Political Factors of Constitutional Building in the Republics of the Russian Federation

The overwhelming majority of researches focused on post communist national and subnational politics have been performed according to the logic of either (new) institutionalism or transitology or, more often, both. The fashion was determined by an unprecedented wave of institutional change in the developing and post-communist worlds, which “fueled scholars from diverse research traditions turned to studies of how constitutional design, electoral systems, and other formal institutional arrangements affected outcomes ranging from economic performance and social policy to the quality and stability of democracy” [Helmke and Levitsky].

Starting from the analysis of formal rules institutionalists usually take them as independent variables and the fate of democracy as dependent one. In their turn transitologists proceed from the construction of ideal-type democracy and then try to put concrete case of societal reality on the scale between “democracy” and “autocracy”. Combination of the two approaches results in studying not only formal, but informal institutions and practices too, and since the informal aspects of political life within the former USSR are usually rated as dominating on the one hand, and could hardly be characterized as democratic on the other, the formal rules (constitutions, electoral systems etc.) were sentenced to be just “facades” [Gelman et al. 2000: 25]. Consequently formal institutions became of a little interest for those who tried to investigate post soviet politics. Thus studying politics of contemporary Russia in transitology-institutionalism format come very close to exhaustion – formal institutions have very tiny effect and informal practices have almost nothing in common with democracy.

A “realistic view” is considered to be one of the possible ways of going further with the studying post soviet politics. As Gelman wrote “realistic analysis” should refuse normative view of politics, take institutions and politicians as they are and orientate to the revealing of causes, and results actor’s dynamic and institutional changes in comparative perspective [Gelman 2001]. But the advent of “realistic era” is hardly possible without serious revision of methodological basis. Progress of the field may be involved by recruiting methodological assumptions of rational choice theory. In spite of many critical remarks and observations [e.g. Coleman, Fararo 1992], rational choice theory still remains one of the best ways to overcome normative assumptions.

This paper aims at comparative study of subnational politics in Russia according to the methodological synthesis of new institutionalism and rational choice.

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Although a large number of studies have evaluated institutional effects, far fewer have examined the questions of why and how they emerge and change. To date, little comparative
politics research has been done on the question of how constitutions emerge, authors inclined simply to take these institutions as historically given. And, ironically enough, the few studies that have examined creation of constitution empirically have so far dealt not with new democracies that produce massive evidence on the subject, but rather with fairly old democracy – the United States in the early times of their existence. Besides, the absence of comparative studies of the constitution-making processes is remarkable – comparisons are almost impossible, because one could hardly find any common variables. But the case of post-soviet Russia is quite unique in this sense – almost 90 constitutions were adopted during a very short period of time in the same country (consequently in the same macroeconomic, macropolitical, ideological and societal context).

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My methodological assumption is very close to the one formulated by J. Knight – formal institutions are generally created in a context in which power and resources are unevenly distributed and they tend to produce winners and losers [Knight 1994]. Hence, the emergence of constitutions is understood as a process of strategic regime design driven by the small group of elites thus leading my research to a strongly elite-centered perspective.

An important first step in explaining the emergence of any formal or informal institution is to identify the relevant actors and interests behind it. The vast majority of Russia’s regions use constitutional models that involve separation of powers between directly elected chief executives and legislative assemblies. Correspondingly, my analysis deals with two principal kinds of political actors, the executives and the legislators.

For the executives, to maximize power means to maximize control over the legislature. For the legislators, to maximize power is to maximize legislative autonomy.

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As demonstrated in many researches, the evolution of Russia's federalism generated two principal types of regions, republics and the rest. Throughout the history of postcommunist Russia, and especially in the early years of post-communism, the republics were largely free to set their own institutional designs, while the remaining regions stepped onto the track of institution building not only later but also under stronger constraints imposed by the federal authorities*. An important peculiarity inherited by the republics from the Soviet past was the fact that by the time the old order collapsed, they already had their own constitutions. These constitutions were adopted in 1978 as part of a reform that was launched with the adoption of the 1977 constitution of the Soviet Union and the 1978 constitution of Russia. In the same way that the Russian constitution was virtually identical to the Soviet one, the constitutions of the

* For more details see recently published… Golosov 2004
republics (then autonomous republics) copied the Russian constitution and thereby each other. All of them, while stipulating the leading role of the communist party, established political systems that were formally based upon the notion of omnipotent assemblies, the Soviets. From a constitutional standpoint, the governments of the republics were executive committees not only appointed by the Soviets but also subject to unlimited censure at any time. In 1988 the republics entered the stage of constitutional amendment, which in its early phase simply followed constitutional reforms implemented at the upper levels of the Soviet quasi-federation, the Soviet Union and the union republic of Russia. It was only in the second half of 1990 that each of the republics assumed a specific pace of constitutional reform. By that time, the articles stipulating the leading role of the communist party were, as a rule, already removed from their constitutions.

The first series of independent constitutional amendments undertaken by the republics are of little interest for this analysis because they concerned mostly declarations of sovereignty, elevating their status by dropping the word "autonomous" from their official names and stipulating the supremacy of their laws over those of the Soviet Union and Russia. The second series of amendments can be related to the establishment of directly elected presidencies in some of the republics. It is important to mention here that shifts toward systems with directly elected presidents were accompanied with the enactment of new constitutions in relatively few republics, such as in Bashkortostan, where the two events occurred simultaneously, and in Altai Republic, Buriatia, and Komi, where presidential elections took place to enact the rules set by recently adopted new constitutions. In the vast majority of cases, directly elected presidencies arrived as a result of amending the 1978 constitutions. In fact, these constitutions survived for a long time in quite a number of the republics, and one of them, Karelia, was still using a thoroughly amended and reamended version of its 1978 constitution in 2003. Only three republics, Sakha, Tatarstan, and Tyva, adopted new constitutions before December 1993. It seems that the major event that urged many of the republics to abandon their old constitutions was the national political crisis of 1993. In 1994, new constitutions were adopted in as many as seven republics, and four more joined them in 1995. The late switchers were Karachaevo-Cherkesia, Altai Republic, Kabardino-Balkaria, and Chuvashia, which kept their 1978 constitutions up to March 1996, June 1997, September 1997, and November 2000 respectively.

The level of continuity between the 1978 constitutions and their amended versions should not be overestimated. There is indeed little in common between the Karelian constitution still in effect in 2003 and its predecessor. Yet this continuity should not be underestimated either. The very fact that the republics were so slow to adopt new constitutions reflects one of the most salient characteristics of regime transition in this category of Russia's constituent units, an unusually high level of old elites' survival. This in turn can be related to the high rate of survival
of those individuals who effectively headed the republics throughout the latest phase of the Soviet system. In accordance with the 1978 constitutions, these individuals were institutionally located in the Soviets, not in the executives, because the constitutionally defined senior officials in the republics were the chairpersons of the Supreme Soviets. By virtue of holding these positions, they acquired political resources that enabled them to remain in control of local power hierarchies after the communist party and its mechanisms of political integration collapsed. A shift to directly elected presidencies, which occurred in the majority of the republics, did not elevate new elites to power either. Rather, they institutionally redefined the incumbent heads of republics and the existing power hierarchies. The chairpersons of the Supreme Soviets or new legislatures that replaced them won the first presidential elections in as many as thirteen republics. Cases when legislative leaders did not win the first executive elections are few, and their miscellaneous nature is quite in keeping with their exceptionality. These are Ingushetia, where there was no chairperson of the Supreme Soviet because the Supreme Soviet as such did not exist; Karachaevo-Cherkesia, the only republic with an appointed head of administration; and three republics where unusually intensive intraelite conflict enhanced the electoral strength of relative outsiders, Kalmykia, Chuvashia, and Khakasia. The head of the executive won presidential elections in only one republic, Tyva. Thus the soviet hierarchies, as impersonated by their heads, survived in almost the two-thirds of the republics. The migration of legislative leaders to directly elected executive positions had an important consequence for institution building in the republics. The causal logic generating this consequence can be formally explicated in the following way.

Consider the chairperson of a republic's Supreme Soviet who is contemplating a switch to a directly elected presidency. The reasons for such switches varied. In most cases, they could be related either to the enhancement of the symbolic capital in possession of the given politician by conferring on the chairperson an additional portion of legitimacy, as happened in Tatarstan or to political pressure from the federal authorities, at times quite explicit in their will to get rid of the "Soviet legacies" in the republics. The strongest pressure of this kind was exerted in the aftermath of the October 1993 events in Moscow, which explains why so many republics adopted new constitutions in December 1993 through 1994. What is important here is that the heads of the Supreme Soviets had no reason to consider a switch to a directly elected presidency as an effective way of enhancing their own power. In fact, they were already in control. Thus the primary consideration that had to be entered into a legislative leader's calculus was how to avoid risks associated with constitutional reform, not how to maximize power for the newly established office. As I have already mentioned, in three regions such risks materialized in full, with people from outside the existing elites taking power. In such cases, legislatures remained the outgoing
elites' last resort, as epitomized by the fact that the elected president of Kalmykia started his activities in office with pressing the Supreme Soviet into self-dissolution. Thus for a head of a Supreme Soviet, a rational risk-aversion strategy could be to go on with establishing a directly elected presidency, to invest all efforts into winning the position, but at the same time to constitutionally ensure the legislature's significant powers. There was a secondary consideration that, upon entering the calculus of the legislative leader, could entail the same conclusion. Political resources already in his possession were all related to legislative leadership. Not only was he already in control of the assembly, but he could also ensure that his allies, not his opponents, would take over the legislature upon his departure. As a result, a slow reform involving constitutional amendment rather than profound change emerged as an acceptable option. The logic explicated above allows for making a prediction that strong presidencies are not likely to be found in the republics. The empirical proof will be provided further in this paper. Already at this point, however, it becomes possible to suggest that the legacies of the Soviet-era quasi-parliamentarism are not to be discarded in the analyses of the republics' institutional design.

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It is obvious that comparative analysis of the formal institutions should start with application unified and independent from cases specificity procedure to the subject of inquiry in general. To proceed with comparative analysis on a second degree it is essential to “prepare” charters, constitutions and fundamental laws of the Russian Federation regions for experimental purposes in particular way. The unified principles of this research are represented by the interval method which was developed by Matthew Shugart and John Carey [Shugart and Carey 1992]. This system was created to help researchers in operationalization of the types of political regimes (presidentialism, parliamentarism, premiere-presidential and presidential-parliamental types) and later on was applied by M.Shugart to analysis of the political process went on in distinct region (Eastern Europe countries) [Shugart 1996]. With varieties and modification that could be reduced to adaptation of the principles developed for the investigation on a national level to the research tasks on subnational level, interval method for definition of power volume of legislature and executive power has been used by russian political scientists [Kuzmin, Melvin, Nechaev 2002; Umnova 1998] and their foreign colleague [Ross 2002] in essays on russian regions. In this research the interval method is being used without considerable changes. The essence of the method is to estimate presidential power in legislative and executive spheres in numerical way according to several items. [Shugart and Carey 1992: 148-154].

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a) Nonlegislative powers.
In the realm of nonlegislative powers are presidential authority over the cabinet and the power to dissolve the assembly and call new elections.

1) Cabinet formation.
In some systems the process of cabinet formation depends entirely on the president's choices.

4 – President names cabinet without need for confirmation or investiture;
3 – President names cabinet ministers subject to confirmation or investiture by assembly;
1 – President names premier, subject to investiture, who then nominates the rest of the cabinet (with or without presidential involvement);
0 – Any case in which the president is barred from nominating anyone to a cabinet post, including premier, except upon the prior recommendation of the assembly, or an agent thereof, such as a speaker of the house.

2) Cabinet dismissal.

4 – President dismisses cabinet at will;
2 – Restricted powers of dismissal;
1 – President may dismiss the cabinet only upon acceptance by assembly of alternative minister or cabinet;
0 – Cabinet of ministers may be censured and removed only by assembly.

3) Censure.

The power of censure is actually, of course, not a presidential but an assembly power. However, it directly concerns the authority of the president over the cabinet and is clearly separate from cabinet formation and dismissal.

4 - There is no censure, assembly may not censure and remove cabinet or ministers;
2 – Assembly may censure, but president may respond by dissolving assembly;
1 – When a censure must be “constructive”, vote of no confidence require the assembly majority to propose a new minister or cabinet at the time of censure;
0 – Unrestricted censure.

4) Dissolution of Assembly.

4 – Unrestricted, president is permitted to dissolve the assembly at any time;
3 – Restricted powers of dismissal, the restriction is defined either in terms of frequency or in terms of time point within the term;
2 – Requires new presidential election, such a restriction renders the power of dissolution more symmetrical with regard to the assembly;
1 – Dissolution may be invoked only after censure or a certain number of censures by the assembly;
0 – No provision.

b) Legislative powers.

1) Package Veto/ Override.

4 – Veto with no override;
3 – Veto with override requiring majority greater than 2/3 (of quorum);
2 – Veto with override requiring 2/3;
1 – Veto with override requiring absolute majority of assembly or extraordinary majority less than 2/3;
0 – No veto; or veto requires only simple majority override.

2) Partial Veto/ Override.

In some systems presidents are allowed to veto part of a bill rather than simply accept or veto the entire package.

4 – No override;
3 – Override by extraordinary majority;
2 – Override by absolute majority of whole membership;
1 – Override by simple majority of quorum;
0 – No partial veto.

A certain shift from the previous scale can be seen as there should be greater mobilization of the assembly to override, “members of assembly who voted for an amendment only to gain assent to other parts of the bill no longer have incentive to pass the amendment when president already has promulgated the other parts of the bill” (Shugart and Carey: 151).

3) Budgetary Powers.

4 – President prepares budget; no amendment permitted; budget can only be approved or rejected by assembly;
3 – Assembly may reduce but not increase amount of budgetary items;
2 – Presidents sets upper limit on total spending, within which assembly may amend;
1 – Assembly may increase expenditure only if it designates new revenues;
0 – Unrestricted authority of assembly to prepare or amend budget.

4) Decree.

The ability of the president to make new laws, or suspend old ones without the power of decree first having been delegated through enabling legislation.

4 – Reserved powers, no rescission;
2 – President has temporary decree authority with few restrictions;
1 – Authority to enact decrees limited (a state of “emergency” must be imposed);
0 – No decree powers; or only delegated by assembly.
5) *Exclusive Introduction of Legislation (Reserved Policy Areas).*

Where the assembly is barred from considering legislation in certain policy areas unless the president first introduces a bill, the president possesses a powerful agenda-setting power: if she or he does not want a matter discussed, it will not be discussed. The greatest power would be if the president could require a strict up or down vote, not subject to amendment by the congress.

4 – No amendment by assembly;
2 – If any restriction on amendment by assembly is provided;
1 – Unrestricted amendment by assembly, congress may amend the bill or reject it outright;
0 – president has no exclusive powers.

6) *Proposal of Referenda.*

In some systems, the president is granted the power to propose referenda, usually on matters that have been previously rejected by the assembly. In some cases, there are various restrictions on the president’s power to submit legislative proposals to referenda. Nevertheless if only the president has this power it is scored as 4.

4 – Unrestricted;
2 – Restricted power of president or the congress has the power to submit matters on referenda too;
0 – No presidential authority to propose referenda.

In this research interval method is applied to the texts of 18 republican constitutions adopted during the period from April, 1992 to March, 1996, changes and additions that were made in posterior editions are not considered in this case. Constitutions of Republic of Dagestan and Udmurt are not examined in view of limitation of the method since direct elections of the head of executive power is the principle condition in using Shugart-Kerry system and whereas that legal norm didn’t exist in Udmurt Constitution and it is still has not been provided by constitution of the Republic of Dagestan.

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The concept of institutions as game rule [North 1990] and theory of rational choice were combined by B.Geddes, it is stated that proper interests of the actors were the main reason in choosing formal institutions of new regime. [Geddes 1996: 18-19]. This thesis serves as basis for comparative analysis on the second level. The results obtained by “estimations” of the republican constitutions are interpreted as political process participators goals achievement. Fundamental law that is being passed in conditions of institutional design primarily serves actors a purpose of utility maximization and costs minimization.
In accordance with this concept of institute generally and Constitution in particular it is possible to set up a hypothesis: if developing and passing constitution take place in the presence of dominating actor in political game, one’s prevalence will be reflected in constitutional design; if dominating actor is absent constitutional design will by symmetrical, the head of executive power and parliament will be empowered more or less equally.

This hypothesis setting could be considered as a special case of institutional choice hypothesis that has been suggested by A. Pzreworski [Pzreworski 1988]°:

1. The relation of forces is known and uneven. When the relation of forces is known and uneven, the institutions are custom-made for a particular person, party, or alliance. The features of new institutions are designed to consolidate the new relations of forces;

2. Power equality of actors or lack of the information about power ratio make for choice of compromise decisions that bound possibility of arbitrary use of power.

Presence or absence of dominating actor could be judged by correlation of dates of executive power head election and passing the constitution in region. If constitution is being developed and passed after president of republic was elected that situation could be considered as a game with dominating actor. If passing the constitution forgo elections it is regarded as uncertainty, political system without dominating actor.

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Table №1 Executive power in the regional constitutions and political game type.

<table>
<thead>
<tr>
<th>Region</th>
<th>Adoption of Constitution</th>
<th>Chief executive’s election</th>
<th>Game *</th>
<th>Legislativ e</th>
<th>Nonlegislativ e</th>
<th>Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bashkortostan</td>
<td>24.12.1993</td>
<td>12.12.1993</td>
<td>1</td>
<td>1</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Tatarstan</td>
<td>06.11.1992</td>
<td>12.06.1991</td>
<td>1</td>
<td>3</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>Chechnya</td>
<td>12.03.1992</td>
<td>27.10.1991</td>
<td>1</td>
<td>7</td>
<td>6</td>
<td>13</td>
</tr>
<tr>
<td>Adygeya</td>
<td>10.03.1995</td>
<td>05.01.1992</td>
<td>1</td>
<td>7</td>
<td>6</td>
<td>13</td>
</tr>
<tr>
<td>Buryatiya</td>
<td>22.12.1994</td>
<td>30.06.1994</td>
<td>1</td>
<td>3</td>
<td>11</td>
<td>14</td>
</tr>
<tr>
<td>Tuva</td>
<td>21.10.1993</td>
<td>15.03.1992</td>
<td>1</td>
<td>7</td>
<td>10</td>
<td>17</td>
</tr>
<tr>
<td>Severnaya Osetiya</td>
<td>12.11.1994</td>
<td>16.01.1994</td>
<td>1</td>
<td>10</td>
<td>8</td>
<td>18</td>
</tr>
<tr>
<td>Kabardino-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balkariya</td>
<td>06.01.1994</td>
<td>05.01.1992</td>
<td>1</td>
<td>11</td>
<td>9</td>
<td>20</td>
</tr>
<tr>
<td>Ingushetia</td>
<td>27.02.1994</td>
<td>28.02.1993</td>
<td>1</td>
<td>14</td>
<td>11</td>
<td>25</td>
</tr>
<tr>
<td>Kalmykiya</td>
<td>05.04.1994</td>
<td>11.04.1993</td>
<td>1</td>
<td>14</td>
<td>12</td>
<td>26</td>
</tr>
<tr>
<td>Chuvashia</td>
<td>24.11.1993</td>
<td>24.12.1993</td>
<td>0</td>
<td>10</td>
<td>6</td>
<td>16</td>
</tr>
<tr>
<td>Komi</td>
<td>17.02.1994</td>
<td>08.05.1994</td>
<td>0</td>
<td>9</td>
<td>7</td>
<td>16</td>
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<tr>
<td>Karachaevo-</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Cherkessiya</td>
<td>05.03.1996</td>
<td>16.05.1999</td>
<td>0</td>
<td>11</td>
<td>7</td>
<td>18</td>
</tr>
<tr>
<td>Karelia</td>
<td>20.01.1994</td>
<td>17.04.1994</td>
<td>0</td>
<td>11</td>
<td>9</td>
<td>20</td>
</tr>
<tr>
<td>Khakasia</td>
<td>25.05.1995</td>
<td>01.12.1996</td>
<td>0</td>
<td>11</td>
<td>9</td>
<td>20</td>
</tr>
</tbody>
</table>

* 1 – If Constitution was adopted after regional chief executive’s elections; and 0- when Constitution preceded the elections.
Passing on to next phase of research it could be noted that the second part of research hypothesis was proved. Passing constitutions forwent president elections in 6 republics. Being forced to operate in situation of uncertainty actors established neutral proportions of executive and legislative powers. Since actors were not confident in one’s chance to win impending elections they preferred to deprive every branch of authorities of formal superiority, thus extreme courses of events were prevented. In all mentioned cases total “weight” of executive power is limited by 16-20 points. This level could be considered as empirically found level of institutional design symmetry.

The rest of the cases are characterized by extreme dispersion. The average rate is approximately equal to average of constitutions from the group 1, which were passed in situations of uncertainty. It is also belongs to the interval of institutional design symmetry. However, more than half of cases deviate to predominance either executive or legislative power.

**Table. №2 SPSS One-Sample Statistics for the “game 1” group**

<table>
<thead>
<tr>
<th></th>
<th>Mean</th>
<th>Std. Deviation</th>
<th>Std. Error Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>GAME = 1</td>
<td>16,08</td>
<td>5,664</td>
<td>1,635</td>
</tr>
</tbody>
</table>

**Table №3 SPSS One-Sample Statistics for the “game 0” group**

<table>
<thead>
<tr>
<th></th>
<th>Mean</th>
<th>Std. Deviation</th>
<th>Std. Error Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>GAME = 0</td>
<td>17,83</td>
<td>1,835</td>
<td>0,749</td>
</tr>
</tbody>
</table>

In order to explain this state of affairs it is necessary to explore the situations in regions at the beginning of 1990Th more carefully. Republics, constitutional design of which belongs to the one of groups, were selected for the analysis.

1. Divergence from symmetrical distribution of power in favor of executive power head (Kalmykia, Ingushetiya).
2. Divergence from symmetrical distribution in favor of representative government body (Bashkortostan, Yakutiya, Tatarstan).
The third group, in which the question of power ratio was decided neutrally in spite of the fact that before republican constitutions were passed the elections of the head executive power in region had taken place (Tuva, Marii El, and Severnaya Osetiya), would be left at the periphery of this research. Nevertheless some words about situation in these regions have to be said. Some of them provided oneself with symmetric separation of powers in view of the fact that despite actor won president election in republic one did not dominate over political process in region. It could be concerned with lack of resources for optimization of actor’s position in system. Situation in Marii El could serve an example. Working out and discussion the project of the constitution were taking place with the assistance of president of the republic, deputies, heads of local authorities, leaders of regional branches of CPRF, RPRF, LDPR, and at the same time nobody could impose one's will on others. The following fact is evidence of weakness of republic parliament. In 1995 according to presidential decree № 951 deputies made a resolve to prolong one’s own authorities until 1998. Supreme Court of Marii El nullified this decision and next year active president was not able to be reelected.

One more cause of passing neutral constitution could be permanent confrontation of leading actors. For instance, in Tuva after events in August, 1991 C.Bichelday left Sh.Oorzhak behind and became a new chairman of Supreme Soviet, but president election in March, 1992 was won by Sh.Oorzhak. He also won the election to the Council of Federation together with the Minister of the Interior of republic. However, it was C.Bichelday who became chairman of the new elected Supreme Hural. Imp possibility to organize Constitutional Court of republic because of longstanding debates about this case which were hold by heads of executive and legislative powers could serve as an illustration of political process development if no one part is able to obtain dominating position though it has political activity and electorate support. Therefore symmetrical distribution of power between branches of authorities that does not let derive maximum benefit from one’s own victory from one side and from another side insures against high costs in case of rival’s success is the most preferable variant.

Though formal distribution of power between republic branches of authorities corresponds with set level of neutrality, a number of republics however could be considered as a system with dominating head of executive power that quite confidently controls over political
process. Hence it’s impossible to contend that scenarios of political development in the third group are the same.

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Reverting to comparison of extreme variants of institutional design (counterintuitive indices of “parliamental” Tatarstan, Yakutiya and Bashkortostan, that are not just inappropriate to theoretical expectations based on formal characteristics of regional political game, but are at variance with them, might as well be compared to Kalmykia and Ingushetiya that fully research hypothesis), it should be mentioned, that the purpose of the analysis is to discover the characteristics of actors and regional political game in general, that to a first approximation let explain so strong difference between the institutions established in similar dispositions of actors. It is necessary to find relevant variable, presence or absence of which determines position of republican constitution in one or another group. In conformity with this detailed narration about regional political processes in thick description style is not in focus of this research. It is sufficient to show what units some actors and distinguish them from others; that is to combine strategies of the largest similarity and the largest difference [Pzreworski, Teune 1970]. In this case it’s obvious that new data have to be constantly brought into correlation with in results obtained. In that way the second phase of the research could be characterized as comparative oriented case study [Lijphart 1971].

In Kalmykia the course political process development was predetermined by simultaneous resignations of chairmen of Supreme Soviet and Council of Ministers, that were not able to find the way out of political crisis flared up against a background of confrontation legislative government bodies with executive ones on national level in 1992-1993*. K. Iljumzhinov that came to power in lack of competition and organized opposition, of course neither let them appear before passing the Steppe Code nor after.

R. Aushev became USSR people's deputy in 1989 from Primorsky Territory. Three years later he held a post of head of temporary administration of Ingushetia. After short period of resignation because of difference of opinion on policy from center, he became president of republic with unanimous support. It was Constitutional Assembly convoked in November, 1993 after election of R. Aushev that worked out the constitution, which was passed in February. People’s Assembly started functioning only in March.

In Tatarstan the elections of the president in 1991 and 1996 were won by M. Shaimieev that had no alternative. He gained 71 and 97 per cent of votes. The only one who could resist Shaimieev’s control over political process in republic were nationalists (but they were not united)

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*Narrative analysis of political situation in five cases of republics of the Russian Federation is based on datas collected in Politicheskij Almanakh Rossii, 1998.
and CPT, party leaders were as most of Shaimiev’s adherents former soviet functionaries. M.Shaimiev could lose the high post because of age requirement vested in republican constitution, but Council of State made a decision to repeal that legal regulation.

In Yakut political system M.Nicolaev started to gather strength from the middle of 1980th. He became a chairman of presidium of Supreme Soviet in 1989. Having no alternative he was elected for the post of chairman of Supreme Soviet in March. After a year he became a president of republic and the head of government in 1992. Taking active anti-Eltsin position and appealing for synchronous election of president and legislative body, several deputies in 1993 made an attempt to establish independence of republic parliament, but M.Nicolaev convinced Supreme Soviet and constitutional court of Yakutiya of self-dissolution. Leaders of Supreme Soviet were placed in a job as presidential staff. In October 1993 M.Nicolaev was proposed as a candidate from all the republic labor collectives for election of Council of the Russian Federation. By 1995 entourage of the president gave a birth to idea to hold a referendum on extension of the term of president’s office. It’s paradoxically, but hue and cry of political powers in republic has been raised against the decision of the parliament to hold the referendum. For the sake of stability M.Nicolaev didn’t come to insist on referendum, soon he won president election.

M.Rakhimov elected for the post of president of republic on 12 of December 1993, unlike K.Iljumzhinov, M.Shaimiev and R.Aushev did not have incontestable authority. Bashkir leader faced the problem of elimination of competitor in political scene. He didn’t take a great deal of trouble over it using administrative potential and force. He was able to take under control all the important positions in republic quite fast. The easiness, with which M.Rakhimov won a victory over his rivals that showed no resistance let consider president of Bashkortostan as dominating actor despite the fact that at first point his superiority was not obvious in contrast to other scenarios analyzed.

Thus we could make a conclusion that there are approximately similar variants of way out from uncertainty in all the five cases [Gelman, Ryzhenkov, Bree 2000: 43-55], the way that could be named as “game with zero sum” or “winner gets all”. However formal institutions establish contrary constitutional design in republics. That seems even stranger considering further course of development of the regional political regimes: all the leaders tend to strengthen one’s own dominating position and don’t allow appearing competition for the power. In accordance to this, hypothesis that “will to power” of one leader is stronger than one of another could be left out of account. What made differences in style and format of dominating in Kalmykia and Ingushetiya from one side and Bashkortostan, Yakutiya, Tatarstan from another conditional upon?
To a first approximation it seems that contradiction could be resolved with the input variable of “system affiliation”. But really in Ingushetiya and Kalmykia outsiders, who did not belong to republic elite, became presidents and established symmetrical distribution of power, while in Tatarstan, Yakutiya and Bashkortostan insiders, people whose rise in career had a strong connection with the participation in regional political game, came to power.

Apparently, in case with outsider the level of uncertainty is appreciably higher, since, firstly, actors keep less informed; secondly, there is lack of informal institutions to provide interaction with other participators of political process. It’s doubtless that in such a situation actor is interested in maximum increase of ones power as it is primary factor of success in following activities. From this point insiders are in advantageous position, since the system of informal relations, practices of compromise achievement, and strategies of running the conflicts, which emerged as a result of evolution, in itself provides predictability as it restricts assortment of possible models of political interplays. In this case there is no need to squeeze maximum power out of formal institutions. Success could be obtained evidently without them.

However observations stated above could not be considered as satisfactory explanations. Even if motives of Aushev’s and Iljumzhinov’s behavior clear up, ascertaining the availability of presidents to use personal contacts in other three cases is not one and the same with basis of realization of parliamentary design of power distribution. From the point of view of maximization the utility and minimization of the costs it is logically to complete current informal means of control over situation with the formal ones, or at least not to endow with power the government body, which, to some degree, limits actor’s freedom of action. How much the aspiration for being the head of executive power, having been elected and reelected for the second term in the situation of parliament’s (and its chairman’s) superiority in power, is rational? It is necessary to explore the difference in leadership between outsiders and insiders.

Gradual climbing the ladder in political system is accompanied not only by acquiring contacts and informal power, devoting oneself to policy during the long period leads to necessity of concentration of all available resources for taking part in political game, that turns these games into the only one possible way of success achievement and makes the participation in political process the only one successful life strategy. From this point of view it is possible to state that professional politician has no choice to participate or not in political game.

If probability of loss position arises from time to time professional politician has to make decisions with taking proper account of necessity of keep playing after possible defeat. Even if a risk to loose is a little, actor strives for applying force aimed at minimization of unfavorable outcome consequences.
Such a minimization is often made to the detriment of expected profit. Operationalizing the statements given above it could be contended that in case of risk to loose the post of president as a consequence of regular election (that is almost unlikely in the cases under investigation) and if there is a probability for rival to hold a post of the president it could be a good reason for rejection of pro-presidential institutional design. With relation to this outsiders take up advantageous position. Before holding a high post in governmental system they have already earned a capital in some other fields. It is obvious that even in conditions of complete annihilation of governing elite, as it was in Kalmykia, a “man from a street” could hardly ever become a president.

Before presidency R.Aushev and K.Iljumzhinov became “well-to-do” persons in some other way but political. From this viewpoint post of president for them is not a result of gradual rise in a life that could be followed by slump at any moment – it’s one of the possible way of goals achievement. The design of formal predominance of president for outsiders looks like a facilitating of the workplace, the main aim is to make a comfort. If the place were lost ill effects, connected with occupation of the place by another person, wouldn’t come. In case of loss one can stop play the game. There is no need to care about cost minimization of possible victory of competitors, because in that case there is no need to keep playing. In case of defeat in president elections K.Iljumzhinov would hardly ever tried to be put to the vote to become a deputy in People’s Hural and make up an opposition. For M.Shaimiev, M.Nicolaev and M.Rakhimov taking part in republican political process was not optional. In a certain sense they “doomed” to be a part of that. Attempts of Bashkir leader to change the constitution fundamentally, to eliminate the post of president at all and to build the system of government body on the basis of republican parliament could serve for the purposes of illustration of the fact that the idea of withdrawal from political games itself is not acceptable for this kind of politicians.

Working out and passing constitutions by the republics of the Russian Federation were one of the most significant events in the middle of 1990th. Though a lot of points have been decided in similar way in regional legislation, such an important aspect as division of power between executive and legislative branches of authorities has been legalized in a specific way in every case. A research hypothesis was that the model of institutional design is determined by political situation, to put it more precisely, by type of political game at the moment of passing constitution. Absence of dominating actor causes symmetrical separation of power, presence of such actor leads to maximization of one’s interests of fixing dissymmetrical division of power.

The analysis that has been made confirmed the expectations of results of games without dominating actor. In Chuvashiya, Komi, Mordoviya, Karachaevo-Cherkessiya, Karelia, Khakasia (i.e. in all of the republics, constitutions of which were passed before election of the
head of executive power) neither president nor parliament has privileges. According to Shugart-Carey scale executive power is assessed at interval of 16-20 points, that is the level of institutional design symmetry.

As regards the hypothesis that availability of dominating actor in the system results in dissymmetrical division of power, the research that has been carried out shows that, firstly, having won the elections, current head of executive power not always is able to take dominating position in political system; secondly, the direct relation between two variables could be discovered not in every successful for the head of executive power cases. Moreover, the cases of Tatarstan, Yakutiya and Bashkortostan are evidence of the opposite variant of course of events, which is described by theorists as risk aversion behavior*

Factor of inclusion/exclusion of dominating actor in/from concrete political system makes material effect on institutional outcome of political game.

The higher level of uncertainty and lack of risk ill effects determined presidential variant division of power in cases when outsider becomes the head of executive power (Kalmykia and Ingushetiya). The lack of alternative to participation in regional political process and attempts to avoid the risk incite actors to formalization of parliamentary institutional design with reservation and following development of informal leadership.

At the same time it should be mentioned that this explanation is not the only one to be accepted. Thus, for example if during making the analysis of data obtained with interval method subnational character of constitution under investigation is considered as well as relation of regional political process with events going on federal level, it should be noticed that all the pro-presidential constitutions were passed after the October 1993 events followed by passing Constitution of the Russian Federation, the statute that appreciably extended power of the “main” presidential post in the state.

* See Quattrone and Tversky 1988.


