

## THREE

### Not Just a Rubber Stamp

*Parliament and Lawmaking*

**BEN NOBLE AND EKATERINA SCHULMANN**

Although the Duma formally has the power to discuss and amend laws, its real function is simply to pass laws—it is not an opportunity for influence.

BRIAN TAYLOR

The function of [Duma] deputies has been reduced to stamping bills. And even the refusal to vote in line with the authorities' wishes on important initiatives could well cost legislators their political careers.

SOF'YA SAMOKHINA

Such a parliament may well go through the motions of parliamentary procedure, but the outcomes are foreknown, and the members, although they may use their status as deputies to obtain other benefits of office, have no opportunity to affect policy.

THOMAS REMINGTON

**T**he State Duma—the lower chamber of Russia's bicameral legislature, the Federal Assembly—is often dismissed as a “rubber stamp.”<sup>1</sup> This popular

1. The comments by Taylor (2014, p. 245), Samokhina (2016), and Remington (2007, p. 123) are remarkably similar to characterizations of the Supreme Soviet of the USSR: “That the Supreme Soviet can neither reject nor amend policy proposals put before it by the government is beyond dispute” (Mezey 1979,

metaphor for legislatures in nondemocratic regimes portrays such assemblies as completely subservient, slavishly following the orders of their executive principals. These are bodies dominated by the executive, with legislators providing unquestioning support—and a thin veneer of legitimacy—for decisions taken and finalized elsewhere. The executive is the monopoly supplier of bills, all of which become laws without amendment or critical debate; rubber stamp parliaments do not introduce “viscosity” into the policymaking process.<sup>2</sup>

Beyond the rubber stamp moniker, other disparaging labels abound: a “mad printer,” furiously churning out repressive legislation inspired by the Presidential Administration; a legal “conveyor belt”; a legislative “Xerox machine”; and an elaborate political “farce,” attempting to “divert the attention of citizens from the real mechanisms of adopting decisions.”<sup>3</sup> A July 2015 *Gazeta.ru* editorial declared the Duma “no place for work”—a body that had “finally lost its autonomy.”<sup>4</sup>

There is, however, evidence inconsistent with these descriptions. For example, bills submitted by the executive to the legislature sometimes fail to become laws, and other, successful bills are occasionally amended beyond recognition during Duma passage. Our first key task, therefore, is to present evidence of these deviations from rubber stamp expectations. The second, more important, goal, however, is to explain *why* these, in fact, take place.

If not merely a rubber stamp, then *what is the Russian State Duma's role in the legislative decisionmaking processes?* In answering this question, we focus on parliamentary lawmaking activity during the State Duma's sixth convocation, running from the very end of 2011 until the middle of 2016, as

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p. 42). Indeed, Thomas Remington (2014, p. 42) argues that “under presidents Putin and Medvedev, parliament has largely reverted to its Soviet-era role as a rubber stamp for the leadership's policy initiatives.”

2. On “viscosity,” see Blondel (1970). See Noble (2016b) for a detailed discussion of the rubber stamp model and the methods for evaluating its veracity in particular cases.

3. The Russian term for “mad printer” is *vzbesivshiisya printer*. The description of political “farce” is taken from an apparently frank description of contemporary parliamentary practice by a serving United Russia deputy, Evgenii Fedorov—quoted in Ukolov (2014).

4. Editorial, “Ne mesto dlya raboty [No place for work],” *Gazeta.ru*, July 7, 2015, [www.gazeta.ru/comments/2015/07/07\\_e\\_7597253.shtml](http://www.gazeta.ru/comments/2015/07/07_e_7597253.shtml).

well as place this period in the longer post-Soviet context.<sup>5</sup> As such, we neither devote much attention to the activities of the Federation Council, nor do we discuss in detail other legislative functions beyond lawmaking, such as executive oversight and constituency representation.<sup>6</sup>

Our argument, in brief, is that rather than always, and simply, providing a seal of approval for initiatives developed fully and finalized elsewhere, the Russian parliament serves as a venue—and the legislative stage of policy-making, more broadly, serves as an opportunity—for *executive, bureaucratic*, and other *powerful non-legislative actors* to contest their competing policy preferences.<sup>7</sup> To be sure, on important policy initiatives, and when elites are united, the Duma is capable of rubber-stamping bills, with initiatives racing through the legislature with little substantive discussion and no amendments. Yet this does not always happen. Although we suggest a number of reasons why this is the case, we underscore the fact that the Duma serves as an “elite battleground” between ministries, departments, executive agencies, and economic interests. Deviations from the rubber stamp model, therefore, result from intra-elite policy squabbling, rather than signifying opposition to, or influence on, executive policy agendas. Although parliamentary activity reflects a cacophony of elite interests, this plethora of voices is largely untethered from societal concerns, with consequential discussions taking place away from public view.

We proceed with an overview of post-Soviet Russian parliamentary politics, lay out evidence of rubber stamp deviations, and discuss the causes of these deviant observations.

5. The first plenary session of the sixth convocation took place on December 21, 2011, with the final plenary session on June 24, 2016.

6. As Joel Ostrow (2001, p. 647, n. 1) argues, “For all intents and purposes, the Duma is the Russian legislature”—a claim that is particularly resonant when analyzing the lawmaking process and since institutional reforms have clipped the autonomy of Federation Council members (see Remington 2008).

7. To be sure, we are not the first to make this claim. Remington (2014, p. 42), for example, writes that “parliament has become one of several sites in Russia’s political system where bargaining and deal-making among organized interests take place.” This chapter, however, builds on these existing insights by updating the empirical picture to the present day, by expanding the range of this evidence, and by providing rich descriptions of episodes to flesh out dynamics that have been intimated but rarely explored in detail.

## A BRIEF HISTORY OF POST-SOVIET RUSSIAN PARLIAMENTARY POLITICS

The history of post-Soviet Russian parliamentary politics is not a simple, linear story, moving from chaos to control. To place the Duma's sixth convocation (2011–16) into the longer story of post-Soviet parliamentarism, we provide a brief overview of this historical context, covering institutional details, the shifting partisan composition of the Duma and the executive-legislative balance of power, and an overview of the lawmaking process.

Following the constitutional crisis of 1993—which, at base, was a confrontation between the legislative and executive branches of power, and which culminated in the dissolution of the Congress of People's Deputies and the Supreme Soviet—the new post-Soviet constitution created a new bicameral federal parliament, with 450 seats in the lower house. The 1993, 1995, 1999, and 2003 Duma elections were all conducted using a mixed electoral system, with 225 deputies elected using party-list proportional representation and 225 in single-mandate district (plurality) competitions. By contrast, the 2007 and 2011 elections were conducted using a purely proportional representation system.<sup>8</sup> There is evidence that these institutional changes have affected legislative behavior: Jana Kunicova and Thomas Remington (2008) argue, for example, that deputies elected via single-mandate districts were more likely to defect from the party line when voting on budget bills.

The same formal constitutional structure has hosted very different executive-legislative dynamics in post-Soviet Russia. This variation over time reveals the importance of the *partisan* balance of power in the Duma. Given the stark power asymmetries apparent when this new institutional architecture was forged in 1993—demonstrated most dramatically by Boris Yeltsin's shelling of the parliament building—some commentators predicted legislative subservience to follow. Stephen Holmes, for example, argued that the corollary of Yeltsin's "superpresidential" constitution would be "rubber-stamp," "fig-leaf parliamentarism."<sup>9</sup> Yet the first Duma convocation—sitting from the beginning of 1994 to the end of 1995—was composed of twelve party factions and deputy groups "finely balanced between pro-government and opposition parties."<sup>10</sup>

8. The 2016 Duma elections saw a return to the mixed electoral system.

9. Holmes (1993–94, p. 124).

10. Chaisty (2005, p. 301). The final plenary session of the first convocation took place on December 22, 1995.

The second Duma—running from 1996 to the end of 1999—was an even starker corrective to expectations of legislative quiescence.<sup>11</sup> The Communist Party’s seat plurality—in combination with other leftist forces—resulted in frequent clashes between President Yeltsin and the Duma. Yet executive-legislative relations during the second half of the 1990s were not marked exclusively by conflict: Yeltsin sometimes chose to bypass the Federal Assembly completely by using executive decrees (*ukazy*), and politicians were sometimes able to reach policy compromises.<sup>12</sup>

Vladimir Putin’s election to the presidency in 2000, along with the success of the Kremlin in crafting a viable “party of power,” United Russia, by the end of 2001, ushered in a period with fewer overt clashes between the executive and the legislature. However, the absence of a cohesive, stable, disciplined pro-executive partisan majority necessitated policy bargaining and horse-trading during the third convocation (2000–03), as demonstrated by the substantial—albeit implementable—amendments made by deputies to spending figures during Duma passage of the state budget bill in the early 2000s.<sup>13</sup> Yet the *visibility* of this legislator influence was reduced with the introduction of “zero readings”—consultations between deputies and the government carried out *before* bill introduction to iron out differences before the commencement of formal legislative proceedings.<sup>14</sup>

Executive influence over the Duma was strengthened with United Russia’s majority following the December 2003 elections. Although United Russia secured 223 Duma seats on the basis of election results, postelection

11. The first plenary session of the second convocation took place on January 16, 1996, and the final plenary session took place on December 13, 1999.

12. See, for example, Chaisty and Schleiter (2002) on the contrast between the Duma’s surprising policymaking *productivity* during this period and its low estimation in the eyes of Russian citizens.

13. That they were implementable is in contrast to the manifestly political changes made to budget bills during Duma passage in the 1990s, which made the final documents poor guides to *achievable* spending levels (see Troxel 2003, p. 159). Interview with an economic correspondent for a major federal newspaper, Moscow, January 17, 2016, transcript. The first plenary session of the third convocation took place on January 18, 2000, with the final plenary session on November 28, 2003.

14. Interview with a former parliamentary reporter for a major federal newspaper, Moscow, January 25, 2016, transcript.

shuffling of deputy partisan ties resulted in the “party of power” commanding more than 300 seats during the fourth convocation, which ran from the end of 2003 to the end of 2007.<sup>15</sup> This numerical dominance further shifted the executive-legislative balance of power. Indeed, newly elected Duma chair Boris Gryzlov suggested on December 29, 2003, that the Duma “is not a venue in which it is necessary to hold political battles, to assert political slogans and ideologies” but “is a venue in which people should be occupied with constructive, effective lawmaking activities.”<sup>16</sup> In an October 2005 interview, erstwhile Duma chair Gennadii Seleznev put a less positive spin on the situation, arguing that, because of United Russia’s commanding position in the lower chamber, the Duma was now “totalitarian”—a “machine that stamps everything proposed by the president and the government.”<sup>17</sup>

The 2007 parliamentary elections cemented executive control over legislative activities, with United Russia achieving a constitutional majority from the very start of the fifth Duma convocation, which ran up to the end of 2011.<sup>18</sup> Thus, the Communist Party secured 57 seats, the Liberal Democratic Party of Russia (LDPR) 40, and Just Russia 38, versus United Russia’s 315. However, this numerical dominance for the “party of power” ended following the December 2011 Duma elections, with United Russia officially receiving just under 50 percent of the vote, translating into 238 seats in the lower chamber—a bare majority.<sup>19</sup> Just Russia improved on its previous seat tally, with 64 Duma mandates; LDPR won 56 positions; and the Communist Party secured 92 seats.

15. The first plenary session of the fourth convocation took place on December 29, 2003, with the final plenary session on 21 December 2007.

16. For Gryzlov’s remarks, see the transcript of the State Duma’s plenary session, no. 1(715), State Duma of the Federal Assembly of the Russian Federation, <http://transcript.duma.gov.ru/node/1386/>. These comments have since been condensed into the often-cited phrase that the Duma is “not the place for political discussions” (see, for example, Chaisty 2012, p. 97).

17. From an interview by Sergei Tkachuk (2005) in *Novye Izvestia*.

18. The first plenary session of the fifth convocation took place on December 24, 2007, with the final plenary session on November 23, 2011.

19. Unlike previous convocations, the sixth convocation was originally meant to run for five years (instead of four), due to a constitutional amendment adopted in 2008. However, the length of this convocation was shortened by the moving forward of parliamentary elections for the seventh Duma convocation from December to September 2016.

One episode from the first legislative session of the Duma's sixth convocation suggests the brief window available for nonexecutive influence on parliamentary affairs, as well as the institutional changes enacted in response aimed at limiting such opportunities in the future. On May 10, 2012, eight Duma deputies—including United Russia and Just Russia legislators—introduced a bill proposing changes to the Code of Administrative Offenses, markedly increasing administrative responsibility for putative violations of the rules governing public demonstrations.<sup>20</sup> The timing of this proposal was no surprise: May 6, 2012, saw large-scale demonstrations held on the eve of Putin's inauguration to his third presidential term, ending in violence on Bolotnaya Square. Disagreeing with the repressive thrust of this legislative proposal, a group of deputies, including Dmitrii Gudkov, Gennadii Gudkov, Il'ya Ponomarev, and Vadim Solov'ev, planned to hinder the passage of the bill by proposing a vast number of amendments during the bill's second reading on June 5. In Russian, this effort was referred to as an "Italian strike," but, in effect, the goal was to filibuster the bill's reading on the Duma floor. Although this strategy forced the Duma to stay in session until midnight, the opposition deputies were ultimately unable to block the bill, in part because of a violation of the Duma's standing orders regarding the time available for deputies to present particular amendments, reduced by the chair to one minute and then to thirty seconds.<sup>21</sup>

This episode was a brief flowering of oppositional activity on the Duma floor, for which there were consequences. As Eddy Malesky and Paul Schuler have argued, "Authoritarians want reasonable representation of opposition groups, but a process that allows a firebrand or intransigent opposition into the chamber could damage both negotiations and the credibility of revealed bargains to the public."<sup>22</sup> By explicitly setting out to—and apparently succeeding in—humiliating the ruling elite by impeding, and drawing attention to, the passage of a repressive bill, Gennadii Gudkov incurred the

20. An information page for bill 70631-6 is available on the State Duma of the Federal Assembly of the Russian Federation's lawmaking information portal, *Avtomatizirovannaya sistema obespecheniya zakonodatel'noi deyatel'nosti* [Automated system for supporting lawmaking activities] (ASOZD), [http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=70631-6](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=70631-6).

21. A transcript (*Stenogrammy obsuzhdeniya zakonoproekta no. 70631-6*) of the bill's second reading on the Duma floor is available on the lower chamber's online archive, State Duma of the Federal Assembly of the Russian Federation, <http://api.duma.gov.ru/api/transcript/70631-6>.

22. Malesky and Schuler (2010, p. 485).

ire of the Kremlin: he was stripped of his deputy mandate on September 14, 2012—a move attributed in part to his leading role in the “Italian strike.”<sup>23</sup>

In addition to Gudkov’s removal, another response came in the form of a raft of changes introduced into the Duma’s standing orders, removing the possibility of a repeat of this overt display of opposition. Thus, a Duma resolution (*postanovlenie*) from September 21, 2012, among other changes, reduced the amount of time allowed for the presentation of particular amendments and allowed the Duma leadership to cluster together amendments it considered to be related, therefore removing the possibilities for filibustering; these changes were developed at a closed meeting of the Duma Committee on Regulations.<sup>24</sup>

How does a bill become a law in Russia? All legislative initiatives must be introduced into the State Duma. Article 104 of the 1993 Russian constitution enumerates the actors with the authority to introduce legislative initiatives into the Duma: the president, the Federation Council as a whole, members of the Federation Council, State Duma deputies, the government, the legislative branches of Russian regions, and the Constitutional Court, the Supreme Court, and the Supreme Arbitration Court (before its dissolution in 2014) in areas of their jurisdiction.<sup>25</sup> Most bills are required to pass through three separate readings on the Duma floor in order to progress from the lower chamber. The first reading concerns the general concept of a bill; the second reading concerns the details of a bill, during which amendments can be made; and the third reading is largely used to brush up remaining technical-legal details. During Duma review, in addition to approval, bills can be returned to, or withdrawn by, their sponsors; new coauthors can be added, or they can recall their signatures (this can happen before the first reading has been passed); or bills can be rejected on the floor (under conditions specified in the lower chamber’s standing orders).<sup>26</sup> Initiatives can

23. Interview with Dmitrii Gudkov, Duma deputy (Just Russia), Moscow, January 25, 2016, transcript.

24. Makunina (2012). For the draft resolution, see the bill’s information page on ASOZD, [http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=136741-6](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=136741-6).

25. For an English-language text of the 1993 Constitution of the Russian Federation, see [www.constitution.ru/en/10003000-06.htm](http://www.constitution.ru/en/10003000-06.htm).

26. For the Duma’s standing orders, see “O reglamente Gosudarstvennoi Dumy Federal’nogo Sobraniya Rossiiskoi Federatsii [On the standing orders of the State Duma of the Federal Assembly of the Russian Federation],” *Consultant.ru*, [www.consultant.ru/law/review/lawmaking/reglduma](http://www.consultant.ru/law/review/lawmaking/reglduma).



also stay in limbo for long periods, as bills are not automatically removed from consideration at the end of Duma convocations.

If adopted by the Duma, a bill (now technically referred to as a “law”) moves on to the Federation Council. Following committee review, bills are voted on in a plenary session of the council. If successful, initiatives move on for presidential signature. If the Federation Council or the president rejects (vetoes) an initiative approved by the Duma, the lower chamber can challenge rejections, or a conciliation commission is created to negotiate a compromise text. Alternatively, the laws rejected by the Federation Council or the president can stay without further consideration for indefinite periods, while officially regarded as being “under discussion” (as opposed to being removed from consideration).

This brief sketch of post-Soviet Russian legislative politics demonstrates the fluctuations in executive-legislative relations, pushing back against a simple narrative moving from the disorder of the early 1990s to complete control under President Putin. The stage is set for our analysis of policy-making processes in the sixth Duma convocation.

### REALLY A RUBBER STAMP?

We can test the aptness of the rubber stamp label as applied to the Russian legislature by searching for evidence *inconsistent* with the model’s expectations. We can look, in other words, for “black swans.”<sup>27</sup> Four observations are inconsistent with this ideal-type model of authoritarian legislative politics: bill introduction into the legislature by nonexecutive actors, the failure of executive-introduced bills to become laws, executive bill amendment, and the vetoing of bills during legislative review. After presenting evidence of these phenomena, we explore the reasons for these puzzling observations.

#### *All Bills Are Introduced by the Executive?*

In a recent review of scholarship on “democratic authoritarianism,” Dawn Brancati argues that authoritarian legislatures “only rubberstamp government-proposed legislation.”<sup>28</sup> Does the State Duma, in fact, only deal with legislative initiatives proposed by the executive, which, in Russia,

27. See Noble (2014, 2015, 2016a, 2016b) for a presentation and defense of this approach to evaluating the rubber stamp model of authoritarian legislative politics. On the role of black swans in theory falsification, see Popper (1959).

28. Brancati (2014, p. 317).

consists of both the government and the president? Figure 3-1 presents information on the percentage of all bills submitted to the Duma (by legislative session, spring 2012 to spring 2015), broken down by the introducing actor.

Clearly, the Duma does not simply deal with executive-sponsored bills. Rather, the executive is responsible only for around 20 percent of submitted initiatives (in this period at least), with deputies being the clear leaders, sponsoring around 50 percent of all bills, followed by bills formally sponsored by regional legislatures.<sup>29</sup> (On bills sponsored by regional legislatures, see Petrov and Nazrullaeva, this volume.)

#### *All Executive-Introduced Bills Are Successful?*

Executive bills should always receive the endorsement of rubber stamp assemblies; bill failure is inconsistent with perfect legislative subservience. Figure 3-2 presents success rates for bills sponsored by the government, the president, and Duma deputies from the second to the fifth Duma convocations.<sup>30</sup>

Although the success rates of bills sponsored by the government and the president improved over time, in line with greater executive dominance over the legislature, *executive bills continued to fail in the fourth and fifth Duma convocations*. A perfect success rate has been realized only once: by presidential bills in the fifth convocation. Executive bills have also failed in the sixth convocation—for example, bill 42197-6, “On the introduction of changes to various legislative acts of the Russian Federation regarding questions of the implementation of social patronage and of the activities of organs of guardianship and custody,” introduced by the government in March 2012 and rejected by the State Duma in second reading in January 2014.<sup>31</sup> In a sense, these data appear to constitute a very weak challenge to the rubber stamp model. After all, the vast majority of executive-sponsored bills do, in fact, become laws. Yet, as we discuss below, the significance of bill failure is

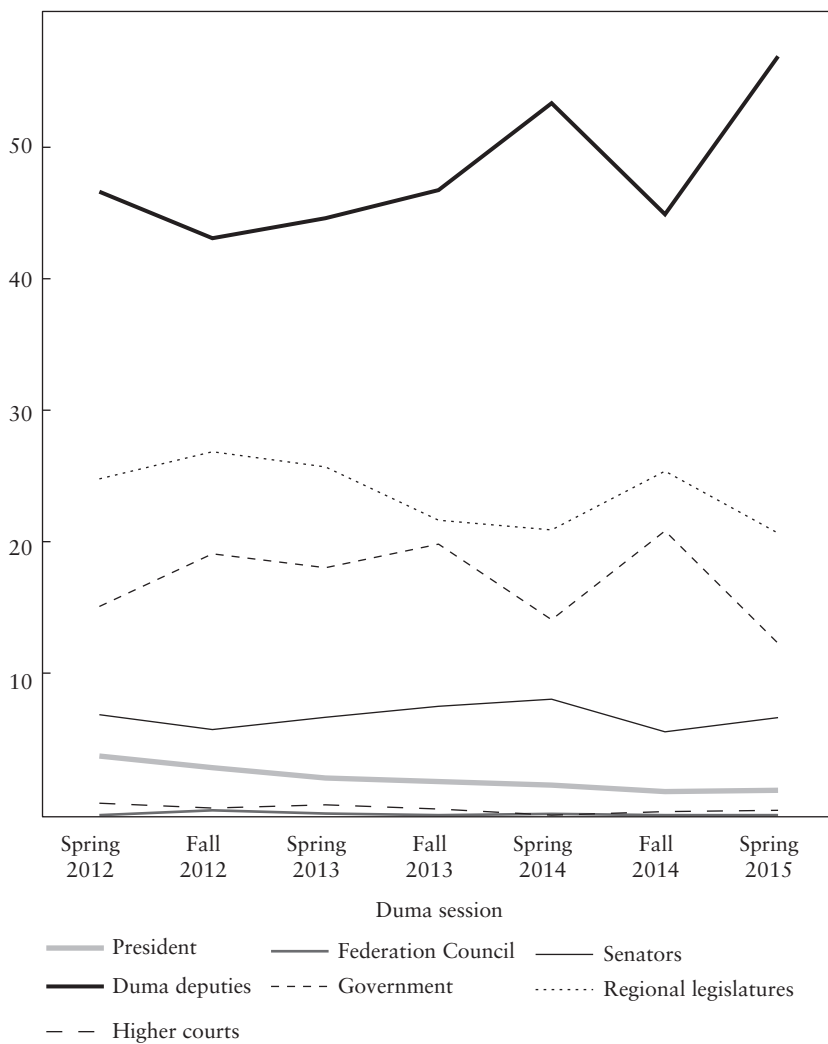
29. Figure 3-2 also demonstrates that bills formally sponsored by Duma deputies have been successful, again underlining the fact that the Russian parliament does not simply consider and accept initiatives introduced by the executive.

30. Success rates equal the proportion of executive-introduced bills that are signed into law during the same convocation (excluding bills that are still under consideration).

31. Bill 42197-6’s information page on ASOZD, [http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=42197-6](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=42197-6).

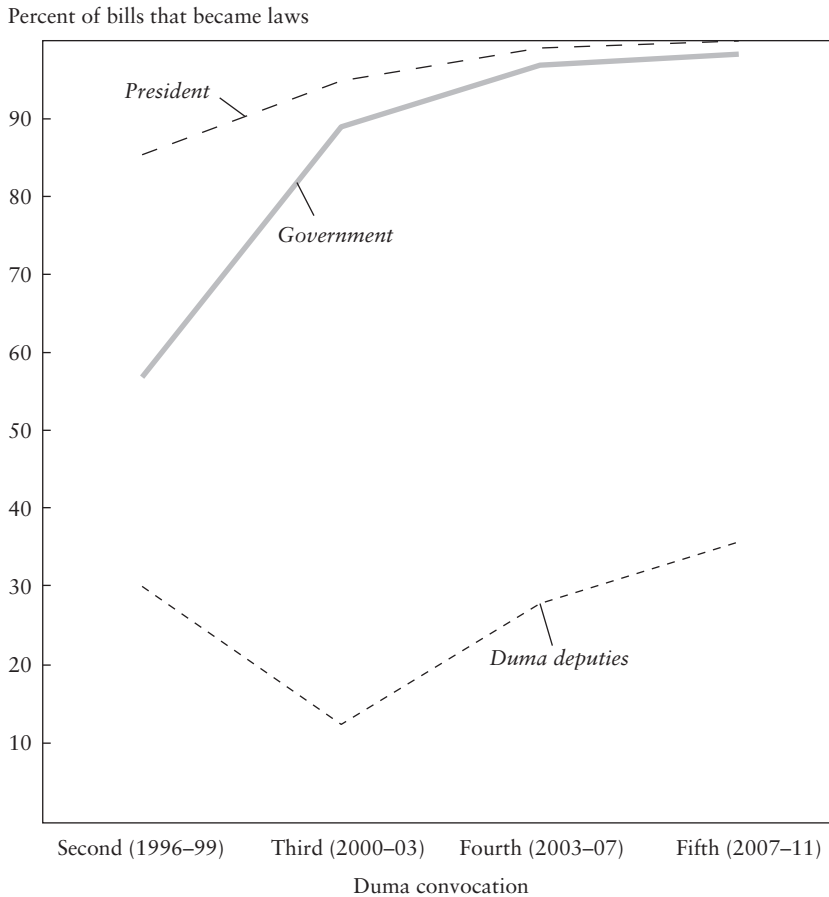
**Figure 3-1** Submitted Bills, by Initiator and Legislative Session, Spring 2012–Spring 2015

Percent of bills submitted



Source: Apparat Gosudarstvennoi Dumy Federal'nogo Sobraniya Rossiiskoi Federatsii (2015, p. 4).

**Figure 3-2** Bill Success Rates by Initiator and by Duma Convocation, 1996–2011



Source: *Apparat Gosudarstvennoi Dumy Federal'nogo Sobraniya Rossiiskoi Federatsii* (2015, pp. 7, 9, 13. Unfortunately, Duma lawmaking statistics are not available for the first Duma convocation, 1994–95.

found in the indications it gives regarding the broader, but largely hidden, world of intra-elite conflict.

*All Bills Pass through the Legislature without Amendment?*

Rubber stamp legislatures are not meant to revise bills. Writing about the fate of a government-sponsored change to the single social tax in the fourth Duma convocation (2003–07), Thomas Remington noted: “[It is] striking that, in contrast to the bargaining that accompanied tax bills in the past,

there were almost no changes to the government's initial version while the bill was going through the Duma."<sup>32</sup> In other words, executive dominance of the legislature resulted in fewer changes to executive-submitted bills. Moving to contemporary practices, Remington has noted that "once a bill reaches the parliament, it usually undergoes only minor revisions."<sup>33</sup>

Some cases, however, jar with this general claim. For example, there is the government-sponsored bill 293332-6, "On the introduction of changes to Parts One and Two of the Tax Code of the Russian Federation and separate legislative acts of the Russian Federation."<sup>34</sup> On introduction to the Duma on June 7, 2013, the bill totaled around two hundred words, but, in its final form, the law consisted of just under ten thousand words. Substantively, whereas the introduced draft concerned simply the registration of aircraft, the final law included numerous changes to legal provisions concerning taxes. There are suggestions, moreover, that such cases are not entirely exceptional: Svetlana Bocharova has gone so far as to claim that "the practice of amending a law [read "bill"] beyond recognition between first and second reading . . . [has become] a tradition."<sup>35</sup>

#### *No Bills Passed by the State Duma Are Vetoed by the Federation Council or the President?*

This expectation flows from the assumption that all disagreements are ironed out *before* legislative introduction. Or, if disagreements persist into the Duma, then they will be ironed out by the time of a bill's third reading, including with the involvement of Federation Council members in the drafting and adoption of bill amendments in second reading. Figure 3-3 presents the frequency of vetoes used by the Federation Council and the president by Duma legislative session, 1996–2015.

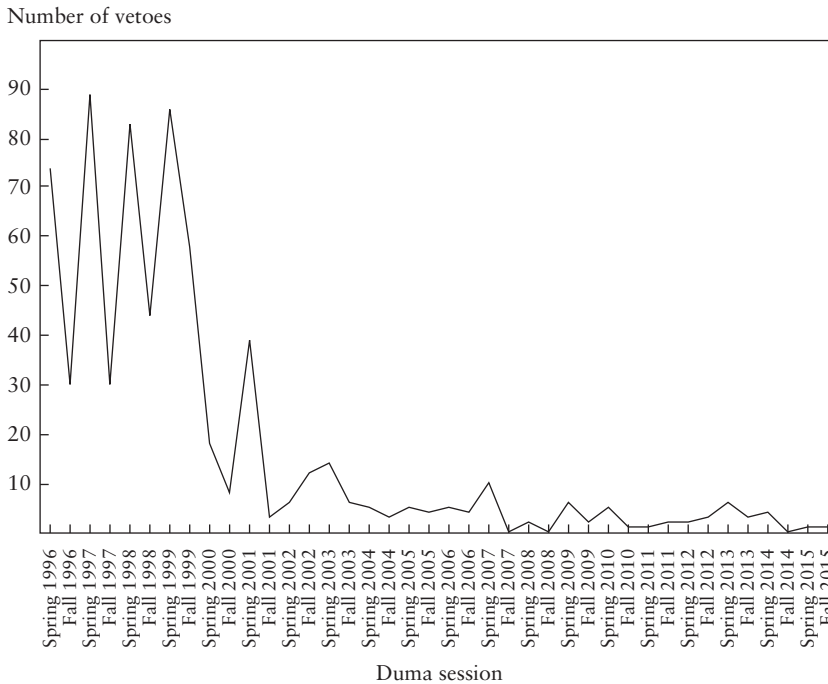
Although there was a precipitous decline in the number of vetoes used in the shift from the second to the third Duma convocations—in line with the shift in executive-legislative relations discussed above—their use did not reduce to naught in the more recent periods associated with executive dominance over the legislature. And, what is more, these veto episodes include cases of *executive*-sponsored legislative initiatives—for example, bill

32. Remington (2008, p. 975).

33. Remington (2016, p. 49).

34. Bill 293332-6's information page on ASOZD, [http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=293332-6](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=293332-6).

35. Bocharova (2013).

**Figure 3-3** Number of Bills Vetoed by the Federation Council and the President by Duma Session, 1996–2015

Source: State Duma website ([www.duma.gov.ru/legislative/statistics/](http://www.duma.gov.ru/legislative/statistics/)).

255707-6, on foreign investments in strategically important sectors of the economy, introduced into the Duma by the government on April 10, 2013.<sup>36</sup> Although not discussed in detail here, information on voting activity would tell a similar story. Although the classic, ideal-type rubber stamp image includes unanimous, slavish voting by automatons, votes in the State Duma are rarely unanimous. Of the 15,767 votes cast during the sixth convocation (2011–16), only 5 votes were, strictly speaking, unanimous, where unanimity applies only to votes in which all 450 deputies voted in favor of a motion.<sup>37</sup>

36. Bill 255707-6's information page on ASOZD, [http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=255707-6](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=255707-6).

37. This strict interpretation of unanimity does not, however, convey the frequent occasions on which unanimity is not achieved simply because of the absence of deputies from the floor, which might not necessarily signal opposition from these legislators. Voting data are taken from the State Duma of the Federal

To be sure, many votes are near unanimous. But, more importantly, the executive has often relied exclusively on United Russia's 238 votes to pass—or block—initiatives. When the Kremlin wants a show of unity, however, the “Crimean consensus” becomes apparent on the Duma floor, with “opposition” parties joining with the “party of power” to present a united front.<sup>38</sup>

It might be tempting to infer from these deviant observations that, in contrast to the rubber stamp picture of legislative subservience, the State Duma has been able to resist executive lawmaking agendas or that it has been able to realize its own legislative agenda autonomously from executive concerns. This would be premature: the mere fact of these observations tells us very little about their *causes*.

### ELITE BATTLEGROUND

What explains these observations that jar with rubber stamp expectations? In this section, we once again look at the four areas discussed in the previous section: nonexecutive bills, executive bill failure, executive bill amendment, and bill vetoing. Although we propose a variety of explanations—including both the use of nonexecutive actors to be the formal sponsors for controversial and repressive legislation crafted by a unified elite, and entrepreneurial activity by Duma deputies—we underscore the legislative stage's capacity to serve as an opportunity for intra-elite policy contestation, particularly between executive and bureaucratic actors.<sup>39</sup> Stephen Holmes provides a vivid account of the

uncompromising turf warfare, factionalism, and zero-sum competition over vast cash flows inside the Russian elite and the impossibility of imposing discipline or common goals on fragmented, self-dealing bureaucrats. . . . Executive agencies and ministries . . . [that] habitu-

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Assembly of the Russian Federation's online archive of voting information, <http://vote.duma.gov.ru/>. For an example of a unanimous vote, see the third reading vote on bill 104515-6, which took place on December 20, 2013, <http://vote.duma.gov.ru/vote/84183>. Bill 104515-6's information page on ASOZD, [http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=104515-6](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=104515-6).

38. Churakova (2015). For a discussion of the “Crimean consensus,” see Noble (2017).

39. This argument is redolent of “institutional pluralist” approaches to politics and policymaking in the Soviet Union—see, for example, Hough (1977, 1983) and Skilling (1971).

ally conceal essential information from each other and work at cross-purposes tend to produce incoherent and self-defeating policies, to seize up in periodic deadlocks, to react dangerously slowly to unexpected crises. . . . Such intra-elite warfare reflects massive but hidden state weakness, suggesting strongly that the much talked-of consolidation of vertical power in the age of Putin is more illusion than reality.<sup>40</sup>

Our argument is that these intra-elite dynamics are, in large part, responsible for the rubber stamp deviations presented above. These legislative phenomena occur, not because of legislator autonomy from, or opposition to, executive agendas, but because the executive itself—as well as the bureaucracy and powerful economic interests—is deeply divided on certain policy questions. The legislative stage of policymaking allows these non-legislative actors both to sneak in policy changes under the noses of their colleagues and to bargain over the details of disputed initiatives.

#### *Nonexecutive Bills*

Are bills formally sponsored by nonexecutive actors really the result of non-executive policy agendas? There are suggestions that this is not the case: opposition Duma deputy Il'ya Ponomarev has argued that almost 80 percent of bills formally sponsored by parliamentarians are not, in reality, the personal initiatives of these same deputies.<sup>41</sup> Why the disjuncture between formal and real bill sponsorship? This happens for a number of reasons. In certain cases, bills formally sponsored by nonexecutive actors are drafts written by government actors—such as ministries and federal agencies—that have not received the approval necessary from other executive actors in order to be introduced formally as a government initiative.<sup>42</sup> The majority of government-sponsored bills need to pass two formal hurdles: adoption by the government's Commission on Legislative Activities and adoption by the cabinet.<sup>43</sup> Frustrated by this impediment to their initiatives, executive

40. Holmes (2015, p. 37).

41. Gallai and Bocharova (2013).

42. For a discussion of the pre-legislative government sign-off (*soglasovanie*) process, see Fortescue (2012).

43. For information on the commission (Kommissiya Pravitel'stva po zakonoproektnoi deyatel'nosti), see the section "Opisanie [Description]" on the body's



actors sometimes find “a sympathetic deputy [or another nonexecutive actor with the authority to introduce bills] to introduce legislation on their behalf.”<sup>44</sup> And certain powerful state bodies—such as the Central Bank, the Office of the Prosecutor General, and the Investigative Committee—lack the formal authority to submit bills for legislative review, meaning that they have to find other actors to introduce bills into the Duma on their behalf.

In other cases, elite actors do not want to be formally associated with particular bills that they have drafted for fear of popular discontent, including because of these initiatives’ repressive character. This concern for disassociation was particularly apparent during the Duma’s sixth convocation concerning draconian initiatives developed by the Presidential Administration and the Security Council. Examples of such practices abound. A source within the Presidential Administration admitted, for example, that bill 607554-6—popularly known as the “Rotenberg law,” which proposed that Russian citizens be compensated from state budget funds for “unjust decisions of foreign courts,” and introduced into the Duma on September 23, 2014—was drafted by lawyers in the State Legal Directorate of the President.<sup>45</sup> Likewise, the law branding those nongovernmental organizations (NGOs) receiving foreign funding and carrying out “political activities” as “foreign agents,” although formally sponsored by 243 deputies, was actually drafted by an informal working group in the Directorate of Domestic Policy in the Presidential Administration.<sup>46</sup> Similarly, a bill crafted by the Investigative Committee concerning the controversial reintroduction of the concept of “objective truth” into Russian criminal procedure law was formally sponsored by United Russia deputy Aleksandr Remezko and introduced into the Duma on January 29, 2014.<sup>47</sup> And a number of anti-extremism and antiterrorism bills, although formally introduced into the Duma on April 7, 2016, by United Russia deputy Irina Yarovaya and senator Viktor Ozerov, were, in fact, drafted by the Security Council—a presidential advisory body

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Government of the Russian Federation web page, <http://government.ru/department/147/about/>.

44. Chaisty (2006, p. 130).

45. Nikol’skaya and Surnacheva (2015).

46. Nikol’skaya and Surnacheva (2015).

47. Berseneva (2014). In fact, Alexander Bastrykin, head of the Investigative Committee, took responsibility for the bill in an interview published in the government newspaper, *Rossiiskaya Gazeta* (Kozlova 2013).

concerned with matters of national security.<sup>48</sup> That *executive* actors were responsible for drafting laws, subsequently interpreted as evidence of Duma deputies being “mad,” “rabid,” and out of control, should make us cautious when ascribing blame for the stream of repressive legislation promulgated during Putin’s third presidency.

Although ascertaining the frequency and precise sources of, and reasons for, such covert introductions is impossible given, for example, the actors’ interest in opacity, there is anecdotal evidence of relatively stable agency-deputy linkages, with particular legislators acting as proxies for particular executive or state bodies: the Investigative Committee (Aleksandr Remezov, United Russia, Legislation Committee); the Ministry of Transport (Evgenii Moskvichev, United Russia, Transport Committee); the Ministry of Health (Nikolai Gerasimenko, United Russia, Health Care Committee; Ol’ga Borzova, United Russia, Committee for Family, Women, and Children); the Ministry of Internal Affairs (Vladimir Vasil’ev, United Russia, Security and Anticorruption Committee; Irina Yarovaya, United Russia, Security and Anticorruption Committee); the Presidential Administration (Leonid Levin, Just Russia, Information Policy Committee); the Presidential Directorate of Domestic Politics (Aleksandr Tarnavskii, Just Russia, Budget Committee; Mikhail Emel’yanov, Just Russia, Economic Policy Committee; Andrei Lugovoi, LDPR, Security and Anticorruption Committee; Aleksei Kazakov, Just Russia, Information Policy Committee; Igor’ Lebedev, LDPR, Constitutional Legislation and State-Building Committee; Dmitrii Vyatkin, United Russia, Constitutional Legislation and State-Building Committee); the Supreme, Arbitration, and Constitutional Courts (Pavel Krashenninikov, United Russia, Legislation Committee); the Office of the Prosecutor General (Aleksandr Khinshtein, United Russia, Security and Anticorruption Committee; Vladimir Ponevezhskii, United Russia, Constitutional Legislation and State-Building Committee); Gazprom (Valerii Yazev, United Russia, Natural Resources Committee); and the Security Council (Irina Yarovaya, United Russia, Security and Anticorruption Committee; Vladimir

48. Interview with a long-serving parliamentary correspondent for a major federal newspaper, Moscow, May 17, 2016, transcript. The council’s website is [www.scrf.gov.ru/](http://www.scrf.gov.ru/). A source less familiar with the case suggested, in contrast, that the actual initiator of this set of bills was the Federal Security Service (FSB). Interview with a parliamentary, and subsequently, presidential correspondent for two major federal newspapers, Moscow, May 25, 2016, transcript.

Ponevezhskii, United Russia, Constitutional Legislation and State-Building Committee; Igor' Lebedev, LDPR, Constitutional Legislation and State-Building Committee).<sup>49</sup> As this list demonstrates, there is an association between the Duma committee membership of deputies and the policy area of most concern to the represented interests. In sum, although the reasons for obfuscating the “real” sponsors of legislative initiatives vary, nonexecutive actors are used to act as the formal sponsors for bills drafted elsewhere.<sup>50</sup>

There is also evidence, however, of apparently *autonomous*, nonexecutive lawmaking initiatives—something that is not captured by our “elite battleground” metaphor. We can point to at least three types. First, in certain cases, it seems that Duma deputies introduce initiatives simply to raise these same legislators’ public profile, or to put a particular issue onto the agenda, rather than as sincere attempts to modify the letter of the law.<sup>51</sup> Second, in other cases, Thomas Remington (2008: 985) has suggested that United Russia deputies are granted relative autonomy in crafting “regulatory and distributive legislation to reward its supporters” and to ensure “its perpetuation in power.” That is, pro-executive deputies are granted the authority to craft policy in certain demarcated areas in exchange for regime fealty. And, third, although decreased in line with the legislature’s increased subservience to the executive over time, lobbying by powerful economic actors still takes place during the legislative stage of policymaking (see Chaisty 2013).

#### *Executive Bill Failure*

Can the failure of executive bills to become laws be attributed to successful legislative opposition? Again, we argue that this is unlikely to be the

49. These deputy links were provided during our interviews with the long-serving parliamentary correspondent and the parliamentary, and subsequently presidential, correspondent.

50. Consistent with this picture, a *Gazeta.ru* editorial from July 2015 argues that, rather than “autonomous politicians, capable of generating and adopting decisions, deputies have turned into an instrument used by different governing institutions for the adoption of their own decisions.” Deputies can serve as pawns in proxy skirmishes between non-legislative actors; the State Duma serves as the stage for other people’s battles.

51. For suggestions of such a dynamic, see the comments by Deputy Oleg Nilov cited in Ukolov (2014). See also Brunner (2013) for an analysis of similar dynamics in Belgium, France, Germany, and the United Kingdom.

case. For example, the only case of *presidential* bill failure in recent years, which concerned Dmitry Medvedev's electoral reform initiative, was submitted at the end of his presidential term. It did not fail because of resistance from Duma deputies; rather, a rival electoral reform initiative, sponsored by the once-again-president Putin, took precedence, making Medvedev's proposal obsolete.<sup>52</sup> It is unlikely, moreover, to be the only Medvedev-sponsored bill fatality: ten further bills, introduced during Medvedev's presidency, remain formally under consideration in the State Duma—cases we might call Medvedev's "legislative orphans."<sup>53</sup> Since bills can remain formally under consideration indefinitely—that is, bills do not automatically fail at the end of legislative sessions or convocations (see above)—and given the reputational costs associated with bill failure, allowing presidential initiatives to remain dormant appears to be the simplest course of action.

#### *Bill Amendment*

The authority to amend bills is conventionally understood as a key *reactive* power of legislatures, used to tailor legislative initiatives to legislators'—and, by extension, the electorate's—policy preferences. However, amendment practices in the Duma do not conform to this idealized picture of legislative practice.<sup>54</sup> An episode from 2014 helps illustrate the gulf between theory and reality. Changes to fees charged to small businesses first appeared among amendments proposed by the head of the Duma's Budget Committee, Andrei Makarov, to bill 605370-6—a government-sponsored initiative on tax policy, introduced into the Duma in September 2014.<sup>55</sup> As noted above, it is an old Duma trick to introduce amendments (conceptually unconnected to the bill as originally submitted) during second reading—an option particularly appealing when actors want to introduce changes quickly and quietly. However, in this case, the proposed changes to the tax bill became known and caused a public uproar (includ-

52. See Noble (2014) for an analysis of all cases of executive bill failure, 2008–13, including a discussion of Medvedev's failed electoral reform initiative.

53. View these cases on ASOZD.

54. See Noble (2015) for an analysis of data on amendments made to all executive-sponsored bills, 2003–13.

55. Bill 605370-6's information page on ASOZD, [http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=605370-6](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=605370-6). See Schulmann (2014b).

ing protests from the Medium and Small Business Commission of the Public Chamber), prompting legislators to pass the government's bill without the alterations.<sup>56</sup> In a sense, therefore, the Duma was operating well: a negative public reaction resulted in the blocking of a controversial amendment.

This was not the end of the story for small business fees, however. The core policy ideas were included as an amendment made in preparation for the second reading of a different bill, authored by Deputy Andrei Makarov, along with other legislators.<sup>57</sup> As they moved from one bill to another, the proposed amendments changed considerably, so that small business fees no longer applied to all municipalities but applied only to Russia's three cities of federal stature, Moscow, St. Petersburg, and Sevastopol. The fees also became lower, and the range of taxable business activity was reduced from twenty-two areas to just one, distributive trade. The amendments were adopted in this form during the bill's second reading on November 18, 2014. Why this maneuver? Most likely, this was an attempt to shift the responsibility from the government to the parliament. Yet, that same evening, President Putin told a forum of the All-Russia People's Front that the Moscow authorities were behind the idea for the bill amendment, given their unhappiness with how little retail chains were contributing to the city's revenue stream (Kremlin 2014). The Russian Union of Retailers appealed to Putin to veto the law when it reached him;<sup>58</sup> however, the president signed the bill into law on November 29.

This practice of inserting significant changes during second reading to socially resonant bills (albeit without public discussion) is also illustrated by the passage of bill 759895-6.<sup>59</sup> Introduced by the government in April 2015, the original bill concerned the application of Russian civil legislation to transactions completed in Crimea before 2014. The bill was adopted with minor revisions in second reading on May 12, 2015. Rather than moving swiftly on to a third reading on the Duma floor, however, the bill was returned for a *repeat* second reading on July 3, 2015, in order to introduce

56. On the protests, see Sterkin and Churakova (2014).

57. Bill 527250-6's information page on ASOZD, [http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=527250-6](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=527250-6).

58. See the report by Ishchenko (2014).

59. Bill 759895-6's information page on ASOZD, [http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=759895-6](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=759895-6).

amendments to the text, as well as to change the title of the bill. Specifically, the chair of the Duma's Legislation Committee, Pavel Krasheninnikov, proposed amendments, which would significantly alter the content of article 222 of the Russian Civil Code—on “unauthorized construction.” In spite of the insertion of these provisions completely unrelated to the original bill, and following no discussion on the Duma floor, the bill was adopted by 96 percent of the vote in third reading on July 3.<sup>60</sup> The changes to article 222 of the Civil Code gained particular significance in light of the removal of a large number of retail kiosks and pavilions—alleged to be “unauthorized constructions”—by the Moscow authorities on the night of February 9, 2016—a controversial move labeled the “night of the long shovels.”<sup>61</sup> Although clear evidence regarding the reasons for Krasheninnikov's amendment is unavailable, anecdotal evidence from the Duma suggests that the deputy was approached by the constructing lobby connected with the brothers Arkady and Boris Rotenberg.

Again, however, there is evidence of dynamics not captured by the “elite battleground” metaphor. For example, one episode paints Pavel Krasheninnikov in a very different light: as an independent policy entrepreneur, amending a Supreme Court–sponsored bill—concerning the decriminalization of a number of activities—by inserting a change regarding punishment, something he had been championing since 2008.<sup>62</sup> In a sense, this example displays the same pathologies regarding the introduction of changes falling outside the original conception of a bill during second reading and without discussion. And yet this case does serve to demonstrate how legislators—in this case, a loyal United Russia deputy and head of the Duma's Legislation Committee—can, in certain circumstances, act successfully in furthering their own policy agendas.<sup>63</sup>

60. For a transcript of the bill's discussion on the Duma floor, including voting results, see *Stenogrammy obsuzhdeniya zakonoproekta no. 759895-6* [Transcripts of the discussion of bill no. 759895-6], State Duma of the Federal Assembly of the Russian Federation, <http://api.duma.gov.ru/api/transcript/759895-6>.

61. Litvinova and Kolotilov (2016).

62. Bill 953369-6's information page on ASOZD, [http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=953369-6](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=953369-6). For Krasheninnikov's championing of the bill, see Churakova (2016).

63. The task remains to specify the conditions under which nonexecutive actors can act autonomously, or as entrepreneurs, in the policymaking process.

*Vetoing Bills*

Finally, what of bills passed by the State Duma but vetoed by the Federation Council or the president? As noted above, the use of bill vetoes is particularly striking, given the apparent opportunities earlier in the lawmaking process to resolve disagreements between actors. According to one of our interviewees, “If the Federation Council vetoes something, it means that, at the last moment, something happened and they [the authorities] said, ‘Do not pass the bill.’”<sup>64</sup> The suggestion is that vetoes from the Federal Assembly’s upper chamber do not reflect objections rooted in senators’ policy concerns; rather, elite actors can use the veto power to block initiatives.

There are a number of reasons for this late-stage intervention, including the discovery of technical errors and mistakes in the text adopted by the Duma, shifting socioeconomic conditions, and attempts to block initiatives sponsored by nonexecutive actors that clash with executive interests.<sup>65</sup> On the latter, an example is bill 829830-6—an initiative sponsored by the chair of the Duma, Sergei Naryshkin, and the chair of the Duma’s Budget Committee, Andrei Makarov. The bill—proposing that changes made to budget spending category figures by the government *between* sessions of the State Duma be subject to review by a joint Duma and Federation Council commission—was introduced and expedited through the lower chamber at the very end of the spring legislative session in 2015.<sup>66</sup> Leaving the Duma on July 4, the bill was taken up by the Federation Council on July 6, with a proposal made by the council’s Budget Committee to adopt the bill on the same day, with the Federation Council’s legal department declaring

64. Interview with the parliamentary, and subsequently presidential, correspondent.

65. Of the twenty-one bills that have been vetoed by the Federation Council or the president during the sixth Duma convocation, one bill has been withdrawn from consideration, one is under review in a conciliation commission, two are awaiting reports from the responsible Duma committee, and seventeen have been signed into law following changes made during conciliation commission meetings. For information on vetoed bills, see “Statistika zakonodatel’nogo protsesssa [Statistics of the lawmaking process],” State Duma of the Federal Assembly of the Russian Federation, [www.duma.gov.ru/legislative/statistics/](http://www.duma.gov.ru/legislative/statistics/).

66. Bill 829830-6’s information page on ASOZD, [http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=829830-6](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=829830-6). This is a case of a bill being adopted in first reading and in toto, with no separate second and third readings.

only minor objections.<sup>67</sup> However, on July 8, the Council in plenary voted to reject the initiative, with the same Budget Committee supporting this rejection.<sup>68</sup> Why the speedy U-turn? Rather than evidence of Federation Council-specific concerns about the initiative, this veto was motivated, in fact, by concerns raised by the Ministry of Finance regarding the Duma's role in adjusting budget spending levels.<sup>69</sup> Thus, an executive actor used a proxy legislative actor (the Federation Council) to impede the passage of a bill sponsored by parliamentarians.

### *In Sum*

Evidence, which, at first sight, might appear to signify legislative influence, is often, on closer inspection, the result of the Duma serving as a venue for policy bargaining and conflict between a diverse set of largely *non-legislative* interests, including executive and bureaucratic actors with divergent preferences. The State Duma is a “place of action,” but legislators as such are not necessarily—and, in most cases, are not likely—the first movers of this activity.<sup>70</sup>

Given strategic considerations—including the reputational costs of airing “dirty laundry” in the relative publicity of parliament—these rubber stamp deviations can be considered particularly puzzling. Would we not expect the Kremlin to ensure that intra-executive and bureaucratic disputes were kept well away from the public gaze? That we do, in fact, observe these phenomena likely speaks to the impaired ability of the core executive to control actors in the policymaking process. The real importance, however, of these deviations lies in the fact that they intimate broader dynamics—

67. For the department's report (*zakliuchenie*) on the bill, see Legal Department of the Apparatus of the Federation Council of the Federal Assembly of the Russian Federation, [http://asozd2.duma.gov.ru/main.nsf/\(ViewDoc\)?OpenAgent&work/dz.nsf/ByID&33216FACEFCAB48C43257E7B0047BD68](http://asozd2.duma.gov.ru/main.nsf/(ViewDoc)?OpenAgent&work/dz.nsf/ByID&33216FACEFCAB48C43257E7B0047BD68).

68. For a transcript of the Federation Council's discussion, see records from the 377th meeting (*zasedanie*) of the Federation Council of the Federal Assembly of the Russian Federation, <http://council.gov.ru/activity/meetings/56109/transcript>, Federation Council.

69. Opposition from the Ministry of Finance was confirmed in an interview with the economic correspondent, Moscow, January 17, 2016. See also Sapozhkov and others (2015).

70. Rory Truex has used the phrase “place of action” when referring in general to legislatures in nondemocratic regimes (see Truex 2014, p. 235).



they are merely the iceberg tips, under which lies a largely hidden world of intra-elite conflict.

## CONCLUSION

What role does the Russian State Duma play in the legislative decisionmaking process? In this chapter we have subjected the rubber stamp label—often applied to Russia’s Federal Assembly—to empirical scrutiny by disaggregating the various dimensions of this ideal type.<sup>71</sup> The activities of the State Duma can at times appear entirely scripted and at other times farcically theatrical. But they can also involve bitter disputes between influential, *non-legislative* actors, although these conflicts are most often safely tucked away from public view. Rather than an orderly, scripted, simply ceremonial stage in the policymaking process, the picture of the Duma presented in this chapter is largely of a haphazard process of sneaky bureaucratic gamesmanship masquerading as parliamentary politics. The legislative stage of policymaking in post-Soviet Russia has always involved conflict, but the *visibility* of this conflict, and the *actors* involved, has varied over time.

Our aim has been to provide a corrective to representations of contemporary Russian parliamentary politics and practices conforming to the rubber stamp metaphor.<sup>72</sup> The sheer volume of laws produced every year in Russia should, however, caution against making generalizations about the policymaking processes involved. The dynamics concerning high-profile, politicized initiatives—when “System 2” is in operation—are, for instance, likely to differ from those concerning ostensibly technical amendments to the legal landscape.<sup>73</sup> Moreover, the chapter by Nikolay Petrov and Evgenia Nazrullaeva intimates other dynamics relating to the Duma passage of bills sponsored by regional legislatures, which might not reflect intra-bureaucratic battling.

71. Although the rubber stamp label is often used more casually, being applied to legislatures that do not conform perfectly to a model of perfect subservience, we use the concept in this chapter as an ideal type with which to assess the recent functioning of the State Duma.

72. Another approach would be to marshal detailed evidence in *support* of the rubber stamp characterization of contemporary Russian legislative politics.

73. Ideally, we would analyze separately and compare, for example, the legislative passage of bills in different policy areas and of different priorities for the executive. We leave this for future research.

Duma deputies are largely absent from our story—as independent actors, at least. Why would ambitious individuals seek to hold office, given the very limited opportunities for policy influence? This question has been asked regarding other putative rubber stamp nondemocratic legislatures. For example, for deputies in China’s National People’s Congress, Rory Truex (2014) asks, what are the “returns to office” in a rubber stamp parliament? One likely answer is simple: money. Deputy status comes with its own material perks and privileges, access to patronage, as well as rents (see Remington 2008; Reuter and Robertson 2015). In addition, deputy status confers legal privileges, “such as immunity from prosecution and protection from investigation by law enforcement agencies” (Chaisty 2013, p. 733).<sup>74</sup> United Russia has also largely been absent from our account. In spite of holding a majority of seats in the Duma, the party is not, however, the center of decisionmaking on policy. United Russia serves, rather, as a vehicle for securing electoral victories for the Kremlin, which translate into majority voting blocs in the Duma, as well as the majority of regional and local legislatures.

The fate of Russian parliamentarism inspires particular interest, given the widely held view that there is a relationship between the general health of democracy and the vigor of legislative bodies.<sup>75</sup> The legislative activity from the Duma’s sixth convocation cited in this chapter will, however, not likely give succor to those hopeful of seeing democratic politics in Russia. The significance of the Russian parliament does not stem from its role as a check on executive power, responding independently to the legislative initiatives of the government and the president, or as an independent initiator of bills. Our analysis demonstrates that legislative activity need not be animated by democratic, *election*-driven politics; rather, intra-elite politics can provide the impetus for activity in the legislature. To be sure, bureaucratic actors in democracies and non-democracies alike no doubt use the legislative

74. See Blaydes (2011) for a similar argument regarding parliamentarians in the Egyptian parliament during Hosni Mubarak’s regime.

75. As David Olson and Michael Mezey (1991, p. xi) argue, “It is important to clarify the policy-making role of legislatures because the strength of a nation’s legislature is often viewed as directly related to the strength of that nation’s commitment to democratic procedures.” And Steven Fish (2006, p. 18) has argued that “would-be democratizers should focus on creating a powerful legislature . . . [and] if politicians fail to establish a national legislature with far-reaching powers, the people will soon find themselves in a polity where their votes do not count (or are not counted properly) and their voices are not heard.”

stage of policymaking to further their own interests. What is distinctive about Russia—and possibly other nondemocratic regimes—is how these concerns dwarf the representation of other interests. Instead of the public interest and the electorate’s opinion, we have the executive and the bureaucracy talking to itself, competing within itself, and using political institutions to further its interests.<sup>76</sup> This evidence of intra-elite competition highlights yet again the inadequacy of models invoking an all-knowing, all-powerful, all-directing Putin to explain decisionmaking in contemporary Russia. Although the Kremlin has demonstrated an ability to dominate executive bodies on certain issues and at certain times, there remains a great deal of room for individual ministries, departments, and actors to battle against others with competing preferences.

In recognition of parliament’s limited capacity to provide a channel for the expression of societal opinions and interests, there has been a proliferation of quasi-parliamentary bodies, such as the Public Chamber and the “public councils” (*obshchestvennyye sovery*) under executive ministries. Yet it seems the fear that these institutions—nominally created to improve information flows between society and the authorities—could increase demands for accountability and serve as sites for vocal opposition means that they are not given the very autonomy on which their successful operation depends. As a result, in practice, they appear to perform a very limited information-provision function; any ambition to represent the full range of societal opinions and interests is undermined by opaque methods of membership appointment.<sup>77</sup> At the same time, there are suggestions that “public councils” in some ministries (the Ministry of Health Care and the Ministry of Internal Affairs, for example) do provide meaningful opportunities for consulted NGOs to affect ministerial agenda-setting and decisionmaking. What is of particular note is that NGOs and experts appear to prefer to work with the executive ministries and agencies directly, in preference to going to the respective Duma committees, where the decisionmaking process is

76. See Schulmann (2014a, 2015b).

77. Interview with the head of an NGO, Moscow, January 16, 2016, transcript. See also the scandal around the Internet vote for membership of the Public Chamber in 2014 (Rustamova 2014). As Nikolay Petrov, Maria Lipman, and Henry E. Hale (2014, p. 13) argue, “With institutions for interest representation and negotiated compromise gutted for fear of losing political control, policymaking in the Russian system often amounts to a leadership’s guessing game as to precisely what society will accept and what it will not, with a significant possibility of misjudgement.”

described by them as “less direct” and “unclear,” with the results of discussion being uncertain.<sup>78</sup>

Could economic exigencies prompt a renegotiation of executive-legislative relations, including the meaningful diffusion of power to legislative actors, or even simply the incorporation of broader consultation practices into the policymaking process?<sup>79</sup> The Makarov-Naryshkin bill concerning the parliament’s role in reapportioning budget spending (cited above) suggests that the legislature is—or, perhaps more accurately, individuals within it are—attempting to shift the executive-legislative balance of power in budgeting.<sup>80</sup> While there are signs that the Ministry of Finance is strongly resisting these attempts, going further to undermine the Duma’s role in the budget-making process, there are also signs that this is not a one-way process. On the one hand, amendments prepared by the ministry for the second reading of bill 1055875-6—introduced by Deputy Makarov on April 26, 2016, allowing the government to submit the 2017–19 budget bill up to November 1, as opposed to the conventional deadline of October 1—would allow the government to make certain changes to budget spending figures *without requiring Duma approval*.<sup>81</sup> On the other hand, however, amendments made to the same bill appear to create the body originally proposed by the vetoed Makarov-Naryshkin bill—a Commission of the Federal Assembly for the Reallocation of Budget Spending—which has the ability (on paper, at least) to agree or disagree with government proposals with a seven-day window.<sup>82</sup> Bill 1055875-6 was signed into law by the president on July 2, 2016.<sup>83</sup>

How do electoral dynamics affect the Duma’s role in legislative decisionmaking? There have been suggestions that the Presidential Administration has allowed legislators greater freedom to express themselves via

78. Interview with NGO head. Likewise, there are indications that lobbyists and experts involved in the budgeting process prefer dealing with the Ministry of Finance, rather than with Duma deputies. Interview with the economic correspondent.

79. See Schulmann (2015a).

80. Interview with economic correspondent. See Schulmann (2015a).

81. For a discussion of these changes, see Visloguzov (2016).

82. For the bill amendments, see the *Tablitsa popravok no. 1* [Table of amendments no. 1], State Duma of the Federal Assembly of the Russian Federation, [http://asozd2.duma.gov.ru/main.nsf/\(ViewDoc\)?OpenAgent&arhiv/a\\_dz\\_6.nsf/ByID&BEEA1F4BB6721B2A43257FB50059E00B](http://asozd2.duma.gov.ru/main.nsf/(ViewDoc)?OpenAgent&arhiv/a_dz_6.nsf/ByID&BEEA1F4BB6721B2A43257FB50059E00B).

83. Bill 1055875-6’s information page on ASOZD, [http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=1055875-6](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=1055875-6).

legislative initiatives, particularly in the run-up to legislative elections in September 2016.<sup>84</sup> This should not, however, necessarily be regarded as nascent democratization. Insofar as the Kremlin can control the election-focused activities of Duma deputies, then this would appear to be electoral authoritarianism par excellence: rather than the abnegation of electoral politics, the “electoral connection” (Mayhew 1974) is permitted to develop insofar as it benefits the existing regime’s hold on power.

Executive control over the legislature is a key component of authoritarian power, something underlined by changes to executive-legislative relations in the regime shifts experienced by other states. For the case of Taiwan, for example, Tun-jen Cheng and Stephan Haggard have pointed to the importance of legislative control: “The apparent strength of the executive *ultimately rested on the capacity of the party to maintain ruling majorities in the National Assembly and particularly in the Legislative Yuan.*”<sup>85</sup> And, regarding the loss of the Institutional Revolutionary Party’s hold on power in Mexico, Maria Amparo Casar points to the pivotal role of legislative majorities in bolstering presidential power.<sup>86</sup>

If the Russian executive were to lose command of a disciplined, stable voting majority in the Duma—as well as a compliant body of senators in the Federation Council—then a more fractious executive-legislative relationship would certainly return.<sup>87</sup> In the short to medium term, however, such an outcome is unlikely, even with the changes to electoral legislation allowing somewhat more space for political expression to parties and single-mandate candidates. Even without major change in the Duma’s party composition, *external* circumstances—including the ongoing economic crisis and the upcoming 2018 presidential elections—might encourage a less unified and more vocal Duma.<sup>88</sup>

84. See, for example, Nikol’skaya and Surnacheva (2015) and Vinokurov (2015).

85. Cheng and Haggard (2001, p. 194), emphasis in original.

86. Casar (2002).

87. Indeed, the specter of this scenario has motivated efforts to monitor and shape the electoral prospects of candidates in the September 2016 Duma elections, such as the pro-Kremlin Institute of Socio-Economic and Political Research’s series rating politicians, Reiting-2016 (<http://www.politanalitika.ru/>).

88. See Schulmann (2016). Given the uncertainty present in the current political system—uncertainty that will only grow in the near future—cautious suggestions of institutional reform to redistribute responsibilities to the legislature have already been voiced in the media (see, for example, Gallyamov 2015 and Trifonova 2016).

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