster freedom of religion and even grant

exemptions from the military draft. Trials by jury were introduced, and the share of acquittals increased sharply. Emerging as the ultimate arbiter and the most effective instrument of the post-Soviet legal overhaul, the Constitutional Court of the Russian Federation has ruled against the government in a number of landmark cases and has been vital to the emergence of civil society from the state's shadow.

The legal revolution was formalized in the 2001 Criminal Procedural Code, which proclaimed judicial independence and the equality of prosecution and defense; granted courts (rather than prosecutors) the sole power to sanction arrests, searches, and detentions; and guaranteed the right to a defense attorney and the writ of habeas corpus.

*An Assault on Judicial Independence.* A direct assault on judicial independence began on September 30, 2004, when the Federation Council passed legislation changing the composition of the Supreme Qualification Collegium, which appoints members of federal courts, including the Supreme Court and Supreme Arbitration Court, and which alone has the power to dismiss them.

Currently, eighteen of the Supreme Qualification Collegium's twenty-nine members are elected every four years by the All-Russian Congress of Judges; ten so-called "representatives of public organizations" are appointed by the Federation Council, and one by the Russian president. Under the proposed structure, the Collegium would be reduced to twenty-one members, of which the Congress of Judges would only "recommend" ten judges for nomination by the president and approval by the Federation Council, while the Federation Council speaker would continue to appoint ten members and the president, one. With the consent of a majority of the Collegium, the Russian president would be able to dismiss any of the ten judges he appoints, and the Federation Council would have the same power over "its" members. It is almost certain that the same takeover by the executive will be attempted in the regional qualification collegiums.

In addition to its "colliding with the constitution," in the words of the Collegium chairman Valentin Kuznetsov (who said he had learned of the proposed changes only when Russian journalists called him for comments),<sup>13</sup> the measure violates the 1998 European Charter on the Statute for Judges, to which Russia is a signatory. The Charter states that for "every decision affecting the selection, recruitment, appointment,

career progress, or termination of office of a judge, the statute envisages the intervention of an authority independent of the executive and legislative powers within which at least one half of those who sit are judges elected by their peers.”<sup>14</sup> The chairman of the Supreme Court, Vyacheslav Lebedev, has declared that the proposed change “would break Russia’s separation of powers, giving the legislative (and executive) command over the judiciary.”<sup>15</sup>

As of this writing, the Federation Council’s law has not yet been taken up by the State Duma.

*Nikitin versus Sutyagin and Danilov.* The contrast between the legal environment of the 1990s and that of today is highlighted by a comparison of cases of alleged espionage. In 1995 the Federal Security Service (FSB) arrested Alexander Nikitin, a former navy captain and environmental activist, and charged him with “high treason” for alleged espionage and disclosure of state secrets. Nikitin pleaded not guilty, insisting that he obtained information from unclassified and publicly available sources.

Basing his defense on the constitutional right to “freely seek, receive, pass on, produce, and disseminate information,” as well as the constitutional ban on the application of unpublished laws and the retroactive application of the law, Nikitin obtained a favorable procedural ruling by the Constitutional Court and successfully undermined the legality of the state’s case. The Nikitin case marks the first acquittal in Russian history on a charge of treason brought by state security agencies.

A few years later, the trials of two scholars arrested and accused of very similar crimes followed a markedly different procedure with an opposite outcome. Both Igor Sutyagin, an arms-control scholar with the United States and Canada Institute in Moscow, and Valentin Danilov, a professor and expert on satellite technology at the Krasnoyarsk State Technical University, were charged by the FSB with selling state secrets to foreign companies. Both defendants insisted that the information they had communicated was based entirely on open sources.

In Sutyagin’s case, the court switched juries to include individuals whom the defense argued had connections to the secret services and barred much of the cross-examination. Although the judge in the Sutyagin case ruled that the prosecution had failed to identify the state secrets the defendant allegedly sold to his foreign employers, the scholar was found guilty in April 2004 and sentenced to fifteen years of hard labor.

Danilov was acquitted by a jury in December 2003, but six months later the Supreme Court overturned the verdict, siding with the prosecution, which alleged “improper pressuring of the jury” by the defense.<sup>16</sup> The espionage charge was reinstated, and Danilov was rearrested. At a second trial, which was held in the fall of 2004 and closed to the public, the presiding judge banned the defense from presenting evidence that showed that the information passed by Danilov to a Chinese company was unclassified. The list of jurors was never published, and Danilov alleged that they were “acting under pressure.”<sup>17</sup> The scientist was found guilty and received a fourteen-year sentence.

*The Travesty of the YUKOS and Khodorkovsky Trials.* In 2003, the government started legal proceedings against the principal owners of YUKOS, Russia’s largest private company, including its CEO Mikhail Khodorkovsky, for alleged fraud. The case subsequently expanded to incorporate charges against the company itself for non-payment of taxes.

Undoubtedly, there are legitimate legal concerns about how enormous private wealth was accumulated in a relatively short time in Russia during the 1990s.<sup>18</sup> Yet, regardless of the factual basis of the prosecution’s case against YUKOS and its owners, in both instances what could have become a great precedent for dispassionate and scrupulous investigation and fair competition between prosecution and defense has increasingly deteriorated into a travesty scripted by the prosecution.

In a clear violation of the 2001 Criminal Procedural Code, Khodorkovsky was denied bail, despite the personal guarantees given by leading liberal politicians and entrepreneurs. Attorney-client privileges and confidentiality, guaranteed by the new code, were denied, and defense attorneys were harassed and their offices searched. At the end of 2004, the procurator general’s office issued warrants for two senior YUKOS lawyers, who fled abroad. Two members of the YUKOS team who stayed in Russia have been arrested and charged with fraud, money laundering, and tax evasion.

In one of many instances of judicial negligence or bias, it took the presiding judge in the YUKOS trial only three days to examine hundreds of volumes of tax documents and rule for the prosecution. Judges who attempted an objective examination were dismissed or reassigned from the case by the chairman of the Moscow city court. The trials have resulted in a new Russian expression to describe a crooked legal process:

a *Bassmanniy sud*, or “Bassmanniy court,” after the name of the Moscow court district in which most of the original proceedings against YUKOS were held.

## The Legacy of the Revolution: The Resisting Institutions

Contrary to the grotesquely misinformed taxonomies that place Russia in the same category of “unfree” nations as totalitarian North Korea, Libya, Cuba, and Turkmenistan,<sup>19</sup> or the dictatorships of Uzbekistan and Pakistan,<sup>20</sup> democratic institutions—although eroded and often subverted—are far from dead in the country. Like the flaws in the “enabling” institutions listed above, they are indispensable to a responsible analysis of Russia’s prospects.

People in Russia today are free to travel abroad, leave the country, emigrate, and return. Christians, Muslims, and Jews pray unmolested and side by side in churches, mosques, and synagogues. Following the dramatic growth in their number during the 1990s, houses of worship continue to multiply, as do the religious schools, kindergartens, and adult education courses they run.<sup>21</sup>

Nicolai Petro, a leading student of local self-governance in post-Soviet Russia, estimates that there are 350,000 nonprofit, nongovernmental organizations in Russia today.<sup>22</sup> He also notes that “there is not a region in Russia with fewer than a dozen registered political parties and twice as many political associations.”<sup>23</sup> According to Daniil Meshcheryakov, the executive director of the Moscow Helsinki Group, Russia’s most prominent human rights organization, the participation of young professionals in the human rights movement is increasing and “the wave of initiative comes from the bottom.”<sup>24</sup>

## The Constitution

Although much criticized, sometimes deservedly so, and often honored in the breach, Russia’s 1993 constitution nevertheless is an astonishing breakthrough in the country’s political history. The basic law declares “man, his rights, and liberties” to be of “the highest value,” and their recognition, observance, and protection, a “duty of the state.” Among other “foundations” of the new Russian state are private property, “ideological diversity,” and “multi-party-ness” (*mnogopartiynost*). No official state ideology or religion may be established. Throughout the rest of the constitution, separate articles guarantee freedom of religion, speech, demonstrations, and mass media.

*Parliamentary Opposition.* Far from being powerless, as it is often portrayed, the Russian parliament has in its possession some powerful constitutional tools. Thus, during the opposition plurality of 1995–1999, when the Duma was the de facto headquarters of the leftist “popular patriots,” the parliament managed to block government-sponsored legislation for years. The successful opposition killed such vital measures as post-Soviet tax and labor codes, the breakup and privatization of the state-owned “natural monopolies” (gas, electricity, railroads), and the partial privatization of the housing and pension systems. On several occasions (including three times in the spring and summer of 1997), the parliament has mustered two-thirds majorities in both houses to override a presidential veto of bills that prohibited the purchase and sale of agricultural land or restricted religious freedom.

In matters that constitutionally are the legislature’s prerogative, the Duma was far from shy during the 1990s in ignoring the Kremlin’s wishes, as, for instance, in 1994 when it amnestied the leaders of the August 1991 *putsch* and the October 1993 uprising in the center of Moscow. In early 1999, the Duma initiated Yeltsin’s impeachment, although it failed to garner the necessary 300 votes on any of the four articles.

*Election Results, Not Constitutional Deficiencies.* The absence of an effective legislative counterbalance to the Kremlin today stems not from any systemic deficiency of the constitutional arrangements but from the results of the 2003 election, in which the pro-Kremlin party United Russia won a majority of seats, the communist vote was almost halved, and right-of-center liberal parties failed to overcome the 5-percent threshold. The opposition was reduced to about one-fourth of the chamber. In effect, both the executive and the legislative branches of the Russian government came to be dominated by the same “party of power,” as it is known in Russia.

Yet such unity is very unlikely to remain permanent. Already last February United Russia abstained in the Duma on a vote of no-confidence in the government. With the voters increasingly disappointed in United Russia and with more and more Russians understanding the need for a viable political opposition, the 2007 parliamentary election may well result in United Russia’s demise and the opposition’s regaining its influence.

Of course, for that to happen, access to the polls and vote-counting will need to be fair and honest. If, on the other hand, the regime decides to resort to

rigging on a national scale (which will be easy to prove by comparing the pre-election surveys and exit polls to the official results), it may face a far greater danger of mass protests, such as followed the vote falsification in Georgia, Ukraine, and Kyrgyzstan.

## Freedom of Speech

The public reaction to the regime's sharp turn toward authoritarianism in September and October 2004 was far from muted. In the following months there have been more than a dozen conferences, roundtables, pickets, and rallies criticizing Putin's "reforms."<sup>25</sup> On December 12, the Civic Congress in Moscow gathered 1,500 pro-democracy and human rights activists from all over Russia. The tough declaration adopted by the Congress demanded that the government "adhere" to the constitution.<sup>26</sup>

An umbrella pro-democracy opposition group of leading liberal politicians and activists, called "Committee 2008," was formed to prepare for the next presidential election. On February 15, the leaders of the committee gathered in Moscow to discuss the formation of an opposition political party.

With the very notable exception of Mikhail Khodorkovsky, all the key opposition leaders in Russia remain at liberty, including some of the most vocal critics of the regime: Duma deputy Sergei Glaziev, former co-chair of the left-nationalist Rodina Party; Irina Khakamada, former co-chair of the right-liberal Union of Rightist Forces (SPS), a 2004 presidential candidate, and leader of a new opposition party, Our Choice; Boris Nemtsov, former co-chair of SPS and an adviser to newly elected Ukrainian president Viktor Yushchenko; Vladimir Ryzhkov, a liberal opposition leader in the Duma; Georgy Satarov, a former top political adviser to President Yeltsin and the founder and president of INDEM, a liberal think tank; Mikhail Zadornov, a Duma deputy and leader of the liberal Yabloko Party; and Gennady Zyuganov, chairman of the Communist Party of the Russian Federation and a deputy in the Duma.

Last March, at a press conference in Moscow, former prime minister Mikhail Kasyanov declared Russia to be on the "wrong track" and moving in an "incorrect" direction that "negatively affects the economic and social development of the country."<sup>27</sup> Strongly hinting at the possibility of running as an anti-Kremlin candidate in the 2008 presidential election, Kasyanov said that "what's important is not who is elected in 2008, but that whoever [he] is spearheads a movement toward democratic values."<sup>28</sup>

Kasyanov's statement was reported and exhaustively analyzed by all the major Russian newspapers.<sup>29</sup>

The freedom of speech can occasionally be extended even to the Chechen resistance. On March 8, Ekho Moskvu, a national radio station specializing in interviews with independent political experts and opposition figures, broadcast comments by Akmad Zakayev, a leader of the Chechen resistance, who is wanted in Russia on charges of terrorism and whose extradition from Great Britain the Russian government has unsuccessfully sought for years. Reacting to the killing of Chechnya's rebel leader and former president Aslan Maskhadov, Zakayev said that "Maskhadov's death will lead to an outburst of terrorism in Chechnya and all over Russia."<sup>30</sup>

*The Soldiers' Mothers.* In recent months, a popular national public organization, the Union of Soldiers' Mothers, which has helped thousands of conscripts since 1989 avoid the draft or be discharged by providing legal and medical counseling services, has decided to become a political party. The United People's Party of Soldiers' Mothers, which intends to run for Duma seats in 2007, had its founding congress last November in Moscow. The gathering was attended by 164 delegates from fifty regions.

In response to the Ministry of Defense's announced intention to sharply reduce the number of exemptions from the draft, the Union of Soldiers' Mothers began preparations for a national referendum on the draft, the exemptions, and the transition to all-volunteer armed forces.

Hated by the Russian military brass, the organization has been trying to mediate a peaceful resolution to the Chechen crisis. In March of this year, the leaders of the group traveled to London for talks with Akhmad Zakayev. The representatives of the Union of Soldiers' Mothers and Zakayev agreed at the meeting that the conflict could not be settled by force and blamed Moscow's "shortsighted and criminal policies" for the war in Chechnya and "the terrorism it triggered."<sup>31</sup>

## Freedom of the Press and the Electronic Media

Although in the past few years, following "hints" from the Kremlin, some publishers and advertisers have "toned down" the content or closed their outlets altogether, many—indeed most—have not. Today one finds in Russia a robust print media across the entire

political spectrum. Among the publications on the Right and Left that vehemently and openly oppose the regime are the left-nationalist and reactionary *Zavtra*, which carries vicious anti-Putin cartoons; the left-liberal *Novaya Gazeta*; and the right-liberal *Novoe Vremya* and *Moskovskie Novosti*, the latter still funded by Mikhail Khodorkovsky's Open Russia Foundation. Anyone with enough money can start a newspaper or a magazine. Of the country's thirty-five thousand local newspapers and magazines, seven thousand are privately owned.<sup>32</sup>

Thus far, no Russian journalist has been jailed for his or her writing, and all the most vociferous and adamant critics of the regime are free to publish, including Evgenia Albats, Masha Gessen, Maria Lipman, Valeria Novodvorskaya, Anna Politkovskaya, Leonid Radzikhovskiy, and Viktor Shenderovich. Similarly, such independent and highly respected scholars and experts as Pavel Felgengauer, Alexander Golts, Nikolai Petrov, Andrei Piontkovskiy, Lilia Shevtsova, and Dmitry Trenin—all of whom have been critical of the post-Beslan “reforms”—do not seem to have any difficulty in getting their views published, as well as broadcast and televised.

A rather unexpected source of the anti-government criticism is the tabloid *Moskovskiy Komsomolets*, which is Moscow's most popular newspaper, with a readership of approximately 1.5 million.<sup>33</sup> Along with lurid crime stories and elite gossip, delivered in a style reminiscent of the *New York Post*, *Moskovskiy Komsomolets* offers a good daily selection of the most important national, political, and economic news, often in sharp contrast with the official “line.” This past winter, the tabloid ran a series of mock “letters to the president” filled with “vituperative criticism” of Putin's policies.<sup>34</sup>

Although the circulation of other independent newspapers and magazines is much smaller (far less than the audiences of the government-controlled television), they are read daily by several million members of the country's elite and middle class whose influence in politics and the economy is far in excess of their numbers.

Even while television has come to be dominated by the Kremlin, it is a far cry from the uniformity of the Soviet days. Government policies are not exempt from criticism, and the nightly news broadcasts invariably lead with stories about violent crime (with terrorism now added to the mix), natural disasters, poverty, corruption, incompetence, and other instances of general malfeasance by local officials.

Although nowhere near its former no-holds-barred broadcasts under Yeltsin, the private NTV network, which used to be owned by the Media Most empire of self-exiled media mogul Vladimir Gusinsky, provided “thorough and quite sympathetic” coverage of Ukraine's Orange Revolution, despite the Kremlin's open disdain for (and fear of) the movement.<sup>35</sup>

A smaller private national network, REN TV, strays even farther in providing objective news. In the words of one Russian observer, the network “has not been transformed into a propaganda mouthpiece.”<sup>36</sup> (Anyone with knowledge of Russian and access to the MHz cable network in the Washington, D.C., metropolitan area can judge for himself by watching REN TV's “24 Hours” daily news program, starting at 1:00 p.m.)<sup>37</sup>

In addition to the four Moscow-based television networks, there are 750 local, broadcast or cable stations—about eight in every region—of which almost 200 are privately owned.<sup>38</sup> Generally, they are more independent in their programming than the national networks. “For my money, [local networks] are better than the central channels,” the director of the Center for Media and Law at Moscow State University told an American reporter. “They are more objective, less biased, and they try harder to show all sides of an issue.”<sup>39</sup>

## Freedom of Demonstrations

This past February, hundreds of thousands of protestors all over Russia rallied against the replacement of in-kind welfare benefits with inadequate monetary equivalents. During a national protest day on February 12, between 250,000 (the official estimate) and 800,000 (the organizers' number) people took to the streets. During the previous week, there was a demonstration near the Kremlin to protest the abolition of the direct election of governors, a rally in the center of St. Petersburg to protest the lack of coverage of political opposition by the city's state-owned television channel, and protests in dozens of cities across the country by transportation workers against the rising price of gasoline.

At the same time a new student opposition movement sprang up. Calling itself *Idushchie bez Putina*, or “Walking without Putin” (a reference to a government-supported youth movement *Idushchie Vmeste*, or “Walking Together”), the group is led by Roman Dobrokhотов, a twenty-one-year old student at the Moscow State

Institute of International Relations. Modeled on the Ukrainian pro-democracy youth group *Pora!* ("It's Time!"), which was the backbone of street protests during the Orange Revolution, *Idushchie bez Putina* is planning street protests.

"Our values are liberal democracy, civil rights, and freedom," said Dobrokhotov, who wore an orange shirt at a press conference in the Moscow headquarters of the liberal Yabloko party. "In the first four years of Putin's regime," he continued, "people had hope. Nowadays, people understand that under authoritarian rule, development is impossible. This government, this system, is not suitable for them."<sup>40</sup> Seeking to create a "student protest movement," *Idushchie* sees its mission as being "in the vanguard of social opposition to Putin's regime."<sup>41</sup>

## An Institutional Balancing Act

Whatever else history's verdict on the Putin presidency may be, his regime has proved an important diagnostic tool for uncovering, or confirming, several systemic illnesses of Russia's body politic—as well as its healthy segments capable of withstanding the centripetal pressures.

Some of the institutional deficiencies and vulnerabilities that provided targets of opportunity for the authoritarian project stem from constitutional ambiguities and incomplete or absent laws, including those governing elections to both chambers of the federal assembly and regional governorships. In other cases, such as the post-Soviet legal system, the laws are explicit and adequate, yet they are ignored and subverted because of society's indifference or the absence of effective mechanisms of societal control over implementation.

At the same, although often weakened, restricted, and subverted by the authorities, a number of institutions bequeathed by the 1991 revolution have proved resilient. They include relative freedom of speech, press, and demonstrations, and a general tolerance of opposition and dissent—all of which have proved indispensable in the last sixteen months for the victorious pro-democracy mobilizations in the proto-authoritarian societies of Georgia, Ukraine, and Kyrgyzstan. In Russia's case, these liberties are rooted in the 1993 constitution, which, although in obvious need of clarifying amendments, is nevertheless far from outliving its usefulness.

In the end, an institutional analysis of Russian politics reveals a contradictory system engaged in a

dangerous balancing act. Such incoherence cannot be sustained for long. Either the regime must evolve toward full-blown "classic" authoritarianism that succeeds in dismantling all the key democratic structures—or there will be a reaffirmation and renewal of the revolutionary legacy of the division of powers, freedom of all media, judicial independence, and the separation of power and property.

The next few years will be decisive in resolving this uncertainty.

## Notes

1. For one of the most impressive examinations of this issue, see Lilia Shevtsova, "Otkat, ili Kak Vladimir Putin nachinaet vtroe prezidentsvo" (Retreat, or How Vladimir Putin Begins His Second Presidency), *Briefing* 7, no. 1, Moscow Carnegie Center, January 2005 (available at [www.carnegie.ru/ru/pubs/briefings/71911.htm](http://www.carnegie.ru/ru/pubs/briefings/71911.htm)).

2. Francesca Mereu, "President Says 50 Senators Must Go," *Moscow Times*, February 14, 2005 (available through [www.nexis.com](http://www.nexis.com); accessed March 1, 2005).

3. Foundation for Public Opinion (FOM), "Vyborny v Gosdumu po partiynym spiskam" (The Election to the State Duma by Party Lists), September 23, 2004 (available at [www.fom.ru](http://www.fom.ru); accessed February 15, 2005).

4. *Ibid.*

5. The "nomination" is a euphemism and in fact amounts to appointment: if a regional legislature fails to approve the president's gubernatorial "nominee" twice, he can appoint an acting governor; if the legislature persists and rejects his candidate for the third time, it can be dissolved.

6. See, for example, Vitaly Tretyakov, "Putin's Choice as Russia's Choice," *Russia in Global Affairs* 2, no. 4 (October–December 2004): 41; and Konstantin Sonin, "It's Time to Change the Constitution," *Moscow Times*, November 30, 2004 (available through [www.nexis.com](http://www.nexis.com); accessed February 4, 2005).

7. For a strong constitutional analysis, see Robert Coalson, "Mayoral Elections: Democracy's Last Stand?" *Radio Free Europe-Radio Liberty Russian Political Weekly* 5, no. 9 (March 4, 2005): 1.

8. See Leon Aron, "Putin's Risks," *Russian Outlook*, Winter 2005 (available at [www.aei.org/publication21807](http://www.aei.org/publication21807)).

9. Nikolai Petrov, "The Shape of Strings to Come," *Moscow Times*, March 4, 2005.

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