

Russian Crown-Presidentialism

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Max Weber famously stated that there are three sources of political authority: traditional, charismatic, and rational-legal. Many studying Russia have pointed to Vladimir Putin's deliberate cultivation of charismatic authority through carefully staged photo ops and messaging campaigns. Others have pointed to his appeals to traditional authority in his close connection with the Russian Orthodox Church and frequent use of Tsarist-era symbols. As I have recently shown [elsewhere](#) in more detail, Putin's power also draws on rational-legal authority.

Vladimir Putin draws this authority from detailed, constitutional rules that allow the president to dominate the Russian political system. The surprising importance of rational-legal authority in Putin's Russia carries a number of important lessons for better understanding Russia and the role of constitutional rules in democratic governance.

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The conventional story of Putin's grip on power in Russia focuses on Putin's deliberate cultivation of both traditional authority (Putin is the new Tsar!) and charismatic authority (Putin is Russia's indispensable man of action!). Rational legal authority never features in this story because the conventional view is that Russia is a 'failed' semi-presidential constitutional system.

My research shows that Russia was never a semi-presidential system. Instead, the contemporary Russian Constitution (adopted in 1993) creates an authoritarian constitutional system that I call „crown-presidentialism.“

This constitutional order was built amidst the ruins of the collapsing Soviet Union. After Russia nearly descended into a civil war in the autumn of 1993, then-President Boris Yeltsin made key changes to the working constitutional draft. He did not change the rights provisions, but he did make key changes to the rules that created the textual basis for a vastly powerful presidency, one that could formally dominate both formal and informal politics.

Crown-presidentialism combines two kinds of power in the president. First, the Russian constitution gives the president "management" powers to oversee and control the executive branch ministry and bureaucracy. In fact, key provisions in the constitution create a vertical of executive power extending from the president downward. Article 77 makes it clear that the executive branch is vertically accountable, stating that "the federal bodies of executive authority and the bodies of executive authority of the subjects of the Russian Federation shall make up a single system of executive power of the Russian Federation." The president sits at the top of this vertical. Article 111 states that the president must get the "consent" of

the lower house of the legislature (the Duma) to appoint the head of the executive branch (the prime minister). Many have pointed to this provision as evidence of Russian semi-presidentialism. But this provision also states that, if the Duma does not give its consent, the president can simply appoint the preferred candidate and dissolve the legislature. In addition, Article 117 states that the Duma can vote for no confidence in the executive government. But the president can ignore the first no confidence vote of the Duma and a second no confidence vote can also be ignored as well as allowing the president to dissolve the Duma.

Second, it gives the president “guardian” powers that monarchs once exercised. These powers include the formal position of “guarantor of the constitution and individual rights” and the authority to ensure the “coordinated functioning and interaction of all bodies”. This gives the president vast power to “enter into” legislative power. It includes the formal power dissolve the lower house of the legislature (as discussed above). In addition, Article 95 and 96 state that the upper house of the legislature is “formed” from two representatives from each of the Russian regions. One is taken from the regional legislature and the other from “the executive body of state authority” in the region. This provision allows the president to use the presidentially-accountable vertical of executive power to control one half of the members of the upper house. This control of the upper house affords the president vast power over prosecutors and courts (appointed by the upper house on the proposal of the president under Articles 128 and 129). Finally, the constitution gives the president broad power to call referendums and issue law-like decrees (Articles 84 and 90).

This “crown-presidential” constitutional design was described as a kind of “airbus” constitution that combines and expands powers from French and American presidentialism. But the combination of these otherwise democratic presidential systems has created what Kim Lane Scheppele calls a “Frankenstate” which has undermined Russian democratic state-building since 1993.

In the 1990s, Yeltsin and his Western supporters saw these powers as a necessary expedient, a kind of ‘democratic battering ram’ able to make the difficult (and often unpopular) choices seen as necessary for building free market economics. Yeltsin used these constitutional powers to pursue neo-liberal market reforms and wage a brutal war in Chechnya.

But, constrained by the West and his advisors, Yeltsin did not exploit the constitutional vertical of executive power, instead decentralising power to regional executives (governors). Further, Yeltsin’s market reforms also created a class of wealthy oligarchs who helped to build a pluralistic media. Focusing on these checks on presidential power as well as the long list of rights and democratic guarantees in the constitution, most observers and commentators declared Russia to be a young democracy.

This all changed in 2000 when Vladimir Putin became President. Declaring a “dictatorship of the law”, Putin empowered central legal institutions to place the president at the top of Russia’s vertical of executive power. Drawing on Article 83 of the Constitution, he appointed presidential representatives in the regions who

pressured regional executives (governors) to submit to presidential power. He also used the vast presidential appointment powers over prosecutors and courts to threaten the oligarchs with prosecution. This taming of the oligarchs allowed Putin to reassert state control over television media, further undermining the pluralism of political information in modern Russia.

Since then, Putin has continued to rely heavily on the constitutional order to maintain his personal power. In the aftermath of large protests in 2011, Putin used his control over parliament and prosecutors to crack down hard on the opposition. In 2020, in what now looks like preparation for a war in Ukraine, he changed key provision in the constitution to further consolidate the formal power of the president. These presidential powers remain a critical aspect of his personal power today.

Constitutional Structures Matter

The role of these constitutional provisions in Russian authoritarianism carries a series of lessons. In the short-term, the vast constitutional powers lodged in the office of the president will ensure Russian stability, allowing Putin to weather the shocks of the war in Ukraine and head off any palace coup.

In the long-term, however, these vast powers will foster Russian weakness and instability. The personalisation of power in this constitutional system has already weakened institutions (the Russian army is just one example) and triggered poor decision-making (such as the decision to invade Ukraine). These problems will worsen.

Moreover, the inevitable question of who will replace Putin will also trigger a bitter and destabilising struggle to gain the crown-jewel of the Russian political system: the Russian presidency. A post-Putin Russia must change these constitutional rules to not just build democracy but ensure stability.

More broadly, the fact that the West backed this constitutional system in 1993 shows how much we have to learn about the role of constitutional structure in ensuring both democracy and human rights. Most importantly, it demonstrates the fundamental importance of the detailed and often technical rules of constitutional structure to both democratic and authoritarian state-building.

Would-be autocrats are well aware that the devil is in the details of constitutional design. They frequently insert disguise crown-presidential systems of presidential dominance alongside constitutional provisions on judicial independence and rights alongside. We can see this in authoritarianism in Europe (Belarus), the middle East (Turkey), sub-Saharan Africa (Zimbabwe), and central Asia (Kazakhstan).

It is time that those committed to democracy see the critical importance of the technical rules which disperse power and ensure checks and balances to democratic state-building and protecting human rights. This structural discussion is the real core of the struggle for democracy around the world.

