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Russia Beyond Putin

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Russian Patronal Politics Beyond Putin

Henry E. Hale

Abstract: Russian politics from the tsars through Vladimir Putin has been shaped by patronalism, a social equilibrium in which personal connections dominate, collective action happens primarily through individualized punishments and rewards, and trends in the political system reflect changing patterns of coordination among nationwide networks of actual acquaintances that typically cut across political parties, firms, nongovernmental organizations, and even the state. The “chaotic” Yeltsin era reflects low network coordination, while the hallmark of the Putin era has been the increasingly tight coordination of these networks’ activities around the authority of a single patron. In at least the next decade, Russia is unlikely to escape the patronalist equilibrium, which has already withstood major challenges in 1917 and 1991. The most promising escape paths involve much longer-term transitions through diversified economic development and integration with the Western economy, though one cannot entirely rule out that a determined new ruler might accelerate the process.

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While its seventy years of Communist rule often steals the limelight, Russia’s weightiest political legacy is arguably something even older and more stubborn: *patronalism*. Russian political actors experience patronalism as a particular kind of social environment in which they operate. In this environment, direct personal connections are not just useful, but absolutely vital to succeeding in politics and actually accomplishing anything once one secures office. These interpersonal connections can involve long-term relationships of diffuse exchange, as between close friends and relatives, but also elaborate systems of punishments and rewards that are meted out to specific individuals. The rule of law is typically weak, and what many call “corruption” or “nepotism” is the norm. People can and sometimes do rally for a cause with others with whom they share no personal connection, but this is the exception rather than the expectation. Indeed, when push comes to shove for individual actors in the system, personal connections tend to trump issue positions, ideology, or even identity. This is a world of

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patrons and clients, patronage politics, and the dominance of informal understandings over formal rules – all features well documented by historians of Russia from its very origins.¹ The rare disruptions in these patterns have been just that: rare disruptions of an enduring normality. And the implications have been powerful for Russian politics. These include cycles of authoritarian consolidation punctuated by “chaotic” moments of openness and competition that are widely understood locally as “breakdowns.”² True liberal democracy always seems out of reach somehow.

But just because something has endured for a millennium does not mean it can never change. Vladimir Putin has proven to be a master practitioner of patronal politics, but is it possible that he or a successor will eventually break Russia’s legacy of patronalism? We must concede that this is possible. Even those states that are today seen as paragons of the rule of law, impersonal politics, and liberal democracy emerged out of patronalistic origins not so long ago, arguably only in the last century or two.³ A few countries, such as Singapore, appear to have made such a transition much more quickly in recent times. Could Russia in the late Putin or post-Putin era chart a similar course?

The following pages discuss the implications of patronalism for Russian politics and explore different pathways through which change is conceivable. The conclusions are sobering, at least in the near term. Transforming society in the way that would be required takes not only the right conditions, but also a great deal of time, at least a generation or two. Patronalism, it would seem, is likely to remain a powerful environmental condition shaping Russian politics for the rest of the Putin era and likely well into the next.

In precise terms, patronalism is “a social equilibrium in which individuals organize their political and economic pursuits pri-

marily around the personalized exchange of concrete rewards and punishments, and not primarily around abstract, impersonal principles such as ideological belief or categorizations that include many people one has not actually met in person.”⁴ The centrality of personalized, as opposed to impersonal, exchange explains why phenomena like patron-client relations, patronage politics, weak rule of law, nepotism, and corruption all tend to be common in highly patronalistic societies. Highly patronalistic societies also tend to feature patrimonial (or neopatrimonial) forms of rule and low levels of social capital in the sense popularized by political scientist Robert Putnam.⁵ It is unsurprising that Russia features these things in generous measure, as generally do all post-Soviet states outside the European Union.⁶

One central implication of patronalism for politics is that the primary collective political “actors” are usually not formal institutions like political parties or interest groups, but rather extended networks of actual personal acquaintances. That is, collective political action occurs mainly through chains of people who directly interact with each other – regardless of whether the interaction occurs in a formal or informal framework – with each link largely activated through expectations of personal benefit or sanction. These arrangements need not be *quid pro quo*. In fact, actors can benefit by establishing extended networks of trust and long-term mutual benefit bound by close personal relationships. In Russia, such relationships commonly involve family bonds (including marriage and godparentage), growing up or living in the same neighborhood, being classmates in school (*odnokashniki*), regularly working together, friendship, or introduction by individuals who share such relationships with both parties. These relationships matter in all societies, but they assume overwhelming importance in highly patronalistic societies, typi-

cally trumping formal rules or convictions about policy issues as sources of expectations for how someone else will behave politically when the stakes are high. The long-term bonds by no means feel mercenary; instead, individuals tend to feel them very deeply, considering them a source of great personal enrichment and satisfaction (or great emotional distress when they sour or rupture).

Russian politics can appear unstable, including oscillations toward and away from authoritarianism and democracy, because a coordination problem governs how the major power networks in a society relate to one another. As personal connections are paramount, political-economic networks need direct, personal access to power to obtain the resources they require to survive and thrive. Indeed, because they are unable to rely on the rule of law or the impartial application of state power to protect their interests, it becomes imperative for them to extend their own personal connections to key centers of power or, at the very least, to avoid being on the losing side of any struggle for supreme power and to avoid alienating whichever other network wins. Of course, these networks' chief patrons do have preferences for different coalitional arrangements, and the decisions of the biggest networks regarding which coalition to join or how to hedge their bets impact each coalition's chances of winning and the distributional arrangements within that coalition. The coordination problem occurs, therefore, because all major networks are facing this same situation simultaneously.

One very important implication, then, is that the factors that facilitate networks' coordinating around a single patron tend to promote political closure. Would-be regime opponents will find it hard to obtain financing or media coverage since the most powerful networks are likely to avoid activities that might irritate the patron even without being explicitly told to do

so. This is the hallmark of a *single-pyramid system*, in which a country's most prominent networks are generally coordinated around the authority of a single patron or become marginalized (or are liquidated). At the same time, factors that complicate network coordination around a single patron tend to promote a robust but highly corrupt pluralism as networks jockey for position and compete with each other for influence, each interested in providing political cover for critics of their rivals – that is, a *competing-pyramid system*.⁷

While myriad factors might complicate or facilitate networks' coordinating around a single patron's authority, two appear particularly important in the post-Soviet region. First, a presidentialist constitution facilitates network coordination around a single patron by creating a symbol of dominance (the presidency) that only a single network can hold at any one time. Such single-pyramid systems can be expected to break down, however, when succession looms and different networks in the pyramid start jockeying to influence the succession in the direction they most prefer. Second, networks that wield the most popular support are likely to have special advantages in a succession struggle because they can potentially mobilize more (and more ardent) supporters both at the ballot box and in the streets. Recognizing this, networks trying to decide where to place their bets are more likely to support popular networks and less likely to support unpopular ones. In other words, high popularity promotes network coordination around an incumbent chief patron while low popularity tends to undermine such coordination. Periods when unpopularity coincides with succession struggles are likely to be most conducive to the breakdown of single-pyramid politics.

Macrolevel Russian political history since the breakup of the USSR can largely

be understood as successive periods of movement toward and away from single-pyramid and competing-pyramid systems. From this bird's-eye perspective, Putinite Russia is not fundamentally different from Yeltsinite Russia; the country during these two periods just happened to be at different stages of regime cycles that are typical of countries with presidentialist constitutions and varying degrees of public support for the incumbents.

Overall, the dominant dynamic in post-Soviet Russia's regime, ever since Boris Yeltsin defeated his parliament in the violent clashes of fall 1993 and then installed a presidentialist constitution in the December 1993 referendum, has clearly been a slow, net slide toward greater political closure. Russia's most powerful networks, all well represented in the spheres of both business and politics and cutting across formal institutions like parties or branches of government, have generally come in three types: "oligarchs" (those growing mainly out of the corporate world), regional political machines (typically led by governors), and state-based networks (extending primarily out of state structures). These were highly uncoordinated in the aftermath of the USSR's demise,⁸ but Yeltsin pulled out all the presidential stops to cobble together a (barely) winning coalition for his 1996 reelection, persuaded to do so rather than cancel the election by "privatization tsar" Anatolii Chubais.⁹ This coalition included a motley mix of state-based networks, some key regional machines (such as vote-rich Bashkortostan and Tatarstan), and most oligarchs (who supplied slanted media coverage that gave Yeltsin a major advantage). Indeed, this feat was arguably the first to demonstrate the power of the patronal presidency to generate an electoral win through network coordination because he had so little else upon which to rely, with his support in the single digits just months before the election and the

betting money favoring Communist Party leader Gennadii Zyuganov. *Henry E. Hale*

After Putin was elected president in 2000, Russia entered a new period of gradual closure of the political space. This involved not only eliminating some networks that had initially opposed his rise (as with oligarch Vladimir Gusinsky's network), but also by co-opting others (such as Yurii Luzhkov's Moscow machine) and then steadily finding them all niches in the system that simultaneously gave them room to prosper while also limiting their ability to engage in unwanted spheres of activity (for example, Putin's reported 2000 deal with the oligarchs and the elimination of direct elections for governors in 2004–2005, while reappointing most of them). By 2007, when Putin announced he would leave the presidency for the prime ministership, his Kremlin had developed an elaborate system to regulate oligarch participation in elections and had brought the three most influential television stations almost entirely under de facto state editorial control. Putin's return to the presidency in 2012 resumed the trend of political closure, with an expansion of his own personal networks' role in controlling mass media and more aggressive use of the criminal justice system to selectively persecute those who dared oppose him. With the seizure of Crimea and the start of the war in the Donbas in 2014, the political screws tightened still further. His 2016 decision to create a National Guard reporting to him personally, and binding to it the brutal network of Chechnya strongman Ramzan Kadyrov, is perhaps the latest major step in this process of increasingly tight coordination of Russia's major networks around Putin as chief patron.

That said, the gaps in the chronology just presented (in particular 1997–1999 and 2007–2012) belie the notion that Russia's path to political closure has been monotonic. Indeed, these periods all reflect moments when uncertainty regarding presi-

dential succession underpinned periods of pronounced political ferment in Russia that involved certain sorts of political opening. The period leading up to the 1999 – 2000 election cycle was a classic competing pyramid situation brought about by Yeltsin’s expected departure from politics, with the primary battle being fought by two roughly equal coalitions of oligarchs, regional machines, and state officials angling to succeed Yeltsin: the Fatherland-All Russia coalition led by Luzhkov and former prime minister Yevgenii Primakov versus the Kremlin’s coalition in support of Putin. It is important to remember that Putin was not initially considered a favorite in this race. He became the presumptive winner only after his strong military response to a series of deadly apartment building bombings in September 1999 led to a surge in his popularity, and after the pro-Putin Unity bloc’s strong second-place finish in the December 1999 Duma election proved that he could convert his popularity into officially counted votes.

Acute tensions among networks again emerged with the 2007 – 2008 election cycle, when Putin fostered expectations that he would leave the presidency without giving a clear idea as to whether the succession would lead to a real transfer of power. The key difference between this first “succession” from Putin and the succession from Yeltsin is that Putin (unlike Yeltsin) was in robust health and at the height of his popular support. Because polls throughout 2007 – 2008 showed that large shares of the electorate would vote for whomever Putin endorsed, Russia’s political-economic networks had little incentive to mobilize popular opposition and push for more democracy, instead struggling both overtly and covertly to influence Putin’s decision and to better position themselves for whatever new arrangement would emerge. It was during this period, for example, that competing networks with roots in rival securi-

ty services resorted to tactics that included arresting each other’s representatives and exposing each other’s misdeeds in media outlets.¹⁰ Once Putin made clear that he would retain a hold on formal power as prime minister and leader of the United Russia Party but cede the presidency itself to a close associate with a more “liberal” reputation, Dmitrii Medvedev, the resulting uncertainty as to where future power would rest fostered a noticeable opening of the political space (some called this period a “thaw”)¹¹ even as Medvedev presided over a continued contraction of ballot-eligible alternatives, replaced some of the most powerful governors, and lengthened presidential terms from four to six years effective in 2012.

When Putin and Medvedev once again put succession on the table by declaring they would switch positions for the 2011 – 2012 election cycles as their popularity was weakening in the wake of the 2008 – 2009 financial crisis, a new political opening emerged when slapdash efforts to boost the United Russia Party’s vote through fraud and crude pressure in the December 2011 Duma election sparked massive protests in Moscow and other major cities. The regime’s initial response, interestingly enough, was not an immediate crackdown but instead a retreat. Controls on media were relaxed, and opposition figures previously denied coverage appeared as commentators or even the subjects of neutral news coverage. Video cameras were installed in virtually all polling places for the 2012 presidential election. Direct contested elections, at least of some sort, were restored for governors. And rules for registering parties were relaxed, resulting in many opposition forces gaining official recognition. Once Putin was safely reelected and the “new” old patron once again firmly in place, the regime took a decidedly more authoritarian turn. Those who had ventured the furthest in flirting with op-

position politics from 2008 to 2012, such as oligarch Mikhail Prokhorov, increasingly found themselves under pressure to fall more firmly back into line, especially after 2014, when Putin's popularity soared into the stratosphere.

It is not impossible for Russia to escape the social equilibrium of patronalism in the foreseeable future. What might a non-patronal or "low-patronalism" Russia look like? In general, it would be a country where individuals coordinated their activities around formal rules and laws as a matter of course; where violators would routinely suffer either legal or social sanction regardless of their personal connections; where people's personal convictions on broad policy issues would normally trump the interests of their networks; where merit according to formalized criteria would typically overrule personal or family ties when a valued position is at stake; where revelations of corruption are shocking rather than wryly accepted as the norm; and where people would frequently join and contribute money to organizations led by people to whom they have no extended personal connection but with whom they share certain values or valued characteristics.

This would certainly be a very different Russia, though it would not necessarily be a democratic one. Nazi Germany, to take perhaps the most extreme example, was not organized on patronalistic principles. And to offer a much more benign example, Lee Kuan Yew successfully broke Singapore's patronalistic equilibrium, making it one of the least corrupt countries in the world, but the regime he created shows how formal rules and policy commitments can underpin authoritarianism. The majority of low-patronalism countries from Canada to Sweden, however, are liberal democracies. Indeed, to be a fully liberal democracy surely requires that formal procedures trump the politics of person-

al connections and personalized rewards and punishments.¹² Thus, if Russia were to make such a transition from patronalism, its prospects for full democratization would radically improve.

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What are the chances that Russia could realize such a transition? The chief problem is that patronalism is not simply a habit that a good media campaign could get people to kick. Instead, it is much better understood as a complex, deeply entrenched equilibrium in how people relate to one another when it comes to political activity. Accordingly, it can be very difficult to shift the realm of politics to a different equilibrium.

Let us reflect a little more on why this is the case. People everywhere generally oppose things like "corruption" and "nepotism" and want to be able to rely on the law to protect them. But what drives the equilibrium is the pervasive *expectation* that these behaviors are the norm rather than the rare exception in important spheres of life. And when they expect virtually everyone to practice corruption and nepotism and believe that they cannot rely on others to obey or enforce the law, then they face very strong incentives to engage in the very same practices themselves if they want to get anything done – even good things.

A few examples help illustrate the force – and morality – behind patronalism's endurance. A mayor who completely eschews such practices – refusing to make any pay-offs, to maintain a "favor bank" with powerful higher-ups, or to pressure the right people using the resources at her disposal – might well find herself unable to get a company to build a factory in her city that would create much-needed jobs. Without some connection to the mayor, this factory would likely just go to another city where the mayor "plays ball." While the honest mayor might be considered a hero in Western societies for standing up to her corrupt surroundings, to her constituents who de-

pend on her to land jobs for their city, she would likely be considered ineffective and even incompetent. Ironically, these same constituents might all the while feel angry at the rampant corruption in their society. Moreover, when people do not expect others to observe the rule of law, appointing one's relatives as your deputies or awarding a state contract to a close friend makes sense as a way of ensuring you are not cheated, which can better position you to do your job effectively. Or, at least, it guarantees that if you are cheated, the lost resources go to someone you like who might do you a solid later. Bribe-taking can also be useful for something other than satisfying greed since participation in elaborate rent-seeking schemes can signal one's loyalty to the system, while also giving its practitioners resources that can be used to achieve whatever goals that individual needs to achieve, including the goals of the organization the person represents.¹³ Of course, coercion is also frequently part of such arrangements, and a weak rule of law has long been argued to facilitate companies' turning to mafias to enforce contracts. These mafias, of course, are also widely known for generating their own demand for "protection."¹⁴ Overall, in highly patronalistic societies, such things are frequently seen as "just the way things work here," words often accompanied by an ironic smile and a sigh. And so the equilibrium is continuously reproduced.

This helps explain why patronalism has been so tenacious in Russia over centuries, not just decades. Arguably emerging with the first human communities that were small enough for everyone to know each other and in which the most natural way to govern was through personal connections, patronalism is best thought of as the world historical norm, with the West being a highly contingent exception.¹⁵ Even a cursory look at works on politics and society in precommunist Russia makes quite clear that patronalistic practices, including

pervasive patron-client relations, were the norm centuries before the Bolsheviks came to power in 1917; so this cannot be blamed on Communist rule.¹⁶ The 1917 Bolshevik Revolution can, in some sense, be understood as an antipatronal revolution, an attempt to replace the old "corrupt" politics with a new future governed by socialist principles and formal organization, treating people not according to who they knew but who they were and what they believed and valued. But it was not long before a new leader emerged who realized he could undermine the true reformers like Nikolai Bukharin and Leon Trotsky by resorting to the old, hard practice of patronal politics, crushing them with the Communist Party machine he constructed based on personal connections in the 1920s and 1930s. Hope was likewise dashed with the defeat of Mikhail Gorbachev's effort to create a democratic and prosperous socialism, and the choices that post-Soviet leaders made to consolidate power through the temptingly available tools of patronalism; this was essentially the lesson that Chubais taught Yeltsin in the course of winning reelection in 1996.

The key to successfully and significantly reducing the degree of patronalism in politics is to somehow create a pervasive and durable expectation across the whole of society (though especially elites) that people will no longer engage in the same practices as before. And this belief must be sustained not only during a moment of revolution, but throughout the initial years of a new regime when disillusionment can arise and a leader can be sorely tempted to resort to patronal politics to stay in power. For this reason, not only have very few leaders anywhere in the world seriously tried it, but even fewer have stuck with it and succeeded.

Only in Georgia after the Rose Revolution did a post-Soviet leader make a notewor-

thy effort to reduce the scope of patronalism in politics. But most now agree that despite certain impressive reforms, including ridding the traffic police of corruption, Mikheil Saakashvili's efforts did not go nearly far enough, with his regime retaining and vigorously engaging a solid (if less outwardly visible) patronalistic core. One can also find a few limited spheres where patronalism is firewalled out in a highly patronalistic society, as political scientist Juliet Johnson has shown occurred with Kyrgyzstan's central banking system under the pressures and incentives supplied by the international financial community. Johnson also shows, however, how difficult such bubbles of formality can be to sustain.¹⁷ In a country where it dominates the highest levels of politics, patronalism abhors a vacuum. For such reasons, Lee Kuan Yew – and even Mikheil Saakashvili – are rare.

Russia's prospects for true antipatronal transformation, therefore, seem slim indeed in the next decade or two. Its direct involvement in conflicts from Ukraine to Syria could create pressures to improve effectiveness by reducing the degree of patronalistic practices in the military.¹⁸ But history suggests it would be unlikely to spread to other spheres without concerted leadership effort. Perhaps Putin could one day wake up and decide to use his immense authority to truly remake Russian society.¹⁹ But it is hard for leaders to break up and rebuild anew the very boat on which they float, and there are strong arguments that he would face a great risk that an impartial legal system could put him (or at least his close friends) in danger of imprisonment.²⁰ If his successor comes from inside his system, he or she would likely face the same risks.

An antipatronal transformation, therefore, may be most likely if oppositions come to power who are somehow credibly committed to thoroughgoing reforms, either in an actual revolution or in an election victo-

ry that feels revolutionary (the latter being less painful for Russians). There is a strong case to be made that this is what happened in Georgia, with Saakashvili's party-building strategy being key to his credibility as a reformer.²¹ But too many revolutions have had their patronalistic Thermidors to inspire much optimism in Russia.

It is at least conceivable that certain more gradual changes could begin and accumulate in the next decade or two that could weaken patronalism. One could be robust economic growth, as has arguably facilitated the transition from the strongest forms of patronalism in much of Western Europe and North America. Economic development holds the potential to help individuals feel less dependent on more powerful patrons for their well-being, encouraging them to engage in more activities based on their beliefs in spite of pressures that might be applied to them. The rebellion of Russia's "creative classes" that was part of the massive street protests against election fraud and Putin's return to the presidency indicates that this path is not completely unrealistic for Russia. Indeed, these protesters were not simply expressing their dislike of a particular individual or even their objection to a particular instance of election fraud. They were also expressing their hope for a new kind of future for Russia, one without corruption or political manipulations.

For economic development to bring that kind of change, it would have to come not simply from a rise in energy prices, which would leave individuals as dependent as before on higher-ups linked to the state, but from a broad diversification of the economy that empowers something like an independent middle class. The problem is that those who hold resources today have incentive to prevent this from happening, primarily by seeking to control any "diversification" themselves either from the outset or through predatory "raiding" practices.

Whether emerging independent economic actors will be able to form the alliances necessary to protect themselves from such encroachment on a large scale remains to be seen, and will be difficult given the strength of their foes. At best, it would probably require more than a generation for this process to take a sufficiently sturdy hold to create expectations of a new social norm emerging.²² The path of economic development may in fact be Russia's most promising, but it is a very long and contingent one at best.

It is also possible that patronalism could become overwhelmed by the emergence of strong political partisanship or the development of deep ideological commitments that could start to overpower the pull of patronal networks. That is, perhaps people in Russia will start to buy into certain belief systems so deeply that they become (*en masse*) more willing than before to break with the demands of their own friends and family and withstand individualized rewards and punishments. Political scientist Stephen Hanson, for example, shows how initially marginalized ideologues have often gone on to create the most powerful parties, since their deeply held personal commitments lead them to adopt a long time-horizon until the point at which their time arrives and they expand their base to transform society. To be sure, almost since the beginning, Russia could boast brave individuals willing to take on enormous risks and pay the highest of personal prices in order to stand up for their beliefs, ranging from tsarist-era revolutionaries to Soviet dissidents to hard-core street protesters in the late Putin era. They have rarely, however, managed to get the buy-in of large numbers, remaining marginalized and sometimes even ridiculed by average citizens. It would seem likely to take a major national trauma to generate the kind of competing belief-systems necessary to completely restructure politics away from

patronalistic practices. And even when such an effort initially succeeds, as was arguably the case one century ago when the Bolsheviks seized power and attempted to impose ideological rather than patronalistic practices of rule, history suggests that it is likely to succumb before long to the temptation to resort to patronalism, as with Stalin's rise to power.

We should also not rule out that Russia could chart a path away from patronalism through democracy. For example, if Russia were to experience some kind of reform that systematically complicated the coordination of its highly patronalistic networks around a single chief patron, the resulting political competition could over time provide at least some incentive for politicians actually to follow through on campaign promises to combat corruption. One such reform could be a shift to a nonpresidentialist constitution, a shift that sometimes occurs when an outgoing president does not trust his or her likely successors and thus tries to weaken the office they would inherit, or when a coalition takes power and decides to cement a power-sharing deal with constitutional change. One problem is that research into the causes of corruption indicates that it can take many decades for democratic competition to noticeably dampen corruption.²³ And other research has found that democratic competition in highly patronalistic societies can actually increase demand for corrupt practices as politicians seek to use every tool in their arsenal to win struggles for power.²⁴

One final possibility deserves mention. Russia might one day integrate far more strongly into the international political economy than it has so far. Since this international political economy is still dominated by the West, such integration could gradually serve to weaken Russian patronalism by providing increasingly important and lucrative environments for surviving and thriving without patronalistic practices.

And even if this integration primarily goes not through the West but via Asia-Pacific centers of growth where patronalism is the norm, this could still mean that Russia's biggest patronal networks would gain strong interests outside of Russia. In this case, even if these international centers of growth do not insist on democratization, the effect could be liberalizing because it would weaken the dependence of Russia's chief economic actors on their patrons back at home. From the vantage point of 2017, however, this seems very unlikely to happen in the next decade. Russia has been sanctioned by the international community for its seizure of Crimea and support for an insurgency in the Donbas, and the recent trend has been toward Russia's isolation from, rather than integration with, the world economy. While reversal is quite possible in the next ten years, the process is likely to be slow and nowhere near extensive enough in the next decade to translate into a significant reduction in Russian patronalism.

Overall, at least for the next decade or two, it would appear that the Russian Federation is unlikely to escape the social equilibrium of patronalism that has shaped politics in that part of the world for centuries. By no means does this imply Russian politics will be static. To the contrary, while patronalism itself is stable, its politics are highly dynamic and sometimes volatile, with seeming authoritarian stability often masking a deeper fragility. Where exactly Russia will be in its regime cycles at any given moment ten or twenty years down the road is hard to say. But a conservative prediction based on the signs as of 2017 would hold that Russia is likely to continue to experience the same patterns of constant change in how its political-economic networks are arranged, with specifics governed by lame duck syndromes, the ebbs and flows of public support, and leaders' own innovations in how to manage the whole process in a changing environment.

ENDNOTES

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- ⁹ On Yeltsin and the Yeltsin period more generally, see Timothy J. Colton, *Yeltsin: A Life* (New York: Basic Books, 2008).
- ¹⁰ For an excellent forensic analysis of the complex network struggles during this period, see Richard Sakwa, *The Crisis of Russian Democracy: The Dual State, Factionalism, and the Medvedev Succession* (New York: Cambridge University Press, 2011).
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Putin-Style “Rule of Law” & the Prospects for Change

Maria Popova

Abstract: In Putin’s Russia, the regime uses the law and legal institutions to fulfill political goals, to communicate them to society, and to manage the authoritarian coalition that helps the president govern. As a result, the law is highly consequential and important, but its use tends to be arbitrary, expedient, and instrumental, rather than predictable and principled. Can we expect any major shifts in the role of law and the courts over the next ten years? Russia’s legal regime is unlikely to undergo major evolutionary change and may outlive Putin’s tenure: both foreign and domestic pressures for change toward constitutionalism are limited. If a positive shift were to take place, Russia would inch toward authoritarian constitutionalism. But negative change is also possible. If Putin’s regime weakens, the politicized use of the courts against both dissidents and political competitors within the authoritarian coalition will increase.

Listen, all our opponents clamor for the rule of law. What is the rule of law? It is compliance with existing legislation. What does existing legislation say about marches? You need to obtain authorization from the local authorities. You got one? Go ahead and demonstrate. If you didn’t – you don’t have the right to demonstrate. If you do anyway – you will get a baton to the noggin’ [*poluchite po bashke dubinoi*]. End of story!

– V. V. Putin, August 30, 2010¹

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Ever since his ascent to power in the late 1990s, Putin has pledged his commitment to develop Russia into a law-based state (*pravovoye gosudarstvo*). However, his liberal opposition at home and critics abroad routinely decry Russia’s rule-of-law deficit. Why does this gap exist and will it narrow or widen in the near future? The gap could signal Putin’s disingenuous appeal to *pravovoye gosudarstvo* or the loss of meaning in translation between the term *rule of law* and its potential Russian equivalents. But it is also the case that both Putin and his critics are right even if they

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are talking past each other. Putin's Russia is far from the liberal constitutionalism associated with the rule of law. Neither does it have the authoritarian constitutionalism sometimes called rule by law. But the Putin regime does not pursue legal nihilism while trying to hoodwink domestic and foreign audiences into believing that law matters. Law does matter, but it serves a different purpose than it does in a constitutionalist context. In Putin's Russia, the sovereign uses the law and legal institutions to fulfill political goals, to communicate them to society, and to manage the authoritarian coalition that helps the president govern. As a result, the law is highly consequential, but its use tends to be arbitrary, expedient, and instrumental, rather than predictable and principled. Russia's legal regime is unlikely to undergo major evolutionary change and may outlive Putin's tenure; both foreign and domestic pressures for change toward constitutionalism are limited. If a positive shift were to take place, Russia would inch toward authoritarian constitutionalism (that is, rule by law), either because an increasingly professional judiciary starts to assert itself or because the current authoritarian coalition attempts to use the law to entrench its interests and ensure the survival of the regime beyond Putin. But negative change is also possible. If Putin's regime weakens, the instrumental and arbitrary use of the courts against both dissidents and political competitors within the authoritarian coalition will increase.

The liberal constitutionalism associated with the rule of law rests upon two main principles: equal responsibility and protection under the law, and substantive and procedural guarantees for fundamental individual rights. This means that everyone, including high-ranking members of the regime and its sovereign, is equally constrained by the constitution and ordinary legislation, not just on paper, but in prac-

tice as well. Liberal constitutionalism also requires a set of substantive laws that provide for fundamental rights. A politically independent and impartial judiciary is crucial because independent courts can better ensure that all litigants, regardless of their political, material, or legal resources, are equally bound by the law.

Putin's Russia is far from the liberal constitutional ideal. While its constitution does provide many fundamental rights – freedom of speech, freedom of association and assembly, and freedom of movement, to name a few – ordinary legislation has hollowed each of them out. The foreign agents laws and antiextremism laws undermine freedom of association; hate speech legislation and a 2014 amendment to the Criminal Code, which outlaws public calls for violation of Russia's territorial integrity, limit freedom of speech; onerous administrative provisions for registering in one's place of residence restrict freedom of movement; and the 2016 Yarovaya anti-terrorism law stifles freedom of assembly and conscience by introducing harsh sentences for organizers of unsanctioned protests, requiring Internet service providers and phone companies to store customers' communication data logs, and making it a crime not to report information about other crimes. Whatever rights do exist *de jure* are undermined *de facto* by the Russian courts, which do not uphold them consistently or predictably.

Russia's authoritarianism does not completely account for its weak constitutionalism, since constitutionalism is not always incompatible with autocracy. Autocrats can govern within a constitutional framework, even if they are not fully constrained by it. In an ideal type authoritarian constitutional regime, the autocrat sets the substantive law, often in negotiation with his governing coalition. The opposition does not have the opportunity to shape substantive law, either through the legislative process or

by appealing to the Constitutional Court. Many fundamental rights are not provided. Substantive law is biased against the opposition and imposes sanctions on it. For example, it may limit its ability to contest elections or its right to criticize the government.² However, once in place, the law is applied predictably rather than arbitrarily to individual cases by functionally independent courts.³ Oppositionists are sanctioned in accordance with the laws that limit opposition activity, rather than imprisoned on other charges. The courts are sufficiently removed from direct political influence and the constitution serves as a coordinating institution between the autocrat and the elites with whose help he governs. When the autocrat and his governing coalition reach agreements about how power is distributed and enshrine those agreements in the constitution or in ordinary legislation, there is enough expectation that commitments are honored and enforced in good faith by the judiciary.⁴

Currently Russia does not have authoritarian constitutionalism. Consider the contrast between the treatment of dissidents in Singapore, the prime example of authoritarian constitutionalism, and in Russia. In 1988, Singapore's highest court ordered the release of four dissidents arrested under the Internal Security Act. The court found that the government had not followed the proper statutory procedures and, in addition, argued that the government's excessive discretionary power under the Internal Security Act was contrary to the rule of law. The government complied with the decision and released the dissidents, but immediately charged them again and rearrested them, this time scrupulously following the letter of the law. It then passed a constitutional amendment, which forbade the judiciary from curtailing the sovereign's power to make law.⁵

This episode underscores both the authoritarian nature of the Singaporean re-

gime and its adherence to constitutionalism. As any authoritarian government does, the Singaporean regime went after dissidents and did so effectively. When one route to detaining them failed, the authoritarian sovereign pursued another and was ultimately successful in asserting the regime's dominance. However, the regime achieved its goals by respecting the constitutional process, the ordinary legislation that it had put in place, and, to some extent, the independence of the judiciary. The highest court was sufficiently independent to call out the government for failing to adhere to statutory procedure, and the government complied with the court decision and made a better effort at respecting the law. While it prevented further encroachment by the independent judiciary into its discretionary power, the regime did not discipline the judiciary either formally or informally. Instead, using its dominance over the legislature, the sovereign changed the constitution to emphasize his unfettered power to make law.

The Bolotnaya Square cases – in which protestors were charged with counts of mass riots and violence against police – illustrate Russia's deviation from authoritarian constitutionalism. Unlike in Singapore, Russian courts at all levels of the hierarchy failed to stop the government from violating defendants' rights to liberty and fair trial, despite the existence of reasonable protection for those rights in the Russian Constitution. The courts actively participated in the rights violations by holding the protesters in pretrial detention well beyond the statutory provisions. They also failed to note violations of the right to freedom of assembly, which resulted from police conduct during the authorized protest on May 6, 2012. Some Bolotnaya defendants won redress when they appealed to the European Court of Human Rights (ECHR), which affirmed the violations and ordered Russia to pay compensation. To prevent further

encroachment on its ability to use the law against regime opponents, the Russian regime did not introduce any changes that would have made the behavior of police and the prosecution strictly legal. Instead, in late 2015, the Duma passed a law that authorizes the Russian Constitutional Court to deem ECHR decisions “unenforceable.” Given the Constitutional Court’s record of deference to the regime, this effectively allows Russia to arbitrarily disregard individual ECHR decisions. The proponents of the law explicitly identified its purpose as the protection of Russia’s “legal sovereignty” (*pravovoi suverenitet*) vis-à-vis international institutions.⁶

The prosecutions of opposition activist Aleksei Navalny and billionaire oil tycoon Mikhail Khodorkovsky demonstrate that the Putin regime does not adhere to authoritarian constitutionalism, but uses law arbitrarily to sideline potential political opponents. Both Putin critics were indicted not for any opposition activities, but on unrelated fraud and embezzlement charges. Navalny was accused of embezzling funds from the state-run Kirovles timber company, and the indictment of his brother Oleg, which further increased the personal stakes for the opposition leader, underscores the instrumental use of criminal law by the sovereign. The timing of the case, prior to Moscow’s mayoral election, and the decision to give Aleksei Navalny a suspended sentence, but Oleg an effective one, support the impression that the embezzlement investigation was a tool used to suppress Aleksei Navalny’s political activities. In its ruling against Russia in the Kirovles case, the ECHR explicitly argued that criminal law was arbitrarily used against Navalny. In ECHR’s words: “Moreover, the Russian courts had found the applicants guilty of acts indistinguishable from regular commercial activities. In other words, the criminal law had been arbitrarily construed to the applicants’ detriment.”⁷

Khodorkovsky’s case is a bit less straightforward; legal analysts believe that the evidence of malfeasance against him and his oil company, Yukos, was stronger than in Navalny’s case.⁸ However, even if Khodorkovsky and Yukos engaged in large-scale tax evasion, fraud, and embezzlement, as the ECHR concluded in 2013, Yukos’s business practices were more the norm than the exception in the murky 1990s. By singling out Khodorkovsky but turning a blind eye to similar activities pursued by oligarchs who toed the Putin regime’s line, the Kremlin used the law selectively and arbitrarily to achieve the politically expedient goal of sidelining a budding political opponent.

The Pussy Riot case provides another example of the arbitrary and selective application of the law for political goals: that is, similar acts produced different outcomes in court. The punk rockers’ performance in the Cathedral of Christ the Savior was construed as a crime under Article 213 of the Criminal Code, which punishes premeditated hooliganism (a planned disturbance of public order). After a highly publicized trial, Nadezhda Tolokonnikova, Maria Alyokhina, and Yekaterina Samutsevich received two-year effective sentences. But Pussy Riot’s performance was far from the first example of an antiregime art performance. Tolokonnikova had long been a member of the radical art collective Voina, which from 2007 to 2011 engaged in about a dozen actions that similarly used the shock value of obscenity to criticize Russia’s police state and to challenge public morality. Voina’s main targets were Putin, Dmitrii Medvedev, the *siloviki*, and the Orthodox Church. Most of Voina’s actions involved some kind of law violation – its members shoplifted, drew graffiti, flipped over and burned police cars, and disrupted court proceedings by releasing three thousand cockroaches in a courtroom. In February 2008, Voina (and Tolokonnikova) staged their most notorious stunt: four couples

had sex in a public area of the Biological Museum while other members of the group held protest signs and filmed. The performance, called "Fuck for the Heir Puppy Bear" – a play on words in that Medvedev's name derives from the Russian word *medved*, or bear – drew significant media attention and was widely condemned as extremely offensive. Several of Voina's performances resulted in criminal investigations against individual members, including some indictments under the same Article 213 of the Criminal Code. However, all cases were eventually dropped by the prosecution or dismissed by the courts. Prior to the Pussy Riot convictions, the most serious legal consequence suffered by members of the art collective was a three-month detention from November 2010 to February 2011 while the prosecution investigated their involvement in a police car-flipping incident. That incident produced significant media coverage, both in Russia and abroad, prompting Banksy to contribute 4.5 million rubles to Voina's legal defense fund. Eventually, the court dismissed the charges.

The contrast in outcomes suggests that Pussy Riot's punk performance resulted in convictions not because it was more critical of the regime or Putin, more shocking to the public, better publicized, or more clearly illegal than Voina's performances. The difference was timing. In 2012, the Putin regime had decided to turn to "morality politics" and promote public commitment to traditional values.⁹ Within this context, the Pussy Riot performance attracted the attention of the regime, which used the case to publicize and sell its new morality politics to the Russian electorate. The prosecution and the courts acted in line with this goal and delivered convictions. Offering further evidence of the policy shift, in 2013, three of Voina's leading members fled Russia with their families, reportedly to avoid impending criminal prosecution.¹⁰

These high-profile cases suggest that Russian legal outcomes, while unpredictable if one goes by the content of the law, are entirely predictable if one knows the preferences of the political sovereign: the Kremlin always wins. However, this predictability is exaggerated. Outside a few very salient cases, the Kremlin either does not reveal its preferences or simply has no preferences. When the Kremlin's position is uncertain, lower-level political actors, the prosecution, and judges try to guess the politically correct outcome and this guessing game introduces significant unpredictability into the legal regime. In addition, when political actors vie for relative power within the regime, they often seek to demonstrate that power by influencing court decisions in politically relevant cases. Consider the frequent conflicts between mayors of major cities and regional governors. These conflicts are often fought vicariously through court cases, with each side attempting to mobilize enough political resources up the power ladder to secure a victory in court. Judges face the tough task of interpreting the signals that come from judicial superiors and the extrajudicial actors to deliver a decision that would be acceptable to whoever represents power (*vlast'*) in that concrete case.

In legal areas with low political salience, either because they are politically inconsequential or because there is broad political consensus over how such cases should be adjudicated, the Russian judiciary functions reasonably well. Freed from direct external interference or from the burden of trying to guess the preferences of politically powerful actors, judges decide cases in accordance with their *bona fide* interpretation of the law. Companies that use the *arbitrazh* courts to resolve disputes report that they expect acceptable judicial decisions if *vlast'* is not involved.¹¹ Ordinary citizens who have experience with going to court report that the decision in their

case was fair and the judge professional, even against the backdrop of reported lack of trust in the Russian judiciary overall.¹² In the early 2000s, when United Russia comfortably won elections and the regime had not yet moved toward suppression of political dissent, the courts adjudicated electoral registration cases without overwhelming bias toward progovernment candidates.¹³ In the late 2000s, Russians filed over half a million administrative lawsuits against the state, demanding compensation for wrongful decisions by federal agencies, and won most of them. Rather than a sign of the judiciary effectively constraining state agencies through law, the high win rate in such cases arguably reflects the regime's policy goal of providing an outlet for popular discontent with the bureaucracy.¹⁴

How likely is it that, in the near future, Russia would transition away from the current legal regime, based on the politicized use of the law and a reliably dependent judiciary, toward constitutionalism? Are those chances better if authoritarianism persists or if a major democratic breakthrough took place? If constitutionalism were to be established, would it happen through an evolutionary process or through a momentous act? Or should we expect further entrenchment of politicized justice and its increased arbitrary use against dissidents and within-regime competitors?

In the best case scenario, sustained investment in the judiciary, which Putin's regime has pursued since the mid-2000s, may lead to ever increasing professionalization. A more professional judiciary may be less prone to petty judicial corruption, which would increase popular trust in the courts. As trust rises and judges develop more pride in their profession, they may start pushing the boundaries of nonpoliticized adjudication beyond the pockets that now exist only by virtue of the regime's in-

difference. This would be a decades-long process, which could unfold only under conditions of political and economic stability and could take Russia closer to an authoritarian constitutionalist legal regime.

The prospects for short-term positive change, on the other hand, are low because the status quo serves the interests of Putin's regime. In contrast to constitutionalism, which constrains the sovereign, Russia's current legal regime allows the Kremlin to pursue political goals through the courts unfettered. As already discussed, Russia's politically pliable judiciary is an effective instrument for suppressing political opposition. The Kremlin has already used it to threaten, jail, or force into exile numerous political opponents: from credible competitors to far-fetched ones, from declared oppositionists to potential ones, from dissidents with high name recognition to the regular citizen protester.

The reliable dependence of Russia's judiciary also makes it a useful tool, through which the regime can communicate political goals to society. In the 2000s, the criminal cases that drove businessman Boris Berezovsky and media tycoon Vladimir Gusinsky into self-imposed exile told the public that the Yeltsin era of politically active oligarchs was over and the Putin regime had set out to wrest control over the economy from them. The imprisonment of Khodorkovsky, believed to have been the richest man in Russia, and the destruction of his company emphasized the triumph of the state over private business. In 2012, the Pussy Riot case ushered in the Kremlin's "morality politics" and signaled to society that traditional values were back *en vogue*.¹⁵ The Bolotnaya Square cases indicated that individuals who take part in political protests could pay a steep price, even if they are not visible leaders of the opposition. And the terrorism conviction of Ukrainian filmmaker Oleg Sentsov and the murder conviction of Ukrainian poli-

tician Nadiya Savchenko helped make the Kremlin's argument that Ukrainian extremist nationalists were responsible for the conflict in Donbas and sought to subvert Russia's newly acquired sovereignty over Crimea. A post-2012 anticorruption campaign has been used to neutralize one of the main rallying points for the opposition: endemic bureaucratic and political corruption.

The frequent use of presidential pardon or amnesty to release political prisoners underscores the information-delivering role of high-profile political trials. Mikhail Khodorkovsky and Nadiya Savchenko were released directly by Putin and, in both cases, he cited mercy and compassion as the drivers behind his decision. The pardons reiterate to the Russian public that, though granted mercy, the prisoners deserved to be prosecuted and convicted. It also emphasizes the power of the political sovereign over the legal process and, as a bonus, shows him as magnanimous.

But if all autocrats benefit from a dependent judiciary and instrumental use of the law, why do some accept some constitutional constraints? For some autocrats, the balance tips toward constitutionalism through external pressure. Authoritarian regimes with economies heavily dependent on foreign direct investment (FDI) have an incentive to credibly constrain themselves at least in the area of property rights in order to reassure investors that they would not be expropriated arbitrarily. Singapore may owe its authoritarian constitutionalism to this mechanism.¹⁶ Authoritarian regimes that need and expect significant foreign aid from democracies that care about the rule of law also have an incentive to accept some of the constraints that come from having an independent judiciary. This is part of the story behind the gradual empowerment of the judiciary in Mubarak's Egypt.¹⁷ Authoritarian regimes that seek legitimacy and recognition

from the international community are also pressured to adopt constitutions and show that they abide by the constraints in them. Civilian authoritarian regimes that lack the brute force of military dictatorships or the historically or religiously based legitimacy of monarchies are purportedly more likely to adopt a constitutional legal regime.¹⁸ In the near future, Russia is unlikely to move toward constitutionalism as a result of external pressure. Russia is a major recipient of FDI (ranked fourth globally) and it is hardly dependent on foreign aid.¹⁹ Even though per capita FDI is low and could increase significantly if guarantees against expropriation were stronger, there is an ideational obstacle to domestic reforms inspired by external pressure. Russia's return to self-perceived great power status makes it reluctant to pander to the international community. Over Putin's tenure, Russian foreign policy has shifted gradually yet decisively away from Yeltsin's attempts to win praise from the West. The "reset" with the United States failed. The Crimean annexation triggered a standoff with Europe and the United States through reciprocal sanctions. Interpretations of Putin's motives in the Ukrainian intervention vary. Some predict that as a resurgent expansionist great power, Russia will continue trying to push the West out of its former backyard. Others see the Kremlin pursuing "aggressive isolationism": a policy aimed at isolating Russia from Western influence to protect against a meddling color revolution.²⁰ Whether Putin's reaction to the Euromaidan revolution of 2014 was out of strength or weakness, both scenarios signal Russia's rejection of Western conditionality. In this context, it is unlikely that Russia would accept constitutional or judicial constraints in order to placate the West or the broader international community. Both the flaunting of international law through the Crimean intervention and the 2015 law spelling out Russia's intention to disregard certain

ECHR decisions underscore the limits of external pressure.

There could be domestic reasons for autocrats to choose to bind themselves through a credible constitution and an independent judiciary. They may use the constitution and the courts as tools to enhance legitimacy. Civilian and party-based authoritarian regimes like Russia's are purportedly more likely to choose this route toward power consolidation, because they cannot rely on sheer force like military regimes or on religion/tradition like monarchies.²¹ Autocrats may also use the constitution and an independent judiciary as a coordinating device. An independent judiciary can be used to keep the bureaucracy in line. A credibly enforced constitution can clarify how power is allocated within the authoritarian governing coalition, which would reduce the potential for intraelite conflict and political instability.²²

Putin's regime has used criminal law to manage membership of the authoritarian governing coalition. But since law is applied arbitrarily by a judiciary that lacks de facto independence, the legal process does not function as a coordination device, but as a political instrument. The post-2012 wave of criminal indictments of mayors, regional governors, and high-level federal officials for malfeasance, corruption, and abuse of office is a case in point. Members of the authoritarian elite who lose their political standing can expect to come under criminal investigation. They become scapegoats in a public campaign orchestrated by the regime to gain public legitimacy. When different factions fight each other, each seeks to get the upper hand by provoking a criminal case against the opponent. Whoever does get indicted is widely seen as having lost a political fight. Usually, the criminal investigation and the indictment follow, rather than precede, a presidential decree dismissing the governor for loss of confidence (*ustrata doveriya*).

In November 2016, even an incumbent member of the government – economy minister Aleksei Ulyukayev – was arrested, allegedly in the act of taking a \$2 million bribe. As the shock of Ulyukayev's detention reverberated through Russian society, commentators focused on guessing why Ulyukayev lost political favor with the president, which faction pushed for his downfall, and who could have protected him. The case underscores the widespread belief that, in Russia, legal repercussions stem from loss of political status, rather than vice versa.

The problem with this form of management is that it creates significant uncertainty within the authoritarian coalition; it is hard to know before a case plays out in the courts which faction has the upper hand. High uncertainty makes the regime more brittle. Factions are likely to pledge outward allegiance to the autocrat, when in fact their support for his rule may be eroding. As succession time approaches, the lack of a credible coordination device is likely to lead to significant political instability.²³

As Putin's age advances, the issue of authoritarian succession will loom ever larger for Russia's authoritarian elites. Some may try to pursue a policy toward the empowerment of the judiciary as an independent enforcer of the constitution in order to pave the way for an orderly transition of power. The inception of the rule of law and an independent judiciary is often attributed to an intertemporal bargain: current powerholders bind their own hands through an independent court in order to guarantee that their successors are constrained as well.²⁴ To be successful, though, these elites will need either the indifference or the tacit support of the Kremlin. The likelihood of the emancipation of the judiciary is closely linked to Putin's (and his faction's) view of the mode of regime succession. If Putin intends to die in office or has a credibly loyal suc-

cessor up his sleeve, the Kremlin will refrain from ceding any discretionary power to an independent judiciary. In theory, if Putin decides to retire without designating a successor and wants to guarantee immunity from prosecution for himself and his faction, he may pursue judicial empowerment. In practice, however, such a scenario is far-fetched. Yeltsin's transfer of power to Putin and the former's protection from prosecution through personal, rather than institutional, guarantees is a precedent that works against the institutionalization of an independent judiciary. More broadly, Putin seems to favor personal, ad hoc, behind-the-scenes bargains over formal institutional solutions. Unlike Lee Kuan Yew, the Singaporean patriarch who directed his country's spectacular transformation in part by guaranteeing the security of property rights through an impartial judiciary, Putin has overseen several rounds of property expropriation and redistribution.

As unlikely as it is, what would a policy aimed at moving Russia toward constitutionalism look like? Russia has the basic formal institutions that are associated with a constitutional regime and an independent judiciary, so no major institutional reforms are necessary. Still, some legislative initiatives that bolster the self-governance mechanisms for the judiciary and remove formal channels for executive influence over the courts may signal a commitment to change. What is even more necessary is a clear demonstration that the courts will not be used instrumentally and arbitrarily to achieve politically expedient goals. This means, at a minimum, a moratorium on the use of criminal law against leaders of the opposition. It also means that the courts should be kept at arm's length from major political controversies, so that they could start building a track record of political impartiality. A transition to constitutionalism can happen

only gradually, rather than through one or two major decisions. In the history of the American judiciary's emancipation from political influence, *Marbury v Madison* is often seen as a momentous decision. However, its importance is clear only in hindsight. The U.S. Supreme Court was in a politically precarious position throughout the nineteenth century.²⁵ And in Ukraine, Kyrgyzstan, and Georgia, what looked like major breakthroughs when the supreme courts ruled against political incumbents at the height of the color revolutions failed to usher in eras of judicial independence.

What about the possibility of a democratic breakthrough ushering in constitutionalism in Russia? If the Putin regime fell amidst prodemocratic social mobilization, rule of law and an independent judiciary may crystalize as one of the democratic revolution's main goals. That does not mean this goal is easy to achieve, however. Post-Euromaidan Ukraine offers a cautionary tale.

Three years after former Ukrainian president Viktor Yanukovich's ouster, the Euromaidan's objective of fundamental changes to the judiciary remains elusive, despite strong societal demand for it. The Ukrainian judiciary continues to be both *de jure* and *de facto* dependent on incumbent politicians. After a few months of struggle with entrenched judicial elites, the new Poroshenko administration established control over the courts by muscling in some new appointees and getting old elites to pledge allegiance. In early 2015, the parliamentary assembly and its point man for the judiciary, Aleksei Filatov, outmaneuvered judicial independence champions in the Rada – led by the Samopomich-appointed deputy Rada speaker, Oksana Syroyid – and watered down a bill that was going to increase the formal independence of the judiciary.²⁶ The lower-levels of the judiciary have refrained from pushing for greater independence. Rank-and-file judges across Ukraine

demonstrated during the April 2014 judicial chair elections that they were afraid to rock the boat: they overwhelmingly reelected their incumbent administrative superiors.²⁷ The outsiders who Poroshenko initially appointed to clean up the prosecution were pushed out by early 2016. David Sakvarelidze, a veteran of former Georgian president Mikheil Saakashvili's judicial reform team, was fired from his post as deputy prosecutor general for "grave violations of prosecutorial ethics."²⁸ Vitalii Kas'ko, another deputy prosecutor general, resigned and faced criminal charges for the alleged illegal privatization of a Kyiv apartment. His supporters view his prosecution as political revenge by entrenched elites within the prosecution who were threatened by his investigation into prosecutorial corruption.²⁹

At the same time, civil society organizations, including the Lustration Committee, Maidan Self-Defense, and the Reanimation Package of Reforms (RPR), have been closely monitoring the performance of the judiciary. Some organizations, such as RPR, have engaged in advocacy and legislative lobbying for changes to the institutional structure of the judiciary that would increase its independence. Others, however, have blurred the line between civil activism and vigilantism, especially through "trashcan lustration" actions, in which activists physically attacked judges who were perceived as stooges of the Yanukovich regime and forced them into trashcans. Activists who "monitored" judicial elections, in which rank-and-file judges voted for the chair of their court, often disrupted the election and tried to intimidate judges into voting for or against a certain candidate. All this civic engagement happened against the backdrop of numerous public opinion polls that showed that an overwhelming majority of Ukrainians perceive radical judicial reform as a top priority.

The combination of societal demand for radical reforms and a business-as-usual

approach by politicians has put the judiciary in the precarious and humiliating position of being pressured and criticized from all sides. Judges have become scapegoats for much of the pre- and post-Euro-maidan dysfunction in the Ukrainian polity. Their legitimacy has plunged below even Yanukovich-era levels, as has their self-perception of autonomy. A 2015 survey by the Center for Policy and Legal Reforms shows that less than 10 percent of judges believe that the Ukrainian judiciary is independent. Even more damningly for the current government, 46 percent of judges believe that political pressure on judges is now just as strong as under Yanukovich and 29 percent of judges believe that political pressure has increased under Poroshenko!³⁰

The first Ukrainian lesson for Russia is that a transition to constitutionalism and judicial independence is harder to pull off than a transition to competitive politics, free and fair elections, and a free press. The second Ukrainian lesson is that judicial independence cannot be achieved through civil society pressure and monitoring. Civil society activists become yet another source of extrajudicial interference in the judicial decision-making process. The result is an even more cowering judiciary, rather than an emancipated one.

In short, it is unlikely that Russia will become a rule-of-law or a rule-by-law state after Putin. Whether Putin plans to die in office, loses power in a color revolution, or is replaced after the disintegration of his authoritarian coalition, the prospects for a transition to constitutionalism and an independent judiciary are slim. Both domestic and external pressures on Putin's regime to abandon its instrumental use of the law are weak. Ironically, the potential agents of change are Putin himself and members of his authoritarian coalition, rather than civil society. A gradual move to authoritarian constitutionalism is

theoretically possible if Putin and his close associates plan to leave politics and need guarantees that the future political incumbents would not use law and the pliable judiciary to prosecute them. Alternatively, a group of major business owners could push for the rule of law as a way of protecting their assets. In practice, however, Putin's demonstrated preference for informal bargains over formal institutions as coordination devices makes the first scenario unlikely. And the robber-barons-for-rule-of-law transformation has been expected for the past two decades; but we have yet to see any indication that it will happen.³¹

While positive change toward the rule of law is unlikely, negative change toward even greater politicization of the judiciary

is easier to imagine. If a credible challenge to the Kremlin's dominance emerges, the regime will reach for the courts as an instrument to suppress dissent. If the danger rises through civil society mobilization, the regime will use administrative and criminal law to deal more harshly with NGOs, social movement activists, and individual protestors. The fines will get bigger, the verdicts longer, and the procedural violations more blatant. If a charismatic politician with broad appeal emerges, either within or outside the authoritarian coalition, and harnesses ethnic Russian nationalism, even show trials could make a comeback. In that scenario, Russia could veer into the legal nihilism characteristic of previous periods of its history.

ENDNOTES

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The Atlas That has Not Shrugged: Why Russia's Oligarchs are an Unlikely Force for Change

Stanislav Markus

Abstract: There is demand among Russia's oligarchs for systemic change, but not for the rule of law proper. Instead, it is the de facto accountability of political elites and improved relations with the West that the Russian oligarchs want from the Kremlin. However, the oligarchs currently lack the capacity to effect change. Their insufficient leverage vis-à-vis Putin is rooted in their competition for rents, which prevents them from confronting the Kremlin as a united force. In addition to analyzing the lack of systemic pressure for change from the oligarchs, this essay considers the prospects of individual oligarchs who have nevertheless pushed openly for liberalization or tried to effect incremental change. It also draws on comparisons with other countries to chart the political behavior of Russia's business elites in the future.

Will Russia's super rich change the political status quo? To start, we must recognize the diversity of the Russian business elites, also referred to here as the *oligarchs*. In terms of their proximity to power in today's Russia, three groups stand out: Putin's friends, *silovarchs*, and outsiders.

Putin's personal friends are connected to him through the Ozero dacha cooperative, his hobbies, and his career; this is the most exclusive network. The so-called *silovarchs* (a portmanteau of *siloviki* and oligarchs) are business elites who have leveraged their networks in the FSB (Russian Federal Security Service) or the military to amass extreme personal wealth.¹ While the circles of Putin's friends and the *silovarchs* partly overlap, the *silovarchs* make up a larger group, most of whom are not Putin's friends. An even larger number of the super rich in Russia are outsiders who are not personally connected to Putin, the military, or the FSB. Despite their lack of direct connection to Putin, however, they are still deeply embedded

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in the Russian state; their outsider status is only in reference to the two other groups.

While none of these three groups is monolithic, these categories are useful to highlight the distinct power resources at the oligarchs' disposal. Putin's friends possess the highly prized "access to the body" (*dostup k telu*): the privilege to be heard by – and possibly to sway – the most powerful individual in Russia via informal conversations. Quantitative analysis suggests that being Putin's friend increases an oligarch's wealth significantly, and that this increase is particularly pronounced in times of high oil prices.² Meanwhile, the *silovarchs* have direct access to coercion, either through their current appointments in the power agencies (the police, FSB, military, and other security services), or through their close personal contacts there. More than other groups, the *silovarchs* possess the power of (c)omission: they can implement Putin's orders – or refuse to do so. Since 2003, Putin's friends and the *silovarchs* have steadily risen to control crony sectors of the economy and to hold important positions in the executive branch. These groups are disproportionately represented on corporate boards of the so-called state corporations, and they often own large stakes in firms from sectors in which profitability depends on government favor (including oil, utilities, telecommunications, defense, and construction).³ However, compared with Putin's friends and the *silovarchs*, the influence of outsiders is much more mediated. Some outsiders have held seats in the Duma, while others have lobbied via the Russian Union of Industrialists and Entrepreneurs (RUIE), a business association representing large capital.⁴

Our main issue – the pressure for change – generates two questions. Is there any demand for change on the part of the oligarchs (and if so, in which direction)? And to the extent such demand exists, do

the oligarchs possess sufficient leverage to shift Russia's trajectory?

The lack of oligarchic demand for systemic change toward the rule of law seems a foregone conclusion; "overdetermined" in social scientists' parlance. Let us analyze it in terms of economist Albert Hirschman's conceptualizations of responses to adversity: *exit* (opting out of future transactions), *voice* (communicating a complaint, grievance, or proposal for change), and *loyalty*.⁵

Consider *exit*. Unlike trapped constituencies, such as the uneducated labor force, Russia's business elites have ample possibilities to retire not only their capital, but also themselves, abroad.⁶ Would they risk demanding institutional change at home when they can so easily change their individual circumstances? The data on investor visas show that Russian business elites are increasingly purchasing foreign residence permits.⁷ The top issuers of investor visas for Russian big capital are, in descending order, the United Kingdom, Portugal, the United States, and Austria. In these countries, investor visas lead to permanent residence or citizenship and involve a minimum \$1–3 million investment and, in some cases, proof of job creation. The United States and the United Kingdom, in particular, have experienced a sharp rise in the number of investor visas issued to Russian nationals since 2010.

In terms of loyalty, it pays to support a system that allows one to prosper. For the oligarchs, it may be precisely the lack of rule of law that facilitates the expansion of riches,⁸ such as through a variety of corrupt schemes commonly referred to as "raiding."⁹ To be sure, the environment of constant danger is not for the faint of heart. According to Russian entrepreneur Mikhail Gutseriyev, who left Russia in 2007 after being pressured to sell his company Russneft, "only in London did I realize that . . . back in Russia I had spent 20 per-

cent [of my time] on business, and 80 percent on confrontation [*protivostoyanie*].”¹⁰ And yet, when given a chance in 2010, Gutseryev returned to Russia, suggesting that the risks of “confrontation” may be well worth the rewards. In a 2007 survey of the executives at 396 Russian manufacturing enterprises, 24 percent of the respondents agreed with the statement: “the poor protection of property rights presents not only a threat but also an opportunity for business growth.”¹¹

Finally, even when business elites voice their disagreement with the system, they may press the state for de facto accountability at the firm level via stakeholder alliances with labor, the community, or foreign investors.¹² Such alliances serve as ersatz institutions, allowing business owners to protect their specific firms while avoiding the need for country-level rule of law.

Taken together, the above factors imply that business elites are partly complicit in the persistence of Putinism, their complicity being not only self-fulfilling, but also self-serving. Trends among the Russian billionaires suggest as much.¹³ According to *The Economist*’s crony capitalism index for 2016, billionaire wealth from the crony sectors in Russia is the highest in the world as a percentage of GDP (18 percent), followed by Malaysia (13 percent) and the Philippines (11 percent); it has also risen since 2014 (from 16 percent).¹⁴ Meanwhile, most of the unfortunate Russian billionaires who lost their billionaire status from 2006 to 2015 were not victims of the state, but rather of market conditions or of unscrupulous rivals.¹⁵

Yet to conclude that the oligarchs are content with the status quo is premature. To identify what the oligarchs want, let us move beyond the rule of law as the benchmark.

Russia’s super rich may not want institutionalized accountability writ large (com-

petitive and honest elections, plus legislative and judiciary independence). But there is likely to be demand for de facto elite accountability. From the oligarchs’ perspective, the latter could theoretically be achieved in several ways, including 1) a relatively impartial elite arbiter, such as Soviet-era Brezhnev or Ukraine’s Kuchma before the Orange Revolution; 2) an empowered oligarch-controlled parliament, such as the Ukrainian Rada after the Orange Revolution; 3) Singapore-style authoritarian legality guaranteeing property rights without competitive politics; or 4) powerful associations of large businesses that can check the state, as in Porfirian Mexico.

The demand for such de facto elite accountability, in whatever form, is rising. The conditional nature of oligarchic ownership in Russia has long been acknowledged, the local joke being that there are no billionaires in Russia, only people working as billionaires. Yet the conditionality imposed on the oligarchs by Putin early in his first tenure (“stay out of politics, keep your property”) is becoming unreliable. The contrast between the 2003 case of Mikhail Khodorkovsky and the 2014 case of Vladimir Yevtushenkov, both business oligarch targets of Putin’s Kremlin, is telling. One could easily argue that Khodorkovsky flouted Putin’s “rules” by financing opposition parties and threatening to interfere with Russia’s foreign policy (via plans for Yukos’s pipelines and asset sales to U.S. firms). Yevtushenkov, however, epitomizes oligarchic loyalty to Putin. Yevtushenkov abandoned his patron Yuriy Luzhkov, the ex-mayor of Moscow to whom Yevtushenkov owes his fortune, when Luzhkov’s relations with the Kremlin grew tense in 2010. (Yevtushenkov, it so happens, is married to Luzhkov’s wife’s sister, which must have made for some tense dinner conversations.) But no matter: Yevtushenkov’s oil company, Bashneft, was expropriated, decimating the oligarch’s wealth, despite the fact that

Yevtushenkov's progressive buy-up of Bashneft shares from 2005 to 2009 had been meticulously coordinated with the Kremlin. Igor Sechin, Putin's favored *silovarch* in charge of Rosneft, reportedly masterminded the 2014 attack on Bashneft. The fact that Putin let a loyal oligarch (Yevtushenkov) be devoured by Sechin raises the question of what exactly loyalty to Putin is worth.

Recently, another apolitical oligarch, Sergei Pugachev, has faced the Kremlin's wrath. In exile since 2012, Pugachev faces criminal charges in Russia and claims that the Kremlin had expropriated about \$15 billion of his business assets. Formerly referred to as the "Kremlin's banker," Pugachev was notably a member of Putin's inner circle in the early 2000s.

The irregular application of unwritten rules must make Russia's business elites nervous. A careful observer may note that Putin's group of friends is rather fluid. By 2010, Putin distanced himself from friends of the late 1990s and his first presidency (including Pugachev), reaching out instead to friends from his younger years: that is, from the early to mid-1990s (such as from the Ozero dacha cooperative) and even from childhood (as in the case of Arkadii Rotenberg). Is there a guarantee that Putin will not "unfriend" some of them, too?

The tide of commercial litigation by the Russian business elites in Western jurisdictions suggests that, for the oligarchs, Putin is not living up to the role of arbiter or enforcer of authoritarian legality.¹⁶ One would expect the expatriates to sue the Russian state from abroad, since the very reason for their self-exile is persecution at home and/or distrust of the Russian system. More interestingly, however, many lawsuits adjudicated abroad nowadays are between Russia-based claimants. In other words, even oligarchs who are comfortable in Putin's Russia are not satisfied with the dispute resolution in their home country. It gets better: some lawsuits now involve Rus-

sian government entities as plaintiffs suing, in Britain, the self-exiled oligarchs who reside in London (as in the case of *Deposit Insurance Agency v. Pugachev*).

Overall, there is demand for greater predictability in business-power relations on the part of the oligarchs, but no vision on how to achieve it. Given Putin's erratic decisions, the oligarchs have no reason to trust him with the role of stabilizer or enforcer, even if he plays that role by default. A more institutionalized form of authoritarian legality is also unpalatable to many oligarchs, given how diligently the FSB has been collecting *kompromat* (evidence of legal wrongdoing that can be used for blackmail) on business elites, including the *silovarchs*.¹⁷ Meanwhile, popular resentment of the super rich in Russia makes honest and competitive elections a risky proposition. Russian business elites have closely watched the instability in Ukraine in the wake of democratization, including both the reprivatization attempt after the 2004 Orange Revolution and some anticorruption initiatives after the 2014 ouster of Yanukovich.¹⁸ Finally, the oligarchs' experience with the RUIE and its mixed record in improving state-business relations has cooled business elites' enthusiasm for association building.¹⁹ RUIE's requests on behalf of Khodorkovsky and Yevtushenkov were ignored by the Kremlin. At the end of the day, the question facing the Russian oligarchs is urgent but unanswered: which way from here?

In addition to greater predictability, another vector of implicit oligarchic demand for change aims at a more West-friendly foreign policy. This demand is conditioned both by tangible personal losses from Western sanctions experienced since 2014 by Putin's friends and some of the *silovarchs*, as well as the desire by all categories of oligarchs to keep the West as a viable exit option. The latter implies that the Russian super rich want to prevent the reputational

damage abroad from spiraling entirely out of control. The twenty-one richest Russians lost a total of \$61 billion in 2014, one quarter of their total fortune, leading some analysts to predict a “chilly fallout between Putin and his oligarch pals.”²⁰ One caveat here is that new fault lines may emerge between a subset of the *silovarchs* who profit directly from the defense industry (and are therefore interested in a continued standoff with the West) and the rest of the business elites.

Most Russian oligarchs would benefit from a shift in Russia’s trajectory toward greater de facto elite accountability and lower hostility vis-à-vis the West. But is this implicit demand matched by the oligarchs’ capacity to achieve it?

The answer is no. The key reason is a collective action problem. While in smaller economies the actions of a single larger-than-life oligarch (such as Bidzina Ivanishvili in Georgia) may change the status quo, the sheer number of Russia’s super rich, all equipped with their own power resources, implies that sustainable leverage requires cooperation.

Cooperation, however, is not the Russian oligarchs’ strong suit. For Putin’s friends and the *silovarchs*, the problem resides in the competitive nature of the Russian kleptocracy. Russia’s piranha capitalism is defined as much by a “bully in the penthouse” as it is by “termites in the basement”: individual state employees at all levels of the executive hierarchy view the rents they can extract from the economy as a zero-sum game.²¹ Even if Putin wanted to be a trusted arbiter among the oligarchs, the implementation of Putin’s decisions would be a challenge in a system whose executive branch is pulled apart by competing kleptocrats, not least the *silovarchs* who have effectively undermined a number of Putin’s priorities, including international defense contracts, Gazprom’s strategy in Europe, and electoral manipulation.²²

To be sure, oligarchic clans offer a form of collective action, but they appear fragmented, overlapping, and ever changing.²³ Putin’s closest friends are not above mutual sabotage, including that of their patron: consider analysis by *The Economist* showing that a state-linked Russian oil trader, Gunvor Group, was regularly driving down the price for Urals, a Russian export oil mixture, for the private profit of Genadii Timchenko, a supposed Putin loyalist.²⁴ When nominal loyalty yields to predatory temptations, group cohesiveness suffers. Pugachev, Putin’s former St. Petersburg friend, has embezzled oligarchic donations to Putin’s election campaigns, including a \$50 million donation from Lukoil alone, according to the chief editor of Russia’s independent TV channel Dozhd’.²⁵

The outsider tycoons, too, are anything but cohesive. This was most vividly demonstrated by the five-year struggle for Norilsk Nickel between Vladimir Potanin (famous for engineering the loans-for-shares scheme in the 1990s) and Oleg Deripaska (affiliated with Dmitrii Medvedev, Aleksandr Voloshin, and the vestiges of Yeltsin’s “family”). Potanin initially outsmarted Deripaska, who, in turn, vowed to fight Potanin “to the death” as both oligarchs engaged their massive administrative resources at home while also suing each other abroad in a series of battles between 2008 and 2012.

In addition to wars within the groups of Putin’s friends, *silovarchs*, and outsiders, these groups also appear to be at each other’s throats. Four oligarchic clans, in particular, are currently competing for decreasing rents under economic decline: Putin’s friends (including Timchenko, the Rotenbergs, and the Koval’chuk brothers); the FSB-affiliated *silovarchs* headed by Rosneft’s Sechin; the army-connected *silovarchs* headed by Defense Minister Sergei Shoigu; and the Gazprom clan headed by ex-president Medvedev and Aleksei Miller. Interestingly,

Putin's friends have lost some key battles over the production of oil pipelines and the control of main TV channels.

Public knowledge of oligarchic rivalries likely constitutes only the tip of the iceberg, making collective leverage by the super rich in Russia an unlikely proposition. But collective lobbying is not the only path to leverage for the super rich.

Let us reconsider *exit*. As noted above, from the oligarchs' perspective, their opportunities to leave Russia may reduce their demand for change. However, from Putin's perspective, capital flight or its implicit threat as such can put pressure on the system by depriving the Russian economy of investment, jobs, and tax revenue. In other words, an exit may reduce the oligarchs' explicit demand for better arrangements from the state while simultaneously increasing the oligarchs' implicit leverage to get such arrangements. Exit as a form of leverage does not depend on collective action, since every oligarch can exercise it individually.

In Russia, it is more difficult for individual *silovarchs* and friends of Putin – as compared with outsider oligarchs – to rely on exit as an implicit threat, due to the intimate connections to the state apparatus of Putin's friends and the *silovarchs*, as well as the progressive tightening of (Putin-inspired) legislation restricting state employees' foreign asset ownership.

In any case, Putin has been starkly insensitive to the implicit exit threat of Russia's individual capital owners. As one oligarch noted in his comment on the Bashneft attack:

The Kremlin certainly would understand that it was going to hurt the stock market; that it's going to add to the whole economic situation; that it was going to frighten the business community. . . . They went ahead anyway . . . because they wanted to deliver a message: "Behave yourself."²⁶

Instead of counteracting capital flight by improving the investment climate, the Kremlin has tried to force capital back, for example through the "deoffshorization" campaign launched in 2013. Until recently, individual oligarchs could decide separately on whether to 1) keep their physical profit-generating assets in Russia; 2) register their assets and cash flows in Russia or offshore; 3) personally reside in Russia or abroad; or 4) let their family members reside in Russia or relocate them abroad. The winning formula for many oligarchs has been to keep their physical productive assets in Russia but register them offshore while also securing foreign residence permits for oneself and/or one's family. The deoffshorization campaign may indicate a shift in the Kremlin's attitude regarding these possibilities of *exit*. At the unlikely extreme, Putin may push the oligarchs to decide: either keep your business in Russia and register it there – or liquidate your assets in Russia and leave the country altogether. So far, many top companies such as RusAl, Metalloinvest, MTS, RusHydro, and Kamaz have pledged to stop registering businesses offshore and to repatriate their physical productive assets held abroad.

If the oligarchs' reaction to Western sanctions and economic decline is any indication, then the oligarchs' influence on Russia's trajectory will remain limited.

The RUIE has pointedly kept silent on Russia's economically ruinous foreign policy since the conflict in Ukraine has unfolded. Despite their massive financial losses in 2014, Putin's friends paraded their readiness to sacrifice even more for their leader in various interviews. Said Timchenko: "If need be, I will transfer everything to the state tomorrow. Or to charity. . . . My wife and I have discussed this many times. Personally, we do not need billions."²⁷ Of course, the propaganda aspect of such statements aside, the oligarchs care deeply about their billions. Yet their strategy of wealth

defense has been indirect: instead of pushing Putin to change course, the oligarchs have sought compensation from the state. In September 2014, the Duma adopted a law stating that Russian citizens who lost assets abroad due to sanctions would be compensated from the Russian treasury. The law sparked a popular outcry, as Russian taxpayers balked at the prospect of bailing out the oligarchs. Vladimir Ponevezhskii, the United Russia deputy who formally initiated the law proposal, laughably defended it as potentially benefitting ordinary citizens who may own apartments in Bulgaria.²⁸ Meanwhile, Arkadii Rotenberg's property (four villas, one apartment, and one hotel) happened to be seized in Italy hours before the proposal's initiation in the Duma, which some analysts interpreted as more than coincidental.

Putin's reaction to these attempts at personal compensation by the oligarchs was negative (both the Russian government and the supreme court rejected the Duma law), although some strategically important companies, particularly Rosneft, have received ample help from the state. As for the conflict in Ukraine, it fell to professional technocrat and former minister of finance Aleksei Kudrin to speak the truth (economic decline) to power (Putin). Meanwhile, the oligarchs bit their tongue – again.

The bottom line: absent greater cooperation by the oligarchs, or higher responsiveness of the Russian leadership to the threat of capital exit, Russia's business elites have little leverage to shape the country's development.

Eppur si muove! While the oligarchs' leverage in Russia is systemically limited, cases of vocal – if so far inconsequential – opposition by business elites do exist. Two types of instances come to mind.

First, the *renegade oligarchs*, such as Khodorkovsky, Chichvarkin, or Boris Berezovsky, have experienced persecution

by the Russian state, left the country, and then invested in opposition to Putin's regime from abroad.

Prior to his 2013 (apparent) suicide, Berezovsky had conducted a broad informational campaign against Putin, including financing a film that implicated the FSB in the 1999 apartment bombings in Russia. Berezovsky also wrote open letters to Putin ("Volodya, ... as a typical dictator, you are not ready to surrender power through elections"), to the Patriarch Kirill ("Your Saintness, ... help Putin come to his senses ... take power from his hands and peacefully, wisely, Christian-like, give that power to the people"), and to George W. Bush, among others.

Mikhail Khodorkovsky was pardoned by Putin in 2013 after a politically motivated ten-year imprisonment. The oligarch has since reanimated his foundation Open Russia, which provided logistical backing to hundreds of independent and opposition candidates in the 2016 Duma elections. Khodorkovsky has forcefully criticized Russia's military actions in Ukraine. He has also hired a substantial staff of professional journalists to fuel his growing online presence.

Yevgenii Chichvarkin, the flamboyant erstwhile owner of Evroset (Russia's largest mobile phone retailer), fled to London in 2008 after losing his business in a series of raids by the police. Though the fabricated criminal cases against Chichvarkin in Russia were closed in 2011 (the oligarch personally appealed to Medvedev on the matter), he chose to stay in London and engage in opposition activity.

In 2016, Chichvarkin joined forces with Khodorkovsky. The oligarchs conducted an online press conference in April 2016 from London, streaming live to the Moscow offices of Open Russia. By video, Chichvarkin suggested that color revolutions "should not be feared." According to Khodorkovsky, Chichvarkin's experi-

ence in mass communications would benefit the “political-educational” mission of Open Russia. Despite their diverging political visions – Khodorkovsky calls himself a statist (*gosudarstvennik*) while Chichvarkin identifies as a libertarian – both oligarchs agreed at the conference that the current Russian power is, as Chichvarkin said, “hurtling toward a dead end.” When the Putin regime hits that dead end, the renegades plan to oversee a two-year “temporary administration” in Russia in order to ensure subsequent honest elections.

The renegade oligarchs face significant challenges in their quest to democratize Russia: they lack the support of the Russian population at large and they are disconnected from influential elites at home. If a political opening occurred in Russia, the renegades could potentially return and help steer the country, but they are unlikely to be the cause of that opening. So far, the renegades’ strategy has been to invest heavily in communications capacity; nurture and showcase a cadre of young politicians in the Duma elections; and wait for the Kremlin to make a mistake.

Putin has not been prone to mistakes, however – not when it comes to power preservation. But the Russian president may well become more vulnerable as he ages. This appears also to be Khodorkovsky’s timeline, given the oligarch’s prediction of significant change in Russia around the presidential elections of 2024.

Second, oligarchs such as Aleksandr Lebedev and Mikhail Prokhorov have engaged in the formal political process while living in Russia; I refer to such oligarchs as the *Trojans*. Like the renegades, the *Trojans* advocate for democratization and rule of law. However, they have stopped short of criticizing Putin directly, focusing on systemic shortcomings instead. More so than the renegades, the *Trojans* emphasize gradual, evolutionary changes.

Lebedev is a banker, media owner (he co-owns *Novaya gazeta* with Mikhail Gorbachev, plus several British papers), and former KGB officer. Lebedev ran for mayor of Moscow in 2003, but lost to Luzhkov. He also sought to run for mayor of Sochi in 2009, but his candidacy was disqualified. Lebedev successfully ran for the Duma, where he was a deputy from 2003 to 2007, switching his party affiliations from Rodina to United Russia to independent during his term. Lebedev has devoted resources to exposing high-level corruption in the Russian bureaucracy, and though he once cooperated with Aleksei Navalny, he has distanced himself from the prominent opposition activist since 2012.

Mikhail Prokhorov has owned major assets in mining, finance, and media (as well as the Brooklyn Nets of the National Basketball Association). He ran as an independent candidate in the 2012 presidential elections. In 2011, Prokhorov had become the leader of the Right Cause Party. After losing the presidential elections to Putin, the oligarch launched a new party, Civic Platform.

Prokhorov’s political involvement is the most high-profile to date by a Russian oligarch. His respectable 8 percent vote share in the 2012 presidential elections, despite the domination of the media by Kremlin-friendly outlets, suggests that the *Trojans* are better connected to Russian citizens and elites than the renegades. Furthermore, it demonstrates that divisions among Kremlin insiders can help the *Trojans*. Prokhorov’s political rise would have been impossible without the intensifying competition between the teams of Prime Minister Putin and President Medvedev at the time. However, Prokhorov’s experience also demonstrates two limitations of the *Trojans*.

First, the *Trojans* are no match for the Kremlin’s political technologists when it comes to strategy in the Byzantine world

of authoritarian populism. Prokhorov was defeated twice: by Putin and Volodin from without, and also by Vladislav Surkov and Medvedev from within. As the Right Cause Party was searching for leaders among the Russian establishment, Putin and his chief of staff Volodin sent signals to key figures (including German Gref, Aleksei Kudrin, and Igor Shuvalov) to stay away from the party, and they mostly did.²⁹ When Prokhorov took the helms of Right Cause, the party had already been drained of human capital at the top; its lack of professional leaders was barely compensated by celebrities like Alla Pugacheva, a Soviet-era singer whom Prokhorov recruited into the party. The next stage of Prokhorov's defeat involved his conflict with Surkov. Medvedev, interested in developing his own quasi-liberal party at the time so as to counter-balance Putin's influence, had outsourced this task to Surkov. (This is not without irony, since Surkov had also been the ideological godfather of United Russia, the presumed target of Medvedev's planned liberal force.) Surkov decided to take over an existing party, Right Cause, and pushed out Prokhorov from its leadership by cutting deals with other members of the party's governing organ. Medvedev watched from the sidelines and did not intervene.

Second, the Trojans have shown a limited commitment to political life. After defiantly declaring war on Surkov, Prokhorov traveled to Turkey for a one-month vacation. By the time of the 2014 St. Petersburg International Economic Forum, an annual event promoted by Putin, Prokhorov was entertaining Russia's elite with his traditional dance reception, complete with striptease dancers. His war on the establishment seems to have been forgotten. The message emerging from the Trojans' utility curves often spells hedonism, not political work. (Like Prokhorov, Lebedev is known to enjoy the company of intellectuals, celebrities, and beautiful wom-

en worldwide.) Unlike the renegades, the Trojans seem to play politics rather than to live politics. Opposition activity as a hobby – even when pursued by talented, charismatic, and wealthy individuals – will not unsettle Russia's political equilibrium.

Regardless of their proximity to power, most Russian oligarchs have been quiescent amidst attacks by the Kremlin, Western sanctions, and economic decline. Those who have pushed for change remain marginalized. Will this situation last? Two overarching lessons can be gleaned from other countries to forecast the political behavior of Russia's business elites.

First, oligarchs have good reasons to fear democracy, but this fear can be overcome. For the oligarchs, democratization involves multiple threats that have materialized to some extent across the world after the introduction of greater political competition. These threats include trust-busting and demopolization reforms (South Korea); pressure for higher taxes and redistribution (Argentina, Brazil, Mexico); collapse of order and spiraling violence (Indonesia); and revision of privatization results (Ukraine).

However, democratization is by no means anathema to the super rich. They are more likely to accept it or push for it when some of the following conditions hold: economic prosperity (South Korea); declining dependence of business profits on government connections (Western Europe, Mexico, Brazil); high dependence of political elites on big business for political finance (Ukraine); or a sharp increase in the autocrat's attacks on business elites (Kyrgyzstan, Ukraine, Belarus, Kazakhstan).

Of course, just because the oligarchs voice their support for democratization does not mean that political change follows. This brings us to the second point.

To effect change, the oligarchs need the people. Mikhail Prokhorov may empathize with Chung Ju-yung, the founder of Hyun-

dai, who established a new political party and ran for president in 1991 – 1992 in a bid to challenge the ruling Democratic Justice Party and the incumbent. Chung ran on a platform stressing competence and professionalism, just like Prokhorov. But he suffered a humiliating defeat, despite the fact that South Korea's business elites had closed ranks behind the need for change. Though fed up with economic incompetence of the regime, the chaebols – large family-run business conglomerates – remained alienated from the population at large. Collective action by the oligarchs is not enough.

The importance of popular support should be self-evident for the renegades and the Trojans: that is, for all oligarchs who openly advocate liberalization. But if the Ukrainian experience is any guide – even for the Russian business elites who care more about their material interests than any political vision – popular support is crucial. Quantitative analysis of the Ukrainian super rich suggests that business wealth is more resilient against various shocks (including authoritarian expropriation) for oligarchs who pursue “flexible” strategies aimed at legitimacy (via media and political parties) than for oligarchs who rely on direct power or asset mobility.³⁰

While the gulf has always been enormous between Russia's business elites and the general population, the Kremlin's economic (since 2009) and foreign (since 2011) policies have driven a further wedge between the tiny fraction of Russia's “one percent” and the rest. The Kremlin's military-economic populism has combined an aggressive stance abroad with patriotic

propaganda and the financial support of vulnerable population layers at home. In budget terms, this policy paradigm is too expensive amidst economic recession. Yet while the oligarchs pick up the bill – in the form of new taxes on oil revenue, Western sanctions, and lost trade – citizens at large applaud Putin.

The oligarchs understand Putin's game. The fugitive oligarch Pugachev cannot be alone in thinking that “today, personal friendship and loyalty don't mean anything.... Why does Putin need friends when 85 percent of Russians support him?”³¹ The billionaire Yurii Koval'chuk, Putin's friend who replaced Pugachev in his informal capacity as the president's personal banker, captured the prevalent mood best in his reaction to Western sanctions: “Put yourself in my place. If I start annoying him, like Kudrin does, telling him what he does not like, arguing back [*perechit'*] – how will that end for me? I will reduce my access to the body, punishing myself even stronger than the Europeans did. What for? For whom?”³²

In Ayn Rand's libertarian manifesto *Atlas Shrugged*, which has inspired generations of teenagers worldwide as well as wealthy entrepreneurs like Yevgenii Chichvarkin, large capitalists pull out of a state-dominated economy, forcing its collapse, and then take over leadership. Although some of the Russian oligarchs have resorted to an exit, it has not been sufficient for the Kremlin to change course. Meanwhile, divisions among the oligarchs as well as between the oligarchs and the population have prevented effective oppositional voice. The Russian Atlas just won't shrug.

ENDNOTES

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- ¹⁵ Daniel Treisman, “Russia’s Billionaires,” *American Economic Review* 106 (5) (2016).
- ¹⁶ Delphine Nougayrède, “Outsourcing Law in Post-Soviet Russia,” *Journal of Eurasian Law* 3 (6) (2013).
- ¹⁷ Alana V. Ledeneva, *Can Russia Modernise? Sistema, Power Networks and Informal Governance* (New York: Cambridge University Press 2013), 38.
- ¹⁸ Stanislav Markus, “Sovereign Commitment and Property Rights: The Case of Ukraine’s Orange Revolution,” *Studies in Comparative International Development* 51 (4) (2016).
- ¹⁹ Interestingly, the association of midsize enterprises, Business Russia (*Delovaya Rossiya*), has been much more successful in Russia since the financial crisis, as compared with the RUIE, which unites large capital. Lacking the individual political resources of the oligarchs, midsize firms felt greater pressure to unite and, through their association, have pushed through amendments to the criminal code aimed at decriminalizing business; the institutionalization of the office of the “federal ombudsman for the protection of business people”; and the implementation of regulatory impact assessment; among other changes. See Stanislav Markus, “Capitalists of All Russia, Unite! Business Mobilization Under Debilitated Dirigisme,” *Polity* 39 (3) (2007): 277–304; and Markus, *Property, Predation, and Protection*.

- Why Russia's Oligarchs are an Unlikely Force for Change*
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- ²¹ Markus, *Property, Predation, and Protection*, 2.
- ²² *Ibid.*, 89 – 97.
- ²³ Some of the oligarchic formations suggested by observers over time include: 1) *piterskiye chekisty* (FSB associates from St. Petersburg) around Sechin; 2) *piterskiye chekisty* around Patrushev; 3) *piterskiye fiziki* (physicists from St. Petersburg); 4) Orthodox *chekisty*; 5) Voloshin's group; 6) Medvedev's group; and 7) Leonid Reiman's group.
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- ³¹ Meyer and Reznik, "The Chilly Fallout Between Putin and His Oligarch Pals."
- ³² Zygar', *Vsya kremlovskaya rat'*, 370.

Images of the Future

George W. Breslauer

Abstract: This concluding essay outlines several alternative futures for Russia in the coming decades, building upon the perspectives and information in the preceding essays in this volume and relating these to my own thinking about the future of Russia. Hence, this essay does not represent a consensus of the issue's twelve authors, but rather a meld of their thoughts and my own.

After the collapse of Communism and the dissolution of the Soviet Union, most Western observers were hoping that Russia would eventually evolve into a liberal democracy. Nobody thought it would be either quick or easy, but the fascination of the time was to speculate about the steps that would need to be taken to bring about, first, a “democratic breakthrough” and, later, “democratic consolidation.” We all thought and wrote a great deal about indicators of, and strategies for, such a transition. We applied those insights or presuppositions to a continuous tracking of changes under Gorbachev and Yeltsin. As the Yeltsin years rolled on, contention intensified over whether the first post-Soviet president of Russia was leading the country through a difficult transition or was regressing toward authoritarianism and poisoning the nascent shoots of liberal democracy.

Putin's actions during the early 2000s were less ambiguous and helped to rebuild consensus among most Western analysts. But this time, the consensus was that the Putin regime represented “de-democratization,” or authoritarian consolidation. It became increasingly difficult to imagine how this might be reversed. Indeed, in the collection of essays in this volume, no author predicts a democratic breakthrough toward the rule of law, a flowering of civil society, or liberal democracy over the next ten to fifteen years. Transition to liberal democracy is now

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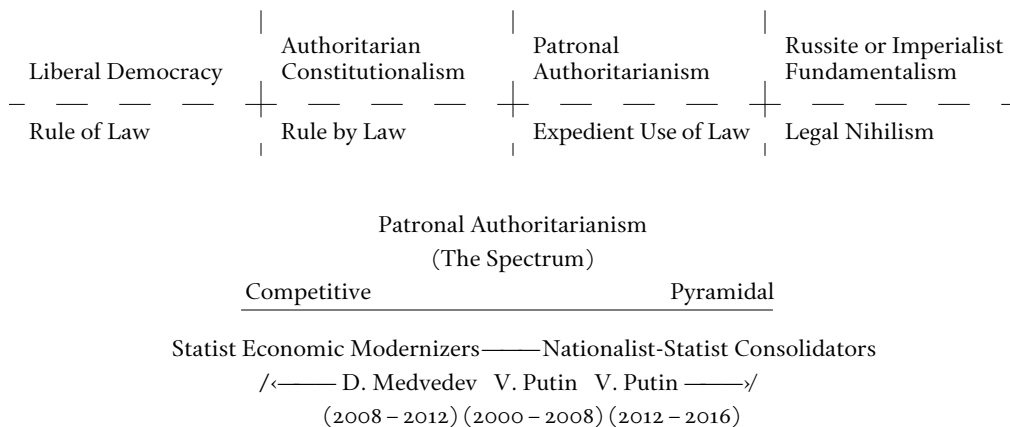
viewed, at least within the stipulated time frame, as somewhat chimerical. Moreover, there is widespread agreement among our authors on how to characterize the current regime. Steeped in the comparativist literature on varieties of authoritarian regimes, they would all define Putin's regime as some adjectival version of authoritarianism, be it "competitive," "electoral," "kleptocratic," "autocratic," "patronal," or "statist." These adjectives are not mutually exclusive; indeed, most authors in this volume would agree that they all capture some important feature of the system. Our authors differ, though not sharply, on what it would take to break out of this regime type, but none of them effuses optimism that such a breakout is likely.

So we have gone from guarded optimism about liberal-democratic futures to thinly qualified pessimism about the ability to escape a situation that, borrowing from political scientist Richard Rose and colleagues' observation about a different set of issues, we might refer to as a "low-level equilibrium trap."¹

What might be considered possible alternatives to this type of regime (see Figure 1)? Having eliminated liberal democracy as a likelihood, we can look to the other end of the political spectrum. There we might imagine a "Russite" or imperialist-fundamentalist reaction: a reversion to some kind of revanchist fascism, which is the nightmare of moderates and liberals along the political spectrum in Russia today, and which now looks like only a possibility, though a decidedly more likely possibility than a successful transition to liberal democracy. None of the essays in this issue assigns this fascist scenario a high probability in the next decade or two. But given Russia's travails at home and abroad and the escalation of revanchist and Russite-fundamentalist political rhetoric in the past five years, it is not difficult to imagine that a political-economic breakdown of some sort,

or an international security failure, could conceivably lead to the ascendance of a regime that is pogromist at home and militaristically revanchist abroad.

With liberal democracy and Russite or imperialist fundamentalism at the two extremes, a middling alternative to the current regime is what Maria Popova calls "authoritarian constitutionalism": not rule of law (an attribute of liberal democracy), but rule *by* law. This intriguing possibility – to which Popova lends credence but does not assign high probability – might be driven by the urge on the part of business elites and their political and ministerial patrons to gain stable expectations about how they and their property rights will be treated in the political and legal arenas. Popova calls this *authoritarian* constitutionalism because, while it would provide stable expectations to business elites, it would retain an authoritarian and exclusionary posture vis-à-vis the masses of the population. Brian Taylor's evidence of the military and security services only asserting themselves to avoid a breakdown of the state speaks indirectly to this possibility, since it leaves room for statist elites to renegotiate the terms of intralite reciprocity behind the scenes, with confidence that the *siloviki* will prevent a breakdown of the state's authority vis-à-vis the broader population. This accords with Stanislav Markus's observation that some business elites have a material stake in remaining open to the global capitalist economic order, which, in my opinion, could become part of such an intralite pact. Thus, even though Popova emphasizes how difficult it is to effect a breakthrough even toward rule *by* law, her essay introduces into our imagination an intermediate image that contains some degree of plausibility. Thinking about this possibility may be a useful antidote to thinking that the only alternatives to Putinism are a breakthrough far to the right or far to the left.



Whether one anticipates systemic alternatives to Putinism hinges in part on how one understands the regime currently in place. Most scholars would depict it as electoral authoritarianism, led by a strong presidency, in which the formal institutions that might check the power of the presidency, including presidential elections, have been neutered and hollowed out, but remain under the control of competing and interlacing patron-client networks that owe their allegiance to entities and individuals outside those hollowed-out institutions. A major feature of this “patronal” regime, as Henry Hale aptly calls it, is its ideological signature. It is supported by a broad, centrist coalition that marginalizes both the radical liberals or democratizers on the left and the most intolerant nationalist-chauvinists or fascists on the right. Elena Chebankova expounds on the breadth of this ideological spectrum, depicting a condition of “paradigmatic pluralism”: a multitude of paradigms that all stay within the parameters that Putin has defined as legitimate discourse. The center of gravity of this ideational pluralism is, according to

Chebankova, “a hegemonic discourse of state-centered conservatism.” And as Hale and many of our authors argue, the center of gravity of this networked, patronal regime is Vladimir Putin, the patronal network he heads, and the extended networks that compete for access to resources and influence on the president.

Marlene Laruelle usefully distinguishes among state, parastate, and nonstate actors, and their respective conceptions of Russian nationalism. Many state and parastate actors are networked into this regime, even as they compete among themselves for resources. And because the ideological signature of the regime is so broad, Putin, as the ultimate arbiter in this political system, is able to tack back and forth among networks and among points on the broad ideological spectrum as circumstances dictate. He can make side payments that keep people under the umbrella, even as he curries support from the other side. And as the ultimate arbiter among competing networks, he is able to play them off against each other. He may not always get his way, but he chooses his battles and has the re-

sources to define the general course and to punish defiance.

This strategy has clearly manifested itself during the past five years. After taking back the presidency from Dmitrii Medvedev in 2012, Putin shifted the balance within this coalition decidedly to the right, enforcing further restrictions on civil society, a more defiant posture abroad, and increasingly chauvinistic and xenophobic doctrinal formulations. This peaked after the Ukrainian crisis of 2014 and the Russian seizure of Crimea, when Putin explicitly invoked romantic Russian nationalism to justify his policies in Ukraine. But while he has remained defiant of Kiev and the United States, he soon backed off from using his most chauvinistic rhetoric and distanced himself from spokespersons, emboldened by Russia's intervention in Ukraine, who urged that he go still further. He had tested the edges of this paradigmatic pluralism and decided that it could be destabilizing in a multiethnic society to push the center of gravity too far to the right. Indeed, more recently, and in the wake of Western economic sanctions, Putin has granted greater leeway to talented economic reformers like Aleksei Kudrin to devise plans for modernizing the Russian economy, though it remains to be seen whether those plans will be granted a fair hearing in the corridors of power. In the wake of the arrest of Putin's economics minister in November 2016, it also remains to be seen whether economic reformers will retain such influence as they currently enjoy.

Within this broad coalition there is a spectrum that ranges from internationalist economic reformers, at one end, to "Russia-first" nationalist-statist consolidators, at the other. These are not necessarily mutually exclusive viewpoints; they focus on different types of issues and therefore do not necessarily compete along the same dimension. But, in practice, they are in tension with each other, since moderniz-

ing the Russian economy will require its greater integration into the capitalist international economic order, which in turn could be incompatible with a neoisolationist, Russia-first mentality. In principle, one could imagine neoisolationist, nationalist-consolidating economic reformers, though you would have to look hard for them. Thus, the coalition has a built-in tension, since most economic reformers are skittish about the prospect that nationalist consolidators would constrict both political *and* economic freedoms, and would inhibit Russia's integration into the international economy through confrontational policies abroad. In turn, many nationalist consolidators are apprehensive that economic reformers would unleash forces that might weaken political controls, reduce opportunities for rent-seeking through corruption, and appease adversaries abroad in pursuit of economic integration. When Medvedev was president from 2008 to 2012, the rhetoric he endorsed was more in the direction of the economic reformers. That rhetoric was marginalized after Putin returned to the presidency.

What factors might drive change within this broad coalition? And what would determine whether the Putin pendulum swings to the moderate left or to the moderate right? International events and the state of the international environment are certainly among those factors. On this score, the contrast between Keith Darden's essay here and Stephen Kotkin's recent work in *Foreign Affairs* on the same subject is stark.² Putin's post-2012 shift to the right within this coalition could be viewed as an expression of his preexisting personality and preferences in the face of protests at home. Or it could be viewed as a reaction to perceived provocation abroad. If Putin's revanchist initiatives are a product of political-cultural predisposition, then a Western strategy of containment and deterrence might

be called for (depending upon one's values and aversion to risk). But if it is a reaction to provocation – which Moscow defines as NATO expansion, U.S. and EU democracy promotion in the former Soviet Union, and the United States' self-serving dictation and redefinition of the norms of international relations – then a Western strategy of reassurance and flexible negotiation might be called for.

One could argue that Gorbachev's reforms at home and his "new thinking" abroad validate the containment approach. Ronald Reagan held firm on his policies of deterrence and provocation (the Strategic Defense Initiative, or "star wars," among others) and Gorbachev soon decided that he could not win this game. His "new thinking" about foreign relations broke decisively with the Leninist paradigm that had previously informed Soviet foreign (and domestic) policy. Why should we not expect the same from Putin or his successor, as long as the West stands firm against Russian adventures abroad?

One could argue against the desirability of such a strategy, whatever its theoretical persuasiveness as a feasible "game" in international relations, by citing the risks and dangers of accidental military clashes with Russia resulting from tit-for-tat escalations on several fronts. On this score, the current situation may be more dangerous than during the early and mid-1980s. But putting aside the risks, the differences between Gorbachev and Putin predict lesser success for a Western strategy of containment today. For one thing, Gorbachev was a democratizer who built his authority by promising to liberalize the political order at home and reduce international tensions abroad. And he was steeped in a socialist ideological tradition, recast in his mind by the influence of Eurocommunism, that led him to believe – chimerically, it turned out – that he could engineer a stable equilibrium at home and abroad

by building "socialist democracy" within the USSR and a peaceful global partnership between reformed socialism and capitalism. Hence, faced with Reagan's recalcitrant posture, Gorbachev became conciliatory, rather than defiant; faced with opposition from conservatives and reactionaries at home, he became still more radical in his domestic political reforms.

Putin, by contrast, has built his political authority by playing to the themes of constructing a strong, centralized, authoritarian state and recovering Russia's former status as a great power that adversaries will be forced to respect and deal with as an equal. He is not steeped in an ideological tradition suggesting that a conciliatory posture abroad and a loosening at home might effect a desirable and stable equilibrium, either domestically or internationally. He views the United States as a revisionist superpower that is seeking to transform the world order to its advantage and in its image. He, in turn, calls for spheres of influence based on mutual respect for how the other defines its security interests, without attempting to transform the other's political order. Thus, a contemporary variant of "idealist" American Wilsonian thinking confronts a contemporary variant of "realist" Russian balance-of-power thinking. The historical irony is that, forty-five years ago, the reverse obtained: American balance-of-power thinking (Nixon and Kissinger) confronted Soviet thinking committed to "making the world safe for anti-imperialism."

Hence, Putin's nationalist-statist, spheres-of-influence ideology predisposes him to believe that reinforcement of controls at home, and defiance of provocation abroad, is the only route through which Russia "will be great again." Such nationalism also predisposes him to believe that the Russian people will sooner suffer economic austerity than another loss of national pride. And it has predisposed him, most recently, to de-

fine the relationship with the West in civilizational and confrontational terms, with the “postmodern” values of the West (gay/transgender rights, for example) meeting a hostile reception from both Russian elites and the broad population. Hence, a U.S. strategy of active containment and Western aversion to a “grand bargain” based on significant Western concessions are less likely to induce Putin to become conciliatory than was the case with Gorbachev. Rather, what we have seen thus far is that Putin has moved decidedly to the right within the broad coalition in response to his perception of Western provocation. Some of his economic-reformist advisers have unsuccessfully urged him to reduce international tensions (such as by not responding to provocations tit-for-tat) as a prerequisite for Russia’s further integration into, and benefit from, the international economy. Putin has thus far rejected such advice, invoking great-power prerogative and arguing that the first conciliatory moves must originate in the West. At the same time, he has given his economic reformists the task of devising plans for the modernization of the Russian economy despite international tensions. In one respect, though, Putin has tried to exercise a moderating influence. He appears to remain committed to “internationalism” within Russia, apparently believing that a pogromist posture toward ethnic minorities within Russia would prove both destabilizing and unworthy.³

Of course, Russia is not insulated from pressures in the international environment. Putin’s “team” cannot but fear that a military accident could spiral out of control, which could make them receptive to Western suggestions of accident-prevention measures. (Under President Kennedy and First Secretary Khrushchev, for example, the telephonic “hotline” between the White House and the Kremlin was one such measure that gained traction after the mutual fright induced by the October 1962 Cuban

Missile Crisis.) Beyond the military realm, the international environment puts constant, albeit incremental, pressures on Russian business interests to engage in adjustments to global markets. Putin, in his rhetoric, may be expressing his disillusion with the United States and the European Union, and he has been talking more about integration with the Asia-Pacific region. But integration with Asia-Pacific economies would still generate international pressures for rationalization and greater transparency of the Russian economy, which economic reformers within Putin’s coalition would welcome.

Shifting our attention from external to internal factors that might induce shifts of emphasis within Putin’s expansive coalition, let us focus on society, civil or not. Samuel Greene’s essay reminds us that, beyond the educated urban middle class (which predominated in protests against Putin in 2011 – 2012 following rigged parliamentary elections), the Russian people – while conservative in orientation, viewing the state as “simultaneously dysfunctional and yet legitimate, unjust and yet worthy” – are not an inert mass. They can be activated by circumstances. What might be the consequences of anomic outbursts (like the “wildcat” labor strikes of the late 1980s), shocks to the economy (like a budget crisis that compromises wage payments in state enterprises), sustained austerity that becomes increasingly difficult to blame on some plot hatched in Washington, a drop in the president’s popularity, or growing popular anger about corruption at local and regional levels? How would a Russia beyond Putin respond to efforts by Russia’s regions – especially those in the Far East, the Lower Volga region, and the North Caucasus – to seize back greater autonomy from Moscow and/or further integrate their economies with neighboring countries, regardless of Moscow’s wishes. Although this issue of *Dædalus* does

not explore in-depth the centrifugal potential within Russia's regions, it seems apt to imagine how a messy political succession could intensify such forces.

All these kinds of issues and triggers may not lead to a breakout toward either liberal democracy or Russite-fundamentalism, but they are likely to lead to shifts of emphasis within the elite coalition, and growing contradictions (and inraelite political struggle) if those shifting emphases prove ineffectual. For example, to buy off such anger, Putin could dictate that local elections be made more democratic, attempting to deflect anger away from Moscow and toward local incumbents. Absent loosened restrictions on civil liberties, this might not make those elections "free and fair," but it could make them more competitive and less rigged. Or a would-be successor could try to push things still further to the right, as a means of mobilizing sentiment for a "Fortress Russia" mentality.

The issue of corruption, both petty and grand, is also likely to become a matter of public contention in a post-Putin succession context. In times of economic expansion, such as Putin's first two terms as president (2000 – 2008), popular gall about inequality and corruption could be muted and offset by a perception of economic betterment at both the personal and societal levels. Under such circumstances, individuals can rationalize that it is worth taking advantage of opportunities for personal economic betterment and upward social mobility than to dwell on, much less protest, the injustices of petty and grand corruption. But in times of economic contraction, the so-called inert mass can be activated by this issue, in both the regions and the center. Eruptions like the Arab Spring or the color revolutions are often triggered by economic austerity and a sense of indignation about the existing *political* order. (A demand to be treated with "dignity" is driven by a sense of "in-

dignation"; the words have the same root.) Russia's population, even beyond the urban middle class, is quite educated and therefore susceptible to indignation about levels of corruption and inequality that restrict their life chances and insult their intelligence and dignity. Is the current level of corruption and inequality in Russia, during a prolonged economic contraction, politically sustainable in a high-income, highly educated country? And if so, for how long? This disjuncture between Russia's high-income status and its deficit of democracy is one of the "paradoxes of Putinism" that Timothy Colton highlights in his contribution to this volume.

If the issue of corruption becomes a focal point of political competition, the initiative for response could come from the top as well, not just from disaffected portions of the broader population. Anticorruption campaigns are mechanisms for consolidating one's authority. They were Yurii Andropov's signature initiative in 1983; they are a key feature of Communist Party leader Xi Jinping's policies in China today. Whether they would work to the benefit of economic reformers or of nationalist-consolidators might depend on the motivations of the leader who is prosecuting the effort. As Popova notes, in November 2016, Putin's minister for the economy, Aleksei Ulyukayev, was arrested on corruption charges.

There are other circumstances that could induce shifts along the political-ideological spectrum. Elections, political succession, and incapacitation of the leader all are moments during which people – both state actors and nonstate actors – start thinking about alternatives and perhaps begin acting in pursuit of them. They are moments for the mobilization of pressure, both within the political elite and within the broader society. Of course, shocks like domestic terror attacks could, depending

on their scale, location, and intensity, shift the political calculus, more likely than not to the right. Or, during a political succession, there could be publicized splits within the elite – ministerial officials, the security services, and the military – as competing patron-client networks seek to position themselves to protect their privileges, which are often in conflict with those of other networks. The essays by Henry Hale, Stanislav Markus, Fiona Hill, Valerie Bunce, and Brian Taylor amply suggest the possibility, indeed likelihood, of splits or struggles within the elite at moments of high political uncertainty. And therein lies a connection between elite division and popular mobilization, for political activists are more likely to take risks when they perceive that divisions within the political elite make change not only desirable, but also feasible. Bunce's essay lays out the many ways in which the situation in Russia is similar to, as well as different from, the situation in countries of Eastern Europe and the former Soviet Union that experienced color revolutions. On balance, Putin appears to have learned from those experiences and has, largely through coercion and countermobilization, prevented the similarities of circumstance from becoming predominant. But in the context of a "messy" post-Putin succession, his would-be successors may not be as clever or potent in anticipating challenges.

The prospect of a messy succession is heightened by Putin's strategy of hollowing out the political and societal institutions that might check his power. This has left Russia without an institutionalized means of regulating the succession process, a point that several authors in this issue make, and that Fiona Hill emphasizes especially. Presidential elections remain as the prime mechanism for the formal expression of public will about who should govern the country. But who gets to compete in the elections, and how those people are chosen (or

blocked) remains up for grabs in future scenarios. Under Yeltsin, the choice of Putin first as prime minister and then as acting president was highly personalized: Yeltsin made the choice and his right to do so was not challenged. Conceivably, Putin could choose his successor in this manner as well, though today there are many more entrenched and competing patron-client networks that have a lot at stake in that choice. Fiona Hill reports that there are signs that Putin's team is seeking to preempt the possibility of a messy succession by exploring mechanisms that have been employed elsewhere for containing the intensity and visibility of political conflict during succession. This could provide incentives for Putin to retire gracefully at some point, and perhaps allow him to retain his wealth, his privileges, behind-the-scenes power, or – should an anticorruption campaign be launched by a successor – his freedom.

As we ponder the possibilities, we must bear in mind that the absence of a breakout to either liberal democracy or revanchist fascism does not mean that no significant change has taken place. By this definition, none of our authors expects systemic change; even "authoritarian constitutionalism" remains within the "authoritarian" genus. But the essays in this volume do lend credence to the possibility of significant change that is not systemic, which could entail significant shifts along the spectrum of the currently regnant paradigmatic pluralism. There is a human cognitive tendency to project continuity into the future, which some critics might characterize as a failure of imagination. But whether the projection constitutes continuity or not depends on one's definition of significant change. In the present case, the very breadth of the reigning coalition, and the possibility of an in-trialite bargain such as authoritarian constitutionalism, mean that Russia beyond Putin might be marked by any number of significant changes.

Putin has tacked along the political spectrum while firmly – some might say brutally – policing the boundaries of this coalition. This has required no small measure of political skill and instinct on his part. If he seeks to remain president through 2024, and if the international environment does not freeze him into a preference for the right of the spectrum, we may see him tack back to the left when and if he decides that modernization of the manufacturing and service sectors of the economy has become an imperative. Such a switch would compete, of course, with rent-seekers within the patronal pyramid who would be most attentive to protecting their access to opportunities for self-enrichment. Were the balance among competing patron-client networks to shift, this could result in a shift toward what Hale calls a “competing-pyramid” (as opposed to the current “single-pyramid”) patronal system. This is especially

likely in the context of a political succession, and could contribute to the “messiness” and open-endedness of that process. (To the extent that competing pyramids check each other’s powers during a succession, a stalemate might increase the chances of a move toward authoritarian constitutionalism.) The system would still constitute patronal authoritarianism, but would presumably open up new possibilities for shifts along the current political spectrum. Tacking along that spectrum may constitute insignificant change in the eyes of those who prefer a breakout to the far left or far right. But it may constitute significant change in the eyes of those who see a multitude of possibilities within the current spectrum, some of them normatively repulsive and some normatively attractive, depending on the values of the observer – or of the Russian citizens who must live under that regime.

ENDNOTES

- ¹ Richard Rose, Neil Munro, and Stephen White, “How Strong is Vladimir Putin’s Support?” *Post-Soviet Affairs* 16 (4) (2000): 287–312.
- ² Stephen Kotkin, “Russia’s Perpetual Geopolitics: Putin Returns to the Historical Pattern,” *Foreign Affairs* 95 (3) (2016): 2–9.
- ³ A thought experiment comes to mind. Suppose Yuri Andropov had lived for five to ten more years, instead of dying within sixteen months of his selection as General Secretary of the Communist Party. Would Andropov’s initially hard-line reaction to Reagan have been sustained throughout Reagan’s presidency?