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Developments in Russian Politics 8

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strategy, both online and offline, is not working. Once the Russian government has lost the information heights, it will find it very difficult to continue ruling in an arbitrary and capricious manner. This would suggest that there will be significant political changes within the relatively near future.

Chapter 9

Assessing the Rule of Law in Russia

KATHRYN HENDLEY

Russia, in recent years, has witnessed a serious of politicized trials in Russia that have left the reputation of law and the courts in tatters. The trial and conviction of campaigner Alexei Navalny on embezzlement charges in 2013 is only the latest in a series of high-profile cases, the outcomes of which were generally thought to be pre-ordained by the Kremlin. It came on the heels of the convictions of the members of a group called Pussy Riot for their anti-Putin stunt in a Moscow cathedral in 2012, and the fraud conviction of Mikhail Khodorkovsky for tax evasion and fraud in 2005 and the subsequent dismantling of his oil company, Yukos. These cases and others like them have created an image of Russian law as an instrument used by the state to impose its will on dissenters. That is, of course, part of the story, but the focus on the sensational has obscured the role of law in the everyday lives of ordinary Russians. Despite their misgivings about the inability of judges to stand up to the Kremlin, Russians are taking their mundane disputes to the courts in ever-increasing numbers, suggesting that the story of law is more complicated than it might appear at first glance.

This chapter begins with a historical overview of the somewhat peripheral role of law in the Soviet Union and the effort to revitalize it that was begun in the late 1980s under Gorbachev. That institutional transformation continued through the decades that followed and a comparison between the Soviet legal system and that of the present day serves to highlight the many changes that have occurred. The bulk of the chapter is devoted to an evaluation of the extent to which these reforms have moved from good intentions to being implemented in practice. The chapter concludes with some reflections on the prospects for the rule of law in Russia.

The heritage of Soviet law

The Soviet Union is sometimes thought of as a state that was completely outside the rule of law, but at the formal level, at least, it was not. The

USSR had a series of constitutions that, much like constitutions elsewhere, laid out the structure of the government and established a wide range of rights for citizens. It also had a full complement of statutory laws and administrative regulations. Yet this formal structure mostly failed to take account of the role of the Communist Party. In reality, whenever the law proved inconvenient, the party elite were able to bend it to suit their interests. This made law an instrument to be used by the state (in the guise of the party) and stripped law of its predictability. The idea that citizens could use law as a shield to protect themselves from arbitrariness was laughable. The long list of rights included in Soviet-era constitutions (which were more extensive than those available through the US Bill of Rights) turned out to be illusory because their exercise had to be consistent with citizens' duties to the Soviet state. Efforts by political dissidents to defend themselves by citing the constitution were uniformly unsuccessful.

One reason why efforts to realize constitutional rights fell on deaf ears was the composition of the Soviet judicial corps. Judges were elected, but in single-candidate elections that were controlled by the Communist Party. Not surprisingly, a majority of judges were party members; but even those who were not party members toed the line. Judicial terms lasted only five years; gadflies were quickly tossed aside. Likewise other legal professionals knew better than to challenge the system.

Yet law was not entirely irrelevant in the Soviet Union. Though the all encompassing presence of the Communist Party undoubtedly had a chilling effect on the behaviour of all participants in judicial processes, reality dictated that party officials took an active interest in relatively few of these. The vast majority of cases proceeded according to the written law, especially when the issues involved were mundane. The flaw with this sort of dualistic system in which law matters sometimes but not all the time is that predicting when outside influence will swoop in is perilous. As a result, Russians were reluctant to take their disputes to courts, preferring to resolve them informally.

The virtual non-existence of acquittals in Soviet criminal trials is sometimes cited as evidence of the politicization of justice. The explanation is more complicated. After the Second World War, Communist Party officials mounted a campaign to improve the work of the criminal justice system. Acquittals became seen as a failure of effort of all involved. They were a stain on the work records of judges, prosecutors, and police, and tended to stymie their rise in the ranks. As a result, once a criminal case was initiated, the institutional incentives pushed in favour of keeping it going until a conviction was obtained (Solomon 1987). Politics certainly played a role, but they operated at an abstract level that mooted the merits of individual cases.

When Gorbachev, the first law-trained leader of the Soviet Union since Lenin, came to power in 1985, a thorough rethinking of the role of law followed. At the 19th Party Conference in 1988, he advocated the introduction of a 'socialist rule-of-law-based state' (*sotsialisticheskoe pravovoe gosudarstvo*) in which law and not political connections would dictate the outcome of cases. Under his leadership, the Communist Party was stripped of its influence in the judicial selection process, a key prerequisite to building greater independence among judges. This period also witnessed the first, albeit tentative, steps toward judicial review with the creation of the Committee on Constitutional Supervision, which was charged with reviewing the acts of the legislative and executive branches.

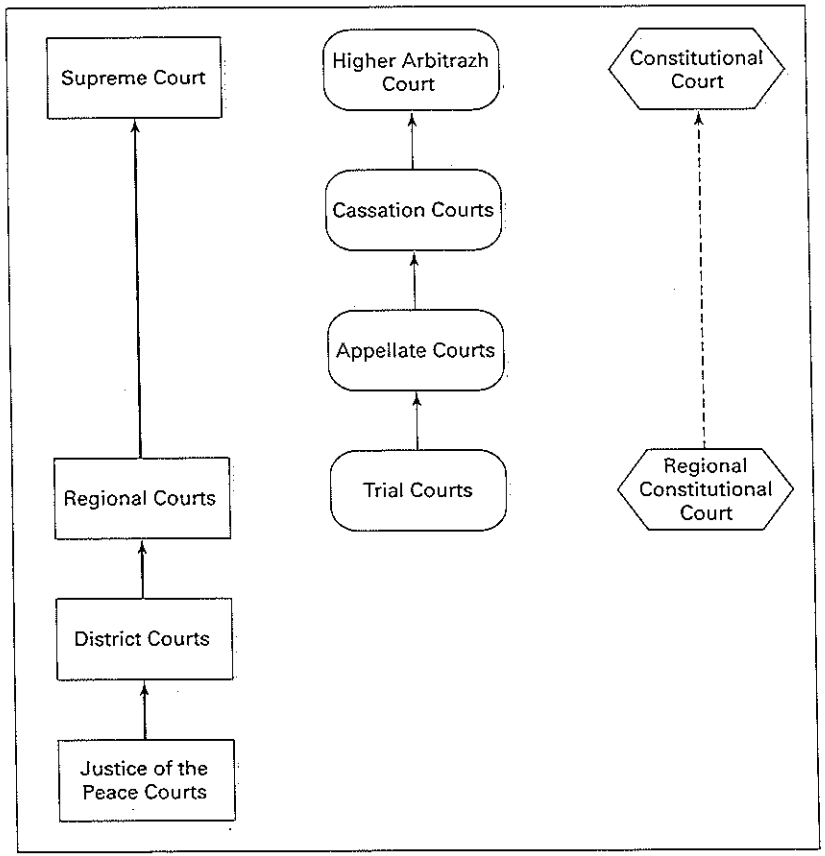
The institutional structure of the Russian legal system

Many of the ideas put forward during the Gorbachev years were actualized in the decades that followed. Figure 9.1 presents an organizational chart of the current legal system. The introduction of the Constitutional Court in 1991 institutionalized judicial review. In doing so, Russia followed the example of many of its European neighbours who shared the civil law legal tradition (under which judicial decisions are binding only on the participants, but do not have precedential value for others) by creating a stand-alone court that is empowered to hear challenges to the constitutionality of statutes and administrative regulations from legislators and ordinary citizens. In a decisive break with the Soviet past, its decisions have the force of law and, if they go against the government, can invalidate laws or regulations. On paper, the Constitutional Court gives substance to the proclamation of the 1993 constitution that the judicial branch is equal to the legislative and executive branches (Trochev 2008). A number of regions have created their own constitutional courts, which are charged with maintaining the constitutionality of regional legislation and are not part of a formal hierarchical system.

The early 1990s also witnessed the creation of a hierarchy of courts, known as *arbitrazh* courts, designed to resolve the sorts of commercial disputes that would inevitably arise with the transition from a command economy to a market economy. These courts also handled bankruptcy claims. Over the two decades of their existence, the *arbitrazh* courts have repeatedly revised their procedural rules in an effort to respond to the needs of their constituency.

The vast majority of claims, including criminal prosecutions, divorces and child custody, and labour disputes, continued to be handled by the

Figure 9.1 *Organizational chart of the current legal system*



courts of general jurisdiction. The basic structure of these courts was a carry-over from the Soviet period, with trial courts, appellate courts, and a supreme court. An experiment with jury trials for serious crimes, begun in the 1990s, was institutionalized throughout Russia under Putin (Esakov 2012). In an effort to ease the burden on trial judges, justice-of-the-peace courts were authorized in 1998. Over the first decade of the twenty-first century, these courts were introduced across Russia (Hendley 2012a). They handle simple cases, thereby freeing up judges at higher level courts to devote more time to complicated cases.

As Figure 9.1 indicates, each court system has its own distinct hierarchy. This approach, which gives rise to multiple top courts, mirrors what is found in many continental European judicial systems. It can give rise to

inconsistencies, when the top courts issue different rulings on similar questions. The top courts managed this problem by meeting periodically and issuing 'guiding explanations' on particularly thorny areas of law that were aimed at smoothing out these differences. In June 2013, Putin proposed combining the top tribunals of the courts of general jurisdiction and the *arbitrazh* courts. Doing so will require amending the 1993 constitution. This process began in late 2013 with the approval of legislation creating a 170-member top court, and is expected to continue throughout 2014 as the amendments are submitted to the regions for approval. The new court will be located in St Petersburg (along with the Constitutional Court). A number of top lawyers and legal commentators have criticized this reform, worrying that the strong reputation for impartiality earned by the Higher *Arbitrazh* Court will be compromised when it is subsumed into the Supreme Court.

Post-Soviet judges are no longer elected. They are now selected through a competitive process in which vacancies are advertised and those interested apply to their local qualification commission (Trochev 2006). The use of such commissions is common throughout continental Europe. Candidates are put through a battery of interviews and tests and, in theory, the most competent candidates prevail. But because the membership of these commissions is dominated by sitting judges, they tend to prefer candidates who have served as judicial clerks rather than practising lawyers. Prosecutors have an inside track for openings on the criminal bench.

The Russian courts have become increasingly transparent in recent years. All courts are required to have websites on which their decisions are published, along with their address and hours of operation. Some courts also post their schedule and provide a calculator that computes filing fees automatically. The quality of the websites varies by region. The *arbitrazh* courts have made a significant investment in their websites, creating a searchable national database. These courts have also begun experimenting with allowing litigants to file lawsuits via email, a practice that is standard in the West.

The Russian legal system in action

There is always a gap between the law on the book and the law in action. In Russia, this gap has sometimes seemed more like a chasm as political realities perverted well-intended institutional reforms. For example, the role of the Constitutional Court has shifted over time. Under Yeltsin, the court heard cases that challenged some of his signature policies, including his conduct of the war in Chechnya. Its decisions tended to avoid direct confrontations with the Kremlin, a common tactic among high courts

elsewhere. With the rise of Putin and United Russia, however, dissent among legislators has been effectively quashed. As a result, the Constitutional Court has become more quiescent.

More troubling has been the interference of political elites in the judicial process. Both the Kremlin and regional leaders have repeatedly brought trumped-up criminal charges against their enemies as a form of punishment. This harks back to the Soviet era, when selective prosecution was a favourite way to deal with dissenters. In those days, the law criminalized anti-Soviet behaviour and failed to define its prerequisites clearly, thereby giving maximum discretion to officials. The criminal code was stripped of these sections after the demise of the Soviet Union. Creative officials can always find pretexts to indict their enemies, especially when prosecutors and judges are compliant and willing to accept proffered evidence without question. Much as during the Soviet era, the internal incentives for workers within the criminal justice system is to push cases forward. Though Russia has embraced the principle of adversarialism within the courts, which means that defence lawyers ought to be engaging in independent investigations, this rarely happens. Acquittals continue to be the exception in both politically motivated and ordinary cases. Indeed, in a study of a Krasnoyarsk trial court from the late 1990s, one judge comments: 'There are judges that *take a risk* and render judgments of acquittal, but practically not even one of them is left to stand on appeal, they are reversed ... To acquit *is very scary*' (Pomorski 2001: 457).

Another troubling development is the growing criminalization of failed business transactions (Firestone 2009). When business partners grow disenchanted with one other, rather than accepting their losses and moving on, they often accuse one another of criminal fraud or embezzlement. The accuser assembles documentary evidence which frequently stretches the truth and bribes the police to open a criminal case. His victim languishes in jail waiting for the trial because, despite introducing bail, it is rarely granted. In his absence, the accuser is able to solidify his control over the formerly joint assets. This story has become so familiar that, in 2012, an ombudsman was appointed to protect the rights of entrepreneurs. Though this is a distinctly post-Soviet phenomenon, the remedy of having the legislature grant an amnesty to those victimized is familiar from the past (Pomeranz 2013).

As the descriptions of politicized justice and criminalized business deals suggests, corruption remains a nagging problem within the courts, just as for most Russian institutions. Top judicial officials, including the chairmen of the Russian Supreme Court and the Higher *Arbitrazh* Court, have conceded that bribery persists. The same qualification commissions that select judges are also charged with reviewing complaints of ethical violations. Such charges tend to be difficult to prove.

An even bigger challenge to the integrity of the judicial corps is the deference given to court chairmen at all levels. At every stage in a judge's career, their relationship with the chairman of the court matters. Staying in their good graces is essential to career stability and advancement. Many commentators have criticized the influence of these chairmen as yet another source of dependence (Volkov *et al.* 2012; Solomon 2007; Pomorski 2001). Chairmen have multiple levers of influence. In many courts, they control case assignments and can direct politically sensitive cases to judges who will follow the unwritten rules (Anonymous 2010). Former judges have spoken out about their heavy hand and have argued that a determined chairman can always find a disciplinary pretext to get rid of a judge who refuses to go along. Yet even those who make these allegations concede that not all chairmen take this line. For example, Mariana Lukyanovskaya, a Volgograd *oblast* court judge who handled criminal cases who was removed from the bench in 2009 by a disciplinary review initiated by the chairman of her court, is unforgiving when it comes to that chairman. She says that 'independence is only declaratory. In every case, the judge is dependent on his leadership'. She believes she was pushed out due to her refusal to accept the claims of the police and prosecutors without corroborating evidence. But she emphasizes that this sort of atmosphere had not always prevailed at her court. She quotes the previous chairman, whose mantra was: 'My boss is the law' (*Moi nachalnik – eto zakon*) (Eismont 2012). Thus, despite the common wisdom that chairmen treat their courts as their 'personal fiefdoms' (Anonymous 2010), whether a chairman exerts a positive or negative influence from the point of view of judicial independence depends on their own internal moral compass. Much depends on the character of the chairmen and their attitude towards the sanctity of law.

Russians' expectations of the legal system

All of this might lead one to believe that Russians are distrustful of their courts and unwilling to use them. The reality is more complicated. Survey data confirm that a majority of Russians (60 per cent) are sceptical of the fairness of the courts (Levada Center 2013d). At the same time, they are using them in record numbers, albeit only as a last resort when all other options have been exhausted. This suggests that trust is not necessary for use; litigants can have a variety of motivations for initiating a lawsuit (Hendley 2012b). Over the 15 years from 1995 to 2010, the annual number of cases grew almost five-fold, from 6.2 million to 29.3 million (Rassmotrenie 2013). Given the coercive reputation of the Russian state, it might be assumed that criminal prosecutions account for this increase.

But criminal cases, as a percentage of the total caseload, have actually decreased over time from 17.4 per cent in 1995 to 3.6 per cent in 2010. The number of cases that go through the *arbitrazh* courts is much smaller, but it also grew five-fold between 1995 and 2010, from less than 250,000 in 1995 to 1.2 million in 2010 (Sudebno 2006; Tablitsa 2012).

More surprising is that Russians are generally satisfied with their experiences in the courts. A 2009 survey sponsored by the Moscow office of the American Bar Association (the 'ABA Survey') in which 1,200 individuals from three regions (Nizhnii Novgorod, Rostov on Don, and St Petersburg) were queried about their experiences in the justice-of-the-peace courts, where most cases now originate, shows that litigants were generally satisfied. Over one-third of the respondents to the ABA Survey described their experience as 'successful'. Another 28 per cent said it was successful, but bemoaned the bureaucratic red-tape that was involved (Kriuchkov 2010).

As Tyler (2006) has argued in the US context, litigants can often put aside disappointing outcomes if they are treated fairly. This sense of procedural justice shines through in the data from the ABA Survey. Over 80 per cent believe that justices of the peace (JPs) are well-trained and competent. A plurality of 48 per cent said their judges had been completely independent, while an additional 24 per cent said they had mostly, but not always, acted independently. As to the fairness of the court process, over 70 per cent of respondents were convinced that JPs typically ruled in favour of the side that was stronger from a legal point of view. A similar majority felt that their JPs complied with all procedural norms during their hearing, conducted themselves tactfully, and not only gave both sides an equal opportunity to present their arguments, but also paid close attention to both. This suggests that rumours that judges base their decisions on 'telephone law' (orders from bureaucratic superiors or political elites that determine case outcomes) are less true for mundane disputes than for politicized cases.

One source for litigants' satisfaction with their experience is the speed and modest cost with which the courts conduct their business. Filing fees are deliberately kept low in order to facilitate access. If the petitioner prevails, then the cost of filing the case is shifted to the defendant. A number of categories of cases likely to arise among ordinary Russians, most notably consumer claims, can be pursued at no charge. The procedural code lays out clear deadlines for resolving cases that range from several weeks to several months. Violations of these deadlines rarely exceed 5 per cent. Russian judges' advancement in the system depends on their ability to manage their docket. Those within the judicial management structure have openly acknowledged that quantitative indicators such as delay rates and reversal rates are taken very seriously.

Criminal cases are generally heard in the district or regional courts rather than the JP courts (whose jurisdiction is limited to cases for which the maximum penalty is three years in jail or less). Given that almost all criminal cases result in convictions, it is doubtful that the satisfaction levels are as high as for the JP courts. Criminal defendants are provided with defence counsel at no cost if they are unable to afford lawyers of their own. These lawyers are poorly paid, earning less than the equivalent of twenty dollars for each instance. They tend to be overworked and are not always able to devote a great deal of attention to individual cases. In recent years, a form of plea bargaining has grown commonplace, according to which defendants admits their actions and give up the right to appeal their convictions, although they can appeal their sentence if dissatisfied.

Most cases are of little interest to those not intimately involved; relatively few attract the attention of elites. The politically charged cases that generate headlines in Western newspapers are not featured in the Russian media, and ordinary Russians, for their part, do not follow them closely and are not especially sympathetic towards the defendants. For example, during the same month when Navalny was sentenced, fewer than 5 per cent of those polled in a national survey admitted to following the case carefully, and over 20 per cent did not know who Navalny was (Levada Center 2013b). Along similar lines, when queried about Khodorkovsky, a plurality (38 per cent) were convinced that his conviction had been ordered by the Kremlin, but few (less than 5 per cent) felt any sympathy towards him (Levada Center 2013a). Over time, all the same, support for his early release has grown. In 2007, only 19 per cent favoured it, but by 2012 this had increased to 31 per cent (Levada Center 2012); it eventually took place when a presidential pardon was issued in December 2013. As to Pussy Riot, a majority (56 per cent) felt their sentence had been appropriate (Levada Center 2013c). The release of Khodorkovsky and of the members of Pussy Riot in December 2013 as part of an amnesty intended to commemorate the adoption of the Russian Constitution can be seen as compassionate, but cannot be seen as a reflection of a new-found devotion to the rule of law by the Kremlin. After all, amnesties are by their nature somewhat arbitrary and inconsistent with the principle of due process that is at the heart of the rule of law.

More generally, periodic surveys between 1994 and 2013 reveal that a majority of Russians think that maintaining law and order is more important than protecting human rights (Levada Center 2013e). Along similar lines, Russians tend to place more value on social and economic rights than on civil and political rights. For example, about two-thirds of those surveyed from 1994 to 2010 consistently placed a high value on the right to free education and medical care. By contrast, only 8 per cent saw freedom

of speech as critical in 1994, though this percentage had increased to 22 by 2010 (Levada Center 2010). Perhaps this yearning for stability reflects a nostalgia for the Soviet past, which many now remember as a simpler time when jobs were guaranteed, conveniently forgetting the repressive nature of the regime. It may also be a reaction to the chaos of the 1990s in which a small group of Russians became very wealthy and many more Russians saw the social guarantees that they had come to rely on during the Soviet era disappear. Whatever the reasons, Russians remain comfortable with a strong state, even a state that encroaches on their personal liberties. And they seem willing to tolerate censorship and other forms of political repression if the authorities promise social and economic stability.

Some argue that Russians have given up on law. Indeed, when gearing up for his successful 2008 presidential campaign, Dmitri Medvedev famously commented that '[w]ithout exaggeration, Russia is a country of legal nihilism. ... [N]o other European country can boast of such a level of disregard for law' (Polnyi tekst 2008). Such sentiments are not a post-Soviet phenomenon: they have endured through Russia's many political upheavals. Alexander Herzen, a prominent political philosopher of the nineteenth century, wrote: '[w]hatever his station, the Russian evades or violates the law wherever he can do so with impunity; the government does exactly the same thing' (quoted in Huskey 1991). In the present-day context, claims of widespread legal nihilism turn out to be hyperbole. Analysis of survey data shows that, in general, Russians are not significantly more prepared to ignore the law than their counterparts elsewhere. All the same, it does reveal some troubling trends. Those most disillusioned with law are not the elderly who survived the blatantly instrumental use of law by the Communist Party, but those now in their forties and fifties who were victimized by the economic turmoil of the 1990s. Younger generations are also more likely to embrace legal nihilism than their elderly relatives. These demographic realities suggest that legal nihilism may be on the upswing (Hendley 2012c). At present, however, popular disenchantment with the law is not a particular problem.

Prospects for the rule of law in Russia

Where does this leave Russia in terms of the rule of law? Defining what is meant by the rule of law is the first step. At its heart, the concept captures the goal of having a legal system in which all are treated equally and judged by law regardless of their wealth or political connections. Packed within this seemingly simple definition are a myriad of institutional goals, such as independent, accessible and non-corrupt courts, clarity and transparency in the written law, and the availability of due process for all (Fuller 1964). This is the definition that is used in this chapter. Because it focuses mostly on procedural indicators, it is sometimes referred to as a 'thin' definition. Others have argued that the rule of law should actively embrace certain substantive goals, such as a full complement of human rights and guarantees of property rights (for instance Møller and Skaaning 2010). But this sort of 'thick' definition of the rule of law assumes that all countries share the Western commitment to civil and property rights. The failure to distinguish between these two concepts of the rule of law has led to a remarkable lack of clarity in the public debate over how to encourage transition countries to move towards this goal.

Without doubt, the keystone of the rule of law is equal treatment for all. As the foregoing has documented, Russia has a spotty record on this critical issue. Opponents of the Kremlin live with the very real fear that they may be prosecuted on trumped-up charges as a way of discrediting them and their views. Businessmen who toil in obscurity have likewise been subjected to criminal prosecution due to the willingness of the police to accept bribes to open an investigation. The institutional incentives against acquittals have landed many such businessmen in jail for extended periods. The written law has been largely irrelevant in these cases. The spectre of corruption in all state institutions has likewise undermined the power of the law on the books. These realities help explain why Russia is typically seen as being at the lower end of the spectrum in terms of the rule of law.

But if the Russian courts were completely incapable of acting as honest brokers, then few would use them voluntarily. Just the opposite is happening: individuals and companies, in fact, are turning to the courts in ever-increasing numbers. Moreover, as the results of the ABA Survey suggest, they are mostly satisfied with their treatment by the courts. This should not be taken to mean that there is deep societal trust of the courts. Rather it may indicate a grudging willingness to use the courts when efforts to settle break down. In-depth interviews with ordinary Russians have at least convinced this author that they understand when the courts are reliable and when they may be compromised. My respondents were uniformly prepared to take their quarrels with neighbours or local governmental agencies to court, if necessary. But if they stumbled into a dispute with someone of higher status or with a powerful state office, they studiously avoided the courts, fearing that the other side would be able to dictate the outcome through informal extra-legal mechanisms (Hendley 2009).

Russia presents a paradoxical case. The vast majority of cases respect the rule-of-law principle of equality before the law, but a small well-publicized minority do not. In some ways, the Russian legal system is not so

different from Western legal systems in which the ability to retain competent lawyers has a profound influence on the chances of victory. In Russia, the currency is less likely to be money and more likely to be political connections, but the impact is the same. Where Russia parts company from its Western counterparts is in the lack of predictability as to when 'telephone law' will trump the law that is set out in statutes, and in its willingness to use criminal prosecutions as a weapon against opponents. These features raise the stakes considerably and help explain why Russia consistently languishes near the bottom of all indexes that purport to measure the rule of law.

Having a legal system that treats everyone equally means little if it is difficult to access. On this criterion, Russia's performance is more impressive. Going to court, in fact, is a relatively quick and inexpensive way to resolve problems. This does not mean that Russians are eager to do so. As in other countries, going to court in Russia is a last resort exercised only when efforts to resolve difficulties informally have failed. Once in court, cases are generally resolved within several months, if not more quickly. The filing fees have deliberately been kept low and the procedural rules are sufficiently straightforward that many litigants in non-criminal cases are able to represent themselves. The weakness of the adversarial system means that parties who oppose one another in court need not emerge as mortal enemies, as is so often the case in purer adversarial systems like those in the US and the UK. In comparison to Western legal systems, the Russian courts are easier for non-legal specialists to access. For the most part, however, the indexes that track levels of the rule of law around the world do not take account of this more positive aspect of the Russian legal system.

Chapter 10

A Federal State?

DARRELL SLIDER

Federalism in Russia has always been a contested concept. Regional elites and liberal politicians at the centre have seen the division of power and decentralization of some policy making as a precondition for effective governance and further democratization of the political system. More traditional Russian political views, including those held by most communists and Russian nationalists, have viewed regional autonomy or a genuine sharing of powers with the regions as first steps toward the disintegration of the country. For many it conjures up memories of the collapse of the Soviet Union, as Soviet republican leaders took power through elections and forced concessions from Mikhail Gorbachev that set in motion the weakening of central power. The ethnic identity of republics has led some Russian nationalists to urge the redrawing of administrative boundaries to eliminate republics, perhaps by restoring the administrative boundaries of the *guberniyas* that existed in the Tsarist era.

When Vladimir Putin became president in the spring of 2000, the first issue he confronted was the relationship between the regions of Russia and the centre (the federal government). Under Yeltsin, Russia for the first time in its history had adopted federalism as a basis for organizing the relationship between the centre and the regions. The historic pattern of governance had always been highly centralized, despite the formal label in Soviet times which designated Russia as the 'Russian Soviet Federated Socialist Republic'. The ethnically driven democratization of the late Gorbachev era was employed not just by the Baltic republics, Georgia, Ukraine and Russia to push for greater autonomy *vis-à-vis* the Soviet Union but within Russia as well. Yeltsin's adoption of a federal model was in part making a virtue out of necessity: the Russian government was too weak and divided to exert control over the provinces, and allowing regions some political and economic autonomy overcame separatist pressures. The only region that was an exception to this was Chechnya, where Yeltsin launched a brutal war in late 1994 in an unsuccessful effort to bring the republic back under Russian control.