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Watchdogs or Show-dogs? What was the point of parliamentary oversight in Putin's neo-patrimonial state?

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ABSTRACT

Conceptualising Russia as a neopatrimonial state directs attention to the patrimonial relations that pervaded formal institutions to reveal increasing tensions within the state during Putin's presidency. A case study of oversight practices points to the emergence of legitimisation as their key purpose, but also to the growing contradictions between the controlling and legitimating impulses of Putin's regime. At the same time deputies responded to the changes in their status and influence by moving their resources towards the patrimonial sphere, most notably utilising oversight institutions for direct and indirect private interests, activities tolerated by the regime in exchange for political loyalty.

The idea of parliamentary oversight as a check on moral hazard such as corruption and the arbitrary exercise of power, as a mechanism for greater accountability and government efficiency (Burnell 2001, Johnson 2004, Pelizzo and Stapenhurst 2004, Strøm 2000) may ostensibly have little resonance in the Russian case, yet parliamentary oversight can offer an insightful opening into the Russian political system. Generally regarded as an important plank of democracy rooted in notions of representation and limited government, parliamentary oversight activities may perform rather different functions in a neopatrimonial state, where formal liberal democratic institutions are infused with informal, patrimonial practices such as clientelism, patronage and rent-seeking (Erdmann and Engel 2006). President Putin's tenure (2000-2008) was characterised by increasing formal and informal presidential domination of the legislature, nested within the wider regime shift towards electoral authoritarianism.¹ In this context, it might be expected that parliamentary oversight mechanisms fell into disuse. While there is some evidence of this, parliamentary deputies did continue to exercise the oversight tools available to them and in certain cases the formal scope of parliamentary oversight was expanded during the period. These developments suggest that, as with other formal democratic institutions such as political parties, NGOs, and indeed the wider parliament, a straightforward assertion of a hollowing out (or 'managing') of these

¹ Diamond (2002: 24) sees electoral authoritarianism as an increasingly common type of hybrid regime that is neither clearly democratic or conventionally authoritarian rule, having multi-party competition that often masks the reality of authoritarian domination.

institutions represents an oversimplification of the processes occurring and the broader nature of the Russian state under Putin. As such, a case study of parliamentary oversight can provide insight into some of the tensions within the state that emerged in Russia during the period and into how such dynamics helped to reinforce and reproduce the existing regime.

Although conceptualisations of the Russian state remain somewhat underdeveloped, the idea of neopatrimonialism formulated primarily by scholars of African politics on the basis of Weber's patrimonialism is arguably the most fruitful concept that has attracted the attention of post-Soviet specialists in recent years (von Zon 2003; von Zon 2008; Lynch 2005; Wedel 2005; Zimmer 2006; Isaacs 2009) as it allows us to move beyond viewing Russia as some kind of deficient democracy (such as 'managed democracy') (Colton and Mc Faul 2005; Blank 2005; Mandel 2005). Such approaches are often limited by a tendency to focus on formal institutions (and indeed often particular ones – parties, elections, media) and related explanations that consequently see post-Soviet institutions as 'facade' or 'virtual' because the legal-rational form belies the actual functioning and function of such institutions. Scholars increasingly acknowledge that informal networks and practices are at least as important for understanding power and decision-making in contemporary Russia (Khryshтанovskaya and White 2005; Sakwa 2005; Wedel 2005; Azarova 2006; Ledeneva 2006). At the same time, institutions and the legal-rational sphere *do* matter. They are more than a window-dressing masking informal politics, and can structure the behaviour of actors who straddle both spheres and negotiate between them (Wedel 2005). Conceiving of Russia as a neopatrimonial state can help to refocus attention from formal institutions towards their interaction with the informal, patrimonial sphere and in this way open out the range of functions and meanings attached to institutions like parliamentary oversight mechanisms to illustrate the indeterminate nature of Russian politics and the way formally democratic institutions are used, negotiated and subverted in contemporary Russia.

Nevertheless, operationalising neopatrimonialism in empirical studies is notoriously difficult as the concept is yet to be fully elaborated and due to the obvious difficulty of collecting data about informal practices (Erdmann and Engel 2006). Here a multi-method approach to data collection was pursued, using an extensive review of the existing literature on the Russian Federal Assembly, official publications, a wide range of press sources, observations of oversight activities and 32 in-depth interviews conducted with parliamentarians and experts in

January-March 2006 plus four follow-up interviews in 2007.² Following Ledeneva (1998), actors' subjective accounts of their behaviour are seen as central to the evidence presented, providing a way to consider the meanings that parliamentarians attribute to their parliamentary practices whilst acknowledging that in telling these narratives to a Western academic it is likely that as they sought to impose meaning on their experiences, actors (consciously or unconsciously) attempted to relate their experiences to Western discourses of liberal democracy possibly more than if they were talking to a compatriot.³ It should also be noted that due to the large constituency of deputies who did not take active part in parliamentary life (see below), that although deputies of all types were invited to participate, those who agreed tended to be among the more active parliamentarians in their respective factions.⁴ Furthermore, while both chambers of the Federal Assembly were investigated for this project, this paper will focus on the activities of the State Duma, as due to the more closed nature of the upper chamber, it proved difficult to obtain sufficient data on the range of oversight mechanisms being utilised in the Federation Council.

The paper will identify trends of institutional degeneration and increasing regulation in the sphere of oversight, so that overall the capacity of the legislature to check the executive became severely circumscribed under President Putin. It will demonstrate how oversight practices were utilised primarily for regime legitimisation and for specifically patrimonial types of lobbying while their role as a channel for sectoral lobbying, constituency representation, signalling and self-legitimation declined. The Russian case illustrates how accountability channels can be *de facto* marginalised and deactivated in an electoral authoritarian regime, but at the same time are maintained and even extended *de jure* for legitimisation purposes. It reveals the growing tensions between the controlling and legitimating impulses of the Putin regime, and between the formal, legal-rational and patrimonial elements of the state as patrimonial activities increased at the expense of the legal-rational in the

² All interviews were anonymised and coded. See Figure 1 for details.

³ This appeared to be the case for all parliamentarians interviewed, regardless of their party or ideological affiliation. However, here it is not possible to tell if this was due to the subject matter being discussed (i.e. the intrinsic relation of oversight to liberal democracy) or to the nationality of the interviewer (British) or both.

⁴ 12 of the 15 deputies interviewed by the author were in the top 20% of most frequent speakers at plenary sessions (Institute 'Obshchestvennaya Ekspertiza' 2005: 254-262). In addition, 9 of the 15 deputies had served in more than one convocation, as a proportion of respondents were approached due to a perceived interest in oversight and an ability to discuss their perceptions of change over time.

sphere of oversight. These findings build on the work of Sakwa (2005, 2008) who identifies a complex mix of countervailing strands and contradictions within the Putin regime and supports Remington's (2008) previous research positing the existence of an informal bargain whereby the president's party, United Russia, receives access to resources in exchange for support on political issues. Therefore, the findings point to the limits and costs of the Kremlin's control over the political sphere and contribute to our understanding of how actors negotiate between the legal-rational and patrimonial spheres in a (relatively) public arena. The paper will firstly situate parliamentary oversight in the context of a neopatrimonial state before turning to consider how we should conceptualise parliamentary oversight in Putin's Russia. Thirdly, I shall consider the formal, legal-rational sphere and the extent to which institutions of parliamentary oversight met a similar fate as other potentially autonomous expressions of social discontent under Putin such as public demonstrations and NGOs that became tightly regulated by para-constitutional legislation. Fourthly, the extent to which parliamentary deputies continued to exercise oversight activities will be examined, and, finally, the motivation for such activities and their meaning and significance for the wider Russian state will be explored.

Parliament in Putin's Neopatrimonial State

Neopatrimonialism provides a conceptual lens that sensitises us to the formal, legal-rational and the informal, patrimonial spheres, and the interaction between them. While acknowledging that the distinction between these spheres is often indistinct as well as variable, they will be examined in turn. Russia's institutional framework offered rather limited opportunities for parliamentary oversight, although by 2005 the Duma had extended and institutionalised a range of provisions formally commensurate with Australia, Bulgaria, Turkey and Ukraine (see Pelizzo and Stapenhurst 2004: 4-7), the equal highest number available to any parliament in the former Soviet Union. At the same time, the dominance of the pro-Putin United Russia party (which was overwhelming after 2003) and the patrimonial relations that infused the legislature's operation (and those of the wider political system) militated against the exercise of oversight mechanisms by deputies in many circumstances.

Erdmann and Engel (2006) conceptualise neopatrimonialism as a distinct, modern hybrid of Weber's patrimonial and legal-rational forms of domination, where rule is based formally on legal-rational institutions

but these are pervaded (invaded) by informal practices such as clientelism, patronage and rent-seeking.⁵ The conceptual tension between the legal-rational and patrimonial elements of the state expresses the actually existing contradictions within the state itself. At the same time, although formal institutions are penetrated by patrimonial practices, these should not be seen as merely facades, ‘Potemkin’ or ‘virtual’ institutions (e.g. Holmes 2002; Krastev 2006). Legal-rational institutions like constitutional rule, laws and parliamentary standing orders do play a role in structuring behaviour and decision-making, if not necessarily in universal or uniform ways. For instance, making appointments and the granting of licences *also* takes place according to fixed procedures, rules and laws (Erdmann and Engel 2006). However, the nature of the relationship between formal, legal-rational institutions and the patrimonial sphere remains subject to considerable discussion in both theoretical and empirical terms. Empirical work on the post-Soviet space frequently refers to informal practices or spheres in ways compatible with the conception of neopatrimonialism being used here, rather than explicitly utilising the latter term. Ledeneva (2006) shows how actors in Russia navigate between the two spheres while Wedel (2005) demonstrates how Russian ‘flex organisations’ are able to straddle and alternate between formal (state) and informal (private) spheres in ways that defy Western conceptualisations such as corruption and state capture. Zimmer (2006: 274-5) points out that formal rules are often designed intentionally to necessitate the use of patronage relations or to render all actors vulnerable.⁶ Instead she asserts a blurring of formal institutions and informal practices, which may be separated analytically, but not empirically. In short, empirical work in the post-Soviet space suggests that the relationship is a complex one that will not easily lend itself to elegant theorising. Nevertheless, better understanding this interaction is clearly an important area for the research agenda on post-Soviet politics.

If we briefly reiterate the legal-rational structure of the Russian state with relation to oversight provisions during Putin’s presidency, then the 1993 constitution set out a democratic state with a form of semi-presidentialism that was strongly tilted towards the president, so that some commentators regard it as ‘superpresidential’ (e.g. Fish

⁵ Here it is important to distinguish between the *informal institutions* such as routines, roles and norms that characterise the functioning of all institutions (Marsh and Olsen 1994: 52) from the specific non-regularised *informal practices* that comprise neopatrimonialism such as clientelism, patronage and rent-seeking (see Engel and Erdmann 2006). Ledeneva (2008: 20) sees informal practices as ‘players’ creative handling of formal rules and informal norms’, a definition compatible with the conception of neopatrimonialism being used here.

⁶ For examples, see Gel’man 2004:1031

2005).⁷ Therefore, the State Duma's role in appointing and dismissing the government is limited. In terms of appointment, the Duma confirms the president's nomination of prime minister, and is dissolved if it rejects the president's nomination three times. Similarly, while both the president and the State Duma can both dismiss the government, the right of the parliament to do so is curtailed by other constitutional provisions, so that the accountability of the government to the parliament is legally tightly circumscribed. Furthermore, the constitution defines the Federal Assembly as a 'representative and legislative organ' (art.94) and until 2009 made no explicit mention of parliamentary oversight of the government or executive bodies except with regard to the implementation of the federal budget (art.101.5) for which purpose parliament forms the Accounting Chamber, Russia's Supreme Audit Institution (SAI).⁸ However, the absence of a constitutional oversight role is not unusual, as there is no such provision in the US or German constitutions either. Certain oversight functions are implied by the right of the State Duma to confirm the prime minister and vote no confidence in the government, to appoint the human rights ombudsman, the chair of the national bank, the general procurator, to form the Accounting Chamber and to initiate legislation. At the same time, the Federal Assembly has no right to oversee the president other than by the blunt instrument of impeachment. This means that the Federal Assembly cannot question officials of the presidential administration, which formed a *de facto* parallel government, and it is also constitutionally unclear how far parliament can 'control' the force ministries as they are constitutionally responsible directly to the president.

Under President Yeltsin, legislation was adopted by *ad hoc* coalitions and the strong opposition contingent in the first two Duma convocations (1993-1995 and 1995-1999) meant that deadlock and brinkmanship were common (Remington 2001: 286). At the same time, the period saw the development of a range of institutions that resembled oversight instruments in developed democracies: regular invitation of government ministers to answer parliamentary questions (Government Hour), written interpellations (*zaprosty*), hearings, improved

⁷ For a detailed discussion of the provisions of the Russian constitution and the resultant formal division of powers, see Sakwa 2002: 98-139

⁸ Along with the constitutional amendments to extend the terms of the president and people's deputies made in late 2008, articles 103 and 114 of the constitution were amended to give the State Duma the right to hear the government's annual report (*otchet*) on the results of its activity and on the implementation of the federal budget (Federal Law on amending the Constitution of the Russian Federation, 30 December 2008, no.7- FK3 'O kontrol'nykh polnomochiyakh Gosudarstvennoi Dumy v otnoshenie Pravitel'stva Rossiiskoi Federatsii', *Rossiiskaya Gazeta*, 31.12.08).

oversight of the budget process and implementation and parliamentary investigations. From 2000, President Putin moved to consolidate a strong support base in both chambers of the Federal Assembly, using a combination of legal-rational means (changes to legislation and rules) and patrimonial ones (see below). The details of these formal changes have been well-documented elsewhere (Institute 'Obshchestvennaya Ekspertiza' 2005; Wilson 2006) but in essence the formation of the Federation Council was altered to ensure a composition loyal to Moscow and to deprive governors of their immunity and influence in the centre (Remington 2003a), while the field of competitors for Duma seats was narrowed via the 2001 law on political parties and, later, changes to the electoral law.⁹ The Duma was restructured internally following the 1999 parliamentary elections and Putin's election in 2000, with United Russia establishing itself as the pre-eminent party of power and attracting new members elected from single mandate constituencies, a process that although it occurred according to the established parliamentary standing orders, was intrinsically imbued with patrimonial elements as far as the attractiveness of joining United Russia was to a considerable degree due to its proximity to the Kremlin, and thus its potential to access resources and avoid selective punishment (see below).

The formation of a pro-presidential majority was cemented in April 2002, when a coalition of four factions took control of all the committee leaderships, but at the same time a lack of voting discipline meant that this majority was unstable, so that the executive was compelled to engage in considerable horse-trading over distributive benefits in order to ensure the smooth passage of key legislation (Remington 2001: 286, 2003), although much of this occurred prior to its introduction to parliament via consultations referred to as the 'zero reading'. Nevertheless, during the 3rd (1999-2003) convocation, Sakwa (2004: 121) was able to talk of Putin's taming of the legislature. In the 4th Duma (2004-7), the constitutional majority (311 of 450 seats) won by United Russia permitted the pro-presidential forces to consolidate their formal power, assuming control of the leadership body, the Council of the Duma, and the leadership and functioning of all committees. In theory, this had the potential to increase accountability in Russia, due to the close links between United Russia and the presidential administration, making those responsible for policy clearly identifiable to the public. However, in practice, only three members of the new government joined the party (Gel'man 2006: 551) and United Russia seemed to have little direct input into policy, its role being to endorse proposals emanating from the executive. So the 4th Duma

⁹ For details, see Wilson (2006)

brought the breakneck acceleration of the legislative process¹⁰ and the widespread perception among observers that the Duma ceased to perform the functions of a parliament, and instead unthinkingly rubber-stamped presidential initiatives (e.g. Institute 'Obshchestvennaya Ekspertiza 2005, Sakwa 2008a: 197-8). The official marginalisation of the Duma as the focal interface between state and society, as an organ able to articulate and channel public opinion, was further exposed by the formation in January 2006 of the Public Chamber, an appointed body whose functions included reviewing legislation, but whose purpose was largely legitimating.

The Federal Assembly then played an increasingly marginal role in policy influencing (i.e. shaping legislation) and articulating various interests. So what was the significance of the parliament in Putin's Russia? In order to consider this issue in more depth, it is necessary to turn to the patrimonial sphere. Neopatrimonial elements of Russian politics are rooted in the Soviet experience, particularly the shortage economy which begat cliqueish relations of 'dirty togetherness' whereby patron-client networks colluded in the context of scarcity and distrust of the state and were renewed in the context of transition to gain access to state resources (Wedel 2005). Lynch sees Russia under both Yeltsin and Putin as neopatrimonial, where the *pays reel* is focused around the president and his (constitutionally vaguely defined) staff so that access to the president is critical for any government office (or indeed, any other interest) to advance its agenda (2005: 152-163). Although *de jure* power is based on a separation of powers, *de facto* decision-making is concentrated on a network of 'informal power cliques' (Sakwa 2005: 29) orbiting the president, a network that transcends formal institutions of power. Even though key personnel do tend to hold official posts, these may not offer too much of a clue as to an individual's stature. For example, Igor Sechin held the relatively modest position of deputy head of the presidential administration, but was considered by analysts to be one of the most influential people in Russia (E8). In recent years, it has become commonplace to refer to the *Pitertsy* and *siloviki* as the two main cliques in the Kremlin, and clearly a considerable proportion of influential figures in Putin's orbit did have backgrounds in St Petersburg and/or in the so-called 'force ministries' (Kryshtanovskaya and White 2003). However the role of various industrial lobbies and the high proportion of elites with a business background is often underplayed (Werning Rivera and Rivera 2006).

¹⁰ Chaisty (2006: 198) notes that in the early part of the convocation, some bills were steamrolled through all three readings in one day.

In this schema, the president plays something akin to a ‘neutral arbiter’ balancing the influence of various cliques to ensure none dominate or attain a position able to challenge his position. All cliques are dependent on the president’s patronage for access to resources (e.g. rent-seeking opportunities; administrative resources for elections), thus assuring their loyalty to the patron. Such relations replicate downwards through the ‘power vertical’ and are underwritten by what Ledeneva calls the ‘principle of suspended punishment’, whereby *kompromat* (compromising materials) is held on everyone:

The principle [...] operates where there is a substantial gap between declared and actual norms. Since people are forced to violate defective laws almost ubiquitously, punishment becomes a resource in short supply to be distributed according to extralegal criteria. Everybody can be framed and punished. But in the meantime, they find themselves in a situation where the punishment is ‘suspended’ until further notice. In order for this suspension to continue one has to comply with the unwritten rules of the informal order. (Ledeneva 2006: 85)

Naturally, parliamentarians were among the potentially vulnerable, despite their immunity to detention and prosecution, as their businesses could be subject to tax or fire inspections, or other forms of pressure. These informal practices permeate all aspects of the Russian political system, including the formation of the parliament and the parties that seek to enter the State Duma. The methods used to manipulate elections and to promote various types of fake parties in Russia have been widely documented (e.g. Holmes 2002; Fish 2005; Wilson 2005) and can be seen as a means to create a semblance of the democratic process for (domestic and international) legitimising purposes whilst emptying it of content (e.g. notions of ‘Potemkin democracy’ or ‘virtual politics’). Whilst not disputing the potency of that interpretation, the ‘management’ of elections, parties and the media can also be seen as the most visible manifestations of neopatrimonial politics in Russia, patterns which also extend to the economic sphere where Putin also demonstrated preferences for keeping rules informal and the state minimally constrained (Hanson and Teague 2005). These neopatrimonial elements had a profound impact on the composition and behaviour of the Federal Assembly and aimed to reduce the Kremlin’s transaction costs of adopting legislation by ensuring that both chambers were more accommodating.¹¹

¹¹ However, Remington (2008) argues that adopting legislation remained costly as far as United Russia deputies constantly required ‘feeding’ resources.

The 2003 elections to the State Duma were the dirtiest since in the post-Soviet era and United Russia was able to obtain 37.8% of the party-list vote, but quickly commanded two-thirds of the seats in the Duma as deputies elected in single mandate constituencies and defectors from other parties were attracted to join the faction in the hope of access to distributive benefits, the continuation of ‘suspension’ of punishment for themselves or their businesses and for improved re-election prospects. The fact that the faction was managed externally by the presidential administration was openly acknowledged by some United Russia deputies (D3, D4, D6, D11). Consequently, the 4th Duma was comprised of a deputy corpus that was overwhelmingly loyal to the president, largely due to United Russia’s dependence on the president’s popularity, patronage and administrative resources. It was not just the overwhelming size of United Russia’s majority that inevitably reduced the independence of the Duma, but also the nature of this party, which had little discernible ideology beyond slavish loyalty to Putin. This composition had a discernible effect on deputies’ level of engagement with their duties as parliamentarians. For instance, during the first 18 months of the 4th convocation, 157 deputies (35%) spoke only once or never spoke at all during plenary sessions (Institute 'Obshchestvennaya Ekspertiza' 2005: 254-62). Deputies and experts cynically referred the 4th Duma as effectively a department of the presidential administration, with meaningful policy debate regarded as taking place outside its walls (D1, D5, D6, D11, D13, D15, E3, E5, E8).

Why then bother to study parliamentary oversight in such a formally and informally president-dominated parliament? Although as we shall see oversight activities declined, the Duma continued to exercise its right to invite ministers for questioning, conduct hearings, send interpellations, conduct parliamentary investigations and charge the Accounting Chamber to conduct investigations. There is a need to investigate these processes and to assess their meaning to the actors that participated in them. Furthermore, this affords the opportunity to explore how actors negotiate between the legal-rational and patrimonial spheres, to unpack the significance of these practices for the regime and to expose some salient contradictions within the form of neopatrimonialism existing in Putin’s Russia.

Defining Parliamentary Oversight in Russia

Parliamentary oversight (kontrol’) is a relatively novel as well as contentious concept in Russia. Its origins only date back to the late Soviet era and among its practitioners a cognitive dissonance was in evidence between

understanding the concept in terms broadly identical to those in Western liberal democracies and the often uneasy acknowledgment that in this sense, parliamentary oversight was absent in Russia. In the (largely Western) literature on parliamentary oversight, its definition remains controversial, constantly subject to discussions about how broadly it should be framed, whether it should comprise *ex-ante* as well as *ex-post* mechanisms and indirect, sporadic actions (so-called ‘fire-alarm’ oversight) as well as direct, routine ones (‘police-patrol’ oversight) (Strøm 2000; McCubbins 1984). Given the possibility that, as with other concepts like democracy, parliamentary oversight might have a somewhat different meaning in Russia, actors and authoritative commentators were asked to define it. Respondents gave definitions broadly compatible with Western conceptions – the idea of the legislative branch monitoring the activities of the government and checking their compliance with and implementation of legislation through a number of mechanisms such as questioning ministers orally and in written form, confirming the federal budget, parliamentary investigations, holding hearings or roundtables and appointing the Accounting Chamber. Therefore parliamentarians and experts predominantly identified *ex-post* mechanisms of oversight which are the main forms of oversight where parties are weaker, such as in the United States (Strøm 2000). Mechanisms such as confirming the appointment of the prime minister, voting no-confidence in the government and impeachment were almost never mentioned, and so do not appear to be considered by the deputies and experts interviewed to be meaningful control activities for the Duma. On the whole respondents perceived the object of oversight to be the federal government, although some opposition¹² deputies did highlight parliament’s inability to control the presidential administration where all key decision making takes place (D13, D14) and its limited control over the security services (D10), the latter being a complaint which, despite radically different circumstances, is not rarely voiced in the US (Johnson 2004). Given the controversy of the definition in general, and the desire to speak about practices in Russia in terms recognised by its participants, this paper will focus on the activities identified by respondents as meaningful parliamentary oversight activities.

So, actors and observers in Russia defined parliamentary oversight in broadly similar terms to their Western counterparts, but at the same time a majority of parliamentarians interviewed also stated that this form of oversight did not exist in Russia, and expressed scepticism about the ‘real’ meaning of these activities, some

¹² Opposition is a deeply problematic concept in the Duma: for instance in the 4th Duma part of Rodina, the Communists and especially LDPR were muted in their opposition to the president. Here the term is used simply as a short-hand meaning those outside the United Russia faction.

mentioning a ‘virtual’ or ‘decorative’ aspect to oversight practices – that it was ‘just for show’ to create an outward appearance of democratic accountability for the electorate and/or ‘the West’, whilst having no real prospect of influencing policy or the behaviour of the executive (D5, D8, D13, D14, E3, E5, E7, E8).¹³ While it is clear that neopatrimonial states such as Russia’s do subvert formal institutions for legitimisation purposes, nevertheless, the ‘faking democracy’ view only offers a one-dimensional explanation for the functions and meanings of ostensibly democratic institutions like parliamentary oversight, and implicitly suggests an omniscient executive (or more precisely presidential administration) that is able to effectively control the political sphere for its own ends. While agreeing with the majority of Russian specialists that emphasise the dominant policy-making role and formal and informal power of the presidency, I suggest that the ‘Potemkin democracy’ idea is limited if one seeks a nuanced understanding how the Russian state works, in that despite the clear attempt of the executive to utilise oversight practices for legitimisation purposes, this was not always an effective strategy. Moreover, parliamentary oversight mechanisms also offered opportunities to individual deputies to mobilise resources and exercise influence in ways that straddle the legal-rational and patrimonial spheres and made policy-adoption more costly for the executive. In sum, a case study of oversight suggests that the striving for top-down control from above is evidence of the limits of state power under Putin.

However, in reality the legal-rational and patrimonial spheres are blurred, because although institutions can be designed mainly for legitimisation purposes (e.g. soviet constitutions, the Public Chamber), others can be designed to be subverted by the patrimonial context, while still others are deliberately para-constitutional in their adherence to the letter of the constitution but not to its spirit. Thus, any exposition of the legal-rational sphere inevitably and unavoidably involves some consideration of the patrimonial, as we shall see as we move to consider the formal rules governing parliamentary oversight, with particular attention to the changes made under President Putin.

The Evolving Rules of the Game

During the 1990s, the State Duma developed a range of oversight mechanisms which were formalised in law or its internal regulations. During 2004-5 there was a flurry of amendments made to these formal rules that increased the degree of regulation and also tended to shift rights away from individual deputies and committees

¹³ Only one respondent (S3) argued that parliamentary oversight was robust in Russia.

up to the Council of the Duma or higher. Furthermore, enhanced regime legitimization appeared to be at least an intended by-product of some of the rule amendments.

Increasing regulation in the sphere of parliamentary oversight was manifest in at least four areas – Government Hour, hearings, the anti-corruption commission and parliamentary investigations. Government Hour was the weekly mechanism for questioning members of the government about policy. In 2004, the parliamentary standing orders were amended to increase the session's duration to 2.5 hours each week and to systematise the advance planning so that the topics for discussion and officials to be invited would be determined for the entire session at its start (Resolution 1101-IV, 10.11.04). The change limited the capacity of the Duma to respond to the burning issues of the day and consequently was perceived to be significantly less salient by both deputies and even government representatives (D1, D7, D11, D13, B6).

Hearings were also subject to greater restrictions. Until 2004, they could be held on any issue agreed on by the committee, but resolution 132-IV (20.02.2004) limited the topics to the jurisdiction of the State Duma thus excluding the possibility of holding hearings on important aspects of internal and foreign policy such as the military doctrine. Furthermore, the same resolution removed committees' autonomy to hold hearings as now these needed to be agreed by the Council of the Duma. This was one of several amendments that strengthened the control of the Council of the Duma, and hence the United Russia leadership, over the operation of committees even though United Russia controlled all committees' leadership and had a majority of deputies in all of the committees.

The anti-corruption commission was very active in conducting investigations and producing reports into corruption during the 3rd (2000-2003) convocation. Indeed their activities were seen as potentially instrumental in Putin's decisions to sack ministers Aksenenko and Adamov (Remington 2006: 270), and this group of mostly former senior officials in the security services also emerged as the vanguard promoting more investigatory rights for the Duma, with their draft law on parliamentary investigations being adopted in first reading in October 2003, despite the opposition of the government and presidential administration.¹⁴ At the start of the fourth Duma, the remit of the commission was sharply circumscribed by the Duma to preclude any investigatory work, and restricted to providing expertise on draft laws.¹⁵

¹⁴ *Rossiiskaya Gazeta* 8 October 2003; *Trud* 14 October 2003.

¹⁵ *Nezavisimaya Gazeta* 20 April 2004; *Izvestiya* 21 April 2004.

Given the opposition of the presidential administration to the rather moderate draft law on parliamentary investigations by the anti-corruption commission in 2002-3, it is perhaps surprising that the presidential administration should emerge as enthusiastic advocates of finally endowing the Federal Assembly with the legal right to conduct investigations during 2005. Although 96% legislatures have access to this oversight tool (Pelizzo and Stapenhurst 2004: 4), until 2005 in Russia investigations were conducted on the rather shaky legal basis of the constitutional right to form committees and commissions, and attempts to alter this were blocked by the executive. Thus, in practice, investigations struggled to proceed in the face of refusals by officials to appear as witnesses or provide information (e.g. 1994-5 investigation in to the Chechen war). Once a pro-presidential majority was consolidated after 2001, it became difficult to form such commissions at all - and investigations into the Kursk disaster or Dubrovka theatre siege foundered at the initiation stage. The 2005 law on parliamentary investigations vested the right to conduct investigations in the Federal Assembly for the first time, but it also evoked a rare show of consternation from deputies across the political spectrum as their input was systematically excluded by the presidential administration (D4),¹⁶ as the law was framed very restrictively in terms of scope (only on large-scale disasters and mass violations of human rights (excluding during elections)), and due to the high procedural threshold required to open an investigation. An investigation could only be conducted by both chambers jointly, initiation required a majority vote in both chambers in a convoluted procedure and an investigation would be stopped in the event of law-enforcement agencies opening an investigation into the issue or an aspect of it. In practice such rules meant an investigation could only be initiated if the president approved, and some deputies called this a law banning parliamentary investigations (e.g. D5, D11). The law was steered through the Duma by the presidential administration which requested the accelerated procedure which limited the time available to submit amendments and even minor acts of resistance were quashed, such as in the security committee which unanimously proposed returning the bill in its first reading. The committee chair was instructed by the presidential administration to hold an informal repeat vote by 'persuading' deputies to change their vote overnight (D4, D5, D12).¹⁷ The experience of adopting this law was humiliating for the Duma, especially for the United Russia deputies that had been involved, and the outcome was fewer opportunities to conduct investigations than previously. Paradoxically, parliamentary investigations were now legal, but almost impossible to conduct.

¹⁶ *Itoji* 5 July 2005, *Kommersant-Daily* 17 September 2005, *Novye Izvestiya* 17 September 2005, *Izvestiya* 27 September 2005.

¹⁷ *Kommersant-Daily* 18 October 2005.

In all the four examples cited, the increased regulation of oversight can be interpreted as part of the wider ‘game around the rules’ played in Russia whereby an excessive system of regulation was developed to benefit those in power. However, if in other realms like tax legislation over-regulation was intended to make all guilty of transgression and therefore vulnerable to the principle of suspended punishment (Yakolev 2006), here the aim was to make the costs of exercising one’s deputy’s rights prohibitively high or unfeasible without the Kremlin’s imprimatur. The changes also point to greater centralisation of control over the Duma’s oversight activities as rights were moved away from individual deputies and committees up to the Council of the Duma (thus *de facto* to the United Russia leadership). Furthermore, in 2004 the Duma also effectively transferred to the president its constitutional right to appoint the chair of the Accounting Chamber and the Ombudsman for Human Rights as henceforth candidates would be nominated by the president and approved by the Duma, an evident sleight of hand with the spirit of the constitution. This tendency towards hierarchical control suggests systematic changes to reduce the potential autonomy of the Duma in oversight matters were implemented while the Kremlin had the opportunity via a compliant majority. These were part of a series of prophylactic measures (along with the law on NGOs, amendments to the law on public demonstrations, referendums and others) intended to close perceived loopholes in the Kremlin’s control over the political sphere in the run-up to the 2008 presidential elections. However, the formal rule changes were not only about greater control for the presidential administration via United Russia, they also had a clear legitimating role. Arguably, Government Hour was extended primarily with this aim – which not only gave deputies and citizens the opportunity to see members of the government explain their actions, but also gave government officials a regular, friendly platform that was reported by the media. The law on parliamentary investigations was a piece of para-constitutional legislation principally intended to restrict parliamentary investigations,¹⁸ but it also allowed Putin and his envoys in United Russia to argue that Russia was prioritising the development of civil society and the rights of parties in parliament (Putin 2005) and ‘raising the role of parliament and strengthening its oversight functions’.¹⁹ This may have been merely gilding the lily, but few observers, including international ones, were likely to look

¹⁸ Pre-2005, the presidential objection to any law on parliamentary investigations had been based on the argument that this provision was not envisaged by the constitution and therefore required a prior constitutional amendment.

¹⁹ Vladimir Pligin in *Rossiiskaya Gazeta*, 19 October 2005. Although beyond the scope of this article, the 2008 constitutional amendment granting the Duma the right to hear the government’s annual report can also be interpreted in this light. Deputy speaker Oleg Morozov pointed out how the changes were ‘aimed at democratising the political system in Russia’ (*Ekonomika i Zhizn*’, 28 November 2008)

sufficiently closely at the law to notice that its intentions were the opposite of those stated. Therefore, overall we can identify a trend towards greater regulation and centralisation of oversight mechanisms. Instruments that were left untouched in this period, such as interpellations, were the weakest in the Duma's oversight armoury. Although in most cases these changes to the legal-rational sphere were initiated by the presidential administration, it was United Russia deputies that instituted them with little or no fuss, giving up their own rights. As will be demonstrated below, these deputies had limited interest in overseeing 'their' president's government even though he was not a member of their party, they did not form the government and it was not recruited from United Russia. Thus, as might be predicted, levels of oversight activity fell during the 4th Duma and not only due to higher formal regulatory hurdles.

Formal Levels of Oversight Activity

In ascertaining levels of oversight activity during Putin's presidency, the annual official figures compiled by the Duma were compared over time and demonstrate an overall fall in the utilisation of three oversight tools. Nevertheless, the picture is not unambiguous as data were not available for some activities (e.g. deputies' interpellations) and others were difficult to measure numerically (e.g. budget oversight), while ostensibly the use of Government Hour increased, and parliamentary investigations gained status. In sum, an examination of the available figures can offer no more than a broad indication of change over time, but do clearly indicate that deputies undertook less oversight as the Putin presidency progressed.

As table 1 shows, there was a clear decline in the holding of hearings and interpellations after 2002, when a pro-presidential parliamentary majority was consolidated. In the case of hearings, annual figures remained rather stable between 1996 and 2002, falling away sharply thereafter. The number of parliamentary interpellations also declined by over half from 2003. Similarly, the Duma's requests for checks by the Accounting Chamber halved after 2000.²⁰ In the latter case, this can perhaps partially be explained by the appointment of Sergei Stepashin as its chair, who from the beginning of his tenure made clear that he saw the Accounting Chamber as having greater potential if links with the president were stronger and links with the Duma were weaker, and backed this

²⁰ Annual Duma requests for checks to the Accounting Chamber during 1996-9 were 43, 54, 57 and 34 respectively (mean 47). During the 3rd and 4th Duma the mean number of requests was 17 for each (*Otchet o rabote Schetnoi palaty Rossiiskoi Federatsii*, M: Accounting Chamber).

with various legislative proposals, including the changes to the appointment processes made in 2004 and 2007. Therefore, it is likely that deputies increasingly perceived this organ as an agent of the president.

TABLE 1 AND CHART ABOUT HERE

For some activities, qualitative assessment was necessary. Following the adoption of the 2005 law, parliamentary investigations generally remained infrequent, informal and ineffective.²¹ No official investigation was initiated during 2006-8, and attempts to do so tended to result in the creation of *ad hoc* inter-faction working groups to investigate issues like the actions of the police during the March of the Dissenters²² basically because the stiff procedural requirements and the composition of the 4th Duma made it extraordinarily difficult to start an official parliamentary investigation, even with the support of the United Russia deputies. On the other hand Government Hour was held weekly for a longer time period than previously, so ostensibly was more utilised. Therefore, official data shows that control activity declined in three areas, remained low in another and increased in one, which supports expectations of an overall decline in oversight activity during the 4th Duma, and could convincingly be interpreted as the nascent deinstitutionalisation of some of these mechanisms. However, looking at the amount of oversight activity being formally conducted does not tell us about the quality (lower frequency activity could be accompanied by more effective oversight) or meaning of the remaining activity. If deputies' interpretations and motivations are considered, we can see that oversight was perceived as much less effective and how oversight practices fulfilled a range of purposes that pertained to the legal-rational and patrimonial spheres of the state, and straddled the two.

Interpretations of Oversight Activity

Interpreting deputies', officials' and local experts' opinions as deduced from interviews, observations, official documents and media reports strongly suggests that parliamentary oversight activities had reduced capacity to effect change in bureaucratic behaviour or in legislation than previously. Although oversight was maintained

²¹ See Ryzhkov and Dymarskii 2009 for figures.

²² *Kommersant*, 19 April 2007.

and even extended *de jure*, a widespread sense that such activities had become ritualised or marginalised to insignificance was prevalent. Nevertheless, these activities did continue and a range of purposes and motivations were evident, predominantly acting as a legitimating device for the regime and to lobby business interests (their own and others'). Their role as a means for deputies to represent their constituents, to signal on specific issues and as an exercise in self-legitimation was declining. In conducting these activities, deputies' behaviour was shaped by the formal rules – hearings, interpellations etc. were conducted according to certain codified procedures, and in certain cases formal rules acted as a barrier to deputies' undertaking oversight activities, but informal practices pervaded these activities as deputies also used them to mobilise resources for personal benefit.

In liberal democratic states, oversight is often not the most popular activity for parliamentarians. A general lack of motivation can be detected as deputies often see more advantage in legislative work (Johnson 2004, Duffin 2003). However, a general lack of interest in oversight cannot explain the dramatic decline in oversight activity during Putin's presidency. Here it makes more sense to consider the changing configuration of the parliamentary party composition that occurred as the party system is likely to be the crucial overall determinant (Mezey 1998), but also the Kremlin's deliberate strategy of erecting institutional barriers to conducting oversight aimed primarily at opposition and independent deputies (including non-party members of the United Russia faction), while maintaining a democratic facade. According to the literature, deputies' incentives to conduct oversight are influenced by a range of institutional, agential and contingent factors. The institutional rules have already been examined, and this legal-rational sphere continued to set the context for oversight activity, determining what was possible and affecting deputies' choice of mechanism depending on the relative costs involved in utilising them. Contingent factors might include the sudden newsworthiness of an issue or the proximity to an election (which will decrease parliamentarians' motivation to conduct oversight). Agency-based incentives might include the perceived ability to benefit, for example to improve one's re-election prospects by gaining favourable publicity (Wiberg 1994: 30-1); a degree of autonomy from one's party (so that non-party members and independent deputies may be more active); and opposition status (Saalfeld 2000). To these one might add additional agency factors that fall within the patrimonial sphere where ostensibly public activities are privatised and power personalised. These may include perceived pay-offs or corrupt motives (Remington 2003, Tolstykh 2006) and deputies may act as brokers utilising their personal patronage networks and access. In practice, motivations are mixed and overlapping rather than exclusive, and while deputies normally might be expected to

talk up their 'honourable' motives (such as constituency casework) and the impact of their oversight, it is perhaps a mark of the morale of the 4th Duma that the majority interviewed (including United Russia deputies) talked of its limited impact and some talked openly about how they primarily pursued their business interests.

The dominant theme emerging from the data was the sense that all oversight activities became much more formal (as opposed to 'real') and ritualised during Putin's presidency. Deputies, in decreasing numbers the official figures above suggest, went through the motions of conducting oversight with little sense of any capacity to change anything, but the activities continued depending on individual deputies' initiatives (in the case of deputy interpellations and participation in other more formal activities) and on the initiative or agreement of the presidium of United Russia, sometimes prompted by the presidential administration. Hearings were described as 'the "show" work of committees' (D15) and as having 'a ritual character... [now] it influences nothing' (D13a). Hearings could be now held only with the agreement of the United Russia presidium and could be organised with expedition for a president-initiated bill (e.g. draft law on citizens' appeals, March 2006). For Government Hour, rule changes significantly reduced its topicality and consequently the incentives for deputies' participation in it:

Government hour has been turned into a pure formality. And you notice when they discuss an issue that was salient two months ago, and the chamber is empty (D1)

Turning to the anti-corruption commission, two long-standing members (one from United Russia) concurred in their opinion that in the 4th Duma this body was 'purely decorative' (D5) and 'we purely imitate oversight' (D11), and indeed this was supported by the fact that when the commission chair presented its 2005 annual report to the Duma, he was given only five minutes and no time for questions.²³ A ritualised approach was in evidence in the realm of budget oversight, both in the activities of the budget committee and in the Duma's relations with the Accounting Chamber. While deputies had traditionally been deferential to the military's wisdom with regard to the military budget (Golts 2007),²⁴ during the 4th convocation the Duma also informally gave up its ability to oversee other aspects of the state budget. Not only was there the significant fall in the number of requested checks to the Accounting Chamber, after 2004 budget sub-committee hearings on

²³ *Nezavisimaya Gazeta*, 14 February 2006

²⁴ Similar patterns are evident even in the US where Congressmen have felt it 'unpatriotic' to question the military (Johnson 2004).

Accounting Chamber reports ceased. Furthermore, the budget committee's meeting on the implementation of the 2004 budget felt like a formality as only 25% of its members attended, while discussion was brief.²⁵ Deputies also believed that the Duma's ability to oversee the state budget had declined in recent years (D1, D2, D10, D11, D12, D13).²⁶ In fact, across the full range of oversight instruments available to deputies individually or collectively, most deputies regardless of faction affiliation expressed the feeling that oversight had become increasingly ritualised in recent years, which may be one explanation for the declining levels of these activities. However, these rituals were important as mechanisms of legitimisation for the regime and the government.

Legitimation emerged as one of the main aims and purposes of oversight activities in the Duma. Legitimation is seen as key function of legislatures particularly in states where this institution plays a minimal or marginal role in policy-influencing or interest-articulation (Packenham 1970; Mezey 1979). Packenham (1970) identifies three main types of legitimisation process associated with legislatures – latent, manifest and 'safety-valve'. Latent legitimisation pertains to the visible, regular meeting of a legislature symbolising popular assent to the regime. Manifest legitimisation involves giving approval to executive decisions and policies on behalf of citizens, and is seen as important for both domestic and international legitimacy, and this can include system maintenance functions like offering a platform for the government to explain policy to the electorate. 'Safety-valve' legitimisation denotes the ability of legislatures to provide a forum for the cathartic release of systemic tensions by allowing policy opponents and opposition politicians to voice their opinion publically, even though it will not affect the resultant policy choice. Packenham (1970: 89) argues this increases acquiescence and satisfaction in government policy and helps to explain the large degree of media coverage afforded to legislatures with only a nominal role in decision making. In neopatrimonial states such as Russia, legitimisation functions are likely to be important even though the regime demonstrated the desire to avoid democratic accountability (including via parliamentary oversight) because the legitimacy of the Russian state is formally based on the idea of democratic origin – of institutions popularly elected or affirmed by 'the people' such as the presidency, parliament and constitution (in contrast to the USSR, where the Party's monopoly on truth was central) – and this legal-rational claim to legitimacy also reduces the costs of governing as far as the ruled accept the decisions of the rulers (see

²⁵ Author's observation, 13 March 2006.

²⁶ This tendency continued after Putin's presidency as in November 2008 the Duma's right to confirm the distribution of budget allocations was transferred to a special commission comprising seven representatives of each chamber of the Federal Assembly. See *Pravda*, 6 November 2008 for details.

Schaar 1969: 108-111). This has an international dimension too in the contemporary era, as most states claim legitimacy on the world stage primarily via their claims to represent their citizens and rule with their consent. Certainly any ruling elite has incentives to pay at least lip-service to the ideas of liberal democracy in order to attract international investment and to play a role in international organisations while implementation may not be thorough-going (Diamond 2002; Allina-Pisano 2004). Oversight mechanisms were utilised by the regime as tools of manifest and 'safety-valve' legitimisation, including consciously in cases where the presidential administration prompted oversight activity. This was executed by United Russia as they were interested in maintaining support for the regime, but the process was a contradictory one as far as the regime's pursuit of legitimisation was countered by the perceived need to control and deactivate oversight activity, especially prior to the delicate transfer of presidential power in 2008.

Several deputies identified a 'safety-valve' function as a key purpose of oversight activity, as a way for social pressures to be expressed via deputies and diffused without any consequences, while giving the impression that the government was acting on the issue (D1, D2, D4, D6, D8, D13, D14). The urgent Government Hour that followed the public outcry at the brutal hazing of Private Sychev in February 2006 testified to this function, as opposition deputies were able to let off steam while the defence minister Sergei Ivanov primarily blamed the media coverage of the case,²⁷ and the criminal investigation was dragged out with little done to address the wider systemic problem of bullying in the armed forces. Similarly, the joint Duma-Federation Council parliamentary investigation into the Beslan terrorist attack was formed at the president's initiative (after opposition deputies' attempt was blocked by United Russia) as a result of intense social pressure for the truth about this tragedy to be uncovered. However, despite the carefully-chosen composition of the commission, the fact that the commission worked in closed regime and gagged everyone but the chair from talking to the press, it became clear that the commission was struggling to agree with the 'official version' i.e. that the majority of fatalities were caused by the explosives detonated by the terrorists. Therefore for over a year the commission slid into suspended animation until a suitable time for burying an acquiescent final report could be found. It was finally slipped overnight into the parliamentary agenda for the following afternoon, 22 December 2006, the last day before the two-week break for New Year when almost no-one would be around to hear it. Thus, the investigation's role was purely for legitimating purposes, although the extent to which this worked is questionable, given that opposition deputies, victims' groups like Mothers of Beslan and various print media

²⁷ Author's observation 15 February 2006.

talked sceptically about the investigation as an open ‘imitation’ and a ‘whitewash’. Far from acting to gain public confidence in the state’s ability to protect its citizens, the closed nature of investigation and the chair’s unwillingness to allow the final report to deviate from the ‘official version’ engendered public suspicion and distrust. In the shorter term though, when public outrage was at its most intense, the Federal Assembly was seen to be acting, and perhaps the main objective was not more than this.

As well as offering a ‘safety-valve’ function, Duma oversight performed manifest legitimization of government policy through the United Russia faction. As the party of the president and government, but not a ruling or dominant party in the classic sense as far as they did not influence the composition of the government and essentially their programme was to implement “Putin’s plan”, United Russia deputies would not be expected to have strong motives to conduct oversight and this is borne out by the evidence. Indeed the lack of interest went further as United Russia deputies uncritically adopted the whole raft of restrictive changes to the formal rules of oversight.²⁸ However, some oversight was evidently prompted by the presidential administration when required, such as the aforementioned Beslan investigation, Government Hour on the Sychev case and hearing on the law on citizens’ appeals. Public events like Government Hour and hearings needed the complicity of United Russia deputies to fulfil the faction quota of questions or statements, and these mechanisms acted as a platform for the government to justify and explain policy to the population via the media. However, there were points of tension evident in this manifest legitimization role because United Russia supported government initiatives and the party was then seen as responsible if a policy backfired, as happened very publicly with the law to “monetise” social benefits in early 2005.²⁹ In this case, after adopting the law almost unanimously six weeks previously United Russia deputies were seen putting the minister for health and social development, Mikhail Zurabov, through tough questioning and seemingly extracting minor concessions. This was a means of avoiding giving opposition parties the opportunity to benefit from the government’s error of judgement and as a way for United Russia to seem to distance itself, and thus potentially increase their public standing on the issue. The extent to which this worked is rather unclear. So, overall the manifest and ‘safety-valve’ legitimating role of oversight activities became of questionable effectiveness as oversight practices were perceived as more ritualised, were deactivated

²⁸ The exception was several non-party member deputies who were vocally critical about the law on parliamentary investigations.

²⁹ The situation became more absurd after Vladimir Putin became Prime Minister and the 2008 constitutional amendments in effect obliged United Russia to oversee their leader and patron.

by rule changes and declined. Nevertheless, legitimization clearly remained an important purpose and motivator of such activities.

A second important reason for undertaking oversight activities was that it provided opportunities for deputies to mobilise resources (their expertise, networks and connections, access to ministries and officials, committee membership, status as deputies) and use formal oversight channels for private gain. This is an area which commonly attracts the use of concepts such as lobbying and corruption, the former denoting legitimate, transparent activity, the latter meaning the abuse of public office for private benefit. However, as Wedel (2005) asserts, the notion of corruption is problematic in cases like Russia because it assumes a clear separation of the public and the private which has never existed, and indeed lobbying is an area that (due to deputies' blocking) remains legally undefined in Russia. Here neopatrimonialism is useful because it assumes a blurring of the legal-rational and patrimonial, with political activity negotiating and straddling the two. Rent-seeking and clientelism (in this case with deputies acting as brokers to mediate exchange between sectoral/business interests and government) are an integral part of neopatrimonialism (Engel and Erdmann 2006). Here the term 'lobbying' will be used as an umbrella term for these activities, which range from straightforward utilisation of the legal-rational institutions to promote sectoral interests, to their use for one's own business interests, to brokerage on behalf of a specific business and paid requests, to overt subversion of oversight mechanisms for other purposes.

As would be expected the world over, the committees with strong sectoral lobbies were active in working for the interests of their sector. A popular mechanism to expedite legislation was by holding hearings. The committees on industry, energy, natural resources held the most hearings, often making recommendations for increased resources or tax breaks (Tolstykh 2006: 64-6), but as the figures above demonstrate, the number of hearings declined significantly after 2002 following the establishment of a working pro-presidential majority in the Duma and the shift of most legislation-drafting to the government and presidential administration. As law-making and law-influencing moved from the Duma, so this type of lobbying was likely to follow suit.

Deputies used oversight mechanisms like deputies' interpellations and requests to the Accounting Chamber in attempts to further their own business interests. Although estimates vary, around 200 (of 450) of deputies were entrepreneurs (mostly members of United Russia faction, though all other factions had their own small contingent), many of whom sought deputy status not only for immunity from prosecution but also for lobbying (Institut 'Obshchestvennaya Ekspertiza' (2005), D1, D13). One United Russia deputy with a substantial range of

business interests told how he had given up on requests to the Accounting Chamber as they did not act, and now generally preferred to use the courts (D6). This coincided with an Accounting Chamber official's explanation that they did not respond to checks 'obviously ordered in someone's interests' (B5). The same deputy also claimed to make effective use of deputy's interpellations, for example to start an investigation into the business of a rival (D6). It is unlikely such activities were isolated, although it is impossible to ascertain their extent and whether it was becoming more or less prevalent. Oversight mechanisms were used for direct private interests in ways that straddled the legal-rational and patrimonial spheres. However, deputies also used these as instruments for rent-seeking and clientelism.

Deputies from United Russia had extensive opportunities to attract lobbying 'business' from third parties. Opposition deputies had more circumscribed possibilities for this because of their relatively restricted access to government officials and lower status in the eyes of bureaucrats. This can be seen as a form of clientelism as far as the deputy would use his contacts and expertise to act as a broker between the client and the relevant official body. One United Russia deputy explained how his oversight workload increased over time because he had positioned himself as 'an authoritative deputy who has specific relations, specific support' in a certain sector (D4), and therefore was able to utilise his contacts in the relevant ministry to assist firms in that area. More openly reported were fairly straightforward transactions – for a fee (\$1000-5000 according to the media) a deputy would send a deputy's interpellation, or organise a more costly parliamentary interpellation (up to \$10,000). Tolstykh (2006: 60-3) argues that these could be purchased with the aim of initiating an investigation on a rival's business, affecting the price of a company's shares or confidence in its management or to pressure a bureaucrat who would not welcome public scrutiny. Success in this realm largely depended on a deputy's personal resources and network, while oversight mechanisms were but one of a range of legal-rational tools available by which to pursue their aims.

A final aspect of lobbying was the open subversion of oversight mechanisms (and indeed other parliamentary institutions) by deputies providing patronage to fee-paying clients engaged in illegal activities. Judging by the available sources, this was a relatively new form and a marginal proportion of overall lobbying. Tolstykh (2006: 148-9) cites the case of LDPR deputy Ovsyannikov who paralysed a police investigation into CD piracy by sending interpellations questioning the legality of the conduct of the police raid of the warehouse and in addition designated the warehouse his constituency office in order to prevent the execution of a further search. According to the local police, several such interpellations had stalled a number of investigations. This type of activity

belonged wholly to the patrimonial sphere as a crude type of patronage relationship based on a deputy providing a *krysha* (protection) for a criminal by utilising the formal instruments available to him/her as a deputy such as interpellations, but also earning rent from their immunity from prosecution, detention and arrest.

Not all use of oversight tools was intended for legitimisation purposes or related to lobbying. At the margins, some activities aimed at representing constituents, ‘signalling’ (attracting attention to an issue) or obtaining information from the government, although none of these was exclusive and could overlap or be a by-product of deputies’ desire for publicity and self-legitimation. Oversight activity acted as a means of self-legitimation for individual deputies as they could demonstrate to voters and their party that they were doing their job energetically, representing voters’ interests and helping them resolve problems (D1, D6, D7, D11, D14, E4, E5). In this the most popular and lowest cost option was the deputy interpellation – a written question from an individual deputy. Some deputies apparently sent hundreds per year, others much less with opposition and independent deputies and non-party members of the United Russia faction claiming to be more active than the United Russia majority (D1, D4, D8, D10, Institut ‘Obshchestvennaya Ekspertiza’ (2005)). This is logical because it was harder for opposition and independent deputies to gain media coverage and their re-election was not able to rely on United Russia’s machine. Non-party United Russia members generally wanted to be seen as autonomous and influential politicians who worked hard in their chosen sphere of interest (often related to their previous profession or (not-so-previous) business). However, some active opposition deputies admitted to falling motivation to undertake oversight activities, explaining that sometimes they did this work in a ritualistic, unenthusiastic manner (D7), sometimes due to a sense of impotence about its effectiveness or because of the extinguished prospect of re-election:

When I needed the support of voters, I worked actively – I had many meetings with voters, took their opinions into account [...]. However, since single mandate deputies are no longer required, this work has lost any sense. I continue to work with voters, but already without enthusiasm. (D1)

I am a [long-standing] member of the anti-corruption commission but I will tell you openly: I don’t want to work there [any more], because I am used to working for results ... And there you get nothing. Any initiative is ruined to the core. (D5)

So previously active opposition deputies’ motivation was falling due to changes in the legal-rational sphere raising costs and reducing potential gains, but these activities persisted in a marginal and residual way for

constituency casework, obtaining information and ‘signalling’. For instance, interpellations were often used for tackling constituents’ problems as deputies felt they could make a difference on an individual scale, but such questions were less effective when directed at a higher level. Deputies complained of receiving formal responses to their interpellations, with opposition deputies believing this had become worse in the 4th convocation because bureaucrats no longer felt compelled to act on them:

I sent a repeat interpellation to the governor [...] about the mass plunder of land in his oblast [...]. I didn’t get an answer to either the first or second interpellation, because the governor understands very well, ‘who is deputy [D1]? Well, let him sit there in the Duma and make a noise, so what? For me, it isn’t an order, so I won’t answer him. (D1)

This was confirmed by two non-party United Russia deputies who claimed that their status and contacts meant they got results, but that it depended on the topic (D4, D6). In some cases, greater transparency and public awareness on government policy or actions was seen as a by-product of activities like hearings or Government Hour, in that

when the process is completely under control the most effective form [of oversight] is the most public one, because what is heard in parliament somehow via the media comes to the ears of the people, even though it is only [done] to look decent... (D14).

Similarly, although the parliamentary investigation on Beslan was subject to intense control and restrictions, Yuriy Savelev, an opposition deputy and the only explosives specialist among the members, broke ranks and issued his own minority report, which along with the North Ossetian parliamentary investigation, was considered to be more trustworthy by victims’ groups than the Federal Assembly’s and had some limited success in keeping the issue on the agenda. Thus, undertaking oversight often depended on a deputy’s individual interest, network, expertise and initiative, and this also affected their ability to raise public awareness about an issue via the media or obtain information from the government. As such the media played a critical role in facilitating or validating many of these activities and problems with media freedom in Russia have been well-documented (e.g. see Fish 2005).³⁰ In sum, oversight as raising awareness, obtaining information and checking

³⁰ In this respect, the closed nature of the Duma’s activities was also problematic. No journalists were allowed into the session chamber of the Duma – instead they sat in a glass-walled room outside the chamber and watched the session on a

bureaucrats' behaviour did exist in Russia, but only at the margins and lower levels and was largely dependent on individual initiatives rather than institutional norms. It was this activity in the legal-rational sphere that declined as the incentive structures altered in the 4th Duma due to altered political composition and rules.

As oversight was deactivated by restrictive rules and the dominance of the Duma by United Russia, the remaining activities were perceived by engaged deputies and experts as increasingly ritualised, performed as an exercise in legitimisation undertaken on behalf of the regime by United Russia. Lobbying was also a key reason why oversight mechanisms continued to be utilised, as although more traditional sectoral lobbying via committee hearings declined, oversight tools provided instruments for deputies to mobilise resources and attract rents and operated in the overlapping legal-rational and patrimonial spheres. Finally, oversight for constituency representation, obtaining information or signalling was an increasingly marginalised activity, but one that dovetailed with deputies' desire for self-legitimation.

Conclusion

President Putin's policy towards Duma oversight institutions evolved during his presidency and was part of a broader desire for presidential control over representative institutions evident during his second term, particularly as the 'succession problem' of 2008 loomed large: how to preserve the regime that had consolidated around the person of Putin in a legal-rational state that constitutionally obliged him to step down as president. The institutional reforms to oversight mechanisms aimed to bolster formal presidential control over perceived weak spots in the authoritarian edifice by reducing the formal access points to the state that could be used by opposition figures, which included public demonstrations, referendums, NGOs and parliamentary oversight mechanisms. In the sphere of oversight, this strategy was implemented in a piecemeal fashion during 2004-5, and the reforms to Government Hour and parliamentary investigations arose out of the apparent threats to the regime represented by the public outcry following the Beslan tragedy which in the worst case scenario represented potential triggers for an attempted copying of Ukraine's 2004 orange revolution. If Beslan necessitated a parliamentary response in the form of a carefully 'managed' investigation, Ukraine's experience underscored the danger of parliamentary investigations keeping the issue of regime corruption alive in an television screen, where the camera angle and direction made it very difficult to ascertain even how many deputies were present.

electorate's mind. Given United Russia's control of the Duma, and the presidential administration's control of it, this was a very slight danger indeed in the Russian case, but nevertheless a danger that was understood to need removing.³¹ Therefore oversight institutions were deactivated but formally maintained and even extended to play a role in legitimating and thus reproducing the existing power of Putin's electoral authoritarian regime, but this strategy was not unambiguously successful and revealed tensions imbued in the state.

Investigating parliamentary oversight practices revealed a thoroughgoing tension between the controlling and legitimating impulses of Putin's regime, which fit into the contradictions Sakwa (2008: 884) identified as between compacted and pluralist statism. This was played out clearly with regard to presidential initiatives managed by the presidential administration and implemented through United Russia such as the parliamentary investigation into the Beslan terrorist attack, and also in the "game around the rules" regarding the Duma's oversight mechanisms. This type of "game" where institutional rules become part of the broader political struggle is common in electoral authoritarian regimes (Schedler 2006: 12-13) and ironically meant that the presidential administration strengthened *its* ability to oversee the Duma. However, this was counterproductive because as oversight institutions became harder to exercise and more clearly externally controlled, as oversight activity fell and became more evidently ritualised, this made them less effective as tools of regime legitimisation and stabilisation. Moreover, tensions were also apparent between the legal-rational and patrimonial elements of the state as deputies sought to respond to and rationalise the changes in their status and influence. The evidence suggests that they moved their resources (principally, but not only, their time) away from oversight in a legal-rational sense to other activities (possibly outside the Duma) and thus rent-seeking and clientelistic use of oversight tools comprised a growing proportion of oversight activity. The significance of lobbying indicated that deputies were still able to extract resources and rents from the state, and suggested that the Kremlin's creation of a dominating party of power did not fully resolve the issue of high transaction costs on policy issues. In fact, Remington (2008: 975) posits the existence of an informal bargain whereby United Russia supported all Kremlin initiatives on political issues as long as they had access to sufficient resource streams, and certainly the evidence on deputies' instrumental use of oversight mechanisms supports this proposition. Thus the regime had

³¹ Loyal United Russia deputies made the link between the law on parliamentary investigations and the orange revolution explicit. E.g. stenogramma kruglogo stola komiteta po konstitutionnomu zakonodatel'stvu i gosudarstvennomu stroitel'stvu i komiteta po besopasnosti na temu 'O protsedure parlamentskikh rassledovanii' 9 June 2005 and *Novoe Vremya*, 13 November 2005.

to forgo control over resources in one sphere in order to preserve them in another. The case of parliamentary oversight suggests that the equilibrium between legal-rational and patrimonial spheres of the state shifted towards the prevalence of the patrimonial during Putin's presidency. That these tensions were recognised as costly for the Russian state was made clear in statements by President Medvedev and his administration during August 2009 which stressed the need to reassert the supremacy of the legal-rational sphere.³² It remains to be seen to what extent the Putin-Medvedev tandem will genuinely seek to 're-balance' the state, or indeed, how far they would be able to direct such a process.

FIGURE 1 about here

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³² *Vedomosti* 3 August 2009 reminded readers that Medvedev's key promise as president was to reintroduce the supremacy of the law, while *Russia Today*, 13 August 2009 reported instructions from the presidential administration to regional governors to register opposition candidates in regional elections (both accessed via Johnson's Russia List, nos. 144 (3 August 2009) and 149 (13 August 2009)).

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Table 1: Oversight activities, 2000-2008

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Hearings	*	96	95	53	57	41	51	26	29
Parliamentary Interpellations	44	64	56	19	16	16	18	11	2
Duma requests to the Accounting Chamber	19	21	18	10	20	13	21	27	5

Source: *Parlamentskie Slushaniia v Gosudarstvennoi Dume: Khronika i obzor parlamentskikh slushanii*, Moscow: Izdanie Gos. Dumi, Nos. 1-16, 1995-2002; *Infomatsionno-analiticheskii biuleten'* 2000, № 1-10; 2001, № 1-10; 2002, № 1-10; 2003, № 1-9. M.: Izdanie Gos. Dumi, <http://www.duma.gov.ru/> (accessed 25.04.09) and *Otchet o rabote Schetnoi palaty Rossiiskoi Federatsii* v 2004, v 2005, v 2006, v 2007, v 2008 godu, M: Accounting Chamber.

* Data were missing for 2000. For the 2nd Duma (1996-9), the mean annual number of hearings was 89.

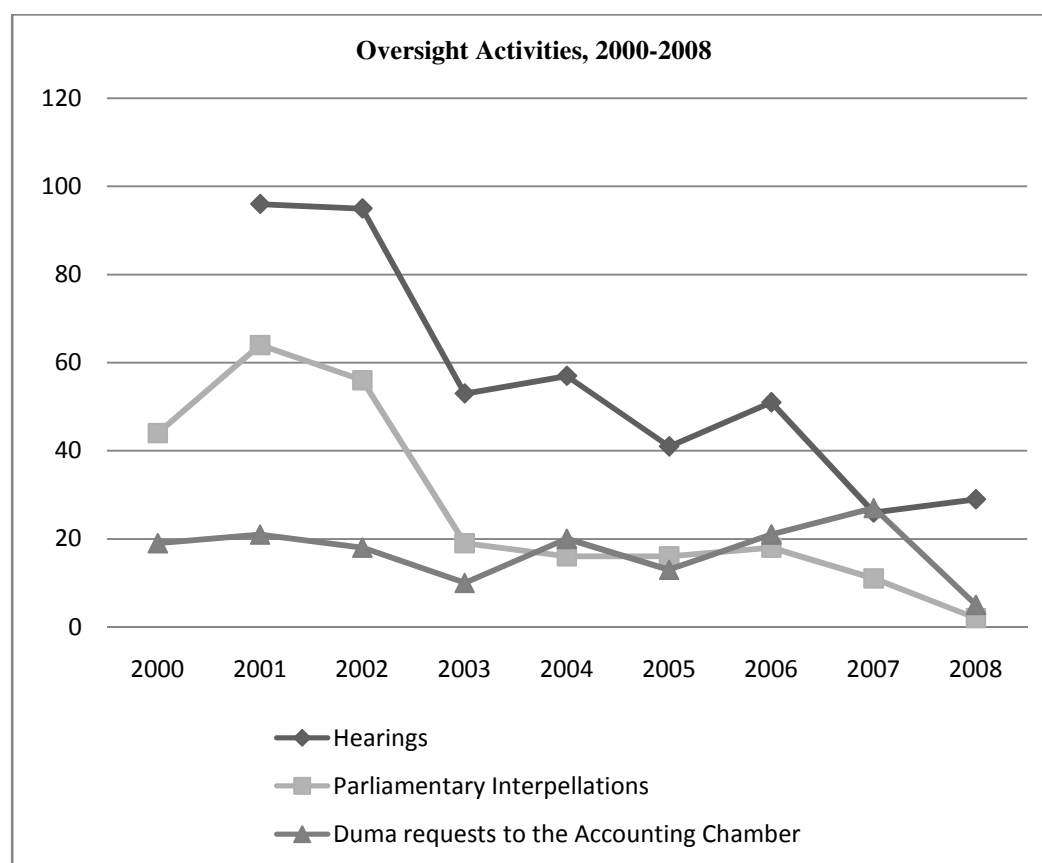


Figure 1: Key to Interview Respondents

All interviews took place in Moscow, unless otherwise indicated. Date of interview follows the faction membership.

D= deputy S=senator E=expert, commentator B= bureaucrat/non-elected official

D1 – Deputy since 1999, Rodina (Narodnaya Volya –SERP) faction, 8 February 2006

D2 – Deputy since 1999, Rodina faction, 1 March 2006

D3 – Deputy since 1999, United Russia faction, 10 March 2006

D4 – Deputy since 2001, United Russia faction, 20 February 2006

D5 – Deputy since 1993, KPRF faction, 17 March 2006

D6 – Deputy since 2004, United Russia faction, 17 March 2006

D7 – Deputy since 2004, independent, 9 February 2006 and (via telephone) 9 October 2007

D8 – Deputy since 2004, LDPR faction, 10 February 2006

D9 – Deputy since 2004, United Russia faction, 9 March 2006

D10 – Deputy since 1995, independent, 15 March 2006

D11 – Deputy since 1999, United Russia faction, 27 February 2006

D12 – Deputy since 1993, KPRF faction, 15 February 2006

D13 – Deputy since 1993, independent, 9 February 2006 and (via telephone) 13 September 2007

D14 – Deputy since 2004, KPRF faction, 13 February 2006

D15 – Deputy since 1995, KPRF faction, (via telephone), 11 October 2007

S1 – Senator since 2001, 21 February 2006

S2 – Senator since 2002, written response to questions, 29 March 2006

S3 – Senator since 2001, 20 March 2006

S4 – Senator since 2000, 28 February 2006

B1 – Head of a committee secretariat, Federation Council, 28 February 2006

B2 – Senior staff member, Accounting Chamber, 21 March 2006

B3 – Department head, Human Rights Ombudsman, 21 March 2006

B4 – Member of the Public Chamber, 22 March 2006

B5 – Senior staff member, Accounting Chamber, 13 March 2006

B6 – Senior staff member, the Russian government, 16 March 2006

B7 – Senior staff member involved in joint project with the Russian Accounting Chamber, National Audit Office, UK, London, 3 March 2007

E1 – Field director, Canadian Parliamentary Centre, 17 January 2006

E2 – Journalist, *Izvestiya*, 24 January 2006

E3 – Academic and ex-deputy, 21 February 2006

E4 – Expert, Centre for Political Technologies, 10 February 2006

E5 – Journalist, *Gazeta*, 20 January 2006

E6 – Journalist, *Parlamentskaya Gazeta*, 24 January 2006

E7 – Expert and ex-deputy, Moscow School of Political Studies, 25 January 2006

E8 – Expert, Carnegie Centre for International Endowment, 24 January 2006