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A Politics of Institutional Choice: Post-Communist Presidencies

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This work uses incomplete contracting theory to account for variation in the specific and residual powers of post-Communist presidencies. It uses evidence from 24 post-Communist countries to test theories of institutional choice that link presidential powers to economic reform, institutional legacies, party systems, and social cleavages. It argues that two factors can account for variation in presidential powers: the bargaining power of the electoral favorite and the degree of uncertainty over the electoral outcome. It tests this model in greater detail against four cases: Russia, 1991; Estonia, 1992; Russia, 1993; Belarus, 1994. Three insights flow from these cases. First, political institutions can be analyzed as the by-products of power-seeking politicians making choices under varying degrees of uncertainty. Second, despite the great uncertainty of the transition, actors understand their interests and strategies. Third, high uncertainty compels political actors to hedge their bets when designing political institutions.

A POLITICS OF INSTITUTIONAL CHOICE

Post-Communist Presidencies

TIMOTHY FRYE

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Institutional choice lies at the heart of the politics of transition, but our understanding of this phenomenon is limited. Formal theorists have studied institutional choice extensively but have made slow progress (Arrow, 1951; Ordeshook, 1992; Riker, 1980; Shepsle, 1979, 1989). Empirically oriented scholars have focused more on the effects of institutions than on why they are chosen (Linz & Valenzuela, 1994; Stepan & Skach, 1993). The post-Communist countries present an excellent opportunity for all scholars to study institutional choice because the cases hold many temporal, cultural,

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and economic variables relatively constant, but we find significant variation in the choice of political institutions. For example, the formal powers of the presidency vary greatly across the region. Why?

I present a conception of presidential powers derived from incomplete contracting in economics and later applied to politics (Grossman & Hart, 1986; Kiewet & McCubbins, 1991). I then test several theories of institutional choice across 24 post-Communist cases (Horowitz, 1985; Jowitt, 1992; Przeworski, 1991; Shugart, 1993; Tsebelis, 1990). I offer an explanation for variation in the formal powers of post-Communist presidencies that borrows from works by Lijphart (1992) and Geddes (1995, 1996). It assumes that political actors are motivated by concerns for their individual political power and choose institutions under varying degrees of uncertainty. Two factors seem to shape the powers of the presidency: the bargaining power of the electoral favorite and the degree of uncertainty over the electoral outcome.

Viewing political institutions as the by-product of bargaining by power-seeking politicians who make choices under varying degrees of uncertainty is relatively straightforward, but this approach has deeper implications for politics and the transition. First, it suggests that actors make institutional choices with some autonomy from economic and social groups during the transition. Political actors endowed with the power to make institutional choices are not captured by interest groups but make choices based on a concern for their individual political power.

Second, it suggests that the uncertainty of the transition shapes the choices of decision makers, but they understand their interests and strategies. Despite the political uncertainty of the transition, actors can behave strategically and identify their interests in recognizable ways (O'Donnell & Schmitter, 1986).

Third, it helps to illuminate relationships among existing institutions, uncertainty, and institutional choice. It suggests that under conditions of low uncertainty, powerful actors can translate their bargaining power into favorable institutional outcomes very efficiently. Uncertainty, however, reduces the ability of powerful political actors to translate their current privileged positions into a set of new institutions on a one-to-one basis. Under conditions of high uncertainty, powerful actors tend to hedge their bets and create institutions that are less biased in their favor than if they were making institutional choices under low uncertainty.

This work explores the initial choices of presidential powers in the post-Communist world and defers an examination of the larger question of why these choices "stick" in some cases but not in others. This work provides a necessary first step toward understanding institutional choice and maintenance.

PRESIDENTIAL POWER

Presidential powers vary along many dimensions (Shugart & Carey, 1992). The conception of presidential powers presented here borrows from work on incomplete contracting in economics and political science (Grossman & Hart, 1986). These works stress that no contract can be complete because it is too costly to account for every contingency that the parties might face. Two parties may write specific provisions into a contract that delineate property rights, but residual rights that allow actors to use an asset in unforeseen contingencies must be assigned to one party. Residual property rights are the essence of ownership because they allow an actor to exercise rights in the many circumstances that lie outside the conditions of a contract.

The notion of property rights as an incomplete contract between parties can be translated into the political realm (Kiewiet & McCubbins, 1991). For example, congressional control over bureaucracies varies according to the specificity of the functions assigned to the agency. Congress grants some agencies, like the Consumer Products Safety Commission (CPSC), wide latitude to pursue their goals, while placing others, like the Occupational Safety and Health Administration (OSHA), on a much shorter leash (Kiewiet & McCubbins, 1991, p. 235.). In these cases, Congress acts as the principal that delegates varying degrees of specific and residual rights to the bureaucracy that acts as its agent.

Similarly, we can view the founding body that establishes the powers of the presidency as the principal and the president as its agent. The founding body, usually parliament or a constituent assembly, creates specific and residual powers for the eventual holder of the office. As no specification of rights is complete, members of the founding body must grant authority to parliament or the president to make decisions in circumstances outside the constitution. They also must define the degree of constraint placed on the holder of these specific powers written in the founding document.

Specific powers include the rights explicitly granted to a president in the main legal document defining the powers of the office, such as the constitution or law on the presidency. These powers can be determined by examining different criteria, such as veto power, nominating power, decree powers, and powers of legislative initiative. These powers need not be solely "owned" by the president, but when they are shared with another body (e.g., the parliament or government), these powers are reduced. The scale of presidential powers developed below consists of 27 indicators, including the power to appoint ministers, to veto legislation, and to issue decrees. If the president is directly

elected, exclusive specific powers are counted as 1 and shared specific powers as .5. If the president is indirectly elected, these specific powers are multiplied by .5. These powers are summed to determine the specific powers of a presidency.

As no specification of presidential power can account for all contingencies, residual power to make decisions "outside of the contract" must be assigned to either the parliament or the president. These powers must also be defined by their scope. Agents may constrain presidential powers by limiting their scope to certain issues, by placing time limits on their use, or by requiring approvals by the government or the parliament. The residual powers can be determined by more closely examining the powers of the office. How precise are the rules for suspending the constitution? Are they deliberately vague? Does the president assume authority when the parliament is not in session? Under what conditions can the president declare a state of emergency or dissolve the parliament? For example, the president may receive the power to issue decrees, but if they are subject to governmental approval, then the residual powers of the office are weakened. The residual powers of the presidency are critical to a notion of political power. The power to make decisions in circumstances not specified in the constitution, such as a crisis, or to make binding decisions independent of the parliament gives the president a significant resource.

Dividing presidential powers into specific and residual powers has three immediate advantages. First, it captures the degree to which actors in the founding body try to constrain the president when facing situations not foreseen in the constitution and provides a theoretical underpinning for analyzing the mechanisms that constrain the president. Second, it permits more nuanced predictions about institutional choices than more conventional approaches that focus on the choice of regime (e.g., presidential or parliamentary).

Third, the notion of residual powers can also account for the vagueness of many constitutional provisions. Some scholars attribute ill-defined provisions to political compromise or a lack of foresight, but the view presented here suggests that ill-defined rules may be traced to strategic bargaining by powerful politicians.

Measuring political power is difficult, particularly if the scale includes informal powers. Moreover, informal powers may be especially important during a transition. When informal powers are strong and not encoded in formal rules, a scale based on formal powers will mislead (Neustadt, 1980). Fortunately, the formal powers of the presidencies in this study generally reflect the informal powers of the office (see Figure 1). For example, most

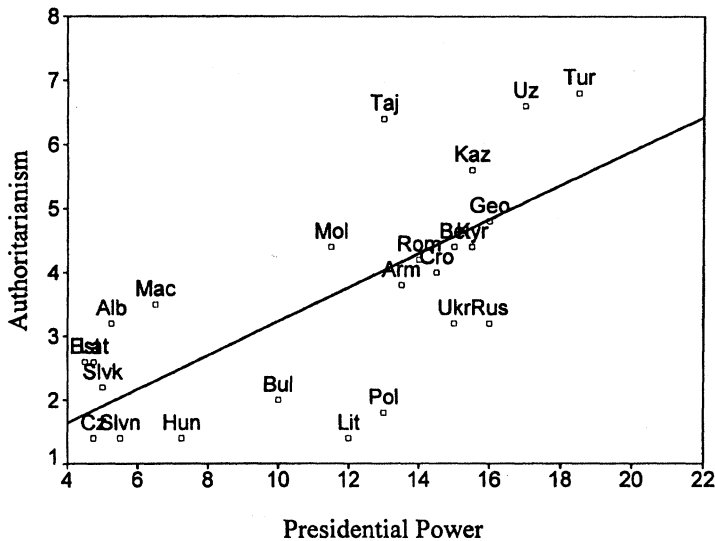


Figure 1. Presidential power and authoritarianism.

Note. Authoritarianism is measured by Freedom House political liberty rankings averaged over 1991-1996 on a scale of 1 (*high liberty*) to 7 (*low liberty*). $R^2 = .53$.

observers view the presidency as strong in Uzbekistan and Turkmenistan and as weak in Estonia and Latvia, and the formal powers of the office reflect these views (Roeder, 1994). Contrary to expectations, constitutions in the authoritarian countries of Central Asia do not mask the powers of the office behind platitudes about procedural fairness. In the cases at hand, it seems that politicians used the constitutions to enshrine their powers, suggesting the importance of formal rules.

The formal powers of the presidency merit explanation in their own right. First, violations of formal rules, such as the extension of presidential authority in Belarus, make headlines, but formal rules typically guide much of the daily bargaining between presidents and parliaments. Second, the formal rules shape policy outcomes. Using a similar scale, Hellman (1997) found that formal presidential powers are a significant predictor of progress in economic reform in the countries of the former Soviet Union and Eastern Europe. Third, the intense struggles over formal rules suggest the actors attached great importance to these rules. If formal rules do not matter, then why did political actors expend vast resources to alter them in many cases?

THE CASES

All post-Communist countries have created presidencies, but their formal powers vary greatly. I test several competing theories of institutional choice across 24 post-Communist cases. To keep the task manageable, I also conduct four case studies: Russia, 1991; Estonia, 1992; Russia, 1993; and Belarus, 1994. These cases provide variation across the variables and illustrate the logic of the electoral bargaining theory. I use the case of Russia twice to isolate the variables under study. I focus on four cases, but the logic should apply to other countries as well.¹

THEORIES OF INSTITUTIONAL CHOICE

CULTURAL APPROACHES

One long-standing approach in political science argues that political institutions are rooted in culture (Almond & Verba, 1963). In this view, culture, path dependence, and the Leninist legacy should significantly shape post-Communist political institutions (Jowitt, 1992; Kubicek, 1994). The most prominent and provocative promoter of this view is Jowitt (1992, pp. 302-304), who identified "authoritarian oligarchies" or "liberal authoritarian regimes" as likely outcomes in Eastern Europe. It is difficult to draw inferences from his largely interpretive work, but where Leninist parties had deep domestic roots, or ruled for long periods, we should find the institutional outcomes that Jowitt foresaw—centralization of power and an authoritarian presidency.

Like many approaches rooted in culture or institutional legacies, Jowitt (1992) paints with too broad a brush to capture the seemingly minor changes in formal rules that often have large consequences. The bluntness of this approach leads to empirical shortcomings. The Lithuanian and Estonian polities had similar exposures to the Leninist legacy but chose different types of presidencies. Moreover, actors with tenuous ties to the old regime have created strong presidencies in Kyrgyzstan, and Russia, 1993, and weak presidencies in the Czech Republic, Latvia, and Estonia.

In addition, approaches rooted in institutional legacies also fail to capture the temporal aspect of institutional choice. Why did the dominant

1. I plan to test the model across all 24 post-Communist cases and to expand the cases to include several Latin American cases (Frye, 1997). The cases presented here can be seen as plausibility probes.

ex-Communist Party elite in Kazakstan create a presidency in 1990 but their counterparts in Belarus wait until 1994? They also offer scant guidance to understand changes in the presidency that occur over short periods. Why is the Russian presidency relatively weak in 1991 but strong in 1993? This suggests that institutional residue or a unique Leninist legacy does not provide reliable guides to the choices that follow.

Another cultural approach stresses the importance of past institutions. In more formal terms, culture and past institutions can serve as a focal point that overcomes the cycling problem of institutional choice (Kreps, 1990; Schelling, 1960). The few post-Communist cases in which presidents played primary roles in the past provide little support for this view. The countries of Eastern Europe favored strong presidencies in the interwar period but have favored weak presidencies in the post-Communist period (Rothschild, 1974).

ECONOMIC APPROACHES

Others search for the roots of political institutions in economic factors. Przeworski (1991) argues that shock therapy economic reform tends to provoke a political backlash by the losers from reform who prefer an authoritarian government and a strong presidency. He predicted vacillation between economic liberalization that reduces confidence in democratic institutions and an authoritarian populist response. Populism, however, exacerbates economic problems that bring a return to economic liberalization, starting the cycle anew. Przeworski noted that under shock therapy,

the political process is reduced to elections, executive decrees, and sporadic outbursts of protest. The government rules by decree in an authoritarian fashion, but often without much repression. All the power in the state is concentrated in the Executive, which is nevertheless ineffectual in managing the economy. . . . Market-oriented reforms may be based on sound economics. But they breed voodoo politics. (p. 186)²

The cases suggest, if anything, a negative relation between the expansion of presidential power and a shock therapy economic reform. The much expected populist reaction to tight fiscal policies and rapid liberalization has been off the mark. Data from the European Bank for Reconstruction and Development (EBRD) found that weak presidencies in Czechoslovakia, Estonia, Latvia, Albania, Lithuania, and Slovenia conducted the most dra-

2. Przeworski's (1991) work evokes the image of Poe's *The Pit and the Pendulum*. Each swing of the pendulum from liberalization to populism makes the public grow skeptical of reform.

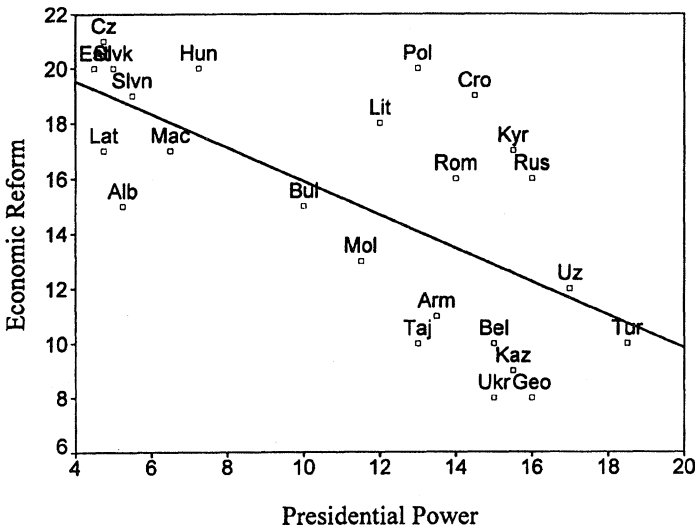


Figure 2. Presidential power and economic reform.

Note. Progress in economic reform is measured by European Bank for Reconstruction and Development experts on a scale of 1 to 4 in six areas: large privatization, small privatization, firm restructuring, price liberalization, trade liberalization, and banking reform. The higher the score, the greater the progress in reform. A slightly different version of this chart appeared in Hellman (1996). $R^2 = .43$.

matic reforms (EBRD, 1994). Moreover, these presidencies have not become more powerful in response to shock therapy. Presidents in Poland, Latvia, and Estonia repeatedly asked for powers to conduct economic reform by decree but were denied. Nonetheless, economic reform and democratic consolidation have proceeded apace.

On the contrary, countries that conducted a gradual economic reform have seen significant expansions of presidential power. For example, Ukrainian deputies recently expanded the powers of President Kuchma (Kubicek, 1994). In Belarus, the last country in the region to establish a presidency, politicians gave the office considerable powers. Indeed, the evidence suggests, if anything, an inverse relation between the strength of post-Communist presidencies and progress in economic reform (see Figure 2; Hellman, 1996).

POLITICAL APPROACHES

Others suggest that parliaments dominated by weak parties may create strong presidencies to overcome legislative gridlock. Shugart (1993) noted

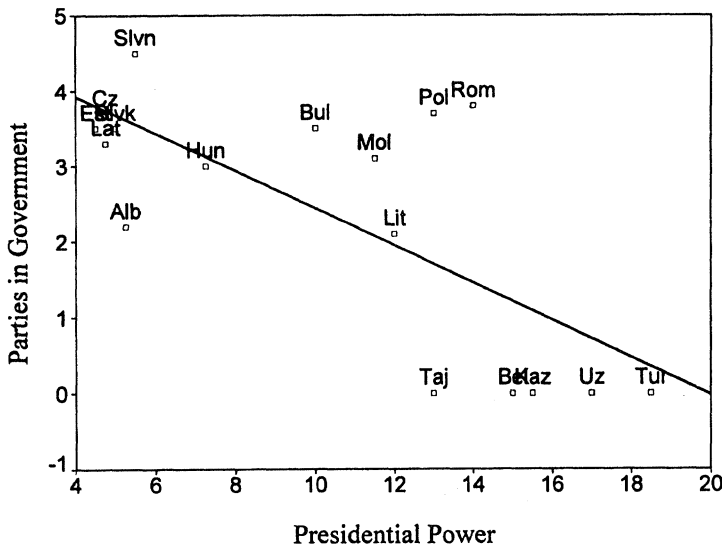


Figure 3. Presidential power and parties.

Note. Government fragmentation is measured by the number of parties in the governing coalition from 1991 to 1995. Parties are counted one to five, weighted by the number of months with a particular governing coalition. Nonparty, caretaker, and minority governments are counted as having five parties to capture their lack of political cohesion. Authoritarian governments are ranked as zero. This scale is based on Roubini and Sachs (1989). These measures include much error but permit a crude test of the proposition. $R^2 = .52$.

that "granting strong presidential powers minimizes the risk of unstable cabinets" (p. 32). Fragmented governing coalitions are common in the region but have not led to strong presidencies. Estonia, Latvia, Czechoslovakia, Slovenia, Romania, and Poland have had very fragmented ruling coalitions that have experienced gridlock, but none has created a strong presidency to mitigate this problem. More often, relatively strong former Communist parties have created powerful presidencies to retain their influence, as in Central Asia (Roeder, 1994). There seems to be, if anything, a negative relationship between the number of parties in the governing coalition and the power of the presidency (see Figure 3).

Are presidencies created with policy outcomes in mind? Tsebelis (1990) argued that the design of political institutions can be modeled as the first stage of a two-stage game. Choices in the institutional stage of the game can be explained by expected payoffs in the policy stage that follows. On this view, actors design political institutions to achieve particular policy outcomes.

This logic can be applied to the post-Communist cases. It may be that presidents are granted strong powers to rally the country for independence. This logic rings true for Russia and Ukraine, but we would also expect Lithuania, Estonia, Latvia, Slovenia, and Slovakia to create strong presidencies as well. Yet, the latter four presidencies are among the weakest in the region, and Lithuania created its presidency only after independence.

SOCIETAL APPROACHES

Horowitz (1985) suggested that ethnic concerns may be paramount in designing political institutions. The logic cuts two ways. On one hand, Horowitz argued that countries with deep ethnic cleavages may create both a presidency and a parliament to allow rival ethnic groups to create checks and balances that reduce fears of ethnic domination. On the other hand, dominant ethnic groups challenged by a minority ethnic group may also create a strong presidency to unify the dominant ethnic group. The latter logic suggests that Estonia, Latvia, Moldova, Czechoslovakia, and Kazakhstan should have strong presidencies. Of these countries, only Kazakhstan has a strong presidency.

This survey of post-Communist presidencies has demonstrated the complexity of the issue and provided little sustenance for common approaches to institutional choice. Theories rooted in cultural legacies, economic policy, party structure, or ethnic composition have provided insights into institutional choice but have been found empirically wanting.

AN ELECTORAL BARGAINING APPROACH

The next section offers a different approach to institutional choice that draws on works by Lijphart (1992) and Geddes (1995, 1996). It assumes that political actors seek to maximize their individual political power by securing office and by designing institutions that will allow them to exercise their power to the greatest extent possible. They will prefer institutions that make them more powerful rather than less. These assumptions are standard but offer different expectations about behavior than assumptions that politicians are driven by policy goals, revenue-maximization, or cultural dispositions.³

3. Assuming preferences for post-Communist politicians is problematic. Colton (1994) suggested the complexity of their preferences. Assuming that politicians maximize power by attaining office is a necessary simplification that may not fit for all actors, but it seems a plausible assumption for those politicians who decide to take part in the drafting of presidential powers.

This approach also assumes that actors recognize and take into account the degree of electoral uncertainty when designing political institutions. Given the fluidity of post-Communist societies, measuring the degree of uncertainty is a challenge, but to neglect uncertainty would be to dismiss a central component of institutional choice.

Two factors seem to shape the type of presidency created in these cases. First, the greater the bargaining power of the electoral favorite at the time of the writing of the rules for the presidency, the stronger the presidency that follows. Bargaining power is measured by the number of members in the founding body who support the favored candidate. When the electoral favorite has veto power in the founding body, they are seen to have high bargaining power. When the electoral favorite lacks veto power, their bargaining position is weakened. The favored candidate and political attachments of members of the founding body can be gleaned from preelection polls, interviews with decision makers, and press reports. These expectations are not inferred *ex post* but are taken from evidence available during the period of institutional choice.

Second, the degree of uncertainty over the electoral outcome is also critical to the shape of the presidency. Introducing uncertainty changes the outcome of institutional choice in important ways. High uncertainty encourages expectant winners and losers to hedge their bets more than they would under low uncertainty. Under high uncertainty, powerful electoral favorites find it more difficult to translate their current advantage into new institutions on a one-to-one basis. If the favorite has great bargaining power but uncertainty over the winner of the first election is high, then we can expect the founding body to give the office less residual power than if uncertainty is low. If the favorite has little bargaining power and uncertainty about the outcome is high, we can expect the founding body to grant very few specific and very tightly constrained residual powers to the presidency.

Conversely, if the favorite has great bargaining power and faces low uncertainty, then the founding body will tend to create an office with many specific powers and vague residual powers. If the electoral favorite has weak bargaining power and faces low uncertainty, other factions will tend to grant the office few specific powers and to place tight constraints on the residual powers of the presidency.

Determining the level of uncertainty over electoral outcomes is tricky. All actors make decisions under uncertainty, but the level of uncertainty over electoral outcomes varies across cases. Actors in some cases have better information about outcomes. If elections or referendums have not been held for some time prior to the scheduled presidential election, if the distance between candidates in opinion polls is small, or if the dominant faction puts

Table 1
Uncertainty

	Low	High
Bargaining power of the electoral favorite		
Low	Few specific powers Constrained residual powers (Russia, 1991)	Few specific powers Very constrained residual powers (Estonia, 1992)
High	Many specific powers Vague residual powers (Russia, 1993)	Many specific powers Very constrained residual powers (Belarus, 1994)

forward several candidates, then we can deem uncertainty to be high. As the actors involved may also recognize the limits of their information and the great uncertainty that they face, they may incorporate this uncertainty into their institutional choices.

To capture the level of uncertainty, I create a rough measure based on the following elements: the time from last election, the distance between candidates in opinion polls, and the number of candidates from the favored faction. These measures are checked against reporting in the local press about probable electoral outcomes.

In most post-Communist cases, and particularly in the four cases at hand, a general consensus existed on the electoral uncertainty and the balance of power within the founding bodies. These indicators are crude but can be defended in the four case studies under study (see Table 1).

To offer a more precise conception of the residual powers of the presidency, I examine in detail nine powers that capture the essence of incomplete contracting: decree power, emergency powers, impeachment, veto powers, sweeping clauses, interim powers, martial law powers, referenda powers, and dissolution powers. These powers vary in the degree of constraint placed on the president. As the language of residual powers is very important, they are studied in detail as text, rather than developed in a scale.

FOUR CASES

RUSSIA, 1991

The introduction of the presidency in Russia was linked primarily to the creation of the Russian state, rather than a weak party system, a desire for

policy change, or a reaction to shock therapy. Then Chairman of the Supreme Soviet Boris Yeltsin managed to piggyback on the referendum on maintaining the U.S.S.R. a vote on creating a presidency in Russia. On March 17, 1991, 70% of Russian voters supported the creation of a presidency.

In both houses of the Russian Parliament in 1991, the faction of Communists/nationalists held a slight advantage over the reformist camp. Voting data from the first three sessions of the Congress of Peoples' Deputies (CPD) and the Supreme Soviet suggest a rough balance of power between reformist and Communist camps, with the latter often holding sway due to greater discipline. Sobyanin (1994) noted, "the task of determining political ratings of deputies (in the CPD) is greatly facilitated by the polarization of the body into two large and stable groups of deputies that have remained virtually unchanged during the two and one half years of the Russian Congress" (p. 192). He added, "the democrats never had a majority among deputies in the Congress. The maximum level of support for the democratic position was at the Third Congress when they held 46% of the votes" (p. 185). The Russian Supreme Soviet in 1991 also reflected a rough balance between Communists and reformists (Roeder, 1994). Voting data suggest that each bloc held about 40% of the seats in the Supreme Soviet at this time (Andrews, 1994).

The Communist faction in the Supreme Soviet did not expect to win the presidency and fought to prevent its creation but finally acquiesced, hoping the office would give them greater independence from the U.S.S.R. government. A Russian presidency promised greater sovereignty from the U.S.S.R. government, but the victor was likely to oppose their policies. The chairman of the Supreme Soviet's Committee on Legislation noted, "the Russian Communist Party is not opposed to a Presidency in Russia in general, but is opposed to Yeltsin, who is the sole realistic candidate at this time" (*Foreign Broadcast Information Service, The Soviet Union [FBIS]*, 1991a, p. 48).

Drafts of the Law on the Presidency were written in the Supreme Soviet's Committee on Legislation. The chairman of the body was the reformer Sergei Shakhrai, but the committee reflected the political composition of the larger body. Shakhrai and his committee drafted early provisions of the bill that were then circulated among other committees for comments before being returned to the Committee on Legislation for a final vote.

After passing the Committee on Legislation and the Supreme Soviet, the Law on the Presidency faced a stern test before the deputies of the Third CPD in April 1991. The Russian Communist Party and Rossiya, a nationalist faction, blocked discussion on the Law on the Presidency for 3 days. Successive votes to debate the Law on the Presidency reflected the rough balance of power between Communist and reformist factions. The final vote to include discussion on the draft Law of the Presidency was very close—472

in favor to 458 against. The Communist faction voted against several propositions that would have strengthened the specific powers of the presidency, but after several votes along factional lines, the Law on the Presidency passed on April 29, 1991, by 690-121. This margin of victory masked the divisiveness of the battle. Given an unfavorable balance of power in the Supreme Soviet and the Committee on Legislation, and the greater discipline of deputies from the Russian Communist Party, Boris Yeltsin had relatively weak bargaining power in the founding bodies that had veto power over the Law on the Presidency.

Uncertainty over the outcome was low. Almost all observers expected Yeltsin to win. The referendum on the introduction of the presidency in Russia held on March 17, 1991, was widely seen as a barometer of support for Yeltsin and passed with 70% in favor. Opinion polls revealed a large gap between Yeltsin and his nearest opponents (*FBIS*, 1991b). In March 1991, one reformist paper reported, "Yeltsin's chances to become President are, in general opinion, almost 100%. There are no real serious rivals so far" (*Kommersant'*, 1991a, p. 1). Two months later, the same paper carried the headline "The Russian Presidential Race: Many Parties, But Only One Real Candidate" (*Kommersant'*, 1991b, p. 1). Antireform papers also recognized Yeltsin's likely victory (*Krasnaia Zvezda*, 1991). Even Vladimir Zhirinovskii, the extreme nationalist, immodestly granted Yeltsin a privileged place in the electoral competition: "the sole person who could constitute competition for me is Yeltsin" (*FBIS*, 1991d, p. 2). Almost all reformist groups supported Yeltsin, and it was unlikely that other reformist candidates would emerge (*Komsomolskaia Pravda*, 1991). Moreover, Yeltsin felt sufficiently confident to skip the only televised debate.

Because the favorite to win the election could not muster a ready majority in the founding body and uncertainty over the outcome was minimal, we should expect to find a presidency with few specific powers and constrained residual powers.

The Russian presidency of 1991 fits this characterization. The office had 12 of 27 specific powers, which made it the 10th most powerful presidency of the 24 in this study and the weakest directly elected president. Appointment powers of the office were restricted. The president directed the Council of Ministers but could appoint the chairman of the council only with the assent of the Supreme Soviet. The president headed the Security Council, but Parliament established the council's powers. Shakhrai told the Fourth CPD, "I assume that in the composition of the highest organs of power in the Russian Federation, the superior role belongs to the Congress and Supreme Soviet" (in Tolz, 1993, p. 2).

The residual powers of the Russian presidency were also limited. The office had a very restricted veto. The president had 14 days to return legislation to the Parliament, but a majority of deputies could override a veto. The president could declare a state of emergency, but only with the agreement of the "supreme organs of state power." Presidential powers to dissolve state bodies were tightly circumscribed. Article 5:11 of the Law on the Presidency notes, "the President does not have the right to dissolve or suspend the activity of the Congress of Peoples' Deputies or RSFSR Supreme Soviet." Similarly, Article 5:16 states, "the powers of the RSFSR President cannot be used to alter the RSFSR national structure or to dissolve or suspend the activity of any lawfully elected organ of state power." Shakhrai noted, "These limits have been placed: while using these powers lawfully elected bodies of power cannot be disbanded. This is very important" (in *FBIS*, 1991c, p. 80). Such clear limits on the residual powers of the presidency are rarely so explicit. Typically, they are formulated as a positive right enabling one body to dissolve another. This formulation indicates a strong desire to curb the residual powers of the Russian presidency. This outcome is consistent with the electoral bargaining theory presented above.⁴

ESTONIA, 1992

According to most theories of institutional choice, the Estonian presidency should be strong. It was introduced during a period of economic hardship following a shock therapy economic program and was approved by a legislature with a fragmented governing coalition that had been stalemated for months in an ethnically divided society.⁵ Moreover, in the interwar period, Estonia replaced a weak parliamentary government with a strong presidency in 1938 that provided a rallying point for some groups during the design of the Estonian presidency in 1992 (Kionka, 1992). The Estonian presidency, however, is among the weakest in the region.

The creation of the Estonian presidency can be traced to the presence of two rival parliaments during the bargaining period. The Estonian Supreme Council (the former republic Supreme Soviet) was elected by all Estonian citizens who were in Estonia for the 1990 election. Four groups dominated

4. President Yeltsin's role in defeating a coup in August 1991 greatly shifted his bargaining power. Although some advised dispersing Parliament and calling new elections, Yeltsin parlayed his victory in August into expanded political powers in November.

5. In the summer of 1992, the International Monetary Fund (1993) reported that "the reform process in Estonia has stalled" and predicted a 20% drop in gross domestic product over the next year.

the Supreme Council. The core Estonian Popular Front (EPF) that backed Prime Minister Savisaar and went into opposition when his government fell in January 1992 formed the largest group with roughly 50 deputies. Deputies of the Fatherland Party were younger, more fiscally conservative, and more nationalist than the core group of the EPF. Lennart Meri headed the Fatherland Party that controlled about 40 seats. Free Estonia, a successor to a successor of the Estonian Communist Party, was led by former Prime Minister Indrek Toome and indirectly by Arnold Ruutel. Seven pro-Communist Russian deputies formed the fourth group. The Supreme Council held most of the resources used to govern the country.

In contrast, deputies in the Estonian Congress claimed authority as a successor to the interwar Parliament and were elected only by pre-1940 citizens and their descendants. The Congress lacked the material resources of its parliamentary rival and focused its rhetorical influence on two issues: the powers of the Estonian Supreme Council and minority rights.

The composition of the Congress was more nationalist and dissident dominated than the Supreme Council. For example, the National Independence Party shunned the Estonian Supreme Council as too accommodationist. Other nationalist parties were more forgiving. Forty members of nationalist parties sat in both the Supreme Council and the Congress.

Following the failed coup attempt against the U.S.S.R. government in August 1991, the two Estonian parliaments created a Constituent Assembly and assigned it powers to write a constitution that would be subject to public referendum.⁶ Both parliaments selected 30 representatives to the Constituent Assembly.

The composition of the Constituent Assembly included 20 members of the EPF; 20 nationalist radicals, mostly from the Estonian Nationalist Party; 13 moderates and reform communists; and 7 Russian deputies. The Constituent Assembly decided issues by majority rule (Lieven, 1993, p. 282; Taagepera, 1994, p. 217).

Groups inside and outside the Constituent Assembly submitted drafts for consideration. Arnold Ruutel, the leader of the reformed Communist party, was the favorite for the presidency, so his supporters lobbied for a strong executive. As one paper noted, "Ruutel is likely to run and to win—at least judging by opinion polls of early summer" (*Baltic Independent*, 1992, p. 3). Taagepera (1994) noted that Ruutel "had become very popular and was highly likely to be reelected" (p. 213). Opinion polls conducted in June 1992 also cited Ruutel as the favorite (Kionka, 1992).

6. Fortunately, Rein Taagepera, a political scientist from University of California, Irvine, was a member of the Assembly and recorded his impressions.

Opposition rightist parties who held a majority in the Assembly favored a weak presidency for the same reason: They feared a Ruutel victory. Assembly deputies discussed five working drafts of the constitution, three of which included provisions for a strong presidency (Kionka, 1992). After several months of debate, the Assembly approved the only working draft that included a strong parliament. This version was written primarily by one of the three dominant factions in the Assembly, the National Independence Party.

Joined by splinter groups from the EPF, Ruutel and the ex-Communists lobbied for a strong presidency but could not persuade the Estonian Parliament to change the draft that was presented as a referendum on June 28, 1992. In short, during the bargaining over the creation of the presidency, Ruutel was expected to win election, but his bargaining power was weak as the dominant factions in the Assembly had a majority and were opposed to an ex-Communist gaining the presidency.

The Estonians made their choice under vast uncertainty. Ruutel was the electoral favorite, but it was far from certain that he would receive a majority of votes in the presidential election. The electoral rules required the winning candidate in the popular election to receive more than 50% of the votes to become president. If the winner received a plurality, then the choice of president reverted to the Parliament. Ruutel was favored to win the office, but it was unclear whether he could clear the 50% hurdle.⁷

Moreover, the major non-ex-Communist factions in the Parliament presented no clear alternative candidate to Ruutel and had difficulty crafting the office for a particular individual. Leaders from the core group of the EPF, such as former Prime Minister Eduard Savisaar, were discredited by their fall from government in January 1992. The leaders of the Fatherland Party were, for the most part, young and untested. The leader of the Free Estonia Party was prime minister, but he was seen as an interim figure. Members of the Constituent Assembly made it difficult for Ruutel to be elected, but the lack of an alternative to Ruutel increased the uncertainty of the electoral outcome.

As the electoral favorite had little representation in the Constituent Assembly and uncertainty about the electoral outcome was high, we should expect to find a presidency with few specific powers and very tightly constrained residual powers.

The Estonian presidency fits these expectations. It has few specific powers. Of 27 specific powers, the Estonian presidency holds only 4.5, making it the weakest in the region. The presidency lacks many specific powers

7. The Constitution notes that Parliament elects the president by a majority, but the parties in the Constituent Assembly felt it important to allow a public vote for the first president.

associated with the office. The president does not staff an Executive Security Council, nor is the president the sole chief of staff. The president names the prime minister, who then must form a government subject to parliamentary approval. The president cannot request reports from the government or participate in cabinet sessions. The office has very limited veto powers and lacks decree power.

Predictions about the residual powers of the Estonian presidency are also consistent with the electoral bargaining theory. The dominant non-ex-Communist factions of the Parliament gave the president very weak residual powers. The president may be impeached by a simple majority of all members of the Parliament for a crime. If the Parliament cannot convene, the president may issue decrees, but they must be cosigned by the prime minister and later approved by the Parliament.

The constitution's sweeping clause grants the Parliament, not the president, vast residual power: "The Parliament shall resolve all issues of government, which, according to the Constitution are not resolved by the President, the government, other state bodies or local governments." The conditions for declaring a state of emergency are "to be determined by law"—that is, by Parliament. Finally, indirect election ensures that Parliament can keep a tight rein on a president seeking a second term. As suggested by the electoral bargaining theory, residual powers belong primarily to the Parliament, not the president.

BELARUS, 1994

Belarus created a presidency with many specific powers and somewhat constrained residual powers in the spring of 1994, but not for the reasons depicted in the literature. This relatively strong presidency did not emerge due to shock therapy, a legislative stalemate, or ethnic division. On the contrary, deputies in Belarus conducted a gradual economic reform, with a relatively cohesive dominant party in an ethnically homogenous country.

Deputies in the Belarussian Supreme Soviet debated the merits of introducing a presidency in four drafts of the constitution dating back to 1990 (Markus, 1994). Early drafts of the constitution included the presidency as a ceremonial post, with the Parliament retaining vast powers (Roeder, 1994). These drafts reflected the ex-Communist majority's great bargaining power and intention to encode their advantage in the formal powers of future political institutions.

In October 1992, under public pressure, the leaders of the Belarussian Supreme Soviet agreed to hold new elections to Parliament in the spring of 1994. As the date for announcing elections approached, however, many

members of the ex-Communist party elite who dominated the Parliament changed their minds and offered to create and elect a president in lieu of new elections to the Parliament. The Belarussian Parliament passed a new constitution that created a presidency on March 15, 1994. Mycheslau Hyrb, a former general in the Ministry of Internal Affairs and antireform leader of Parliament, headed negotiations on the new constitution. Long an advocate of a strong presidency, Hyrb pushed this provision through the working group on the constitution in the Parliament by forcing a secret vote and waiting 3 days until the absentee deputies arrived. The final vote on the constitution (including a presidency) required a two thirds majority of 233. It passed with 266 votes. The control exercised by Hyrb and his antireform colleagues over the drafting process suggests their strong bargaining power in the founding body (*EECR*, 1994).

Remnants of the Belarussian Communist Party held roughly 70% of seats in the Supreme Soviet, and many lined up behind the favorite to win the election, chairman of the Council of Ministers, Vyacheslau Kebich. During debates on the constitution, the successor faction to the Communist Party, Belarus, formed the largest and most disciplined faction in Parliament with roughly 120 of 345 seats. Kebich, the leader of the Belarus faction, easily collected the signatures of 260 deputies to support his candidacy (Markus, 1994). Thus, the electoral favorite had a strong bargaining position within the founding body.

By several measures, uncertainty over the electoral outcome was rather high. First, Belarussian Communists had several candidates capable of winning the election. Most observers expected Kebich to win the presidency, but other leftist candidates indicated a desire to run, such as the head of the Party of Communists of Belarus, Vasil Novikau, and the "notorious muckraker" Alyaksandr Lukashenka (*EECR*, 1994, p. 4). On March 5, 1994, as the Parliament debated the powers of the presidency, Lukashenka surveyed the field: "All the candidates are already known: Lukashenka, Kebich, Hyrb, and Tikhina left of center—Shushkevich, Karpenko, and Paznyak right of center. Other candidates may appear. But I do not think it is very likely—political figures do not come out of the blue" (*FBIS*, 1994, p. 25).

Two moderate reformers were expected to compete, including Stanislau Shushkevich, the former head of Parliament. In January 1994, prior to the decision to adopt a presidency, the antireform majority ousted Shushkevich (Markus, 1994). Shushkevich was popular but had lost much of his appeal among reformers by cooperating with the antireform majority in the Parliament (Mihalisko, 1993). Zyanon Paznyak, a leading reformer in Parliament, was also expected to contend but was not considered a strong candidate, particularly if Shushkevich ran.

Second, uncertainty was high as no elections or referenda had been held in 4 years in Belarus. No cohesive opposition party existed, making it difficult for candidates to gauge their support. Deputies from the Belarussian Popular Front held a small minority of seats and had become disenchanted with Shushkevich's accommodationism. Third, the antireform majority in the Parliament controlled the state-owned media and obscured measures of public opinion. Surveys and opinion polls were highly politicized, irregular, and known to be inaccurate (Mihalisko, 1993).

For these reasons, it is unlikely that the designers of the presidency held great confidence in their assessments of public attitudes of their electoral chances. Most observers expected Kebich to win the presidency, but he faced competition from other leftist candidates and likely had little knowledge of public support for his candidacy. A member of the leftist Belarus faction echoed this view by noting that the presidency could not be designed for one person "because no one can be dead sure who is going to be elected the first President of the Republic of Belarus" (*Nezavisimaia Gazeta*, 1994, p. 3). In March 1993, two Russian observers identified Kebich as the favorite but also suggested that other candidates had good chances to win (*Rossiiskaia Gazeta*, 1994).

We should expect the dominant faction in the founding body to favor a presidency with strong specific powers but somewhat constrained residual powers. The powers of the office created in 1994 seem to fit this description. The Belarussian presidency of 1994 had 15 of 27 specific powers, making it the 6th most powerful presidency of the 24 under review. Outside of Central Asia, only the presidents of Russia (1993) and Georgia (1995) had stronger formal powers. Moreover, these powers lay at the core of governing. The president was both the head of state and the head of the executive branch and could dissolve or establish ministries. The office had significant powers to propose candidates to head the government, the Central Bank, and the "power ministries," including the KGB and the Ministries of Defense and Internal Affairs. The president could also issue decrees "within the limits of his power" and "adopt measures to ensure political and economic stability."

The designers of the presidency, however, seem to have sought to constrain the residual powers of the office. The constitution barred the president from dissolving Parliament, executing a pocket veto, or joining a political party. The president could declare a state of emergency, but it needed to be approved by Parliament within 3 days. The president did not assume additional powers when the Supreme Council was not in session and, according to the constitution, "does not have the right to delegate to any bodies or officials his powers as the head of state."

Moreover, the threshold for impeaching the president was low. Only 70 of 235 deputies were needed to bring impeachment charges, and grounds for impeachment included violating the constitution and committing a crime. Removing the president required a decision of the Constitutional Court and a two-thirds majority vote in Parliament, but once impeachment charges were made, the chairman of the Supreme Council assumed the powers of the president, giving the chairman a strong incentive to raise impeachment charges. The low threshold for bringing impeachment charges suggests that the Parliament sought to retain some weapons to curb the president.

The designers of the office also introduced a Constitutional Court as a check on presidential power. Significantly, the Parliament, rather than the president, selected the members of the Constitutional Court, the body that determined the constitutional basis for impeachment. In short, the electoral favorite had great bargaining power, but the uncertainty over the electoral outcome compelled Kebich and his supporters to place constraints on the residual powers of the presidency. As the electoral bargaining approach suggests, Belarus created a presidency with many specific powers but somewhat constrained residual powers. These powers of the office are consistent with the electoral bargaining theory.

The electoral bargaining approach also sheds light on a puzzle raised by the Belarus case. In contrast to dominant ex-Communist Party elites elsewhere in the region, the old elites in Belarus waited until 1994 to create a presidency. This delay may have been rooted in part in electoral calculations. Kebich and the old elite waited until the electoral prospects of the popular reformer Shushkevich declined dramatically before passing the new constitution with a strong presidency that Kebich hoped to win.

The electoral bargaining theory, however, has little to say about the maintenance of these formal rules. The formal rules of the Belarussian presidency have undergone great change since 1994. These rules held for only 18 months, in large part due to the debilitation of Parliament. Low voter turnout in parliamentary elections in 1995 left 63 seats unfilled, and the body lacked a quorum. In November 1996, President Lukashenka used the debilitation of the Parliament and his control over the power ministries to push through a referendum expanding the powers of the presidency.

Thus, the case makes two additional points. First, if Parliament is drastically weakened, it is very difficult to constrain a president regardless of the formal rules. Despite several constitutional provisions designed to limit the president's residual powers, Lukashenka managed to expand his authority through constitutionally dubious means. Second, the case may highlight a relationship between uncertainty and conflicts over institutions. Rules de-

signed under high uncertainty may lead to conflict when uncertainty subsides or bargaining power shifts substantially. President Lukashenka used this shift in bargaining power to expand his formal constitutional powers, and his moves have provoked great conflict.

RUSSIA, 1993

Following the dissolution of Parliament in October 1993, Russia recreated the presidency.⁸ After the crisis, the president used the absence of Parliament to strengthen his position. In the constitutional referendum and parliamentary election held on December 12, 1993, Russia created a presidency with many specific powers and vaguely defined residual powers. This case is rather straightforward as President Yeltsin used his great bargaining power and the negligible uncertainty of the outcome to craft the specific and residual powers of the office to his liking. If Kebich and his supporters in Belarus were somewhat constrained by the uncertainty of the electoral outcome, President Yeltsin faced no such constraint.

Uncertainty over the electoral outcome following the referendum was minimal. President Yeltsin would continue to hold office regardless of the outcome of the referendum. The referendum required a majority of eligible voters to pass, but given the stakes at hand, the executive branch was certain to devote great resources to ensure passage.⁹ Moreover, in the fall of 1993, President Yeltsin faced no serious rivals on the national political stage and no elections until the middle of 1996.

The bargaining power of the favorite in the founding body was very high. President Yeltsin appointed the members of the drafting committee himself, and drafts of the new constitution were written by employees of the executive branch (Roeder, 1994; Slater, 1994; Thorson, 1993). As the Parliament had been disbanded, these drafts were not subject to revision by any body prior to the referendum.

The final version of the Russian constitution was based on an earlier draft written by the Constitutional Assembly, whose members were appointed by the president in the spring of 1993. This body was an alternative to the Russian Supreme Soviet, which was also drafting a constitution at the time. Following the dissolution of the Supreme Soviet in September 1993, drafters

8. For draft constitutions, see *Izvestiya* (1993a; presidential draft), *Rossiyskiye Vesti* (1993; Constituent Assembly draft), *FBIS* (1993; parliamentary draft), and *Izvestiya* (1993b; final presidential draft).

9. There is considerable doubt about whether the referendum on the constitution actually passed (Tolz & Wishnevsky, 1994).

named by the president revised vast portions of the constitution prepared by the Constituent Assembly. These revisions expanded the powers of the president, including powers to appoint and dismiss the government, issue decrees, and veto legislation.

The new constitution was published for discussion on November 10, 1993, just more than 1 month before the referendum, and received a lukewarm reception. Proreform parties expressed reservations about the great powers of the presidency (*Moskovskie Novosti*, 1993). Some reformers viewed the constitution as an interim document that would allow Russia to overcome a difficult period (*Nezavisimaia Gazeta*, 1993). Of the opposition parties, only the Liberal-Democratic Party of Russia led by the extreme nationalist Zhirinovskii advocated a yes vote on the constitution.

As uncertainty over the outcome was minimal and the electoral favorite had great bargaining power, we should expect a presidency with many specific powers and unconstrained residual powers, and this is what we find. Most executives would envy the Russian presidency's specific powers. On the scale of 27 specific powers, the Russian presidency holds 18. The constitution grants the president power to dissolve both houses of Parliament in a variety of circumstances. For example, if the Parliament rejects the president's candidate to head the government three times, the president can dissolve both houses and call new elections. The Duma may vote no confidence in the government by a majority of all votes, but if it does so twice within 3 months, the president can dissolve the Parliament and call new elections. If the government calls for a vote of confidence from the Duma but is rejected, the president may dissolve the Parliament and call for new elections. The constitution also cites the president as "guarantor of the Constitution of the Russian Federation, and the rights and freedoms of its citizens."

The residual powers of the Russian presidency are also quite large. The president can issue decrees and instructions that are limited only by the clause that they not violate the constitution. There is no explicit provision by which these powers may be revoked. A presidential veto can only be overridden by a two-thirds majority vote in both houses, one of which was initially dominated by presidential appointees.

The constitution places no limits on the length or conditions under which the president can declare a state of emergency. Moreover, the term *state of emergency* is undefined in the constitution, implying that the president can shape the term to fit a particular event. It is exceedingly difficult to bring impeachment proceedings against the president. Impeachment charges must

be introduced by at least one third of the members of the Duma, which then forms an investigative commission to report its findings to both the Supreme Court and the Constitutional Court. After these rulings, two thirds of the members of the Council of Federation must vote to impeach. As a final barrier, this chain of votes and investigations must be completed within 3 months.

As noted above, many of the powers of the Russian presidency are vaguely defined and grant the president considerable room to expand these powers as events require. This vagueness was part of a conscious strategy. The Yeltsin camp deliberately wrote vague rules that expanded the residual powers of the Russian presidency. This outcome is consistent with the electoral bargaining theory.

CONCLUSION

The post-Communist cases offer an excellent opportunity for formally and empirically oriented scholars to test theories of institutional choice. Approaches to institutional choice based on cultural or institutional legacies, economic policy, party structure, ethnic composition, and policy goals offer a number of insights into these cases but have been found to be empirically wanting. As an alternative, this work finds that political actors design institutions to enhance their individual political power but that these institutional choices are significantly shaped by the degree of uncertainty over electoral outcomes.

The electoral bargaining approach to the design of political institutions is straightforward, but it suggests some deeper insights into the process of post-Communist transition. First, it implies that the creation of political institutions is relatively autonomous from economic or societal forces during the transition. Second, it suggests that the uncertainty of the transition shapes the choice of political institutions in important ways. It compels expectant winners and losers to hedge their bets more than they would in the presence of complete certainty. The findings suggest little support for the notion that the uncertainty of the transition blinds actors to their interests. Despite high uncertainty, political actors managed to behave strategically in these cases.

Third, this work illuminates relationships between existing institutions, uncertainty, and institutional choice. It suggests that when uncertainty is low, actors can use existing institutions to translate their current political power into favorable institutional outcomes. The introduction of uncertainty, however, reduces the ability of powerful political actors to translate their current privileged position into a new set of institutions. Under uncertainty, powerful

actors tend to hedge their bets and create institutions that are less biased in their favor than if they were operating under perfect certainty.

These four cases suggest the plausibility of the electoral bargaining approach to institutional choice. Future work will expand the number of cases and explore the conditions under which these institutional choices stick.

APPENDIX A

Countries	Economic Reform	Coalition Index	Freedom House	Ethnic Makeup ^a (%)	Presidential Powers
Albania*	15	2.2	3.2	96	5.25
Armenia	11		3.8	93	13.5
Azerbaijan	8	0	5.6	82	
Belarus	10	0	4.4		15.0
Bulgaria	15	3.5	2	85	10
Croatia	19		4	77	14.5
Czech Republic*	21	3.7	1.4	94	4.75
Estonia*	20	4.6	2.6	61	4.5
Georgia	8		4.8	70	16
Hungary*	20	3.0	1.4	95	7.25
Kazakhstan	9	0	5.6	43	15.5
Kyrgyzstan	17		4.4	52	15.5
Latvia*	17	3.3	2.6	52	4.75
Lithuania	18	2.1	1.4	80	12
Macedonia	17		3.5	65	6.5
Moldova (1990, 1991)	13	3.1	4.4	64	10:13
Poland	20	3.7	1.8	95	13
Romania	16	3.8	4.2	88	14
Russia (1991, 1993)	16		3.2	85	12:18
Slovakia*	20	3.5	2.2	82	5
Slovenia	19	4.5	1.4	68	5.5
Tajikistan	10	0	6.4	58	13
Turkmenistan	10	0	6.8	88	18.5
Ukraine	8		3.2	73	15
Uzbekistan	12	0	6.6	70	17

Note. The scale of presidential power is highly correlated (.814) with a similar scale based on work by Shugart and Carey (1992). The power of the Bulgarian presidency is likely overstated because the first two presidents were indirectly elected before the passage of a new constitution calling for direct elections. The power of the Albanian presidency is likely understated because the president benefited from overwhelming support in the Parliament. Georgia abolished the presidency in March 1992 and restored it in August 1995. Tajikistan abolished the presidency in November 1992 and restored it in July 1994.

a. Ethnic makeup measures the percentage of the population occupied by the largest ethnic group.

*Indirectly elected presidents whose powers are multiplied by .5.

APPENDIX B

List of Presidential Powers

1. Dissolves Parliament
 2. Calls referendums
 3. Calls elections
 4. Appoints prime minister
 5. Appoints ministers
 6. Appoints Constitutional Court
 7. Appoints Supreme Courts
 8. Appoints judges
 9. Appoints prosecutor general
 10. Appoints Central Bank chief
 11. Appoints Security Council
 12. Appoints senior officers
 13. Appoints senior commanders
 14. Commander in chief of armed forces
 15. Chairs National Security Council
 16. Remands law for reconsideration—two-thirds override = 1
 17. Sends laws to Constitutional Court
 18. Proposes legislation
 19. Issues decrees in nonemergencies—no review = 1
 20. Proposes amendments to constitution
 21. Calls special sessions of Parliament
 22. Special powers if Parliament unable to meet
 23. Assumes emergency powers at other times
 24. Participates in parliamentary sessions
 25. May address or send messages to Parliament
 26. May convene cabinet sessions
 27. Participates in cabinet sessions
-

Note. The presidency rating is based on 27 formal powers. Powers shared with the assembly are counted as .5. The presidential powers index was developed jointly with Joel Hellman (1996) based on previous work by McGregor (1994) and Lucky (1993-1994). This scale differs from McGregor's in several ways. First, it offers a different weighting system of the powers. Second, it reduces the number of powers to 27 by eliminating many ceremonial powers. Third, it includes the countries of the former Soviet Union. The scale differs from Hellman's (1996) by not counting the powers of the prime minister if there is no president, and it offers a slightly different weighting of the powers.

APPENDIX C

Residual Powers of the Presidency: A Closer Look

	Russia 1991	Estonia	Belarus	Russia 1993
Decree powers	Reviewed by court—judges chosen by Parliament	None	Reviewed by court—judges chosen by Parliament	Reviewed by court—judges nominated by president
Dissolve Parliament	Strictly forbidden	After four tries to form government	None	If Parliament rejects prime minister candidate three times
Emergency powers	Parliament approval	Parliament approval	Parliament approval in three days	Inform Parliament, Federation Council approves
Martial law powers	Parliament	Parliament approval	Impose martial law with threat of attack	Inform Parliament
Interim powers	Parliament	Prime minister and Parliament approval	Parliament	Instructs government to work until new government is formed
Impeachment	For violating law or constitution, $\frac{2}{3}$ vote of Parliament to uphold	For crime, majority vote in Parliament to uphold	For violating law or constitution, 70 votes to impeach, $\frac{2}{3}$ vote of Parliament to uphold	For treason, court rule plus $\frac{2}{3}$ Federation Council approval in 3 months
Veto powers	Majority override	Majority override	$\frac{2}{3}$ override	$\frac{2}{3}$ in each house of Parliament
Sweeping clauses	None	Parliament	Parliament	None
Referenda powers	None	Parliament	President, 70 deputies in Parliament, or the people can call	May call in accordance with law

REFERENCES

- Almond, G., & Verba, S. (1963). *The civic culture*. Princeton, NJ: Princeton University Press.
- Andrews, J. (1994). *Cycling in the Russian parliament*. Unpublished manuscript.
- Arrow, K. (1951). *Social choice and individual values*. New York: John Wiley.
- Baltic Independent*. (1992, July 3). P. 3.
- Colton, T. J. (1994). Professional engagement and role definition among post-Soviet deputies. In T. F. Remington (Ed.), *Parliaments in transition* (pp. 55-73). Boulder, CO: Westview.
- European Bank for Reconstruction and Development (EBRD). (1994). *Transitions report*. London: Author.
- Foreign Broadcast Information Service, The Soviet Union (FBIS)*. (1991a, March 10). P. 48.
- Foreign Broadcast Information Service, The Soviet Union (FBIS)*. (1991b, March 26). P. 30.
- Foreign Broadcast Information Service, The Soviet Union (FBIS)*. (1991c, April 17). P. 80.
- Foreign Broadcast Information Service, The Soviet Union (FBIS)*. (1991d, April 22). P. 2.
- Foreign Broadcast Information Service, The Soviet Union (FBIS)*. (1993, May 13). Pp. 1-22.
- Foreign Broadcast Information Service, The Soviet Union (FBIS)*. (1994, March 8). P. 25.
- Frye, T. (1997). *Electoral bargaining and institutional choice in the post-Communist world*. Unpublished manuscript, Columbia University.
- Geddes, B. (1995). A comparative perspective on the Leninist legacy in Eastern Europe. *Comparative Political Studies*, 28(2), 239-274.
- Geddes, B. (1996). Initiation of new democratic institutions in Eastern Europe and Latin America. In A. Lijphart & C. Waisman (Eds.), *Institutional design in new democracies: Eastern Europe and Latin America* (pp. 15-41). Boulder, CO: Westview.
- Grossman, S., & Hart, O. (1986). The costs and benefits of ownership: A theory of vertical and lateral integration. *Journal of Political Economy*, 94(4), 691-719.
- Hellman, J. (1996, Winter). Constitutions and economic reform in the postcommunist transitions. *EECR*, 5(1), 46-53.
- Hellman, J. (1997). Constitutions and economic reform in the post-communist transitions. In J. D. Sachs & K. Pistor (Eds.), *The rule of law and economic reform in Russia*. Boulder, CO: Westview.
- Horowitz, D. L. (1985). *Ethnic groups in conflict*. Berkeley: University of California Press.
- International Monetary Fund. (1993). *IMF report, Estonia 1992*. Washington, DC: Author.
- Izvestiya*. (1993a, April 30). Pp. 3-5.
- Izvestiya*. (1993b, November 10). Pp. 3-5.
- Jowitt, K. (1992). *New world disorder: The Leninist extinction*. Berkeley: University of California Press.
- Kiewet, D. R., & McCubbins, M. D. (1991). *The logic of delegation: Congressional parties and the appropriations process*. Chicago: University of Chicago Press.
- Kionka, R. (1992). Estonia. *RFE/RL Research Report*, 1(27), 57-61.
- Kommersant'*. (1991a, March 9). P. 1.
- Kommersant'*. (1991b, May 6). P. 1.
- Komsomolskaia Pravda*. (1991, April 5). P. 1.
- Krasnaia Zvezda*. (1991, April 20). P. 1.
- Kreps, D. (1990). Corporate culture and economic theory. In J. E. Alt & K. A. Shepsle (Eds.), *Perspectives on positive political economy* (pp. 90-144). New York: Cambridge University Press.
- Kubicek, P. (1994). Delegative democracy in Russia and Ukraine. *Communist and Post-Communist Studies*, 27(4), 423-441.

- Lieven, A. (1993). *The Baltic revolution: Estonia, Latvia, Lithuania on the path to independence*. New Haven, CT: Yale University Press.
- Lijphart, A. (1992). Democratization and constitutional choices in Czecho-Slovakia, Hungary and Poland, 1989-91. *Journal of Theoretical Politics*, 4(2), 207-223.
- Linz, J., & Valenzuela, A. (Eds.). (1994). *The failure of presidential democracy*. Baltimore: Johns Hopkins University Press.
- Lucky, C. (1993-1994, Fall-Winter). Tables of presidential power. *East European Constitutional Review* [double issue] 2(4), 3(1), 81-94.
- Markus, U. (1994). Belarus elects its first president. *RFE/RL Research Report*, 3(30), 1-7.
- McGregor, J. (1994). The presidency in East Central Europe. *RFE/RL Research Report*, 3(2), 23-31.
- Mihalisko, K. (1993). Politics and public opinion in Belarus. *RFE/RL Research Report*, 2(41), 47-55.
- Moskovskie Novosti*. (1993, December 5). P. 1.
- Neustadt, R. E. (1980). *Presidential power: The politics of leadership*. New York: John Wiley.
- Nezavisimaia Gazeta*. (1993, December 8). P. 1.
- Nezavisimaia Gazeta*. (1994, March 17). P. 6.
- O'Donnell, G., & Schmitter, P. (1986). *Transitions from authoritarian rule: Tentative conclusions about uncertain democracies*. Baltimore: Johns Hopkins University Press.
- Ordeshook, P. (1992). Constitutional stability. *Constitutional Political Economy*, 3(2), 137-176.
- Przeworski, A. (1991). *Democracy and the market: Political and economic reforms in Latin America and Europe*. New York: Cambridge University Press.
- Riker, W. (1980). Implications from the disequilibrium of majority rule for the study of institutions. *American Political Science Review*, 74(3), 432-458.
- Roeder, P. (1994). Varieties of post-Communist authoritarian regimes. *Post-Soviet Affairs*, 10(1), 61-101.
- Rossiiskie Vesti* (1993, July 15). Pp. 3-6.
- Rossiiskaia Gazeta*. (1994, March 22). P. 6.
- Rothschild, J. (1974). *Eastern Europe between the wars*. Seattle, WA: University of Washington Press.
- Roubini, N., & Sachs, J. D. (1989). Government spending and budget deficits in the industrial counties. *Economic Policy*, 8, 100-132.
- Schelling, T. (1960). *The strategy of conflict*. Cambridge, MA: Harvard University Press.
- Shepsle, K. A. (1979). Institutional arrangements and equilibrium in multidimensional voting models. *American Journal of Political Science*, 23(1), 27-59.
- Shepsle, K. A. (1989). Studying institutions: Some lessons from the rational choice approach. *Journal of Theoretical Politics*, 1(2), 131-147.
- Shugart, M. (1993). Of presidents and parliaments. *East European Constitutional Review*, 2, 30-32.
- Shugart, M., & Carey, J. (1992). *Presidents and assemblies: Constitutional design and electoral dynamics*. Cambridge, UK: Cambridge University Press.
- Slater, W. (1994). Russia's plebiscite on a new constitution. *RFE/RL Research Report*, 3(3), 1-7.
- Sobyanin, A. (1994). Political cleavages among the Russian deputies. In T. Remington (Ed.), *Parliaments in transition* (pp. 181-203). Boulder, CO: Westview.
- Stepan, A., & Skach, C. (1993). Constitutional frameworks and democratic consolidation: Parliamentarianism versus presidentialism. *World Politics*, 46, 1-22.

- Taagepera, R. (1994). Estonia's constitutional assembly, 1991-92. *Journal of Baltic Studies*, 25(3), 211-232.
- Thorson, C. (1993). Russia's draft constitution. *RFE/RL Research Report*, 2(48), 9-15.
- Tolz, V. (1993). The Moscow crisis and the future of democracy in Russia. *RFE/RL Research Report*, 42(2), 1-9.
- Tolz, V., & Wishnevsky, J. (1994). Election queries make Russians doubt democratic process. *RFE/RL Research Report*, 13(3), 1-6.
- Tsebelis, G. (1990). *Nested games*. Berkeley: University of California Press.

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