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Fundamental Attitudes of the Russian Political Elite

Law, Truth, Public Welfare and Violence

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Fundamental Attitudes of the Russian Political Elite: Law, Truth, Public Welfare and Violence

Russia's behaviour towards Ukraine surprised most Western observers. Its annexation of the Crimea and destabilisation of the Donbas region indicate – along with other actions and statements since early 2014 – that certain assumptions underpin Russia's foreign (and domestic) politics. These assumptions in turn seem to be the expression of a specific political culture among the Russian elite and are based on attitudes that differ substantially from those of decision-makers in many Western countries. The aim of this study is to expose these assumptions and point out their potential consequences for relations between Russia and the EU (and its member states).

The renowned Russian economist Vladislav Inozemtsev believes that anyone attempting to understand the actions of Russian decision-makers “must forget about traditional norms and logic as they exist in democratic nations”. His remark does not exclusively refer to the differences between today's democratic and authoritarian regimes, but also to the repercussions of the historical experiences that have shaped Russia, both as a feudal realm and (in the form of the USSR) as a socialist state and superpower during the Cold War. It implies that any attempt to project one's own attitudes directly onto the other can be especially misleading with regard to Russia. We therefore need to scrutinise several fundamental assumptions made by the Russian elite that play a role in political decisions in both domestic and foreign policy. This analysis will also be helpful in understanding the nexus between these two policy areas.

To examine these attitudes, the study will focus on the following four social and political dimensions: the significance of the law and legislation; the way in which truth and history are used; the manner in which the national interest and questions of public welfare are interpreted; and the attitude towards (physical) violence. It considers these spheres to be decisive components of the elite's political culture in Russia, meaning that the elite's stance on these areas will influence its decisions in the years to come. A better insight into these intellectual attitudes will therefore be useful to more realistically define the spectrum of Russia's potential actions and better

anticipate probable Russian reactions to approaches by Western states.

The study concludes that the Russian elite has a strong tendency to instrumentalise the above-mentioned areas to pursue its foreign and domestic political interests. It sees violence as a useful means to extend Russia's international influence and shore up the power of the ruling regime, even at substantial cost to human life. Truths are manipulated and created so as to legitimise Russia's position vis-à-vis external actors and its domestic audience. The elite recognises the usefulness of the law when it helps to control the population and ensure that international actors remain predictable. However, whenever it is deemed necessary, individual decisions by the elite's top representatives can override legally binding obligations. Finally, the welfare of the Russian people is defined from the perspective of the elite's own interests, without citizens being consulted, let alone included in decisionmaking. The elite's willingness to instrumentalise the above-mentioned spheres indicates that it is hardly ideologised. In turn, this suggests that the elements of a supposedly emerging regime ideology (traditional values, role of the Church, etc.) are purely functional in nature.

Many Western nations are now contemplating a Russia policy that extends beyond the current crisis and will be relevant for the upcoming years. Such a policy should be based on substantiated assumptions concerning the behaviour of the Russian elite. These assumptions in turn should be derived from knowledge of the elite's fundamental attitudes to political and moral categories such as law, truth, public welfare and violence. Whether or not a new political approach to Russia (and the entire post-Soviet region) is successful will depend in part on correctly interpreting the prevalent attitudes within Moscow's apparatus of power, and their implications for Russia's behaviour. It is therefore essential to analyse these attitudes more closely – even though we cannot read the relevant individuals' minds.

Terminology and Methodology: Political Culture, Elite and Attitudes*

The fact that Russia's actions in Ukraine and Syria generated widespread surprise suggests that new efforts are needed to try to understand the Russian elite's behaviour and perhaps even roughly anticipate it. One strategy is to imagine situations that might trigger certain actions by Russia.¹ Another is to analyse fundamental attitudes of the Russian elite that influence its decisions. Working through hypothetical situations certainly helps to visualise more specifically the repertoire of possible actions. However, by definition, these actions concern only the fictitious event that has been imagined in a given case. By contrast, any analysis of attitudes must remain inexact, but in return it can be applied to any number of modelled situations. Moreover, the conclusions drawn from such an analysis can be of lasting use since the political cultures of elites (like those of societies) change very slowly.

It is precisely this relative permanence which ensures that the term "political culture" is appropriate when describing the Russian elite's formative patterns of thought and action. The purpose of this study is most closely suited to the following definition: Political culture is the "set of attitudes, beliefs and sentiments that give order and meaning to a political process and which provide the underlying assumptions and rules that govern behavior in the political system".² In other words, it concerns the attitudes underpinning and influencing the decisions made by political actors, even if these attitudes do not determine their decisions completely or in absolutely every case. For "political culture is neither static nor deterministic, nor does it offer historical laws for today or the future. But the concept of political culture assumes that in every society there are characteristics, modes of behaviour and institutions that are extraordinarily persistent and reproduce themselves

even in and beyond revolutions, and that, in any case, they change at a slower rate than many processes of modernisation, such as industrialisation, urbanisation or the massive expansion of education."³

As a rule, the concept of political culture is applied to *societies*, as the above quotation implies.⁴ However, studies of the political culture of elites do exist; indeed, these approaches go back almost as far as the original discussion of political culture at a societal level.⁵ Some are comparative, and the Russian/Soviet case has already been the subject of such analyses.⁶ However, they are less numerous than studies of the political culture of societies. This is partly due to the associated methodological difficulties.⁷

In order to lay bare the attitudes of the Russian elite and catalogue any changes, this study is centred on four spheres. They are, as it were, the testing grounds for systematically analysing the statements and actions

3 Gerhard Simon, "Zukunft aus der Vergangenheit: Elemente der politischen Kultur in Rußland", *Berichte des BIOst* 10-1995 (Cologne: Bundesinstitut für ostwissenschaftliche und internationale Studien [BIOst], 1995), <http://nbn-resolving.de/urn:nbn:de:0168-ssoar-41734> (accessed 6 March 2017). See also Boris Dubin, "Simulierte Macht und zeremonielle Politik: Elemente der politischen Kultur in Russland", *Osteuropa* 3 (2006): 19–32.

4 The seminal work is Gabriel A. Almond and Sidney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* (Princeton, 1963).

5 See Ruth Lane, "Political Culture: Residual Category or General Theory?", *Comparative Political Studies* 25, no. 3 (October 1992): 362–87.

6 See e.g. Robert Putnam, *The Beliefs of Politicians: Ideology, Conflict, and Democracy in Britain and Italy* (New Haven, 1973); John S. Duffield, "Political Culture and State Behavior: Why Germany Confounds Neorealism", *International Organization* 53, no. 4 (September 1999): 765–803; Michael Urban, *Cultures of Power in Post-Communist Russia. An Analysis of Elite Political Discourse* (New York, 2010).

7 The authors I cite were usually able to conduct interviews with relevant members of the elite. But in today's context of tense relations between Russia and the West, this is hardly possible. Even Russian observers find that the attitudes of the current Russian elite can only be studied indirectly because that sphere is increasingly closed: Denis Volkov, "Russian Elite Opinion after Crimea" (Moscow: Carnegie Moscow Center, March 2016), 6, http://carnegieendowment.org/files/CP_Volkov_WEB_Eng.pdf (accessed 6 March 2017).

* I am grateful to Julia Ostanina for her help with the research for this study.

1 An example of this method is *Conceivable Surprises. Eleven Possible Turns in Russia's Foreign Policy*, ed. Sabine Fischer and Margarete Klein, SWP Research Paper 10/2016 (Berlin: Stiftung Wissenschaft und Politik, October 2016).

2 Lucian W. Pye, "Political Culture", in *International Encyclopedia of the Social Sciences*, vol. 12 (New York, 1968), 218.

of Russian decision-makers. The study's initial focus is on developments since 2014, but it also examines each sphere for the period before 2014 so as to assess the degree of continuity in Russian attitudes. Finally, it discusses the potential consequences of the attitudes that have been identified for the future behaviour of the Russian leadership and German-Russian or EU-Russia relations. Its starting-point is therefore the thesis that, by analysing past actions and statements, we can discover patterns that reveal fundamental attitudes of at least part of the elite. These attitudes in turn offer important indications as to the range of possible future decisions and modes of behaviour by top echelons of the Russian elite.

However, it should be taken into account that the Russian elite is not monolithic. Rather, it consists of different groups and is dynamic in nature. This means that members of the elite can be excluded or can change their position (of power) within the constellation of the elite. However, the study's purpose is not to sound out relations within the elite or analyse latent tendencies to splinter. Its focus is limited to the elite's top echelons in politics.⁸ This encompasses above all the president, prime minister and cabinet (including deputies), leading representatives of the president's administration, and the chairs of important authorities and federal committees. The study also analyses statements made by representatives of this circle. However, because such utterances often run counter to the actual actions, it pays more attention to the latter in inferring principal attitudes. Since Russian decision-making processes are largely non-transparent, actions may suggest a higher level of consensus among attitudes than actually exists. The risk of distortion is reduced, however, by the study's focus on four different spheres: wherever there is extensive coherence in attitudes across different areas, it suggests that these attitudes are both durable and acted upon.

As mentioned above, I have chosen four spheres to examine:

- ▶ the significance of law and legislation;
- ▶ the use to which truth and history are put;
- ▶ the way in which the national interest and public welfare are interpreted;
- ▶ the relationship with physical violence.

⁸ Wherever relevant, this also encompasses the top echelons of the security sector and economic policy-makers. On the heterogeneity of the elite, see e.g. Benno Ennker, "Putin und seine Freunde. Die Elite und die Bruchstellen der Macht", *Ost-europa* 6–8 (2012): 125–44.

These areas were chosen for several reasons. First, it is the elite's behaviour therein that has shaped Russia's foreign and domestic politics since 2014 and frequently astonished the West. Second, these four spheres of thought and action are also well-suited to an analysis of the period before 2014, so as to evaluate continuities or changes in the attitudes of the Russian elite.⁹ Third, the patterns of thought that can be identified in these areas are sufficiently fundamental to play an important role in future decisions. Fourth, the resulting insights into the Russian leadership can provide indications for the way German-Russian (and EU-Russia) relations might develop. Even if the chosen spheres are not necessarily the only ones that fulfil these criteria, an understanding of the elite's attitudes in these four areas can make an important contribution to interpreting Russian behaviour.

The Russian elite increasingly acts within an authoritarian context that shapes its room for manoeuvre and patterns of behaviour. These conditions must be taken into consideration because they can explain, at least in part, the actions described below and the attitudes that can be inferred from them. This certainly includes an ever-growing personalisation of power.¹⁰ And yet it would be short-sighted to ascribe the actions of the Russian elite exclusively to the form of political regime. Rather, historical, sociological and cultural factors also substantially contribute to them. These interact with the political system to form a complex edifice that creates path dependencies and limits decisions and modes of thinking. The study does not claim to model this edifice. Rather, it aims to reveal patterns of action and identify the attitudes that fit these patterns.

⁹ The study mainly examines the period of 2008 to 2014. In a few cases, events that occurred before 2008 are also included.

¹⁰ See especially Fiona Hill and Clifford G. Gaddy, *Mr. Putin: Operative in the Kremlin* (Washington, D.C., 2013), but also Mikhail Zygar, *All the Kremlin's Men: Inside the Court of Vladimir Putin* (New York, 2016).

Approaches to Law and Legislation

One of the greatest surprises for political observers in many parts of the West has been Moscow's readiness, which has been unmistakable since Russia's annexation of the Crimea and its military intervention in the Donbas, to repeatedly disregard international law. This ruthlessness is in blatant contrast to Russia's earlier rhetorical stance of championing the fundamental precepts of international law (especially under the umbrella of the United Nations), in particular the idea of state sovereignty. The shift raises the question as to what the Russian elite's current attitude is to international law in particular and binding legal agreements and the concept of law in general. The answer will also reflect the status of the law within the Russian Federation, since the extent of the elite's willingness to meet its legal obligations manifests itself not only in foreign policy, but also in domestic politics. It will therefore be interesting to examine similarities and differences in attitudes to the law in the foreign and domestic policy realms.

International Law

The fact that the Russian Federation breached international law through its military occupation and subsequent annexation of the Crimean Peninsula in spring 2014 is already well-documented and, according to widely accepted legal criteria, beyond dispute.¹¹ Commentators frequently point out that Russia's annexation violates fundamental documents of international law (the United Nations Charter, Paris Charter and Helsinki Act) which guarantee the territorial integrity of existing states. In the case of Ukraine, there are further specific texts, such as the Budapest Memorandum, in which Russia, the UK and the US committed to "respect[ing] the independence and

sovereignty and the existing borders of Ukraine" and to "refrain[ing] from the threat or use of force against the territorial integrity or political independence of Ukraine".¹² Moreover, Russia has violated bilateral agreements with Ukraine, in particular the 1997 Friendship Treaty. Not all of these agreements and conventions pertain to international law. It is striking, however, that the Russian leadership was willing to ignore bilateral and even multilateral obligations in the Crimean case – including international documents which are considered to be universally valid worldwide.¹³

Russia's infringement of international law is not limited to its annexation of the Crimea, however, but also pertains to its actions in and concerning eastern Ukraine. While there has been no annexation, the support of Russia's armed forces for local rebels – which has been verified by multiple sources – is also a violation of the sovereignty and territorial integrity of Ukraine.¹⁴ This support ranges from providing war material and ammunition in substantial quantities to training fighters in situ, to members of the Russian armed forces participating in battles, particularly in decisive ones such as in Ilovaisk or Debaltseve. These

¹¹ See e.g. Thomas D. Grant, "Annexation of Crimea", *American Journal of International Law* 109, no. 1 (January 2015): 68–95; Robin Geiß, "Russia's Annexation of Crimea: The Mills of International Law Grind Slowly But They Do Grind", *International Law Studies* 91 (2015): 425–49, <http://stockton.usnwc.edu/cgi/viewcontent.cgi?article=1377&context=ils> (accessed 6 March 2017). I am grateful to Christian Schaller for his advice on issues of international law.

¹² See "Budapest Memorandums on Security Assurances, 1994", *Council on Foreign Relations* (online), 5 December 1994, <http://www.cfr.org/nonproliferation-arms-control-and-disarmament/budapest-memorandums-security-assurances-1994/p32484> (accessed 6 March 2017).

¹³ Nonetheless, some Russian scholars argue for an interpretation of international law that justifies the annexation of the Crimea: see e.g. Anatoly Kapustin, "Crimea's Self-Determination in the Light of Contemporary International Law", *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht* 75, no. 1 (2015): 101–18.

¹⁴ *Putin. War. Based on Materials from Boris Nemtsov*, ed. Ilya Yashin and Olga Shorina (Moscow, May 2015), <http://4freerussia.org/putin.war/Putin.War-Eng.pdf>; Maksymilian Czuperski et al., *Hiding in Plain Sight: Putin's War in Ukraine* (Washington, D.C.: The Atlantic Council, May 2015), http://www.atlanticcouncil.org/images/publications/Hiding_in_Plain_Sight/HPS_English.pdf; James Miller et al., *An Invasion by Any Other Name: The Kremlin's Dirty War in Ukraine* (New York: The Institute of Modern Russia/The Interpreter, 17 September 2015), http://www.interpretermag.com/wp-content/uploads/2015/11/IMR_Ukraine_final_links_updt_02_corr.pdf (accessed 6 March 2017).

actions by the Russian leadership demonstrate that it has broken international law not only by annexing the Crimea, but also in other instances.

This behaviour is blatantly inconsistent not only with the rhetoric of the Russian political elite before the military intervention in Ukraine, but also with its declarations today. A firm part of this rhetoric in the years before 2014 was an emphasis on the importance of international law and in particular the United Nations. Interestingly, the Russian leadership still adheres to this rhetoric despite breaches of international law that it has itself committed. At the annual meeting of the Valdai Club in October 2014, Putin said: “I will add that international relations must be based on international law, which itself should rest on moral principles such as justice, equality and truth”.¹⁵ One explanation for this continuity in statements is that the Russian leadership rejects many of the accusations and denies that it has breached international law. Whenever it does discuss the complaints of its international interlocutors, it points to allegedly comparable breaches of international law, such as the bombing of the former Yugoslavia in 1999 after serious human-rights violations in Kosovo or the recognition of Kosovo’s independence by the US and many European states in 2008. This is an attempt by Russia to suggest that its behaviour does not differ substantially from that of other international actors, and that accusations of international-law violations must also be levelled against other states.¹⁶

Did Moscow treat international law in this way before 2014? That is to say, was it characteristic of Russia even before its interventions in Ukraine to praise international law in word, but undermine and grossly violate its principles in deed? To answer this question, we must differentiate between types of obli-

gation in international relations, and specifically between contracts in the defence or energy sectors, and obligations relating to the post-Soviet area and internal Russian relations.

Where defence and energy contracts are concerned, Russia has largely adhered to its agreements in the past few years. It has, however, increasingly distanced itself from armaments treaties, for instance by suspending the Conventional Forces in Europe Treaty (CFE) in 2007 and the Plutonium Disposition and Management Agreement in 2016. Further examples are its alleged violations of the Intermediate-Range Nuclear Forces Treaty (INF), which regulates the disarmament and prohibition of intermediate-range weapons.¹⁷ These accusations have so far only been made by the US, which has also claimed that it cannot provide evidence without endangering its sources. If the accusations are substantiated, Moscow will have breached the treaty over a long period of time and to a serious degree, starting well before 2014. It is still too early, however, to draw this conclusion.¹⁸

Contracts in the energy sector tend to be neither transparent nor public, unless they concern intergovernmental agreements. Supply contracts are usually concluded between companies, whether state-owned or private. We therefore only have access to the other party’s statements to gauge Russia’s compliance in matters of energy contracts. In the vast majority of cases, these parties confirm that the Russian side acts in accordance with the contractual stipulations. For instance, in cases that have ended up before a court of arbitration, the Russian company Gazprom has either agreed to a compromise or accepted the court’s decision. These lawsuits primarily concern disagreements over the originally agreed price of natural gas. During the period when Russia, as a signatory, was considered a party to the energy-charter agreement, there were also doubts about the security of investments in the Russian Federation. A court found that the Russian government’s treatment of Yukos was in breach of

¹⁵ Putin’s speech to the meeting of the Valdai International Discussion Club, 24 October 2014, <http://kremlin.ru/events/president/news/46860> (accessed 6 March 2017).

¹⁶ While Western states have certainly violated international law in various instances, the lead-up to the international intervention in Kosovo was completely different from the Crimean case. Before NATO bombed Serbia, Kosovo had been in a state of civil war between the Serbian and Yugoslavian armed forces and the Kosovo Liberation Army for about a year, with hundreds of casualties and hundreds of thousands of refugees. See e.g. Christopher Greenwood, “Humanitarian Intervention: The Case of Kosovo”, *Finnish Yearbook of International Law* (Helsinki, 2002): 141–75; Christian Schaller, “Die Sezession des Kosovo und der völkerrechtliche Status der internationalen Präsenz”, *Archiv des Völkerrechts* 46, no. 2 (2008): 131–71.

¹⁷ Alexey Arbatov, *The Ominous End of the Russia-U.S. Plutonium Agreement* (Moscow: Carnegie Moscow Center, 17 October 2016), <http://carnegie.ru/commentary/?fa=64869>; Oliver Meier, *Die Krise des INF-Vertrages: Das Risiko eines nuklearen Wettrüstens in Europa wächst*, SWP-Aktuell 11/2015 (Berlin: Stiftung Wissenschaft und Politik, February 2015), <http://www.swp-berlin.org/publikation/krise-des-inf-vertrages/> (both accessed 6 March 2017).

¹⁸ I am grateful to Oliver Meier for his evaluation of Russia’s behaviour in the defence sector.

contract.¹⁹ If we compare the way the then-largest oil company in the country was treated with the above-mentioned compromises benefitting non-Russian businesses, it is hard not to conclude that Moscow handles domestic and foreign firms differently.²⁰ The situation is slightly different where the energy agreements concern Russia and other post-Soviet states. These contracts are even more lacking in transparency, and informal agreements play a greater role. Moreover, Moscow uses the price of natural gas in particular to reward or punish post-Soviet countries for their political stances. These states therefore enjoy far less contractual security, a situation for which not all the blame can be assigned to Russia.²¹

Overall, problems concerning contract compliance are greater where the post-Soviet area is concerned. This is true not only for agreements between states of the post-Soviet area, but also for agreements between Russia and third states, either with other post-Soviet states or else relating to them. The most conspicuous proof of this is the Russian-Georgian war of 2008, and Moscow's subsequent recognition of two regions of Georgia, South Ossetia and Abkhazia, as independent states. Georgia had started the fighting, but Russia challenged Georgia's territorial integrity by its military intervention and its behaviour after the ceasefire. The situation was resolved with the help of the EU a few weeks after the conflict had started, when the then-French presidency of the European Council, represented by President Nicolas Sarkozy, negotiated a peace plan with Tbilisi and Moscow. Russia, however, did not adhere to the agreements formalised in the document, under which it had to withdraw behind a specific line and reduce its military presence in both areas.²² Instead, it has substantially expanded its

presence and violated Georgia's sovereignty by recognising Abkhazia and South Ossetia. And since this non-compliance has had no negative consequences for Russia, the Russian leadership came to the conclusion that it could count on a similarly feeble European response to its annexation of the Crimea.

The 2008 agreement between Russia and the European Union was reached because the EU wanted to put a rapid end to the war. It is noticeable, however, that there has been almost no other cooperation between Brussels and Moscow relating to the post-Soviet states in the EU neighbourhood. The EU would certainly have welcomed such an arrangement – it conceived the “Common Space of External Security” as just such a framework. However, this space has remained largely empty in the years since. Germany also showed great interest in similar collaboration. For instance, the so-called Meseberg Initiative, agreed by Chancellor Merkel and the then-Russian President Medvedev in June 2010, was a German proposal. It was based on the idea that Russia would contribute constructively to resolving the situation in Transnistria,²³ and in exchange a new dialogue format involving EU and Russian foreign ministers would be created. However, Moscow did not adequately fulfil its part of the bargain, which is why Germany and the EU did not pursue the idea of the dialogue format.

The Russian Federation also has major problems upholding international law in areas where its obligations require changes in domestic policy or legislation. An important example is Russia's membership of the Council of Europe. By becoming a member, Moscow committed itself to complying with the European Convention on Human Rights and respecting and implementing the decisions of the European Court of Human Rights (ECtHR). However, Russia's behaviour in the Parliamentary Assembly (PA) of the Council of Europe and in relation to the Court shows that it does not take these obligations seriously and is willing to fulfil them superficially at most. It uses the PA mainly to reject any criticism. On the whole, Russia does implement the decisions of the ECtHR as far as paying compensation is concerned, but there have been no

¹⁹ However, this decision was later overturned by a Dutch court: Stanley Reed, “Dutch Court Overturns \$50 Billion Ruling against Russia in Yukos Case”, *The New York Times*, 20 April 2016, <http://www.nytimes.com/2016/04/21/business/international/yukos-russia-50-billion-ruling.html> (accessed 6 March 2017).

²⁰ The EU's cartel proceedings against Gazprom are not addressed by this study, for two reasons. First, the case is slightly different in that it concerns compatibility with the 3rd EU internal market package. Second, the proceedings have not yet yielded any reliable results.

²¹ I am grateful to Kirsten Westphal for her assessment of Russia's behaviour in the energy sector.

²² International Crisis Group, “Georgia-Russia: Learn to Live like Neighbours”, Europe Briefing no. 65 (Tbilisi et al., 8 August 2011), 2, <https://d2071andvip0wj.cloudfront.net/b65-georgia-russia-learn-to-live-like-neighbours.pdf> (accessed 6 March 2017).

²³ Transnistria is a secessionist region of the Republic of Moldova, whose independence is mainly underwritten by Russian support: see e.g. Klemens Büscher, “The Transnistria Conflict in Light of the Crisis over Ukraine”, in *Not Frozen! The Unresolved Conflicts over Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh in Light of the Crisis over Ukraine*, ed. Sabine Fischer, SWP Research Paper 9/2016 (Berlin: Stiftung Wissenschaft und Politik, September 2016), 27–45.

structural reforms of the Russian legal system. As a result, similar lawsuits are brought before the ECHR year after year, without Moscow addressing their causes.²⁴ The Kremlin's decision in December 2015 not to implement ECtHR decisions which do not conform to the Russian constitution emphasises the Russian leadership's unwillingness to submit to an international court.²⁵ Statements on this subject by both Putin and the President of the Constitutional Court, Valery Zorkin, indicate a condescending attitude towards the Council of Europe and an ever-decreasing willingness to meet the associated obligations.

Russia's actions in the past, as much as its rhetoric of today, indicate that it was open to the idea of concluding bilateral and multilateral treaties and agreeing to international rules, and in principle remains so. Its treatment of Ukraine has shown, however, that the Russian leadership is equally prepared to disregard and breach these agreements for reasons of supposedly overriding importance, if it seems opportune. This is evidence for an attitude that instrumentalises the law: respecting it can make sense, but it can just as easily be discarded if a different course suits Russia better. This approach correlates with the discourse on sovereignty that members of the Russian elite cultivate, positing that, as a sovereign actor, Russia is free to prioritise other parameters above international law. The Kremlin is more likely to reach this conclusion when relevant rules or agreements concern the post-Soviet area or Russia's internal situation.

Law in the National Context

The Russian elite's estimation of the law and legislation carries over to the national context. This attitude is less directly linked to the crisis in and over Ukraine than is the case for international law, but how the law is treated on the national level is essential for understanding the basic attitude of the Russian elite in this domain. A good starting-point for this analysis is 2008, since it allows us to compare Dmitry Medvedev's presidency with Putin's third period in office, which

followed. Medvedev made it his goal to fight "legal nihilism", a buzzword that has since disappeared from the official discourse under Putin.²⁶ Whether this indicates that the two presidents represent different attitudes to the law is a different question. This section will examine it, *inter alia*, by considering a) individual presidential actions (e.g. pardons), b) developments in civil rights and c) structural changes in the justice system.

In an interview with *The Financial Times* in March 2008, shortly after he was elected president of Russia, Medvedev referred several times to the significance of the law. He pointed to the importance of the Russian Constitution and the necessity of making it into "an act of direct action" i.e. directly applicable law. He also re-emphasised how crucial the separation of powers was and argued that "today we have to make all the necessary efforts to make sure that the courts in Russia are independent and objective and act on the basis of existing procedural legislation."²⁷

Medvedev's statements and his training as a lawyer raised expectations that the rule of law in Russia might improve. However, when the former Russian oligarch Mikhail Khodorkovsky was sentenced for the second time in December 2010, many observers came to the conclusion that the hopes invested in Medvedev were unfounded. Both the accusations and the trial itself utterly failed to meet the standards of rule-of-law proceedings.²⁸ The verdict against Khodorkovsky sent a strongly negative signal concerning the relationship of the Russian leadership to the separation of powers and the independence of the judiciary. But even before

²⁴ Susan Stewart, *Russland und der Europarat*, SWP-Studie 10/2013 (Berlin: Stiftung Wissenschaft und Politik, May 2013).

²⁵ Ekaterina Mishina has shown that this was no spontaneous decision, but rather the expression of an attitude that has developed and consolidated over the years: Ekaterina Mishina, "The Kremlin's Scorn for Strasbourg", *Institute of Modern Russia* (online), 24 August 2015, <http://imrussia.org/en/analysis/law/2388-the-kremlins-scorn-for-strasburg> (accessed 6 March 2017).

²⁶ Medvedev's expression referred to the widespread disregard or disdain for the law among the Russian people: see "Polnyi tekst vystypleniia Dmitriia Medvedeva na II Grazhdanskom forume v Moskve 22 janvarja 2008 goda" [The complete text of Dmitry Medvedev's speech to the 2nd Civic Forum in Moscow on 22 January 2008], *Rossijskaja gazeta*, 24 January 2008, <https://rg.ru/2008/01/24/tekst.html> (accessed 6 March 2017).

²⁷ "Interview Transcript: Dmitry Medvedev", *Financial Times*, 24 March 2008, <http://www.ft.com/cms/s/0/f40629a8-f9ba-11dc-9b7c-000077b07658.html#axzz4F7uy0aZ8> (accessed 22 July 2016).

²⁸ Tom Parfitt, "Mikhail Khodorkovsky Sentenced to 14 Years in Prison", *The Guardian*, 30 December 2010, <http://www.theguardian.com/world/2010/dec/30/mikhail-khodorkovsky-jail-term>; International Bar Association, *The Khodorkovsky Trial. A Report on the Observation of the Criminal Trial of Mikhail Borisovich Khodorkovsky and Platon Leonidovich Lebedev, March 2009 to September 2010* (London, September 2011), <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=1C47F688-ADCD-4D4B-AEA6-5BF4039FF4D5> (accessed 6 March 2017).

the verdict, Medvedev's behaviour had indicated that he did not always uphold the precepts of the rule of law which he had so strongly praised in his *Financial Times* interview. In May 2009 Medvedev put a change of legislation to the Duma, under which the president of the Constitutional Court and his or her deputy would henceforth be proposed by the Russian president and appointed by parliament. These posts had previously been nominated by the judiciary. On 2 June 2009, Medvedev signed a law to that effect, which had already been authorised by the Duma.

Other spectacular legal cases of Medvedev's presidency show a rather conflicted picture. In late November 2009, the Russian lawyer Sergei Magnitsky died in custody because he had not received the necessary medical care in prison. Magnitsky had worked for the British-American businessman Bill Browder, who possessed information about a high-ranking corruption case which Magnitsky had been investigating. Medvedev ordered several prison officials to be dismissed and demanded a reduction in staff numbers at the interior ministry, which was involved in the scandal.²⁹ The circumstances of Magnitsky's death have never been fully clarified. The investigation into the murder of human-rights activist Natalya Estemirova likewise petered out. After she was kidnapped and murdered in July 2009, Medvedev did quickly arrange for an investigation, but the investigators soon fixated on an abstruse theory and ignored other variants that would have incriminated high-ranking officials.³⁰

However, it is also worth looking at other areas of the law and comparing the way in which they were treated under Medvedev's presidency and by Putin in his third term of office. Legal developments concerning the media and involvement in demonstrations are particularly instructive because respect (or disregard) for these spheres of political participation provides clues about the willingness of the Russian leadership to act repressively and about the function of legislation in general. Medvedev's well-known statement that "freedom is better than non-freedom" had raised hopes

at the beginning of his mandate that the Russian state would be tolerant of the media and demonstrators.

On 6 November 2010, Medvedev used his veto against a draft law that proposed placing additional limits on the holding of demonstrations. For instance, organisers would only have been allowed to make public the time and place of a demonstration once the rally had been approved by the authorities. Medvedev believed that the law "contains clauses that run counter to the free realisation of citizens' constitutional right to hold assemblies, rallies, demonstrations and processions, and to picket".³¹ After the December 2011 demonstrations against fraud in the Duma election results, Medvedev responded to the demonstrators' demands by re-introducing elections for regional governors and initiating draft legislation that made it easier for political parties to register for and participate in elections. These decisions point to a certain level of respect for demonstrations as an instrument and for participants, which is in keeping with his above-quoted comments on constitutional law. However, the law on gubernatorial elections in particular was seen as a half-hearted measure because the executive continues to have the prerogative to intervene in the election process.³²

As regards the media, Medvedev set his own accents; however, this did little to loosen pre-existing restrictions. Camille Jackson from the University of Oxford concludes that Medvedev largely kept the restrictive political line on the media that Putin had established in his two terms in office, except for pushing through tougher penalties for violence against journalists and better protection of children from dangerous media content.³³ The well-known commentator on Russian politics, Maria Lipman, summarises as follows: under Medvedev, the media operated in an

³¹ Vladimir Kus'min, "Veto vlasti" [The veto of power], *Rossijskaja gazeta*, 8 November 2010, <https://rg.ru/2010/11/08/medvedev.html> (accessed 6 March 2017).

³² "Russia Returns to Direct Election of Governors", *Russia Beyond the Headlines* (online), 2 May 2012, http://rbth.com/articles/2012/05/02/russia_has_the_direct_gubernatorial_elections_returned_15558.html; J. Paul Goode, "The Revival of Russia's Gubernatorial Elections: Liberalization or Potemkin Reform?", *Russian Analytical Digest*, no. 139 (18 November 2013): 9–11, <http://www.css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/RAD-139-9-11.pdf> (both accessed 6 March 2017). Since 2013 Russia's regions have been free to choose whether to hold elections for governor, or accept the candidate proposed by the president.

³³ Camille Jackson, "Legislation as an Indicator of Free Press in Russia", *Problems of Post-Communism* 63, no. 5–6 (1 July 2016): 354–66.

²⁹ Amy Knight, "The End of the Medvedev Revolution?", *The New York Review of Books*, 5 January 2011, <http://www.nybooks.com/daily/2011/01/05/end-medvedev-revolution/> (accessed 6 March 2017).

³⁰ "Sidebar: The Unsolved Murder of Natalya Estemirova", *Committee to Protect Journalists (CPJ)* (online), 28 October 2014, <https://cpj.org/reports/2014/10/the-road-to-justice-natalya-estemirova-unsolved-murder.php> (accessed 6 March 2017).

overall climate of increased freedom and were able to address even sensitive topics to a certain extent. Moreover, as Lipman points out, a number of new media outlets were created, which primarily attracted young liberal customers. Overall, however, she found that the Russian media – and especially their ownership structures and the loyalty of their most important barons to Putin – remained unchanged.³⁴

During Putin's third term in office, beginning in May 2012, the discourse on legal nihilism evaporated, as did the impression that some parts of society were becoming less fettered. A series of repressive laws replaced the relatively liberal approach, more strictly regulating demonstrations, the media and the Internet.³⁵ Other areas, such as legislation on non-governmental organisations (NGOs) or the rights of gays and lesbians, were also subject to this trend.³⁶ In all of these sectors, public space was restricted, and the opportunities for articulating dissenting opinions or criticism of the regime – or for simply being different – were curtailed. The “Yarovaya Law” – named after the Duma member Irina Yarovaya (United Russia) who proposed it – was especially criticised in and outside of Russia. The law extended the reach of secret-service surveillance by imposing new and virtually ruinous conditions on telecommunications companies; by severely limiting the freedoms of religious groups; and by making it possible to punish people for not informing the authorities of others' intention to commit a crime.³⁷ Some observers believe that this legislation

substantially undermines the fundamental principles of Russian criminal law.³⁸ Putin promulgated this repressive line in his discourse and has not hesitated to sign the relevant laws.

In 2014 an important change was made to the court system that is revealing about both the Medvedev phase and Putin's goals. The media called attention to the fact that the highest instances of the criminal and civil court system and of the previously independent system of arbitration courts – the Supreme Court and the Supreme Court of Arbitration, respectively – were to be united following a proposal by the president. A closer reading of the legal text reveals, however, that the latter was dissolved and its tasks taken over by the former.³⁹ This is surprising because the Supreme Court of Arbitration had a very good reputation and was known for its relative independence. Its last President, Anton Ivanov, was a prominent judge and friend of Medvedev's.

Following the reform, the Supreme Court of Arbitration was replaced by an arbitration subgroup consisting of 30 people and led by Oleg Sviridenko, who has been convincingly accused of plagiarism in his post-doctoral dissertation.⁴⁰ A series of filters in the selection process of new judges excluded almost all candidates who were close to Anton Ivanov from being appointed. Well-informed observers both in and outside of Russia came to the conclusion that an innovative and competent institution had been dissolved to allow the leadership to exercise closer political control over the entire court system – including economic disputes.⁴¹ More than 80 lawyers signed a letter to President Putin, the state Duma and the Federal

³⁴ Maria Lipman, “Russia's Non-Governmental Media under Assault”, *Demokratizatsiya: The Journal of Post-Soviet Democratization* 22, no. 2 (2014): 179–90.

³⁵ Gleb Bryanski, “Russia's Putin Signs Anti-protest Law before Rally”, *Reuters*, 8 June 2012, <http://www.reuters.com/article/us-russia-protests-idUSBRE8570ZH20120608>; Anastasia Bazenkova, “Foreign Publishers Quit Russia over Media Ownership Law”, *The Moscow Times*, 9 September 2015, <https://themoscowtimes.com/articles/foreign-publishers-quit-russia-over-media-ownership-law-49421>; Will Wright, “Russia's Internet Crackdown”, *Center for International Media Assistance* (online), 28 April 2016, <http://www.cima.ned.org/blog/russia-internet-crackdown/> (all accessed 6 March 2017).

³⁶ The International Center for Not-for-Profit Law “Civic Freedom Monitor: Russia”, *Icnl.org* (online), last update on 23 August 2016, <http://www.icnl.org/research/monitor/russia.html>; Sean Guillory, “Repression and Gay Rights in Russia”, *The Nation*, 26 September 2013, <http://www.thenation.com/article/repression-and-gay-rights-russia/> (both accessed 6 March 2017).

³⁷ Tanya Lokshina, “Draconian Law Rammed through Russian Parliament”, *The World Post*, 24 June 2016, http://www.huffingtonpost.com/tanya-lokshina/draconian-law-rammed-thro_b_10634674.html (accessed 6 March 2017).

³⁸ Gleb Bogush, “Killing Russian Criminal Law”, *Carnegie Moscow Center* (online), 7 July 2016, <http://carnegie.ru/commentary/?fa=64030> (accessed 6 March 2017).

³⁹ Ekaterina Mishina, “Who Shall Judge?” (New York: Institute of Modern Russia, 30 September 2014), <http://imrussia.org/en/analysis/law/2040-who-shall-judge> (accessed 6 March 2017).

⁴⁰ The accusations were rejected by an academic commission (*disssowjet*), to which Sviridenko himself belonged: Ekaterina Shutova, “Sud'ja Sviridenko ostalsja doktorom” [Judge Sviridenko remains a Doctor], *gazeta.ru*, 15 December 2015, http://www.gazeta.ru/science/2015/12/15_a_7970441.shtml (accessed 6 March 2017).

⁴¹ William Partlett, “Judicial Backsliding in Russia”, *Jurist – Academic Commentary*, 30 September 2014, <http://www.jurist.org/forum/2014/09/william-partlett-russia-reform.php>; Ekaterina Mishina, “Hostile Takeover: On Putin's 'Judicial Reform'”, *Institute of Modern Russia* (online), 17 October 2013, <http://imrussia.org/en/rule-of-law/578-hostile-takeover-on-putins-judicial-reform> (both accessed 6 March 2017).

Assembly, putting forward purely factual arguments to protest against this development.⁴²

However, there are also legal acts from Putin's third term of office that point to a different attitude to the law: in particular, Khodorkovsky's pardon and the early release of two Pussy-Riot members⁴³ (both acts from December 2013) as well as a partial amnesty of imprisoned businessmen in July 2013. The latter, however, fell far short of the expectations of the entrepreneurs' ombudsman, Boris Titov.⁴⁴ All these actions derive from an individual decision by the president – even if a law to the requisite effect was passed on his initiative. In other words, the acts do not create any reliable legal instruments or binding rules for similar cases. The isolated nature of these legal acts allows President Putin to retain full control over whether or not to show mercy.

In the national context, two basic attitudes towards law can thus be discerned. A part of the elite, represented by Medvedev and a number of practising lawyers, generally respects the law as a means for setting rules and sees justice as a value to be aspired to. Putin and other sections of the elite (e.g. most members of the Duma and Federal Assembly) consider laws and courts to be tools for controlling the Russian people or certain subsections thereof. This is without any doubt the prevailing attitude among Russia's elite today. The ineffectiveness of that fraction of the elite which supports the first concept of the law is shown by the fact that Medvedev, despite being prime minister, is either unwilling or unable to create a counterweight to Putin's treatment of the law. Furthermore, recent allegations concerning Medvedev's involvement in various forms of corruption call his potential support

for a rule-of-law-oriented framework severely into question.⁴⁵

As regards international law, there is a consensus among the Russian elite that legally binding agreements are advantageous for Russia in principle because they make other actors more predictable. However, Russia reserves the right to be unpredictable, i.e. to disregard international rules if it deems other considerations more important. As shown above, within Russia the law is used as an instrument of power and not primarily considered an institution that protects Russian citizens and grants them certain freedoms. The two legal spheres have in common that the top echelons of the Russian elite always reserve the right to exert control over the situation by means of individual decisions and to leave others (whether external actors or their own citizens) in the dark over their future behaviour.

⁴² "Obrashchenie predstavitelej juridicheskogo biznesa (juridicheskoy pomoshchi/uslug) otnositel'no Zakonoproekta 'O Verhovnom Sude Rossijskoj Federatsii i prokurature Rossijskoj Federatsii'" [Appeal by members of the legal sector (legal help/services) concerning the draft legislation 'On the Supreme Court of the Russian Federation and the Prosecutor General of the Russian Federation'], <http://www.rospravo.ru/files/news/59e34fa06e072c1db2b5c78c19f9a2be.pdf> (accessed 6 March 2017).

⁴³ Three members of the Pussy Rio group were imprisoned after occupying the altar zone in a church and performing a dance as well as a song with political content. Two were released after not quite two years. The third had been freed much earlier.

⁴⁴ William E. Pomeranz, "How Russia Puts Business behind Bars", *Reuters*, 5 July 2013, <http://blogs.reuters.com/great-debate/2013/07/05/how-russia-puts-business-behind-bars/> (accessed 6 March 2017).

⁴⁵ Shaun Walker, "Dmitry Medvedev: the whipping boy for Russia's discontented", *The Guardian*, 30 March 2017, <https://www.theguardian.com/world/2017/mar/30/dmitry-medvedev-whipping-boy-russia-discontented-protests> (accessed 24 May 2017).

Approaches to Truth and History

Russia's actions in and towards the Ukraine (and to a certain degree Syria as well) and the explanations supplied by Moscow have raised the question of how much value is attached to the truth in Russian discourse. On several occasions, members of the Russian political elite told their Western interlocutors outright lies. In some cases, these statements were later openly acknowledged to have been lies, for instance the "little green men" in the Crimea (see below). Russia's intense propaganda and disinformation since its occupation of the Crimea have surprised and shocked Western governments and media, and have triggered a debate on suitable counter-measures.

This experience of the Russian elite's uninhibited exploitation of the truth raises the issue of how this ruthlessness might impact on the way history is represented by Russia's decision-makers. What we find is that a questionable reading of historical facts and events played a key role in Russia's actions in the Crimea and Donbas, especially in terms of legitimising its own behaviour.

For many Western observers, the annexation of the Crimea was not only surprising in itself, but also in the degree to which Russian actors ruthlessly manipulated the truth. The presence of armed fighters without insignia, who later turned out to be members of the Russian armed and security forces, is only one example, albeit the most glaring. This case is also disturbing because Putin suddenly admitted the presence of such troops (which went beyond those of the Black Sea Fleet) in a television interview with the journalist Andrei Kondrashov, after he and other top politicians had doggedly denied for weeks that regular military forces were involved. His behaviour sent a strong signal both domestically and externally: Putin wanted to demonstrate that he had knowingly lied to his international interlocutors. In other words, the point was to destroy any trust that international actors had in the predictability of Moscow's actions. As with its use of the law, this method testifies to the desire of the Russian elite to show that Russia will not let itself be dictated to by anyone.

The Russian troops and officers in the Donbas represent a similar situation. So far, however, Putin has only conceded that "persons occupied with solving

certain questions, including in the military domain" are present there,⁴⁶ despite the fact that various independent sources have confirmed the presence of regular Russian soldiers.⁴⁷ There were numerous lies, too, which were intended to corroborate insinuations relating to developments in Ukraine, namely that right-wing nationalist forces had great political influence in Kiev and that the Ukrainian leadership intended to suppress or even kill ethnic Russians and Russian speakers in Ukraine. To make these statements credible, stories were invented, such as the crucifixion of a child by Ukrainian soldiers or calls by Ukrainian politicians to make using the Russian language punishable by law.⁴⁸ Germany has also been the target of such accusations, in the so-called "Lisa Case".⁴⁹ Even though the story had already been proven false, the Russian media as well as the Russian Foreign Ministry perpetuated their own version. Foreign Minister Lavrov even publicly questioned the results of the German police investigation.⁵⁰

The willingness of the Russian leadership to privilege historical association over international law has also astonished Western observers. Putin repeatedly emphasised the common history of the Crimea and Russia during his speech at a solemn ceremony on 18 March 2014, at which he called on the Federal Council to make the Crimea and Sevastopol subjects of the

46 "Vladimir Putin's Annual Press Conference", 17 December 2015, <http://en.kremlin.ru/events/president/news/50971> (accessed 6 March 2017).

47 See the sources mentioned in note 14.

48 Julia Smirnova, "Die Stunde der Scharfmacher im Ukraine-Konflikt", *Die Welt* (online), 14 July 2014, <http://www.welt.de/politik/ausland/article130153118/Die-Stunde-der-Scharfmacher-im-Ukraine-Konflikt.html>; "Russia TV Fake Oleg: Tyagnibok Calls to Ban Russian Language in Ukraine", 5 March 2014, <http://www.stopfake.org/en/russian-tv-fake-oleg-tyagnibok-calls-to-ban-russian-language-in-ukraine/> (both accessed 6 March 2017).

49 Russian media had reported that a thirteen-year-old German-Russian girl had been raped by immigrants in Berlin. This turned out not to be the case.

50 Julia Smirnova, "Lawrow wirft deutschen Behörden 'Vertuschung' vor", *Die Welt* (online), 26 January 2016, <http://www.welt.de/politik/ausland/article151483331/Lawrow-wirft-deutschen-Behoerden-Vertuschung-vor.html> (accessed 6 March 2017).

Russian Federation. This implicitly placed the legitimising power of the peninsula's historic connection to Russia above international law (in the sense of the territorial integrity and sovereignty of states). History was also used to justify Russia's actions in Eastern Ukraine, albeit less adamantly and aggressively. Among other things, the historic term *Novorossiia* (New Russia) was used to propagandise the supposedly shared identity of the areas in Ukraine's east and south, which had been an administrative unit at the end of the Russian Empire. While this term has largely disappeared from the official discourse, at least for now, its deliberate introduction into the debate testifies to the willingness of the Russian elite to use historical constructs to legitimise its actions.

Approaches to History

Is this approach to history and truth by the Russian elite a new phenomenon? To answer that question, at least for history, it is important to examine Russia's relationship with World War Two. No other historical event has such significance in Russia. Under Putin, its importance in the official discourse has increased still further. Almost from the start of his presidency, Putin has time and again raised the subject of Russia's suffering and victory in the "Great Patriotic War", and used the commemoration of it to legitimise his government. He has re-introduced the tradition of military parades and revived the ritual of the so-called "remembrance lessons" (*uroki pamjati*), in which Russian pupils meet war veterans to honour the sacrifices made during the war.⁵¹

This development is in part a reaction to concerns during the Medvedev era that other representations of World War Two – especially from other post-Soviet states – might challenge the official Russian version. To counteract these supposed tendencies, a Commission to Resist Attempts to Falsify History to Damage Russia's Interests was created by the Russian president in 2009 to deal above all with historiographical approaches that supposedly relativise or do not sufficiently acknowledge Russia's role in World War Two. The timing of its creation was probably due to the upcoming 70th anniversary of the Hitler-Stalin Pact. On that occasion, the Russian elite expected a wave of

critical foreign representations of the Soviet leadership at the time, which it aimed to counter, *inter alia*, through the commission's work.⁵²

At almost the same time as the commission was set up, the Russian authorities closed down a website that had been an important source of documents and other information for historians both in and outside of Russia. In conjunction with the shutting down of this website, the British historian Orlando Figes complained that the Kremlin was deliberately using bloggers to propagate the official Russian version of historical events and discredit foreign historians.⁵³ However, on the whole the Commission's work barely made an impression. Apart from the few publications that it inspired, its work remained vague and strictly circumscribed. In early 2012 it was quietly disbanded.⁵⁴ And yet concerns that Russia's actions and role in the 1930s and 1940s might be interpreted "wrongly" remained. In February 2014 a draft law dating from 2009 was revived that criminalises, among other things, the deliberate dissemination of false information concerning the activities of the Soviet Union during World War Two. One of the bill's authors was the current Culture Minister, Vladimir Medinsky. It was signed into effect by Putin in May 2014.⁵⁵

The state's attempts to control historiography also concern the evaluation of Joseph Stalin. Official representations are usually ambivalent, pointing out both positive and negative aspects of his regime. The his-

⁵² James Rodgers, "Russia Acts against 'False' History", *BBC News* (online), 24 July 2009, <http://news.bbc.co.uk/2/hi/europe/8166020.stm> (accessed 6 March 2017).

⁵³ Luke Harding, "British Academics Protest after Russia Closes Down History Website", *The Guardian*, 13 July 2009, <http://www.theguardian.com/world/2009/jul/13/russia-shuts-history-website> (accessed 6 March 2017).

⁵⁴ "V fevrale 2012 goda ukazom Prezidenta Rossii byla prekrashchena dejatel'nost' Komissii po protivodejstviju fal'sifikatsii v ushcherb interesam Rossii" [In February 2012 a presidential decree put an end to the activities of the Commission to Resist Attempts to Falsify History to Damage Russia's Interests], 29 March 2012, <http://narodchnitskaya.com/commission-on-antifraud-stories/v-fevrale-2012-goda-ukazom-prezidenta-rossii-byila-prekrashhena-deyatelnost-komissii-po-protivo-deystviyu-falsifikatsii-istorii-v-ushherb-interesam-rossii.html> (accessed 6 March 2017).

⁵⁵ Ivan Kurilla, *The Implications of Russia's Law against the "Rehabilitation of Nazism"*, PONARS Eurasia Policy Memo no. 331 (Washington, D.C.: Institute for European, Russian and Eurasian Studies, The Elliott School of International Affairs, George Washington University, August 2014), http://www.ponarseurasia.org/sites/default/files/policy-memos-pdf/Pepm331_Kurilla_August2014_0.pdf (accessed 6 March 2017).

⁵¹ Elizabeth A. Wood, "Performing Memory: Vladimir Putin and the Celebration of WWII in Russia", *The Soviet and Post-Soviet Review* 38, no. 2 (2011): 172–200.

tory textbooks that have received the Education Ministry's official stamp of approval describe Stalin as an "efficient manager" who led the Soviet Union through the "Great Patriotic War" and a successful process of industrialisation, but who was also a "dictator" responsible for massive repression. The overall trend, however, is towards reinforcing the positive aspects and sweeping the unpleasant ones under the carpet. This tendency is also noticeable in the official stance on the Gulag system, which culminated under Stalin. The most notable example is the transformation of the Perm-36 Museum, Russia's only Gulag museum to be located on the grounds of a former labour camp. The labour camp persisted long after Stalin's era and was finally closed in 1987. In 1995 it became a site commemorating the history of political repression, run by the NGO Perm-36 and co-financed by the regional government.

From 2013 the board of trustees and the closely associated cultural association "Memorial-Perm" were increasingly harassed by the regional administration. Payments were withheld, leaving the museum unable to pay its electricity and gas bills. As a result, it was forced to close. In the summer of 2014, it was re-opened under the trusteeship of the local authorities, but with a different focus. It no longer aims to keep alive the memory of political repression during the Soviet era, but instead emphasises the contribution detainees made to building socialism and making possible the victory in the "Great Patriotic War", thus justifying their forced labour. The current director, Yelena Mamaeva, has warned commentators not to judge Stalin in any way, shape or form because it would not be "politically correct".⁵⁶ The museum's fate coincides with a policy on history that clearly aims to stifle serious attempts to confront the past and instead puts the emphasis on aspects of Stalin's reign of terror which are politically useful in the contemporary political environment. This trend goes hand in hand with the publication of a new standardised history textbook for all Russian schools, which has been in use since September 2016. The idea of a standardised version of history is supported and driven by both Putin and the current Education Minister, Olga Vasilyeva.

⁵⁶ Mikhail Danilovich and Robert Coalson, "Revamped Perm-36 Museum Emphasizes Gulag's 'Contribution to Victory'", *Radio Free Europe/Radio Liberty* (online), 25 July 2015, <http://www.rferl.org/content/russia-perm-gulag-museum-takeover-contribution-to-victory/27152188.html> (accessed 6 March 2017).

There are thus many indications that the Russian elites choose to instrumentalise history for political purposes. The representation of historical events sanctioned by the state is not the outcome of a professional debate based on diverse sources and leading to plausible results, but rather a version which is orientated towards the current political interests of the Russian leadership and which is used, for example, to legitimise certain undertakings. Dissenting versions of history are not tolerated, whether they come from foreign or domestic actors. The emergence of this policy on history could already be discerned in the years before the annexation of the Crimea.

Approaches to Truth: The Case of the Media

Where history is concerned, there are, therefore, clear trends towards establishing a single accepted interpretation of certain events – an interpretation that cannot be challenged. However, many observers have come to the conclusion that Russian officialdom's approach to the truth more broadly is in fact to call into question the existence of any single "true" version of an event.⁵⁷ The "hybrid operation" conducted to this end employs a number of different means.⁵⁸

This study limits its examination of the Russian elite's approach to the truth to the policy pursued by Russia's decision-makers towards the official media – both those targeting a domestic audience and those aimed at (Western) foreign countries. There has been a definite trend in the past decade in those media which focus on audiences abroad, exemplified by the change in the television channel Russia Today (now known as RT). Russia Today was launched in 2005. Its then editor-in-chief, Margarita Simonyan, declared that her task was to change Russia's image throughout the world. Accordingly, Russia Today broadcast numerous positive news items from Russia, although international news also played an important part in its reporting. The young Russia Today team also attracted ambitious foreign journalists and soon gained a reputation for professionalism. The channel's ratings, however, grew more slowly than expected. That changed with the

⁵⁷ See especially Peter Pomerantsev, *Nothing Is True and Everything Is Possible* (New York, 2014).

⁵⁸ Keir Giles, *Russia's 'New' Tools for Confronting the West: Continuity and Innovation in Moscow's Exercise of Power*, Research Paper (London: Chatham House, March 2016), <https://www.chathamhouse.org/sites/files/chathamhouse/publications/2016-03-russia-new-tools-giles.pdf> (accessed 6 March 2017).

war between Georgia and Russia in the summer of 2008, during which Russia Today had a virtual monopoly on presenting the Russian position. However, some journalists in the team were already complaining that the discourse from Moscow was impossible to reconcile with events on the ground.⁵⁹

In the years that followed, foreign journalists increasingly left RT because they considered the approach to the truth expected of them to be increasingly problematic. Since then, the channel's reporting on Western countries has noticeably altered. During Medvedev's presidency, reports on the US, for example, were at times favourable.⁶⁰ RT's reporting during the past few years demonstrates, however, that the channel aims to portray the West as chaotic and plagued with serious socioeconomic problems. A clear example of this type of reporting is to be found in the RT broadcasts on the Occupy Movement in the US in 2011,⁶¹ even if the outlet's primary objective at the time was probably to provide a propaganda counterweight to events that reflected badly on Russia. Clear evidence of lies and distorted representations, especially concerning developments in Ukraine, did not emerge until 2014. Two journalists who left RT that year (Sarah Firth and Liz Wahl) complained of the misleading and plainly mendacious reporting about the crisis in and over Ukraine. However, both also acknowledged that the channel's approach to the events in Ukraine had merely been the last straw for them, and that they had already been dissatisfied with the reporting on other, earlier events.⁶² The British media watchdog Ofcom

also found that RT's reporting on Syria and Ukraine had violated the British Broadcasting Code on several occasions, and issued warnings and fines.⁶³

In other words, RT's willingness to forgo professional reporting and disseminate lies seems to have grown since 2014. However, this tendency did pre-exist, if less forcefully. Since the channel is entirely financed by the Russian state, we can safely assume that Russia's leaders approve of the approach to the truth practised by RT. This interpretation is supported by statements made by Deputy Communication Minister Alexei Wolin to a group of students at the Journalism Faculty of Lomonosov Moscow State University. According to Wolin, future journalists should be ready to adapt entirely to the agenda of their employer, who should be considered an uncle (*djadja*). This uncle, he said, would tell them what to write and how to write it, and what *not* to write about certain issues – which was his right, since he was paying them. It should be absolutely clear to any journalist, he claimed, that their task was not to make the world a better place, to carry the torch of truth or to put humanity on the right path. None of this was his or her job. The mission of journalists was to increase their employer's profits.⁶⁴

The deputy minister's words masked the influence that politics has on the media. However, they were a frank expression of his view that the media should not care about the truth, but merely about the agenda of their respective proprietors. That, for him, is the principle of journalistic work.

Accordingly, the few media outlets that report critically on political and economic developments in Russia and operate to professional standards are increasingly put under pressure. Those which have a reputation for being critical of the regime have been harassed for years, even if they have been allowed to continue to work. The prime example is the radio station Echo Moskvy, owned by Gazprom Media

⁵⁹ Oliver Bullough, "Inside Russia Today: Counterweight to the Mainstream Media, or Putin's Mouthpiece?", *The New Statesman*, 10 May 2013, <http://www.newstatesman.com/world-affairs/world-affairs/2013/05/inside-russia-today-counterweight-mainstream-media-or-putins-mou>; Jill Dougherty, "How the Media Became One of Putin's Most Powerful Weapons", *The Atlantic*, 21 April 2015, <http://www.theatlantic.com/international/archive/2015/04/how-the-media-became-putins-most-powerful-weapon/391062/> (both accessed 6 March 2017).

⁶⁰ Thomas Sherlock, "Confronting the Stalinist Past: The Politics of Memory in Russia", *The Washington Quarterly* 34, no. 2 (2011): 93–109, https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/twq11springsherlock.pdf (accessed 6 March 2017).

⁶¹ Bullough, "Inside Russia Today" (see note 59).

⁶² David McCormack, "'I'd Looked the Other Way as the Network Smeared America' Journalist who Resigned On-air from Russia Today Slams Network for Being Putin's Propaganda Machine", *The Daily Mail*, 23 March 2014, <http://www.dailymail.co.uk/news/article-2587281/Id-looked-way-network-smeared-America-journalist-resigned-air-Russia-Today-slams-network-Putins-propaganda-machine.html>; John Plunkett, "Russia

Today Reporter Resigns in Protest at MH17 Coverage", *The Guardian*, 18 July 2014, <http://www.theguardian.com/media/2014/jul/18/mh17-russia-today-reporter-resigns-sara-firth-kremlin-malaysia> (both accessed 6 March 2017).

⁶³ Jasper Jackson, "RT Sanctioned by Ofcom over Series of Misleading and Biased Articles", *The Guardian*, 21 September 2015, <http://www.theguardian.com/media/2015/sep/21/rt-sanctioned-over-series-of-misleading-articles-by-media-watchdog> (accessed 6 March 2017).

⁶⁴ Anastasija Ivanova, "'Sejchas chochetsja verit', chto ja budu pisat' tol'ko pravdu" [Right now I'd like to think that I'll only write the truth], *Bol'shoj gorod*, 11 February 2013, http://bg.ru/education/otvet_mgu_volinu-17070/ (accessed 6 March 2017).

Holding but allowed to report largely independently. Under its statutes, the editor-in-chief (Alexei Venediktov, since 1998) has the final say about programming content. This supposed autonomy is nonetheless time and again disputed from above,⁶⁵ making the station's survival uncertain. The much younger independent television channel Dozhd, founded in 2010, has progressively experienced problems with the authorities, in particular since 2014. The harassment ranges from the withdrawal of cable licenses, to being forced to move premises, to searches because of alleged violations against extremism and terrorism legislation.⁶⁶

The Internet and social networks have also been confronted by restrictive measures. In July 2012 a law was passed publishing a "black list" of websites that were allegedly harmful to children. Initially, these were primarily sites that glorified drugs, discussed suicide or included pornographic content. The following year, however, the law was extended to include political extremism, very broadly defined. Courts subsequently reached a series of dubious verdicts.⁶⁷ Since August 2014 bloggers have had to register with the authorities by providing their name and contact information if they have more than 3,000 readers. The Russian leadership's attention was also drawn to social media by the 2011/2012 protests, some of which were anti-regime in character. Subsequently, it resorted to measures whose purpose was to gain control of the Russian social network VKontakte, founded and run by Pavel Durov.⁶⁸ Durov eventually gave up and

left not only the company, but Russia as well. By way of farewell, he wrote on his page on VKontakte: "The freedom of action of the chief executive in managing the company has considerably decreased. It has been harder and harder to remain with those principles on which our social network is based".⁶⁹

As a final point, over the past few years the Russian authorities have continued to extend their influence over television networks, with the result that political opinions conveyed by the channels have become increasingly uniform. This policy is in keeping with Putin's attitude towards the media, which corresponds to Deputy Communication Minister Wolin's statement quoted above. According to Alexei Venediktov of Echo Moskvy, Putin had outlined his understanding of media activity early on in his presidency: "Here's an owner, they have their own politics, and for them it [the media organisation] is an instrument. The government also is an owner and the media that belong to the government must carry out our instructions. And media that belong to private businessmen, they follow their orders. Look at [Rupert] Murdoch. Whatever he says, will be."⁷⁰ Under Putin, media owners who did not show sufficient loyalty to the Kremlin were systematically and swiftly silenced.⁷¹ Recently, this trend has become even more pronounced. The political scientist Maria Lipman had already come to the conclusion in 2009 that in Russia "the media [were] reduced to being a political tool of the state or marginalized to a point of making no difference in policy-making". Already at the time, the "three major national [television] channels [were] used as tools of state propaganda in a way that [was] increasingly reminiscent of the Soviet days".⁷²

Since the Russian elite has sanctioned curtailing the freedom of the press and controls the national

⁶⁵ "Ekho Moskvy Chief Alleges Censorship in Cancellation of Putin Critic's Show", *Radio Free Europe/Radio Liberty* (online), 25 May 2016, <http://www.rferl.org/content/russia-ekho-moskvy-albats-cancellation-censorship/27757576.html>; "Echo No More? An Ominous Threat to an Independent Radio Station Just before an Election", *The Economist*, 18 February 2012, <http://www.economist.com/node/21547868> (both accessed 6 March 2017).

⁶⁶ Shaun Walker, "TV Rain: Inside Russia's Only Independent Television Channel", *The Guardian*, 9 June 2015, <http://www.theguardian.com/cities/2015/jun/09/tv-rain-russia-only-independent-television-channel>; "Russia: Harassment of Dozhd TV Channel Must End", *Article19* (online), 9 December 2015, <http://www.article19.org/resources.php/resource/38214/en/russia-harassment-of-dozhd-tv-channel-must-end> (both accessed 6 March 2017).

⁶⁷ Natalia Yudina, "Got Tagged? Get Fined! Russia's Battle against 'Digital Extremism'", *Open Democracy* (online), 24 August 2016, <http://www.opendemocracy.net/od-russia/natalia-yudina/got-tagged-get-fined-russia-s-battle-against-digital-extremism> (accessed 6 March 2017).

⁶⁸ Joshua Yaffa, "Is Pavel Durov, Russia's Zuckerberg, a Kremlin Target?", *Bloomberg* (online), 7 August 2013, <http://www.bloomberg.com/news/articles/2013-08-01/is-pavel-durov-russias-zuckerberg-a-kremlin-target> (accessed 6 March 2017).

⁶⁹ Shaun Walker, "Founder of VKontakte Leaves after Dispute with Kremlin-linked Owners", in: *The Guardian*, 2 April 2014, <http://www.theguardian.com/media/2014/apr/02/founder-pavel-durov-leaves-russian-social-network-site-vkontakte> (accessed 6 March 2017).

⁷⁰ Dougherty, "How the Media Became One of Putin's Most Powerful Weapons" (see note 59).

⁷¹ It should be pointed out, however, that the owners in question were Russian oligarchs, who used their media to further their own political and economic interests.

⁷² Maria Lipman, "Media Manipulation and Political Control in Russia", *Carnegie Moscow Center* (online), 3 February 2009, <http://carnegie.ru/publications/?fa=37199> (accessed 6 March 2017).

television channels,⁷³ there can be no doubt as to its attitude to both truth and propaganda. Its members are convinced, firstly, that the media are a vehicle for conveying specific messages to the Russian people and/or to a foreign audience; secondly, that the priority is their usefulness for the regime, and not their truth content. Consequently, the latter can be dispensed with if necessary.

73 On the president's possibilities for exercising control, see especially Eline Gordts, "Putin's Press: How Russia's President Controls the News", *The World Post*, 24 October 2015, http://www.huffingtonpost.com/entry/vladimir-putin-russia-news-media_us_56215944e4b0bce34700b1df (accessed 6 March 2017).

The National Interest and Concepts of Public Welfare

Many observers have wondered what Russia's ultimate motivation was in becoming militarily involved in Ukraine or later in Syria. Some cited geopolitical considerations; others pointed to the correlation between Moscow's agendas in foreign and domestic policy. According to the latter, Russia's foreign-policy initiatives need to be seen as closely connected to its efforts to shore up the leadership's (and especially the president's) legitimacy and popularity. This raises the question of how precisely the Russian elite defines the national interest. As Fyodor Lukyanov has pointed out, at least in recent times Russia has privileged security issues above the requirements of economic modernisation.⁷⁴ But since Russia's economic situation has deteriorated, the issue of how significant (or not) the public welfare⁷⁵ is in the decisions taken by the Russian elite has become increasingly pressing.

One plausible hypothesis concerns the transformation of the social contract between Russia's elite and its citizens. For many years during Putin's reign, there was an implicit agreement between the rulers and the ruled, according to which the people abstained from political participation in return for a steadily improving economic situation. Now the elite seems to have unilaterally modified the contract. Citizens are expected to forgo political participation as before; however, in exchange they no longer receive increasing wealth, but rather pride in Russia as a great power that is taken seriously on the world stage. This shift in values implies that society must tolerate even deteriorating economic conditions: instead of furnishing material goods, the elite provides for citizens using

immaterial goods, namely prestige and a worthy place in history.

To understand what Russia defines as the national interest, it is worth looking at the National Security Strategy. This document, which is revised at irregular intervals, addresses an extensive range of topics from foreign and security policy to economic and social policy. The way in which each topic is described and weighted provides an insight into the Russian elite's priorities – at least the public ones.

The crisis in and over Ukraine led to a revision of the National Security Strategy. The latest version was published on 31 December 2015. A major focus is now the international prestige of the Russian Federation. The resulting obligation to secure Russia's status as a great power is presented as a fundamental interest of the country that must be pursued in the long term.⁷⁶ However, the concept of security as used in the document is defined very broadly and relates above all to domestic Russian issues. It does not concern merely the protection and defence of the Russian state, but also the following subjects: the quality of life of Russia's citizens, the economy, science and education, health, culture and the environment. This suggests that improving living conditions in the socioeconomic sense is a priority for the Russian regime.

This emphasis was already in place in the previous security strategy, dating from 2009. That document also covered a wide range of topics, including those mentioned in the new 2015 strategy.⁷⁷ One of its focal points was the country's economic development. The well-known economist Ruslan Grinberg went so far as to claim that the document ranked economic security over traditional security issues, and even made it the

⁷⁴ Fyodor Lukyanov, "Putin's Foreign Policy: The Quest to Restore Russia's Rightful Place", *Foreign Affairs*, (May/June 2016), <http://www.foreignaffairs.com/articles/russia-fsu/2016-04-18/putins-foreign-policy> (accessed 6 March 2017).

⁷⁵ The public welfare (or "common good") can be defined as "the well-being of all members of a community, meaning not the private welfare of the individual, but rather the public interests of the people living together": see the article "Gemeinwohl". <http://www.theoriwiki.org/index.php?title=Gemeinwohl> (accessed 6 March 2017). Even if the Russian equivalent (*obshchee blago*) is rarely encountered in official statements, declarations by top state actors about wanting to promote the well-being of the Russian people are certainly part of conventional political discourse.

⁷⁶ On the National Security Strategy, see especially Olga Olikier, *Unpacking Russia's New National Security Strategy* (Washington, D.C.: Center for Strategic and International Studies, 7 January 2016), <http://www.csis.org/analysis/unpacking-russias-new-national-security-strategy>; the document itself (in Russian) is available at <http://static.kremlin.ru/media/events/files/ru/l8iXkR8XLAtxeilX7JK3XXy6Y0AsHD5v.pdf> (both accessed 6 March 2017).

⁷⁷ The text of the 2009 National Security Strategy (in English) can be found at <http://rustrans.wikidot.com/russia-national-security-strategy-to-2020> (accessed 6 March 2017).

top priority.⁷⁸ Indeed, five of the seven indicators that the strategy paper cites as measures of national security levels deal with economic performance.

The Significance of Public Welfare

In other words, the priorities set by the security strategies of 2009 and 2015 resemble each other. Judging by the two documents, the public welfare of citizens is important to the Russian elite. The yearly speeches of the Russian president to the Federal Assembly (*poslanija*) and other appearances by top members of the Russian elite confirm this impression.⁷⁹ In his *poslanie* of 1 December 2016, for example, Putin stated: “The basis of our entire policy is to take care of people and increase human capital as Russia’s most important resource. Therefore, our efforts are aimed at supporting the traditional values and the family, at implementing demographic programmes, improving the environment and people’s health, and promoting education and culture.”⁸⁰ However, there is a wide gap between the goals mentioned in the strategy papers and the actual developments in Russia’s regions in sectors such as education and health. This discrepancy raises the question of what significance the Russian political elite really ascribes to public welfare issues. This supposed priority becomes ever more doubtful if we take into account the extent of corruption within the elite, through which the rich get richer while the resources available for public welfare purposes simultaneously decrease.

In 2005, so-called “national projects” were initiated in science and education, the health system, housing and agriculture. State investments were meant to help drive development in these sectors. At the projects’ launch, Putin declared: “Concentrating budget and administrative resources on raising the quality of life of Russia’s citizens is a necessary and logical continuation of the economic course that we have steered over

the past five years and will continue to steer. It is a guarantee against the sluggish using-up of resources without palpable results. This is a course of investing in people – and that means: towards Russia’s future.”⁸¹ Dmitry Medvedev, who was first deputy prime minister at the time, was given the task of supervising the national projects.

Years later, both Putin and Medvedev gave a positive evaluation of the outcomes of the national projects.⁸² Other observers, however, assess the situation much more critically. As an article for the tenth anniversary of the projects’ launch phrased it: “Nobody discontinued the projects, they somehow disappeared by themselves, and now the shame-faced initiators and implementers avoid any mention of these ‘corpses’.”⁸³ The article concludes that – despite great sums being made available, especially for the health system and housing – improvements only occurred in the agricultural sector. These improvements, however, were not due to the corresponding national project. In general, the author points to three problems. First, bureaucracy and corruption swallowed most of the money which was made available. Second, the necessary conditions – such as a positive business climate – had not been created, which had an indirect impact on the projects. Finally, the financial crisis of 2008–2009 caused a drop in the amounts provided.

Other observers also find little to praise in the infrastructure campaign. A report by the reputed thinktank INSOR merely acknowledges that the health-system project has prevented a reduction in state spending in this sector because of the additional resources obtained. A different analyst makes some positive remarks – for example, concerning the project’s contribution

⁷⁸ Keir Giles, “Russia’s National Security Strategy to 2020” (Rome: NATO Defense College, June 2009), <http://www.conflictstudies.org.uk/files/rusnatsecstrategyto2020.pdf> (accessed 6 March 2017).

⁷⁹ The annual speeches are all available in Russian and English at <http://www.kremlin.ru>. See also “Interview Transcript: Dmitry Medvedev” (see note 27).

⁸⁰ Vladimir Putin, “Poslanie Prezidenta Federal’nomu sobraniyu” [The president’s speech to the Federal Assembly], *Prezident Rossii* (online), 1 December 2016, <http://kremlin.ru/events/president/news/53379> (accessed 6 March 2017).

⁸¹ Mikhail Mel’nikov, “Ne chokajas’: vspominaem prioritnye natsproekty” [No toasts: We remember the national priority projects], *Russkaja planeta*, 21 October 2015, <http://rusplt.ru/society/ne-chokajas-vspominaem-prioritnyie-natsproektyi-19327.html> (accessed 6 March 2017).

⁸² Medvedev was referring to the national project in housing, “Zasedanie Obshchestvennogo komiteta storonnikov i regional’nogo aktiva partii ‘Edinaja Rossiya’” [Session of the social committee of supporters and regional activists of the United Russia party], 15 November 2011, <http://kremlin.ru/events/president/news/13521>; Putin to all four areas, “Zasedanie Sovjeta po strategicheskemu razvitiyu i prioritnym proektam” [Session of the council for strategic development and priority projects], *Prezident Rossii* (online), 13 July 2016, <http://kremlin.ru/events/president/news/52504> (both accessed 6 March 2017).

⁸³ Mel’nikov, “Ne chokajas’” (see note 81).

to reducing the mortality rate.⁸⁴ In general, however, evaluations of the national projects as a whole are mainly negative.

The education and health sectors deserve closer attention beyond the national projects, because they clarify the elite's attitudes to public services. However, the focus here is not primarily on whether or not there is a gap between the aims set by the elite and the results actually obtained. After all, measures decided "at the very top" can be sabotaged by the middle or lower ranks of bureaucracy, even if the initiators had the best of intentions. A helpful insight into the elite's real priorities is provided by data on spending on these sectors as a percentage of Russia's gross domestic product (GDP). The figures become even more expressive if we additionally examine the ways in which the programmes were implemented, to get at least an indirect look at the main actors' attitudes in these areas.

Both in education and health, government spending has been substantially below the OECD average for years. Russia's defence budget, on the other hand, is average or even above average. A look at the evolution in spending shows that funds for the military have steadily increased during the past few years, whereas those for education and health have stagnated or even decreased.⁸⁵

Educational policy

There is a broad consensus among observers that the reforms of the education system have so far amounted to no more than commercialisation intended to absorb some of the state's financial burden. Numerous schools have been closed, and in many places the number of state-funded spots at university for gifted pupils has been reduced. A school curriculum has been adopted that contains certain core subjects, while additional subjects require supplementary fees. The introduction of a new entrance exam for higher education has not only failed to get rid of the corruption that had accom-

panied the previous procedure, but has also led to parents spending more on private tutors.⁸⁶ The state has thus displaced numerous items from its education budget onto other actors, with the result that the educational possibilities of students from less well-off backgrounds have worsened.

In 2013 the Duma decided to reform the Academy of Sciences. While this restructuring had been under discussion for some time, the new legislation was passed abruptly and without involving the Academy's leadership.⁸⁷ The reform is highly controversial among scientists.⁸⁸ Some observers see the sudden action by the legislature as Putin's personal vendetta⁸⁹ against the Academy, for spurning his protégé, Mikhail Kovalchuk.⁹⁰ Others interpret it as a move by the state to appropriate the Academy's property: the

⁸⁶ Augusto Come, "Corruption, Corruption, Corruption", *Open Democracy* (online), 29 November 2012, <http://www.opendemocracy.net/od-russia/augusto-come/corruption-corruption-corruption>; Sergey G. Kosaretsky et al., *School System and Educational Policy in a Highly Stratified Post-Soviet Society: The Importance of Social Context*, Research Paper no. WP BRP 22/PA/2014 (Moscow: National Research University, Higher School of Economics, 9 December 2014), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2535806; Viktor Katona, "What Is Lacking in Russia's Strategy to Reform Its Higher Education?", *Russia Direct* (online), 19 August 2016, <http://www.russia-direct.org/opinion/what-lacking-russias-state-strategy-reform-its-higher-education> (all accessed 13 March 2017).

⁸⁷ Irina Dezhina, *Russia's Academy of Sciences' Reform: Causes and Consequences for Russian Science*, *Russie.Nei.Visions* no. 77 (Paris: Institut français des relations internationales, May 2014), 20, http://www.ifri.org/sites/default/files/atoms/files/ifri_rnv_77_ran_reforma_eng_dezhina_may_2014.pdf (accessed 6 March 2017).

⁸⁸ Oleg Sukhov, "Reform Will Lead to Death of Russian Science, Academicians Warn", *The Moscow Times*, 24 December 2016, <https://themoscowtimes.com/articles/reform-will-lead-to-death-of-russian-science-academicians-warn-30739> (accessed 6 March 2017).

⁸⁹ Julia Latynina, "Reforms Spell the End for Russian Sciences", *The Moscow Times*, 25 September 2013, <https://themoscowtimes.com/articles/reforms-spell-the-end-for-russian-sciences-27969> (accessed 6 March 2017).

⁹⁰ The physicist Mikhail Kovalchuk is the older brother of Yury Kovalchuk, the chairman of Rossiya Bank, also called "Putin's personal banker". The Academy had rejected Mikhail Kovalchuk as director of the Institute for Crystallography and later also refused him a post from which he could have risen to become the Academy's director. Instead, Kovalchuk was assigned the directorship of the Kurchatov Institute, which is administered separately from the Academy and whose director is appointed by the prime minister. In the past few years, the Kurchatov Institute has managed to bring more and more facilities and projects under its control.

⁸⁴ G. E. Ulumbekova, "Sistema zdravochranenija Rossijskoj Federatsii: itogi, problemy, vyzovy i puti reshenija" [The health system of the Russian Federation: results, problems, challenges and solutions], *Vestnik Roszdravmadzora*, no. 2 (2012): 33–38 (33).

⁸⁵ Andrey Chernyavskiy, "Budget Spending to Exceed Revenues in 2015", *National Research University, Higher School of Economics* (online), 24 September 2014, <https://iq.hse.ru/en/news/177666733.html> (accessed 13 March 2017).

reform created a new institution, the Federal Agency for Scientific Facilities (FANO), to take over responsibility for the Academy's finances and property (buildings, equipment, etc.). The reform's main problem seems to be the insufficiently clear separation of powers between FANO and the Academy, which is a consequence of the reform being rushed through and still causes protests.⁹¹ Even though the Academy evidently needed to be reformed, the measures chosen and the speed with which they have been implemented is not convincing and points to vested interests.

Political actors at the highest level are also clearly interfering in issues related to textbooks. Up to 2014, many publishing houses (including smaller ones) had a share of the school book market. There was some competition among the publishers and therefore a certain diversity of books for various school subjects. In 2014 all publishing houses suddenly had to meet new criteria. Some were disqualified immediately; others initially stayed in the running. In the medium term, however, the new guidelines led to one publisher, Prosveshchenie (meaning enlightenment), receiving most of the state's contracts. Other well-established houses were rejected on spurious pretexts, such as failing to enter the subtitles of their textbooks in certain forms. Prosveshchenie has close ties to the Rotenberg brothers, who in turn have cultivated a close relationship with Putin for years.⁹² Thus, the Kremlin-connected owners of the publishing house profit, and central government has more powerful leverage for controlling textbook content, for instance to ensure that it is sufficiently "patriotic".⁹³ Education Minister Olga Vasilyeva, who has been in office since August 2016, is well-known for her desire to curtail plurality and impose a pro-regime emphasis in history lessons.⁹⁴

⁹¹ See e.g. Aleksandr Aseev, "Reforma RAN kak ugroza natsional'noj bezopasnosti" [The reform of the RAN (= Russian Academy of Sciences) as a threat to national security], *Regnum* (online), 8 December 2015, <https://regnum.ru/news/innovatio/2029988.html> (accessed 6 March 2017).

⁹² Jo Becker and Steven Lee Myers, "Putin's Friend Profits in Purge of Schoolbooks", *The New York Times*, 1 November 2014, http://www.nytimes.com/2014/11/02/world/europe/putins-friend-profits-in-purge-of-schoolbooks.html?_r=0 (accessed 6 March 2017).

⁹³ One popular maths textbook was categorised as unpatriotic because it used characters from foreign children's books to explain mathematical contents, see *ibidem*.

⁹⁴ Eva Hartog, "God, Stalin and Patriotism – Meet Russia's New Education Chief", *The Moscow Times*, 24 August 2016,

Health policy

Trends in health policy resemble those in educational policy. Here, too, many institutions have been closed.⁹⁵ For growing numbers of Russians – especially those living in the provinces, who already suffer from an infrastructure deficit (bad roads, no public transport) – this means no access to medical help. De facto, most medical care has to be paid for, even if it is supposedly free by law. A respected expert in regional development in Russia, Natalya Zubarevich, has stated: "What is taking place has nothing to do with the quality of health care. It's tied exclusively with fiscal policies, with attempts at cutting costs. No matter what is being said, no matter what polished formulations are being used to say things will improve, these are only words. This is more than obvious".⁹⁶ In 2011 the World Health Organisation (WHO) and a series of partners had already found that access to medical care in Russia was marked by growing inequality.⁹⁷ The government has reacted to indignant experts and affected citizens either disparagingly or else by ignoring them completely. Serious interventions in the health system are decided from one day to the next and follow no discernable logic. For instance, in 2014 plans were leaked to the press that 28 hospitals in Moscow would be closed the following year, although the medical community had been neither consulted nor informed.⁹⁸

As in education, high-ranking officials use the health sector as an opportunity to profit personally

<https://themoscowtimes.com/articles/god-stalin-patriotism-meet-russias-new-education-minister-55090> (accessed 6 March 2017).

⁹⁵ From 2005 to 2013 the number of health centres in rural areas dropped by 75 percent: Nikolai Epple, "Russian Health Care is Dying a Slow Death", *The Moscow Times*, 16 April 2015, <https://themoscowtimes.com/articles/russian-health-care-is-dying-a-slow-death-45839> (accessed 6 March 2017).

⁹⁶ Lyubov Chizhova et al., "Russian Medics Take on 'Destructive' Health-Care Reform", *Radio Free Europe/Radio Liberty* (online), 4 November 2014, <http://www.rferl.org/content/russia-health-care-reform/26674311.html> (accessed 6 March 2017).

⁹⁷ Larisa Popovich et al., *Russian Federation: Health System Review*, Health Systems in Transition, vol. 13, no. 7 (Copenhagen: European Observatory on Health Systems and Policies, 2011), http://www.euro.who.int/__data/assets/pdf_file/0006/157092/HiT-Russia_EN_web-with-links.pdf (accessed 6 March 2017).

⁹⁸ Nataliya Vasilyeva, "Thousands of Hospital Staff to Be Sacked in Russian Healthcare Reforms", *The Independent*, 28 November 2014, <http://www.independent.co.uk/news/world/europe/thousands-of-hospital-staff-to-be-sacked-in-russian-healthcare-reforms-9891710.html> (accessed 6 March 2017).

from their posts or else to let friends and relatives benefit. A classic example is former health minister Tatyana Golikova, who was in office from 2007 to 2012, and has, since 2013, led the Russian Court of Auditors. As a minister, she promoted medicines produced by pharmaceutical companies in which she had a direct or indirect interest. This especially concerns the firm Pharmstandard, which sells Arbidol, among other medication.⁹⁹ Pharmstandard's revenues increased substantially, and Golikova was nicknamed "Madame Arbidol"¹⁰⁰ – she had, *inter alia*, threatened to close pharmacies that did not stock the influenza medication.¹⁰¹ Putin even supported the advertising campaign in front of rolling cameras by asking for the price of Arbidol in a Murmansk pharmacy and being told that it was not at all expensive.¹⁰²

There is a vast disparity between the rhetoric of the Russian elite's top echelons on health and education, and the actual actions of the state in these areas. Both the money approved for developing public services and the implementation of announced measures fall far short of the pledges. Corruption and disregard for the needs and expertise of those affected also reveal that decision-makers rank people's needs and sufferings as secondary or tertiary in importance, or even negligible. This has become particularly obvious during the past two years, when the Russian state has had less revenue and has been forced to make cuts. However, statistics clearly show that, even in better times, the elite recognised the challenges in health and educational policy,¹⁰³ but was largely unwilling to tackle the problems with the appropriate resources.

⁹⁹ Roman Jakimenko, "Novyj 'Arbidol' Golikovoj" [Golikova's new 'Arbidol'], *Kompromat.ru* (online), 5 August 2011, http://www.kompromat.ru/page_31119.htm (accessed 6 March 2017).

¹⁰⁰ "Madam Arbidol' ministr Tat'jana Golikova 'ubila' zdrazochranenie i ee otstavka neizbezhna?" [Has 'Madame Arbidol', the Minister Tatyana Golikova, 'killed off' the health system, and is her resignation now unavoidable?], *Corrupcia.net* (online), 17 December 2010, <https://www.corrupcia.net/talks/talk-266.html> (accessed 6 March 2017).

¹⁰¹ Wikileaks, "[OS] Russia – Russian Paper Offers Rating of 'Most Corrupt Ministries'", *The Global Intelligence Files* (online), 21 September 2011, https://wikileaks.org/gifiles/docs/21/2186612_-os-russia-russian-paper-offers-rating-of-most-corrupt.html (accessed 6 March 2017).

¹⁰² Gregory Warner, "The Making of a Russian Blockbuster Drug", *Marketplace* (online), 23 February 2011, <http://www.marketplace.org/2011/02/23/world/making-russian-blockbuster-drug> (accessed 6 March 2017).

¹⁰³ Vladimir Putin, "Building Justice: A Social Policy for Russia", *RT* (online), 13 February 2012, <https://www.rt.com/politics/official-word/putin-building-justice-russia-133/>

(accessed 6 March 2017).

Attitudes to Violence and the Significance of Human Life

Russia's annexation of the Crimea and the war that it provoked in the Donbas have shown that it is prepared to go further in its use of military force than most Western observers had assumed. Its intervention in Syria also came as a surprise to many politicians and commentators in the West. These actions raise the following questions: what is the significance of the military component in Russia's foreign-policy arsenal, and what does the elite fundamentally think of violence as a means of enforcing political interests? In which cases does it consider the use of violence to be legitimate, and for which purposes is violence employed? What value does it ascribe to human life in general? These questions are relevant not only for Russia's foreign policy, but – whenever the violence of the state is directed at its own people – also for its domestic politics.

For the purposes of this analysis, violence is defined as “targeted direct physical damage of people by people”.¹⁰⁴ In foreign policy, this mainly concerns the use or threat of *military* violence. Within Russia, this study will look not only at cases of state violence, but also at links between high-ranking members of the elite and organised crime, as well as the way state actors have militarised the discourse.

Violence in Foreign Policy

Russia deployed its own armed and security forces to occupy and annex the Crimea. Initially, this was denied and concealed; however, Putin later publicly admitted it (see above, p. 16). Since the Ukrainian troops did not offer any resistance, the takeover of the peninsula was largely carried out without violence. However, the vote on deposing the Crimean government and the referendum on the future of the pen-

¹⁰⁴ Gertrud Nunner-Winkler, “Überlegungen zum Gewaltbegriff”, in *Gewalt: Entwicklungen, Strukturen, Analyseprobleme*, ed. Wilhelm Heitmeyer and Hans-Georg Soeffner (Frankfurt, 2004), 21–61 (21). I could have chosen a much broader definition, but that would go beyond the scope of this study. However, an analysis of attitudes to violence in Russia in the wider sense – including on the societal level – would be extremely worthwhile.

insula were conducted in the presence of armed Russian special forces (*spetsnaz*).¹⁰⁵ Due to intense intimidation, numerous opponents of the Russian annexation stayed away from the referendum altogether.¹⁰⁶ Putin later claimed that he had been ready to put Russia's nuclear armed forces on alert to defend the Crimea if Western countries had intervened militarily.¹⁰⁷ Whether or not this claim is exaggerated, it is an indication of the Russian leadership's irresponsible approach to the topic of nuclear weapons.

In the Donbas, Russia's willingness to incite the use of violence by other actors and to use violence itself is clearer still. It is possible to piece together from various sources a convincing picture of what occurred a few days after the then President of Ukraine, Viktor Yanukovich, fled to Russia: the Russian elite was prompting Ukrainian rebels to violently occupy public buildings in various parts of East Ukraine and then ask Russia for assistance.¹⁰⁸ In areas of the Donbas where this

¹⁰⁵ Oleg Karp'jak, “Chubarov: ‘God nazad my byli uvereny, chto spasli Krym’ [Chubarov: ‘A year ago, we were convinced that we had saved the Crimea’], *BBC* (online), 26 February 2015, http://www.bbc.com/ukrainian/ukraine_in_russian/2015/02/150226_ru_s_chubarov_crimea; Andrej Kondrashov, “Krym: Put' na rodinu” [Crimea: The way home] (video), 2015, http://russia.tv/brand/show/brand_id/59195 (both accessed 6 March 2017).

¹⁰⁶ Anastasija Kornja, Polina Temerina and Nikita Varenov, “Kak zhiteli Kryma golosovali za vchozhdenie v sostav Rossii” [How the inhabitants of the Crimea voted for incorporation into Russia], *Vedomosti*, 16 March 2014, <http://www.vedomosti.ru/politics/articles/2014/03/16/kak-zhiteli-kryma-golosovali-zavchozhdenie-v-sostav-rossii>; Adam Withnall, “Crimeans Overwhelmingly Vote to Leave Ukraine and Join Russia in Contentious Referendum”, *The Independent*, 16 March 2014, <http://www.independent.co.uk/news/world/europe/crimea-referendum-how-why-and-where-next-for-soon-to-be-divided-ukraine-9195310.html> (both accessed 6 March 2017).

¹⁰⁷ “Putin: ‘My byli gotovy’ primenit' jadernoe oruzhie iz-za Kryma” [Putin: ‘We were ready’ to use nuclear weapons over the Crimea], *BBC* (online), 15 March 2015, http://www.bbc.com/ukrainian/ukraine_in_russian/2015/03/150315_ru_s_putin_documentary_crimea (accessed 6 March 2017).

¹⁰⁸ Tat'jana Zarovnaja, “‘Turisty’ iz Rossii pribyvajut v Donetsk avtobusami” [‘Tourists’ from Russia come to Donetsk by the busload], *Gazeta.ua* (online), 13 March 2014, http://gazeta.ua/ru/articles/politics/_turisty-iz-rossii-pribyvayut-v-doneck-avtobusami/547034; “V Ukraine raskryli gromkij

form of takeover – or rather elimination – of state institutions was successful, Russia gradually extended its intervention by providing weapons and war materials, instructors and, especially in critical moments, soldiers as well.¹⁰⁹ Moscow also ordered a substantial concentration of troops on the Russian-Ukrainian border to make the military threat abundantly clear.¹¹⁰ A number of plausible analyses have come to the conclusion that, without this Russian support, the Ukrainian armed and security forces would have succeeded in getting the rebellion in the east of the country under control as early as the summer of 2014.¹¹¹

To the surprise of many observers, Russia has shown itself equally prepared to intervene in Syria with a substantial military deployment. However, there is a broad consensus among experts on how to interpret Moscow's goals in Syria. For them, Russia wants to end the international isolation that followed its actions in Ukraine; to force the US to engage in negotiations on an equal footing; to secure its influence in Syria and the Middle East as a whole; and to defend the principle of "no regime change from the outside". Domestically, the intervention buoys the leadership by convincing the Russian people that their country occupies a powerful position on the international stage. Helping to solve the conflict, however, does not feature as a Russian aim in the vast majority of expert analyses, or plays only a minor role.¹¹²

kompromat na sovetnika Putina: pojavilos' audio" [Compromising material on Putin advisor discovered in Ukraine: an audiotape emerges], *Online.ua*, 22 August 2016, <http://news.online.ua/750979/v-ukraine-raskryli-gromkiy-kompromat-na-sovetnika-putina-poyavilis-audio/> (both accessed 6 March 2017).

109 *Putin. War*, ed. Yashin and Shorina (see note 14), chapter 4; Miller et al., *An Invasion by Any Other Name* (see note 14).

110 See e.g. Czuperski et al., *Hiding in Plain Sight* (see note 14).

111 "Reversal of Fortune", *The Economist*, 6 September 2014, <http://www.economist.com/news/briefing/21615605-now-willing-use-russian-troops-more-or-less-openly-eastern-ukraine-vladimir-putin-has>; Lawrence Freedman, "Ukraine and the Art of Limited War", *Survival: Global Politics and Strategy* 56 (1 December 2014) 6, <https://www.iiss.org/en/publications/survival/sections/2014-4667/survival-global-politics-and-strategy-december-2014-january-2015-bf83/56-6-02-freedman-6983> (both accessed 6 March 2017).

112 See e.g. Margarete Klein, "Russia's Syria Intervention: Interests, Achievements and Obstacles", in *Russia in the Middle East: Israeli and European Perspectives* (Tel Aviv, 2016), 12–16, <http://s3-eu-central-1.amazonaws.com/fes-org-il-wp/wp-content/uploads/2016/12/26224502/Russia-in-the-Middle-East-English.pdf>; Stefan Meister, "Neue Unberechenbarkeit. Putin verfolgt in Syrien eigene Ziele, Teil einer Lösung ist der Kreml nicht", *Internationale Politik* 70, no. 6 (November/December

Observers have not only questioned Russia's use of violence in Syria per se, but also the form and goals of its military action. The groups and territories that Russia has attacked not do fit the Kremlin rhetoric of fighting the so-called "Islamic State". However, even more relevant for the purposes of the present analysis is the behaviour of the Russian military towards civilians and civilian institutions, such as schools and hospitals. According to Amnesty International and Médecins sans Frontières, Russian fighter jets have deliberately targeted such institutions and have not spared civilians during their attacks in general.¹¹³ They have also dropped cluster bombs, which represent an additional threat to civilians and which most countries would like to see banned.¹¹⁴ This points to low levels of respect for human life and to a readiness to accept civilian casualties in trying to realise foreign-policy goals. Moscow has refused to take responsibility for the death of thousands of civilians and also denies the use of cluster bombs.¹¹⁵ Russia has had to face well-founded accusations of war crimes, in particular with reference to its role in the attacks on Aleppo in autumn 2016; this has led to calls from the international community for further sanctions against Russia.¹¹⁶

2015 [1 November 2015]): 66–69, <https://zeitschrift-ip.dgap.org/de/ip-die-zeitschrift/archiv/jahrgang-2015/november-dezember/neue-unberechenbarkeit> (both accessed 13 March 2017).

113 "Russia's Shameful Failure to Acknowledge Civilian Killings", *Amnesty International* (online), 23 December 2015, <http://www.amnesty.org/en/latest/news/2015/12/syria-russias-shameful-failure-to-acknowledge-civilian-killings/>; Kareem Shaheen, "MSF Stops Sharing Syria Hospital Locations after 'Deliberate Attacks'", *The Guardian*, 18 February 2016, <http://www.theguardian.com/world/2016/feb/18/msf-will-not-share-syria-gps-locations-after-deliberate-attacks> (both accessed 6 March 2017).

114 Russia, however, has not signed or ratified the relevant agreement.

115 Jack Sommers, "Russian Military 'Killed No Civilians in Syria', Ambassador Alexander Yakovenko Says", *The Huffington Post*, 15 March 2016, http://www.huffingtonpost.co.uk/entry/russian-bombing-syria-no-civilian-casualties_uk_56e86428e4b05c52666f4c1b; "Campaigners Blame Russia over Cluster Bomb Use in Syria", *The Daily Mail* (online), 1 September 2016, <http://www.dailymail.co.uk/wires/afp/article-3768566/Cluster-bombs-killed-maimed-400-2015-report-says.html> (both accessed 6 March 2017).

116 "Russia/Syria: War Crimes in Month of Bombing Aleppo", *Human Rights Watch* (online), 1 December 2016, <http://www.hrw.org/news/2016/12/01/russia/syria-war-crimes-month-bombing-aleppo> (accessed 6 March 2017).

With the exception of Syria, in the past few years Russia has used military force exclusively in the post-Soviet region. The main example is the war with Georgia in August 2008. The so-called Tagliavini report, which was subsequently produced by an independent inquiry, concluded that Georgia had started the war by attacking the town of Tskhinvali. The attack had, however, been preceded by acts of provocation by Moscow, such as the distribution of Russian passports to inhabitants of South Ossetia (part of Georgia) as well as military manoeuvres and troop concentrations on the Russian side of the border.¹¹⁷ These measures were well-planned: immediately after the fighting, Russia recognised Abkhazia and South Ossetia as independent and significantly expanded its military bases in both territories.

Russia has also increased its military presence in Armenia. In 2010 Moscow signed a treaty with the government in Yerevan that allows increased numbers of Russian troops to stay in Armenia until 2044. Russia also has army units stationed in Transnistria. The Belarusian defence sector is largely integrated with Russia's. In Central Asia, Russia has several bases in Kazakhstan, Kyrgyzstan and Tajikistan. Furthermore, there are numerous indicators showing that its military capacities in the Crimea are being substantially replenished and expanded.¹¹⁸

The presence of these bases and the above-mentioned developments do not necessarily mean that the Russian military will actually be sent into battle in these countries. It does demonstrate, however, that the Kremlin views military might as an integral policy instrument for the post-Soviet area. Even if these military capacities are not put to use, the threat alone may suffice to make the host countries act in ways that are agreeable to Russia. Meanwhile the events in Georgia and Ukraine have shown that Moscow is prepared to follow through on its threats.¹¹⁹

117 Independent International Fact-Finding Mission on the Conflict in Georgia, *Report*, vol. I, September 2009, http://www.mpil.de/files/pdf4/IIFFMCG_Volume_I2.pdf (accessed 6 March 2017).

118 Jeremy Bender, "Russia Is Turning Crimea into a Forward Operating Base against NATO", *Business Insider*, 2 March 2015, <http://www.businessinsider.com/russia-turning-crimea-into-forward-operating-base-2015-3?IR=T> (accessed 6 March 2017).

119 On the conditions that favour or hamper Russia's use of military force, see Samuel Charap, *Russia's Use of Military Force as a Policy Tool: Is There a Logic?*, PONARS Eurasia Policy Memo no. 443 (Washington, D.C.: Institute for European, Russian and Eurasian Studies, The Elliott School of International Affairs, George Washington University, October 2016), http://www.ponarseurasia.org/sites/default/files/policy-memos-pdf/Pepm443_CharapOct2016_4.pdf (accessed 6 March 2017).

The Use of Violence within Russia

Domestically, the Russian Federation's security and law-enforcement agencies do not resort to direct (physical) violence against the Russian people on a grand scale. The wars in Chechnya fall outside of the period covered by this study. However, violence continues to be the predominant means of controlling the situation in the North Caucasus. A group of experts concluded in spring 2016 that "the region remains heavily militarized and Russia's policy retains a strong security focus".¹²⁰ And in individual cases, violence is deliberately used against citizens – be they demonstrators, opposition politicians or unpopular journalists. Moreover, many crimes for which a political motivation seems plausible are never solved – or only partially. This feeds the suspicion that the state is directly or indirectly responsible, especially since the relevant authorities' attempts at explanation are often feeble.

A specific form of violence, which does not directly emanate from the state, but must be imputed to it, is that used by organised crime gangs which enjoy the protection of federal authorities.¹²¹ A multi-year research project on the ties between elites and organised crime describes it as a characteristic trait of organised crime gangs that their "existence is maintained using violence and threats".¹²² In other words, collaboration between the authorities and members of organised crime gangs can be a way of getting non-state actors to use violence in the interest of state actors. Its starting-point is an implicit endorsement of such methods by the state actors involved.

The ties between organised crime and the Russian state have been well-researched, and no longer only for the 1990s. In 2015 Maria Snegovaya from New York's Columbia University concluded that "Russia is less an autocracy and more a mafia state". She refers,

120 Ekaterina Klimenko and Neil John Melvin, "Decreasing Violence in the North Caucasus: Is an End to the Regional Conflict in Sight?", *Sipri.org* (online), 15 June 2016, <http://www.sipri.org/commentary/blog/2016/decreasing-violence-north-caucasus-end-regional-conflict-sight> (accessed 6 March 2017).

121 Such collaboration also occurs on the regional and local level; however, this study concentrates on the federal elite.

122 Steven Dudley, "Elites and Organized Crime: Conceptual Framework – Organized Crime", *InSight Crime* (online), 23 March 2016, <http://www.insightcrime.org/investigations/elites-and-organized-crime-conceptual-framework-organized-crime> (accessed 6 March 2017).

inter alia, to statements by Spain's Special Prosecutor for Corruption and Organised Crime, José Grinda, who has investigated Russian mafia gangs in Spain and is convinced that in the Russian case "one cannot differentiate between the activities of the government and organized crime groups."¹²³ Karen Dawisha from Miami University in Ohio also cites Grinda's findings in her painstakingly researched book. According to her, there was evidence for very close links between the bosses of the notorious Tambov-Malyshv Gang (Gennady Petrov and Aleksandr Malyshv) and a series of high-ranking Russian politicians, such as the former defence minister Anatoliy Serdyukov and the former communication minister Leonid Reiman.¹²⁴ The Russian opposition leader Alexei Navalny has uncovered a similar web of contacts between the son of the Russian Attorney-General, Artem Chaika, and another boss, Sergei Tsapok.¹²⁵ Tsapok was responsible for a series of horrifying murders in the Krasnodar region and was finally caught. He died in prison in July 2014.

The growing influence of military and security actors (the so-called *siloviki*) under Putin's rule can also be seen as an indication that the regime's tendency to "solve" problems using violence has increased. After all, the use of physical violence is a genuine part of their repertoire of actions, which, as a rule, is not the case for civilian members of the elite. One example is Viktor Zolotov, who was appointed by Putin to be the leader of the newly created National Guard and a member of the Security Council in April 2016. In August 2000 Zolotov was head of the presidential guard and, in this capacity, travelled to New York to prepare Putin's speech at the United Nations, where he talked to the director of the Federal Protective Service (FSO), Evgeny Murov. The two security men reflected on who would have to be eliminated to secure unlimited power for Putin. After drawing up a list of names, Zolotov remarked: "There are too many. Even for us that's too many to kill."¹²⁶

¹²³ Maria Snegovaya, "Realism vs. Reality: The Implications of Russia's Mafia State", *The American Interest*, 23 December 2015, <http://www.the-american-interest.com/2015/12/23/the-implications-of-russias-mafia-state/> (accessed 6 March 2017).

¹²⁴ Karen Dawisha, *Putin's Kleptocracy: Who Owns Russia?* (New York, 2014), 13–15.

¹²⁵ Shaun Walker, "The Luxury Hotel, the Family of the Top Moscow Prosecutor and Russia's Most Notorious Gang", *The Guardian*, 13 December 2015, <http://www.theguardian.com/world/2015/dec/13/alexei-navalny-yuri-chaika> (accessed 6 March 2017).

¹²⁶ Dawisha, *Putin's Kleptocracy* (see note 124), 308–309.

A further indicator of the significance of violence is the increasing militarisation of political and societal discourse, which has been partly initiated and orchestrated by the elite. The December 2014 military doctrine states that measures need to be developed and implemented which "aim to strengthen the effectiveness of the military-patriotic training of Russian citizens and their preparedness for military service". This approach has been expanded in the state programme "Military-patriotic education for the citizens of the Russian Federation from 2016 to 2020". The programme is the fourth of its kind since 2001. Three ministries (education, defence, culture) share the main responsibility for its implementation with the federal agency for youth affairs.¹²⁷ DOSAAF,¹²⁸ which has been tasked alongside others with realising the concept, has been given an additional five billion roubles since 2010, bringing the total to 14.7 billion roubles (by the end of 2014).¹²⁹ Headed by a colonel-general, DOSAAF is involved *inter alia* in an initiative by the defence ministry that effectively revives an organisation of the Soviet era, known as Yunarmiya (Young Army). It provides youths between the ages of 14 and 18 with paramilitary training and familiarises them with Russia's military history.¹³⁰ After a pilot phase from May 2016, the Yunarmiya movement was officially and ceremonially founded by Defence Minister Shoigu in August of that year. Shoigu pointed out that the movement already had branches in 76 Russian regions.¹³¹

¹²⁷ The text of the document is available at <http://government.ru/media/files/8qqYUwwzHUxvKkH1jsKAErrx2dE4q0ws.pdf> (accessed 6 March 2017).

¹²⁸ DOSAAF, the Volunteer Society for Cooperation with the Army, Aviation and Fleet, was already an influential organisation in Soviet days.

¹²⁹ Ilya Rozhdestvensky, "The Russian Patriotic Groups Teaching Children How to Defend Their Country", *The Guardian*, 10 August 2015, <http://www.theguardian.com/world/2015/aug/09/russia-patriotic-education-rise-ukraine-military>; Aleksandr Stepanov, "DOSAAF Rossii vozglavil ekskomandujushchij VDV" [A former paratroop commander now leader of Russia's DOSAAF], *Moskovskij Komsomolets*, 17 December 2014, <http://www.mk.ru/social/2014/12/17/dosaafrussii-vozglavil-ekskomanduyushhiy-vdv.html> (both accessed 6 March 2017).

¹³⁰ Ekaterina Zgirovskaja and Svjatoslav Ivanov, "Shkol'nikam dadut avtomaty" [Pupils will be given submachine guns], *gazeta.ru* (online), 20 May 2016, <http://www.gazeta.ru/army/2016/05/19/8252927.shtml> (accessed 6 March 2017).

¹³¹ "V Rossii sozdano voenno-patrioticheskoe dvizhenie 'Junarmija'" [Military-patriotic movement Yunarmiya created in Russia], *Interfax*, 3 August 2016, <http://www.interfax.ru/russia/521787> (accessed 6 March 2017).

The Russian political scientist Lilia Shevtsova argues that this militarisation from the top down is nothing new; similar campaigns have been started time and again throughout Russia's past with the purpose of cementing the state's legitimacy: "In the Russian case, the primacy of the state has been legitimized with reference to real or (more often) imagined threats, both internal and external. Those threats had to be severe enough to justify the militarization of everyday life in Russia and the subjugation of the very foundations of society to militarist goals. In short, Russia developed a unique model for the survival and reproduction of power in a permanent state of war. This situation was maintained even in peacetime, which has always been temporary in Russia. The country is constantly either preparing for war against an external enemy or pursuing enemies at home. Russia has survived by annihilating the boundary between war and peace; its state simply could not exist in a peaceful environment."¹³²

These initiatives to increase the militarisation of society thus fit into a more far-reaching regime strategy to guarantee its own survival, *inter alia* by inflating dangers that make the use of violence seem ever more necessary. Violence is exalted as a means of defending the homeland and one's traditions, and following the elite's example, large parts of society are becoming increasingly used to connotating violence relatively positively because it is "patriotic".

To sum up, in its foreign policy, Russia relies on the threat and use of military violence as an instrument for realising its goals. This is true particularly for the post-Soviet region, though not exclusively, as Moscow's intervention in Syria has shown. In other words, violence is not seen as something best avoided, but as a suitable means of securing one's own position. Within Russia, other forms of state repression occur more often than physical violence. Nevertheless, it is still selectively used, and there are mechanisms and networks in place that make its wider application possible without a hindrance, if this should be seen as opportune. Moreover, there is a tendency towards glorifying violence, which goes hand in hand with the increasing militarisation of Russian society and a certain historical narrative (see the section on approaches to truth and history, pp. 16ff.). All of these points to the conclusion that the Russian elite has a pragmatic

attitude to violence: it is simply an instrument which can usefully be deployed for purposes of control and mobilisation.

¹³² Lilia Shevtsova, "What's the Matter with Russia?", *Journal of Democracy* 21, no. 1 (January 2010): 152–59, <https://muse.jhu.edu/article/370471/summary> (accessed 6 March 2017).

Conclusions and Recommendations

Since 2014 the Russian leadership's actions have shown the world that it is prepared to violate international law, use military violence for a variety of purposes without consideration for civilian losses, and build edifices of lies and doggedly maintain them, even if the statements have already been exposed as false. It has also demonstrated that it wants to convince its own citizens to uncomplainingly exchange their expectations of ever-increasing prosperity for pride in the international influence that their homeland has regained.

These tendencies are no longer recent, though they did take many observers by surprise when they manifested themselves in a particularly intense and concentrated form three years ago. It has been the aim of this study to infer the Russian elite's fundamental attitudes from Russia's recent actions, and to show that, even before 2014, there were clear indications of the existence of such attitudes. This continuity suggests that these attitudes are an expression of the Russian elite's political culture, which will extend beyond the current crisis in relations between Russia and the West.¹³³ Since the attitudes described above have become more pronounced in the last two to three years, there could presumably also be periods in which they are less evident. However, current developments in Russia indicate that they are likely to become even more prominent in the near future. Either way, Germany and the EU will be confronted with them in the years to come, be it in their weaker or stronger incarnation.

The behaviour of the Russian elite in the various areas analysed by this study shows that maintaining control of the situation – whether in international relations or in the domestic Russian context – is fundamentally important. In the elite's eyes, the primacy of this concern may under certain circumstances justify non-compliance with an agreement, the manipulation of information, or the use of coercion or violence. This need for control stems from the elite's deep mistrust of the Russian citizenry, its international partners and its own supporters. This mistrust pre-

vents a constructive programme from being developed and leads Russia to concentrate mainly on a negative agenda designed to inflict damage on others.

The Russian elite is prepared to use any means to retain or gain control. Its relationship with the areas analysed is therefore an instrumental one: laws and violence can be employed if they make it easier to dominate a given situation. History and the truth can be manipulated and distorted if that allows a narrative to be created which can decisively influence the opinion of the Russian people or relevant groups abroad. Finally, the public welfare can be sacrificed if resources are needed to keep sections of the elite under control. This purpose-oriented approach to the spheres examined – law, truth, public welfare and violence – suggests that the Russian elite's behaviour in other spheres of political and social life (e.g. religion) is not based on ethical or ideological principles either, but rather focuses on securing and expanding power.

This analysis has shown that it is not impossible to successfully negotiate bilateral or multilateral agreements with Russia. However, three points should be remembered. First, be prepared for long negotiations – not only because of the difference in attitudes on the two sides, but also because the process may be just as important for Russia as the result, since negotiations confer status. Second, there is at best a small chance of success with accords concerning the post-Soviet region or Russia's internal development (such as the Minsk agreements regarding Eastern Ukraine). Third, Russia may choose to violate the agreement at some later point. Any accord should therefore contain clearly phrased clauses detailing the negative consequences in case of non-compliance. If a decision is taken not to establish such consequences – for example, in order to facilitate the negotiating process – this should be done in the knowledge that it makes infringements more likely.

Given the disparity between the fundamental attitudes of many Western and Russian actors, discussions should start at a basic level. It should not be assumed that the two sides interpret essential concepts, the process or the goals of talks in the same manner. This means investing much time in creating a common base for any round of dialogues or negotiations. In every phase, the results of the discussions should be written

¹³³ Ulrich Schmid comes to a similar conclusion in stating that “the political culture of Russia has not fundamentally changed in 2014, but has become radicalised”, in idem, *Technologien der Seele: Vom Verfertigen der Wahrheit in der russischen Gegenwartskultur* (Berlin, 2015), 10.

down and signed by both sides, unless preliminary talks are agreed upon in which all parties consent to forgo any written record of the event. Moreover, for the foreseeable future, only limited and straightforward matters should be negotiated with Russia. The differences between the underlying approaches are too great for substantial joint undertakings to be negotiated, let alone implemented, in the short or medium term. Small rounds on micro topics seem more promising: here, it should be easier to agree on terms, procedures and goals, and establish sustainable cooperation. For instance, an exchange on fundamental legal issues between Russian lawyers and their colleagues from various EU member states could be a possibility for airing the discrepancies in basic attitudes described above.

In negotiations and official dialogue formats (as well as informal talks) with Russia, enough time will need to be set aside to verify the theses Moscow uses as a starting-point. Since Russian dialogue partners are willing to distort or even disregard the truth for their purposes, all dubious claims should be both directly challenged and verified later. If necessary, small subgroups could be formed in which representatives from both sides present and discuss evidence for their respective way of thinking. This will be particularly important when historical issues are to be addressed. There will presumably be much mistrust on the Russian side as well. The subgroups could thus help to improve mutual comprehension of the various arguments (or lack thereof), even if no consensus is ultimately reached.

Agreements ostensibly intended to improve aspects of public welfare in Russia are primarily used by the Russian side for other objectives, for instance to benefit small sections of the elite. It is unlikely that those involved on the Russian side will strive to include suitable experts or civil-society representatives in official talks or preliminary discussions, or welcome them if they are. Rather, all negotiations and all the outcomes targeted by Russia will be based on a top-down approach that neglects social priorities. Taking this into account, including political actors in formats such as the Petersburg Dialogue (between Russia and Germany) is of questionable value. However, both institutionalised and informal contacts between civil-society representatives in Russia and the EU member states continue to be meaningful and should be cultivated.¹³⁴

¹³⁴ Susan Stewart, *Zivilgesellschaft in Russland und der Ukraine: Divergierende Kontexte und ihre Implikationen*, SWP-Studie 4/2016

Finally, it should be assumed that Moscow is fundamentally prepared to use physical violence to realise the Russian leadership's goals. Since Russia has invested substantially more resources in building up its military capacities in the past few years than in other areas, we should expect the Russian elite to keep resorting to military violence as a suitable means of furthering its interests. This is likely above all in the post-Soviet region, but could also occur beyond it, as the Syrian case has demonstrated.

The EU should use the current phase, in which only limited dialogue with Moscow is possible, to discuss internally the contours of its future approach towards Russia. It needs to define its medium to long-term goals for its relationship with Russia and other post-Soviet states; in this, it should aim to go beyond the concepts already outlined in the revised format of the Eastern Partnership. To formulate these aims realistically, it may be helpful to take into account the fundamental attitudes of the top echelons of Russia's elite, as described above, because they will shape the behaviour of that elite in the coming years. It will be just as crucial to draw red lines that make the limits of the EU approach absolutely clear. These red lines could at the same time serve the EU as guide rails that demarcate the area within which future agreements with Russia are acceptable to Brussels.

Abbreviations

CFE	(Treaty on) Conventional Armed Forces in Europe
DOSAAF	Dobrovolnoe obshchestvo sodejstvija armii, aviicii i floty (Volunteer Society for Cooperation with the Army, Aviation and Fleet)
ECHR	European Court of Human Rights
FANO	Federal'noe agenstvo nauchnykh organizacij (Federal agency for scientific facilities)
FSO	Federal'naja sluzhba ochrany (Federal Protective Service)
GDP	Gross domestic product
INF	Intermediate-Range Nuclear Forces
INSOR	Institut sovremennogo razvitija (Institute of Contemporary Development)
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
OECD	Organisation for Economic Co-operation and Development
PA	Parliamentary Assembly (of the Council of Europe)
PONARS	Programme on New Approaches to Russian Security
USSR	Union of Socialist Soviet Republics
WHO	World Health Organisation

(Berlin: Stiftung Wissenschaft und Politik, April 2016).