

**Vladimir Putin's Manufacture of Civil Society:
Between Hegemony and Domination**

An Honor Thesis for the Department of Political Science

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Introduction and Overview

This thesis is devoted to the application of Antonio Gramsci's concepts of "hegemony" (consent) and "domination" (coercion) to the analysis of the evolution of state-civil society relations under Vladimir Putin's presidency.

There are many interpretations of the development of post-Soviet civil society in Russia and its connection with the state. However, many scholars use the "bottom-up" approaches to interpret the weakness of Russian civil society. They highlight limits of Russian civil society in terms of underdevelopment of social capital and the public sphere, absence of active and self-organized civic associations. It is true that since the collapse of the Soviet Union, most of Russian civil organizations are still weak and marginalized. However, during the last decade, Putin has been trying to subordinate civil society to the state. In my research, I apply Gramsci's theoretical framework, analyzing how Putin manufactures both state hegemony and domination over civil society (a so-called "top-down" model).

Why Gramsci? Antonio Gramsci (1891-1937) was an Italian Marxist and a member of Italian Communist Party. In 1926 Gramsci was arrested by the Mussolini fascist regime. Being excluded from the active politics, in the fascist prison Gramsci wrote his *Notebooks* (1929-1935) which were published after his death. These notebooks reflect and analyze different political events – from the Italian Risorgimento (movement for unification) to the rise of the Italian fascism. Gramsci interprets the failure of Italian social revolution and the victory of fascism as a result of weakness of Italian civil society vis-à-vis the state. This explanation of Italian case allows Gramsci to theorize the state-civil society nexus in general. Contrary to orthodox Marxists for whom civil society was a part of economic and class relations (the economic base), Gramsci argues that both the state and civil society are parts of politico-ideological sphere or what Marx called "superstructure." From this perspective, Gramsci points out that both civil society and state are mutually reinforce each other. Under different historical and political circumstances, either the state can establish top-down hegemony over civil

society or otherwise civil society can influence the state from bottom up. Thus, Gramsci's approach does not associate development of civil society only with democracy; civil society also can be manufactured by the authoritarian state.

Today, when political scientists interpret the origin and development of modern hybrid authoritarian regimes,¹ the Gramscian theoretical framework to state-civil society relations becomes important. These hybrid regimes apply dual politics towards civil society. They not only resort to repression and coercion against civic organizations, but also manufacture civil society by its institutionalization and cooptation to the state apparatus and by forming public consent via state-controlled ideological discourse.² These ambiguous practices can be analyzed via the Gramscian concept of "dual state" which combines hegemony (ideological and institutional manufacture of civil society) and domination (coercive practices against independent civil groups). These practices vis-a-vis civil society allow the hybrid authoritarian systems to legitimize their power.

Vladimir Putin's regime is also characterized as hybrid authoritarian system. There are many definitions of the Putin regime: "competitive" or "electoral" authoritarianism,³ "plebiscitarian patrimonialism,"⁴ "managed pluralism,"⁵ and "patronal presidential system."⁶ Some analysts are talking about the uniqueness of the modern Russian regime defining it as "Putinism."⁷ All of these concepts emphasize that Putin's political system is not a classical form of dictatorship,

¹ On the hybrid authoritarianism see: Steven Levitsky and Lucan Way, *Competitive Authoritarianism: Hybrid Regimes After the Cold War* (New York: Cambridge University Press, 2010); David Art, "What Do We Know About Authoritarianism After Ten Years?" *Comparative Politics* 44, no. 3 (2012): 351-373; Jason Brownlee, *Authoritarianism in an Age of Democratization* (Cambridge, New York: Cambridge University Press, 2007).

² David Lewis, "Civil Society and the Authoritarian State: Cooperation, Contestation and Discourse," *Journal of Civil Society* 9, no 3 (2013): 325-340.

³ Steven Levitsky and Lucan Way, *Competitive Authoritarianism*, 183-235; Vladimir Gel'man, "The Rise and Decline of Electoral Authoritarianism in Russia," *Demokratizatsiya* 22, no. 4 (2014): 503-522.

⁴ Stephen E. Hanson, "Plebiscitarian Patrimonialism in Putin's Russia. Legitimizing Authoritarianism in a Postideological Era," *The Annals of the American Academy of Political and Social Science* 636, no. 1 (2011): 32-48.

⁵ Harley Balzer, "Managed Pluralism: Vladimir Putin's Emerging Regime," *Post-Soviet Affairs* 19, no. 3 (2003): 189-227.

⁶ Henry E. Hale, *Patronal Politics. Eurasian Regime Dynamic in Comparative Perspective* (New York: Cambridge University Press, 2015), 267-291.

⁷ Fareed Zakaria, "The Rise of Putinism," *Washington Post*, July 31, 2014; Walter Laqueur, *Putinism: Russia and Its Future with the West* (New York: St. Martin's Press, 2015); Marcel H. Van Herpen, *Putinism: The Slow Rise of a Radical Right Regime in Russia* (London, New York: Palgrave MacMillan, 2013); Lev Gudkov, "The Nature of Putinism," *Russian Social Science Review* 52, no. 6 (2011): 21-47.

authoritarianism or totalitarianism, but it is a hybrid regime combining democratic elements with authoritarianism, informal and formal institutions, conservative ideology and pragmatism, imperial ambitions and the nation-state building, and market economy and oligarchy.

It is interesting that in 2000, when Vladimir Putin became Russian president for his first term, Gleb Pavlovsky, an influential political adviser to Putin from the late 1999 to 2011, described the rising regime not as a dictatorship, but as a type of Gramsci's hegemony. Pavlovsky noted: "This is obviously not a 'dictatorship' of any kind [...] but something like 'hegemony' that Gramsci spoke of: the environment of new facts, catchphrases and doubtless advantages that permits everything."⁸ At the time, experts did not pay attention to Pavlovsky's description, but today it seems to be the most accurate characteristics of Putin's hybrid political system.

It should be noted that during the 1990s-2000s there were some attempts to apply Gramsci's theory of hegemony and passive revolution to post-Soviet Russia. For example, in 1995 Jeremy Lester wrote a book on the struggle for hegemony in Yeltsin's Russia. He explained ideological struggle among different political camps, including the Westerners (supporters of liberalism and Russia's integration with Europe), the Russophiles (nationalists), and the Centrists (pragmatists).⁹ Following Gramsci's logic of passive revolution, Lester analyzed the possibility for a Caesarist solution or appearance of charismatic and arbitrary leadership which could come from any of these ideological groups in the future.¹⁰ Relying on Lester's work, Owen Worth connects the post-Soviet passive revolution with the origin of Putin's Caesarist leadership.¹¹ Within the Gramscian framework, other authors (Kees van der Pijl, Pinar Bedirhanoglu, and Rick Simon) focus on passive revolution

⁸ Gleb Pavlovsky, "Proshai Belovezhje!", *Nezavisimaya Gazeta*, 235, December 9, 2000. Quote from: Sergei Prozorov, "Russian Conservatism in the Putin Presidency: The Dispersion of a Hegemonic Discourse," *Journal of Political Ideologies* 10, no 2 (2005), 129.

⁹ Jeremy Lester, *Modern Tsars and Princes. The Struggle for Hegemony in Russia* (London, New York: Verso, 1995), 85-211.

¹⁰ *Ibid.*, 68-77.

¹¹ Owen Worth, *Hegemony, International Political Economy and Post-Communist Russia* (Aldershot, UK; Burlington, VT: Ashgate, 2005), 142-162; Owen Worth, "Unravelling the Putin Myth: Strong or Weak Caesar?" *Politics* 29, no. 1 (2009): 53-61.

from perestroika to the Yeltsin presidency.¹² There are some scholars who apply singular Gramscian concepts to the interpretation of Putin's power. For instance, Lilia Shevtsova uses Gramsci's term "interregnum" emphasizing that Putin's leadership does not lead to modernization and democratization of Russia.¹³ Adam Przeworski explains Putin's authoritarian equilibrium of power through the Gramscian perspective.¹⁴ Elena Chebankova uses Gramsci's concept of 'war of position' (ideological struggle for hegemony in political superstructure) investigating the possible appearance of opposition within the dominant pro-Putin civic institutions.¹⁵

While the Gramscian theoretical framework has been already applied to Russia's post-Soviet transition, my research implements it specifically to the state manufacture of civil society under the Putin regime. In particular, the research concentrates on Putin's exercise of top-down hegemony (passive or imposed consent) and domination (coercion) over civil society.

Research Questions

I pursue three types of research questions.

1) *Descriptive*: What are Gramsci's concepts of hegemony and domination? How does Gramsci understand the relations between the state and civil society? How is the Gramscian approach to civil society different from Marx's theory (civil society based on economic structure) and the "bottom-up" model (or the Tocqueville-Putnam approach)?

2) *Question of meaning*: If we can understand Gramsci's concepts, can they help us better interpret and analyze the state-civil society relationship in Putin's Russia?

¹² Kees van der Pijl, "State Socialism and Passive Revolution," in Stephen Gill (ed.) *Gramsci, Historical Materialism and International Relations* (Cambridge: Cambridge University Press, 1993): 237-258; Pinar Bedirhanoğlu (2004) "The Nomenklatura's Passive Revolution in Russia in the Neoliberal Era," in Leo McCann (ed.), *Russian Transformations: Challenging the Global Narrative* (London: RoutledgeCurzon, 2004), 19-41; Rick Simon, "Passive Revolution, Perestroika, and the Emergence of the New Russia," *Capital & Class* 34, no. 2 (2010): 429-448.

¹³ Shevtsova, Lilia. *Interregnum. Russia between Past and Future* (Washington D.C.: Carnegie Endowment for International Peace, 2014).

¹⁴ Adam Przeworski, "Political Institutions and Political Order(s)," in Adam Przeworski (ed.), *Democracy in a Russian Mirror* (New York: Cambridge University Press, 2015), 247-267.

¹⁵ Elena Chebankova, *Civil Society in Putin's Russia* (New York, London: Routledge, 2013), 99-117.

3) *Policy Analysis*: How does Putin establish and exercise the state hegemony and domination over civil society? What is a role of ideology in building Putin's hegemony? How do state-controlled civil institutions help Putin in his policy-making process? Can these civil organizations be characterized as Putin's political tools in terms of regulation of the balance of power forces? What is the legal status of NGOs in Russia? How did it change when Putin came to power? How does Putin's system use the legislation for the coercive restrictions of independent civic organizations?

Methodology and Sources

In my research, I employ different methods. First of all, I elaborate a theoretical and comparative analysis of Gramsci's categories, including *hegemony*, *domination*, *passive revolution*, *interregnum*, *dual state*, and *Caesarism*, in terms of their application for Russia's post-Soviet transition. In order to find the meaning of these definitions, I examine not only Gramsci's *Prison Notebooks* but also critical literature on the Gramscian approach.

My second research method includes the case-studies of the pro-state (the All-Russia People's Front) and independent civil organizations (Memorial, Agora and Golos). I examine information from their official websites and from Russian newspapers, including *Novaya Gazeta*, *Lenta.ru*, *Nezavisimaya Gazeta*, *Vedomosti*, *Kommersant*, and others.

Also I carry out legal analysis of the recent Russian laws on NGOs regulation. I refer to the laws published in *Rossiiskaya Gazeta* (the official newspaper of the Russian Government). For the exploration of ideological hegemony, I use Putin's articles and speeches (from official website of the Russian President) as well as data from independent sociological polls.

Thesis Outline

The thesis is organized as follows. The first chapter includes a literature review on the development of relations between the state and civil society in post-Soviet Russia. Here I distinguish

between the bottom-up and top-down models. I show that the bottom-up approach explores post-Soviet civic and political culture and Russians' protest activity, whereas the top-down model emphasizes an ideological, institutional and legal framework for the analysis of state-civil society nexus. I consider these different frameworks in correlation with the Gramscian approach, namely both the hegemonic (ideological and institutional hegemony) and domination (coercive) role of the state in the manufacture of civil society and public consent.

In the second chapter, I apply Gramsci's approach to the analysis of relationship between the state and civil society. Following Gramsci, I distinguish between two types of state-civil society relations – hegemony (consent) and domination (coercion). Whereas hegemony means the state's creation of civil society and social (public) consent, domination is implemented by the state coercive power which “‘legally’ enforces discipline on those groups who do not ‘consent’ either actively or passively.”¹⁶ In this chapter, I pay special attention to the comparative analysis of such Gramscian definitions as “passive revolution” and “Caesarism” in terms of their application to Russia's post-Soviet development and Putin's state-civil society nexus.

The third chapter is devoted to Putin's creation of social consent through ideological and institutional hegemonies over civil society. In terms of ideological hegemony, the chapter investigates how Putin's discourse of stability and statehood manages popular consent and legitimize Putin's Caesarist leadership. Also I demonstrate how Putin produces institutional hegemony as an informal political instrument by creating mediating and substitute institutions, including the Civil Forum, the Presidential Council for Human Rights and Civil Society, the Public Chamber and the All-Russia People's Front. In particular, the research focuses on the All-Russia People's Front. For explanation of the functions of the Front, I collaborate Gramsci's idea of mediating institutions with modern institutional conceptions, including “substitutive informal institutions” or “substitutes” created in parallel with existing bureaucratic institutions; “para-constitutional practices” brining

¹⁶ Antonio Gramsci, *Selections from the Prison Notebooks* (New York: International Publishes, 1971), 12. Hereafter SPN.

about informal (personal) control within formal decision-making process (the so-called “vertical of power”); “nominally democratic institutions” which imitate civil control over the state apparatus and incorporate opposition forces from civil society. I show that while these pro-Putin civil organizations formally exist outside the state bureaucracy, they assist in the building of Putin’s authoritarian equilibrium between the state apparatus and society.

In the fourth chapter, from Gramsci’s view on domination (coercion), I show how Putin’s system uses the state/legal coercive apparatus in order to restrict activity of independent civil groups. After the 2011-12 street protests against electoral falsifications and the 2014 Ukrainian crisis, we can see the implementation of such legislation. In the first section of this chapter, I analyze this new law legislation, including the “foreign agents” law (2012), legal restriction of peaceful public assembly and gathering (2012), the LGBT propaganda law (2013), the law for bloggers and online media (2014), and the “undesirable organizations” law (2015).

In the second section of the fourth chapter, I present the implementation of “foreign agents” law against those NGOs which carry out political activity and receive foreign funding. I argue that the most influential civil organizations fall under the target of this law. My case-study of three independent NGOs (Golos, Agora, and Memorial) demonstrates that they do not want register as “foreign agent,” and try to find different way to avoid this legislation. However, despite this attempts, the Ministry of Justice continues to fine them and want to ban their activity.

My conclusion is that the Gramscian approach opens a new perspective for the analysis of state-civil society relations in Putin’s Russia. It allows us to see how Putin’s combination of ideological and institutional hegemony with domination (implementation of coercive legislation against independent NGOs) helps him to manufacture civil society and thereby legitimize his personal power.

Chapter I. Literature Review: Exploring post-Soviet Civil Society

The purpose of this chapter is to review the different approaches to the analysis of relations between the state and civil society in post-Soviet Russia. This literature review allows me to show the theoretical significance of the Gramscian framework and its possible connection with existing scholarship. I emphasize the two most popular methodological perspectives for the analysis of relationship between the state and civil society – the “bottom-up” approach (also known as a liberal model) and the “top-down” model of state management of civil society (corporatist or statist approach).¹⁷ This review shows that Gramsci’s approach to civil society combines both models since hegemony can be established either through “war of position,” an ideological struggle for hegemony within civil society in democratic systems, or as a Caesarist authoritarian type of state manufacture of civil society.

1. Bottom-up Model

The bottom-up approach emphasizes the independence of civil society from the state by highlighting the role of civic self-organization, the civic control of state institutions, and the active public sphere in the process of democratization. The theoretical roots of the bottom-up approach are found in classical liberalism and in John Locke’s philosophy, according to which autonomous and independent civil society is prior to the state. By their own consent (social contract) people “make themselves members of some politic society” and form “civil government.”¹⁸ Through the social contract people give their power not to the government, but to society. Since the state government is formed from social consent (collective will), people have rights for its constant renewal or rebellion against the authority.

¹⁷ For example, see: George E. Hudson, "Civil Society in Russia: Models and Prospects for Development," *Russian Review* 62, no. 2 (2003): 212-22. Henry E. Hale, "Civil Society from Above? Statist and Liberal Models of State-Building in Russia," *Demokratizatsiya* 10, no. 3 (Summer 2002): 306-321.

¹⁸ John Locke, *Second Treatise of Government* (Cambridge: Hackett Publishing Inc., 1980), 14, 114

This model also includes Alexis de Tocqueville's concept of civil society as a combination of egalitarian institutions, – political and civil associations including clubs, local communities, and other voluntary organizations. Tocqueville's idea influenced Robert Putnam's concept of "social capital," defined as "features of social organization, such as trust, norms, and networks, that can improve the efficiency of society by facilitating coordinated actions."¹⁹ From this argument, social capital is able to connect civil society with vertical and hierarchical state institutions through reciprocal horizontally organized civic networks such as interest groups and political parties. The other important proponent of this approach is Jurgen Habermas who introduces the term "public sphere" as "the sphere of private people come together as a public" in order to debate about general rules with public authorities. The public sphere (and its institutions such as clubs, the press, and the market) exists between civil society and the state. In his theory, Habermas connects the social origin of the public sphere with the development of liberal market economy and bourgeois privatization of civil society.²⁰

It should be noted that the bottom-up model is one of the theoretical approaches for the analysis of post-Soviet civil society which was actively implemented by scholars for the explanation of the state-civil society relations in the late 1980s and in the 1990s. For instance, according to Vladimir Shlapentokh, the Lockean approach can be used for the understanding of late Soviet civil society, formed during Mikhail Gorbachev's *glasnost* in 1987-1991. As Shlapentokh argues, thousands of civil organizations for protections of human rights, democracy, national autonomy and environment emerged and increased at the time. During perestroika, for the first time workers began actively participate in political life. Millions of ordinary people became political and civic activists, joining meetings and demonstrations. However, after 1991, Russian weak civil society was

¹⁹ Robert D. Putnam, *Making Democracy Work. Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993), 167.

²⁰ Jurgen Habermas, *The Structural Transformation of the Public Sphere. An Inquiry into a Category of Bourgeois Society* (Cambridge: MIT Press, 1991), 27, 30, 74.

feudalized and criminalized by oligarchy, and as a result “Russia was left with jungle individualism and other forms of antisocial behavior rather than enlightened individualism à la Locke.”²¹

Applying the bottom-up model, scholars highlight the underdevelopment and weakness of civil society in post-Soviet Russia. For instance, Marc M. Howard’s comparative case-studies of post-Soviet Russia and East Germany show that post-communist citizens do not want to participate in voluntary organizations and hence do not develop their social capital, democratic skills and habits. Howard explains low levels of post-communist organizational membership by three factors: (1) the mistrust of former communist organizations caused by negative experience of obligatory participation in communist organization; (2) the persistence of friendship networks due to increasing focus on people’s own individual lives, monetary determination of social relations, new social inequalities, changes in the workplace; and (3) the disappointment with post-communism because of people’s aversion to politics and politicians, economic hardship, and the struggle for survival.²² As Howard concludes, the strength of post-communist civil society (in Russia and East Germany) is lower than that of post-authoritarian states of “third wave” of democratization (in Latin America and South European countries).

Steven M. Fish also uses the bottom-up approach for his analysis of underdevelopment of post-Soviet civil society. Like Shlapentokh, Fish explains why strong civil society did not emerge in Russia despite the political freedom of the late 1980s. He understands civil society in a broader perspective, including in it political parties, interest associations, labor unions, and social movements. In contrast to Shlapentokh, Fish finds out that late Soviet Russia did not have civil society and was organized into an energetic but fragile and ephemeral “movement society.” According to Fish, there were three reasons for the origin of “movement society”: (1) inconsistency of political reforms (e.g., electoral openings of 1989 and 1990 were sudden and partial); (2) state agencies under Gorbachev

²¹ Vladimir Shlapentokh, “Hobbes and Locke at Odds in Putin's Russia,” *Europe-Asia Studies* 55, no. 7 (2003), 985.

²² Marc M. Howard, *The Weakness of Civil Society in Post-Communist Europe* (Cambridge, UK: Cambridge University Press, 2003), 122-145.

were incapable to respond to the demands of new civic organizations and did not support democratization form below. It means that the Soviet power reduced to “negative power” which could exercise coercion or disruption without participating in negotiations with civil society; (3) communist economic relations created the state monopoly on property, production and redistribution outside of the social and worker control.²³

In his other research on Russian democracy, Fish measures the role of societal organizations in politics. As Fish argues, in the 1990s, Russia shows weakness of such organizations as political parties (less than 1 percent of Russians are active in parties), professional associations (only 0.88 percent), and trade unions due to the higher danger of unemployment and the directors’ control over the workplace. New middle and entrepreneurial classes also were less capable of self-organization. So, according to Fish, Karl Marx’s and Barrington Moore’s formula, which claims the bourgeoisie is an important element for democracy’s development, did not work in Russia. Fish concludes that demobilization, atomization and passivity of Russian civil society do not provide important conditions for open politics and inhibit democratization.²⁴

Thus, according to the bottom-up research of Russian civil society in the 1990s, it can be characterized as weak in terms of underdevelopment of social capital, public sphere, active political and civic associations, and lack of self-organization.

However, in the 2000s some bottom-up scholars point out more complex structure of post-Soviet civil society. For instance, in contrast to Fish, Grzegorz Ekiert and Jan Kubik argue that “postcommunist civil societies were not built from the scratch” since a new type of state-civil society relations emerged in the post-Soviet countries. There is also no single model of state-civil society connections in post-Soviet countries. For instance, pluralist civil society exists in Poland whereas corporatist society can be found in Hungary and Slovenia. According to the scholars, it is not true that

²³ Steven M. Fish, *Democracy from Scratch: Opposition and Regime in the New Russian Revolution* (Princeton, NJ: Princeton University Press, 1995).

²⁴ Steven M. Fish, *Democracy Derailed in Russia. The Failure of Open Politics* (Cambridge University Press, 2005), 176-192.

post-Soviet civil societies are chronically weak: some of these countries have more spontaneous rather than organized and institutionalized civil societies and capable of mobilizing in extraordinary moments.²⁵ Examples of spontaneous civil movements, as these authors point out, include the so-called “color revolutions” of 2000-2005 in Serbia, Georgia, Ukraine, and Kyrgyzstan as well as street mass protests against electoral falsifications in Russia in 2011-2012.²⁶

Some bottom-up scholars bring about analysis of recent mass protests in Russia, paying attention to the political role of Russian civil society as a potential counterweight to the state. For instance, Samuel A. Greene analyzes the evolution of civil protests in Putin’s Russia: the 2005-2006 protests of *l’gotniki* (pensioners, invalids, and students) and *dol’schiki* (investors in real estate projects who lost their savings), the 2005 popular resistance against ban of all right-hand-drive cars, the 2010 movement against flashing blue lights on the top of public officials cars organized by Blue Bucket Society, the 2010 environmental movement for Khimki forest protection, and finally the 2011-12 demonstration of so-called “internet hamsters” and “office plankton.”²⁷ Greene concludes that modern Russian society has potential for civic and political mobilization, and there is no lack of social capital, trust or democratic values in Russia today. Therefore, “the difficulties these movements faced stemmed not from themselves or their participants but from their institutional environment,” which is not supported and created by the deinstitutionalized Russian state.²⁸

Greene’s observations and conclusions have parallels with Graeme Robertson’s analysis of civil movement and protests during Putin-Medvedev’s presidencies. Robertson’s comparative analysis of protest events in the late 1990s and in 2007-2011 emphasizes that “protest in Russia has increasingly come to look more like that in democracies than like protests in authoritarian regimes.”²⁹

²⁵ Grzegorz Ekiert and Jan Kubik, Myths and Realities of Civil Society, *Journal of Democracy* 25, no. 1 (2014): 46-58

²⁶ Ibid, 53.

²⁷ Samuel A. Greene, *Moscow in Movement. Power and Opposition in Putin’s Russia* (Stanford, CA: Stanford University Press, 2014), 145-218.

²⁸ Ibid, 217-218.

²⁹ Graeme Robertson, “Protesting Putinism. The Election Protests of 2011-2012 in Broader Perspective,” *Problems of Post-Communism* 60, no.2 (March-April 2013), 21.

Robertson argues that the 2011-12 election-related protests had almost the same features (the style, location, and demands) as protests before (for example, protests against monetization of social benefits in January and February 2005). For Robertson, there is a possibility of bottom-up building of civil society in modern Russia. According to Robertson, Putin's regime constructs "a hybrid system of state-society relations in which independent organizations are allowed to exist, but where they compete with state-sponsored groups on a highly unequal basis."³⁰ Robertson's analysis can be read in the Gramscian sense: the Russian state keeps its hegemony over civil society and does not allow alternative and enemy groups to participate in the political and public sphere.

The 2011-12 civil protests showed that Russian civil society has political potential. In his research, based on interviews with leaders of Russian opposition, David White emphasizes collaboration between political and civil society during the protests. Although White uses Juan Linz's and Alfred Stepan's terminology for civil and political societies, it can be connected with Gramsci's definitions.³¹ In both interpretations, political society includes such institutions as political parties, political leadership, legislatures, and the state apparatus whereas civil society, as a society of ordinary and un-organized citizens, can be mobilized and organized only by political society.³² For Gramsci, also "in concrete historical life, political society and civil society are a single entity."³³ According to White, the mass protests in Moscow in 2011-12 demonstrated the existence of Russian "un-organized civil society" that achieved successful coordination with political society (political opposition forces).³⁴

Analyzing Russian protest activity, Mark Bessinger draws a distinction between weak conventional civil society and "virtual" civil society based on Internet social networks. According to

³⁰ Graeme Robertson, "Managing Society: Protest, Civil Society, and Regime in Putin's Russia," *Slavic Review* 68, no.3 (2009): 531-532.

³¹ Antonio Gramsci, *Selections from the Prison Notebooks* (New York: International Publishers, 1971), 245, 253.

³² David White, "Political Opposition in Russia: the Challenges of Mobilisation and the Political-Civil Society Nexus," *East European Politics* 31, no. 3 (2015), 318.

³³ Antonio Gramsci, *Prison Notebooks. Volume 2* (New York: Columbia University Press, 1996), 182.

³⁴ David White, op. cit., 322.

Bessinger, “events in Russia in 2011 and 2012 demonstrate that, in circumstances in which conventional civil society remains weak, “virtual” civil society – fostered through dense networks of online interaction – may function as a substitute, providing the basis for civic activism even in the presence of an anemic conventional civil society.”³⁵ However, as Bessinger notes (in contrast to White), even though “virtual” civil society challenges the hybrid regime, it cannot build effective political alternatives to this regime since “it lacks coherent leadership and organization” and “breeds a false sense of representativeness within the opposition.”³⁶ Therefore, “un-organized” or “virtual” civil societies in Russia cannot influence regime change due to the weakness of Russian conventional bottom-up organized civil society.

There is also sociological approach to the analysis of civic culture and civic activity of modern Russians. It helps us to understand why the bottom-up model does not work in Russia. Russian scholars from the Institute of Sociology of Russian Academy of Science conduct the poll research helping to measure level of civic culture of Russians. For example, according to Mikhail Gorshkov, only 28% of Russians mention human rights and democracy as their priority whereas 45% think that social justice, equal rights and strong state are more important. The majority of Russians (79%) think that democracy should provide social order and realization of social and economic rights while for 21% of Russians political rights and freedom are more important.³⁷

According to research conducted by Vladimir Petukhov and his colleagues, 42% of respondents think that Russia is a modern democratic country and at the same time 78% do not see any opportunity to influence the state politics. Only 5% of Internet social network users participate in the street protests and 10% would support non-systemic political opposition in case of its conflict

³⁵ Mark R. Beissinger, “Russian Civil Societies. Conventional and “Virtual”,” *Taiwan Journal of Democracy* 8, no. 2 (December 2012), 2.

³⁶ Bessinger, op. cit., 13-14.

³⁷ Mikhail Gorshkov, “Grazhdanskoe obschestvo i grazhdanskaya kultura v sovremennoi Rossii: oput sotsiologicheskoi diagnostiki,” *Rossia reformiruyushayasia. Ezhegodnik*. Vol. 11 (2012), 21, 24.

with the state.³⁸ Providing this data, Russian sociologists, however, emphasize the influence of state media propaganda and recent conflict with Ukraine. For example, Irina Trofimova's research points out the double increase of supporters for Putin's power from 23% in 2013 to 55% in October 2014 in light of the Russia's annexation of Crimea and the Ukrainian crisis. At the same time only 7% of Russians are ready to support opposition and 38% support neither political force. Trofimova concludes that today Russians approve of both foreign and internal politics of the state, however, as data of recent polls show, it is not monolithic support.³⁹ These sociological studies show an important role of the state in the formation of public opinion. Therefore, the top-down model of the creation of civil society in post-Soviet Russia also should be analyzed.

2. Top-Down Model

The roots of this model could be found in Hobbes's concept of civil society tightly connected with the state power. According to Hobbes, the state (the Leviathan as the "mortal God") makes possible the emergence and development of civil society. The Hobbesian civil society needs the state coercive authority (absolute sovereignty) for its self-protection and prevention from disintegration (state of nature with its war of all against all).⁴⁰ The top-down framework is also based on Hegel's theory of civil society as "the system of needs" and pre-political unity organized by economic relations (the market) which brings inequality, egoism, anarchy, and poverty. According to Hegel, only the state, as the ethical sphere and "the final realization of Spirit in history," reconciles civil society's private economic antagonisms and makes possible "the rational life of self-conscious freedom, the system of the ethical world."⁴¹ In Hegel, the state is "an external necessity" and "higher authority" of the family and civil society, "the spheres of private rights and private welfare." The

³⁸ Vladimir Petukhov, Raisa Barash, Natalia Sedova, Roman Petukhov, "Grazhdanskiy aktivizm v Rossii: motivatsia, tsennosti i formy uchastia," *Vlast*, no. 9 (2014): 11-18.

³⁹ Irina Trofimova, "Vzaimootnoshenie vlasti i obshchestva v Rossii: spetsifika tekushchego vneshne- i vnutripoliticheskogo konteksta," *Sotsiologicheskie Issledovania*, no. 7 (2015): 72-80.

⁴⁰ Thomas Hobbes, *Leviathan* (Cambridge: Cambridge University Press, 1996), 87, 120.

⁴¹ John Ehrenberg, *Civil Society. The Critical History of Idea* (New York: New York University Press), 121-132.

interests of private individuals and laws of civil society are subordinated to the state; “the sphere of civil society passes over into the state.”⁴²

However, the Hegelian civil society does not have class contradictions with the state, which we find in Marx’s theory. As Marx argues, man “lives in the *political community*, where he regards himself as communal being, and in *civil society* where he acts simply as private individual, treats other men as means, degrades himself to the role of a mere means, and becomes the plaything of alien power.”⁴³ For Marx, the Hegelian spiritual and illusory “political state” stands in opposition to the reality of civil society. In Marx’s view, the state is based not on civil society and political emancipation of citizens (individuals with political rights) but on the coercive power of dominant classes (feudal nobility or bourgeoisie) established through the exploitation of other economic actors and proletariat social alienation.⁴⁴ However, for Marx, not the state but civil society is “the true source and theatre of all history,” since “civil society embraces the whole material intercourse of individuals within a definite stage of the development of productive forces.”⁴⁵ Marx’s civil society includes commercial and industrial relations which allow it to assert itself externally as a nation and internally as the state.

Antonio Gramsci combines Marx’s and Hegel’s models. Like in Marx, Gramsci’s state plays an active role for adapting civil society to the economic relations. As Gramsci stresses, “the State is the instrument for conforming civil society to the economic structure.”⁴⁶ At the same time, Gramsci’s civil society is a part of politico-ideological superstructure, not the economic base as Marx argued. Following the Hegelian perspective, Gramsci emphasizes that the state organizes public consent and thereby establishes its hegemony over civil society. He writes: “The State does have and request consent, but it also “educates” this consent, by means of the political and syndical associations; these,

⁴² Georg Wilhelm Friedrich Hegel, *Philosophy of Right* (Oxford: Oxford University Press, 1979), 161, 154.

⁴³ Karl Marx, On the Jewish Question, in: Karl Marx, *Early Writings*. (New York: McGraw-Hill, 1964), 13.

⁴⁴ Ibid., 14.

⁴⁵ Karl Marx and Frederick Engels, *The German Ideology. Part One* (New York: International Publishers, 1970), 57.

⁴⁶ Antonio Gramsci, *Selections from Prison Notebooks*, 208.

however, are private organisms, left to the private initiatives of the ruling class.”⁴⁷ Thus, Gramsci’s hegemony can be established as the Hegelian “ethical State,” the state as an “educator” of civil society. However, Gramsci does not exclude the bottom-up development of the state through a “war of position” as ideological and political struggle of different groups within civil society.⁴⁸ Chapter two of this research gives detailed analysis of Gramsci’s idea of civil society in connection with his interpretation of hegemony and domination.

Today some authors refer to Gramsci’s approach in their analysis of state-civil society relations in modern hybrid authoritarian system. According to David Lewis, the bottom-up approach, dominated in the late 1980s and 1990s, can work only in the Western countries, but it does not provide a nuanced and complex picture of the state-civil society relations in these new authoritarian regimes. These hybrid authoritarianisms not simply maintain closed, monolithic and homogeneous state orders, but they also subject and manufacture civil society.⁴⁹ According to Lewis, recent research on civil society under authoritarianism in different non-Western regions and non-democratic political systems (in post-Soviet space, East and South-East Asia, Middle East and North Africa, Cuba) shows the blurred boundaries between state institutions and non-state organizations. As some case-studies show, civil society also plays a productive role in state formation process and legitimization of authoritarian regimes.⁵⁰ As Lewis argues, the Gramscian concept of hegemony helps researches clearly understand the top-down formation of a national-popular consensus.⁵¹

⁴⁷ Gramsci, SPN, 259.

⁴⁸ Ibid., 88

⁴⁹ David Lewis, “Civil Society and the Authoritarian State: Cooperation, Contestation and Discourse,” *Journal of Civil Society* 9, no 3 (2013), 330.

⁵⁰ Ibid., 326-327.

⁵¹ Ibid., 334. Lewis refers to works applying the Gramscian framework: Andrew F. March, “State Ideology and the Legitimation of Authoritarianism: The Case of Post-Soviet Uzbekistan,” *Journal of Political Ideologies* 8, no. 2 (2003): 209-232; Soek-Fang Sim, “Hegemonic Authoritarianism and Singapore: Economics, Ideology and the Asian Economic Crisis,” *Journal of Contemporary Asia* 36, no. 2 (2006): 143-59. See also: Lisa Wedeen, *Ambiguities of Domination. Politics, Rhetoric, and Symbols in Contemporary Syria* (Chicago, London: Chicago University Press, 1999); Narek Mkrtchyan, “Gramsci in Armenia: State-Church Relations in the Post-Soviet Armenia.” *Transformation: An International Journal of Holistic Mission Studies* 32, no. 3 (July 2015): 163-176.

Like Lewis, Graeme Robertson also emphasizes that contemporary authoritarian hybrid regimes seek not just to repress and coerce opposition, but to mobilize their own supporters within a competitive environment. Therefore, according to Robertson, in such regimes, authorities need to demonstrate their strength following two Gramscian tactics – a “war of maneuver” (open fight with opponents) during election period and continuous “war of position” (ideological fight for hegemony) on the street action and in the state mass media propaganda.⁵² It means that in order to establish and maintain their power, these authoritarian elites need popular consent which can be achieved via creation of pro-regime civil society or top-down hegemony.

After Vladimir Putin became Russian president in 2000, the state influence over civil society began to play significant role. During the 1990s, Boris Yeltsin destroyed state function and did not support the development of civil organizations from the bottom. Some scholars define Yeltsin’s presidency as “a time of troubles” and unlimited chaos (*bespredel*) emphasizing social apathy, anomie and trauma, total corruption and disorder of social life.⁵³ Pointing out the crisis of Russian liberal model of civil society, Vladimir Shlapentokh states that “Locke lost his battle with Hobbes in the case of contemporary Russia.”⁵⁴ Henry Hale argues that during the 1990s the Russian state formed coalition with big businesses (oligarchs) but did not find compromises with non-state social organizations.⁵⁵ Putin seems to try solving this problem through the propagation of ideas of stability, order, security, statehood and sovereignty. This politics can be analyzed through the top-down approach. In the following chapter, I will analyze this transition from the 1990s to Putin’s statist model by employing the Gramscian concepts of “passive revolution” (or “revolution-restoration”) and “Caesarism” (personification of political power).

⁵² Graeme B. Robertson, *The Politics of Protest in Hybrid Regimes. Managing Dissent in Post-Communist Russia* (Cambridge, New York: Cambridge University Press, 2011), 31.

⁵³ Sergei Prozorov, “The Management of Anomie: The State of Exception in Postcommunist Russia,” in: *Agamben and Colonialism*, edited by Marcelo Svirsky and Simone Bignall (Edinburgh: Edinburgh University Press, 2012), 32-51.

⁵⁴ Vladimir Shlapentokh, *Hobbes and Locke at Odds in Putin’s Russia*, 1001.

⁵⁵ Henry E. Hale, “Civil Society from Above,” 317.

There are different methodological and theoretical frameworks for the analysis of the “top-down” (statist) model of the state-civil society nexus in Putin’s Russia. Some authors emphasize state ideological influence, others pay attention to institutional mechanisms forming pro-Kremlin civil organizations, and some researches take into consideration the new NGOs legislation that restricts the activity of independent civil and human rights groups.

2.1. The Ideological Factor in Russia’s Civil Society Formation

In the ideological perspective, there is a distinction between liberal (democratic) and conservative (paternalistic) models of civil society development. For instance, Elena Chebankova, states that it is a mistake to understand Russian civil society only from liberal or conservative-traditionalist point of view since there is a struggle for ideological hegemony within Russian civil society. The origin of this ideological struggle is rooted in the ninetieth century philosophical debates between Slavophiles (traditionalists) and Westerners (modernists). According to Chebankova, while the new traditionalist and paternalistic faction (Alexnader Prokhanov, Mikhail Leontiev, Alexei Pushkov, Sergei Kurginyan) understands the development of civil society as a potential political (revolutionary) threat to the Putin’s regime, the liberals (Igor Yurgens, Nikolai Zlobin) insist on the creation of Western-type “inclusive institutions” which could involve different segments of civil society including independent political parties and the media, free elections, fair legal system.⁵⁶

However, many authors point out the domination of paternalistic and traditionalist interpretation of civil society in modern Russia. Tatyana Vorozheikina points out the pro-Putin’s mass media manipulation of public opinion that allows the Kremlin to marginalize the liberal opposition and create virtual “passive majority” that does not feel contact with vital problems of daily life. However, according to Vorozheikina, after the 2014 Ukrainian crisis and Russia’s annexation of Crimea, under influence of state propaganda, this “passive majority” was transformed into the active

⁵⁶ Elena Chebankova, “Competing Ideologies of Russia’s Civil Society,” *Europe-Asia Studies* 67, no. 2 (March 2015): 244-268.

mobilization and personal connection with the state as a real representative of the national interests for the restoration of the Soviet empire.⁵⁷ Kirill Rogov defines this transition from passive to active consent as “authoritarian modernization.”⁵⁸

The analysis of Putin’s interpretation of civil society mission in Russia is also connected with his ideology of statehood and stability. According to Sarah L. Henderson, Putin’s vision of civic activism relates to the ability of civil society “to pull the nation together in agreement” and “to serve as helpmates and midwives to the state.”⁵⁹ The author also emphasizes Putin’s idea of support “socially oriented NGOs” “focusing on charity, the environment, historical and cultural preservation, welfare assistance, and human rights.”⁶⁰ Julie Hemment quotes Putin’s opinion on the role of civil society in Russia: “Russia needs society brimming with love for the country, a civil society that would be such, not only in name, but in status, that would do its job, not just for money, but put its soul into efforts to right the wrongs.”⁶¹ As the author notes, this understanding of civil society is link to the ideological conception of “sovereign democracy” developed by Vladislav Surkov, then-first deputy chief of Putin’s administration.⁶² This ideology, emerged right after the so-called “color revolutions” on the post-Soviet space in 2003-2005 (Georgia, Ukraine and Kyrgyzstan), determine contemporary Putin’s state-control civil society politics.

2.2. Institutionalization of Civil Society

Researches of the state-civil society relations in Putin’s Russia take into account the development of state-organized civic institutions and movements. Following the institutional

⁵⁷ Tatiana Vorozheikina, “Grazhdanskoe obschestvo: chto dal’she?” *Otechestvennye Zapiski* 60, no. 3 (2014) <http://www.strana-oz.ru/2014/3/grazhdanskoe-obschestvo-cto-dalshe>

⁵⁸ Kirill Rogov, “‘Krymskiy sindrom’: mekhanizmy avtoritarnoi mobilizatsii,” *Kontrapunkt*, no. 1 (2015): 1-18. http://www.counter-point.org/wp-content/uploads/2015/09/rogov_countepoint1.pdf

⁵⁹ Sarah L. Henderson, “Civil Society in Russia. State-Society Relations in the Post-Yeltsin Era,” *Problems of Post-Communism* 58, no. 3 (May/June 2011), 18.

⁶⁰ *Ibid.*, 20.

⁶¹ Julie Hemment, “Nashi, Youth Voluntarism, and Potemkin NGOs: Making Sense of Civil Society in Post-Soviet Russia,” *Slavic Review* 71, no. 2 (2012), 234.

⁶² See: Vladislav Surkov, “Natsionalizatsiya buduschego,” *Expert*, no. 43 (November 20, 2006) http://expert.ru/expert/2006/43/nacionalizatsiya_buduschego/

tradition, Ammon Cheskin and Luke March apply Charles Tilly's "process-mechanism" approach⁶³ to complex analysis of the state-civil society relation in modern Russia. According to them, Tilly's approach allows scholars to examine "how various changes in opportunity structures (mechanisms) were able to facilitate participation in collective action (processes)."⁶⁴ This approach also shows that bottom-up activism (protests, revolutions, and upheavals) is not only a mechanism leading to democratization, since structural changes in political opportunities are more important. In terms of process-mechanism perspective, Cheskin and March distinguish four specific models of the state-civil society relations in post-Soviet Russia: (1) "dissentful contention" with anti-regime, unpatriotic and regime-change motivation of un-organized and non-legitimate civil society with poor links to the intra-systemic "political society" and repressed by the state (e.g., protests of 2011-2012)⁶⁵; (2) "consentful compliance backed by firm ideological motivation" (e.g. government-organized non-government organizations like the pro-Kremlin Nashi youth movement); (3) "dissentful compliance" or "begrudging compliance that lacks ideological motivation"; (4) "consentful contention" including "contentious political claims without posing an existential threat to the state authorities."⁶⁶

Some scholars apply these institutional models to the Russian context. For example, Catherine Owen applies "consentful contention" model to case-study of Public Monitoring Commissions in St. Petersburg and Moscow. She shows that these commissions, created by the state to provide additional civil control over conditions in prisons, in some cases effect small improvements inside the prisons.⁶⁷ Julie Hemment's case-study of Tver's branch of *Nashi* employs consentful compliance model showing that some activities of this movement are less ideological campaigns but in some cases take forms of social projects and voluntary activities with regional priorities. She concludes that Putin's

⁶³ See: Charles Tilly, "Mechanisms in Political Processes," *Annual Review of Political Science* 4 (2001): 21-41.

⁶⁴ Ammon Cheskin & Luke March, "State-Society Relations in Contemporary Russia: New Forms of Political and Social Contention," *East European Politics* 31, no. 3 (2015), 265.

⁶⁵ On "dissentful contention" in Russia see: David White, "Political Opposition in Russia: the Challenges of Mobilisation and the Political-Civil Society Nexus," *East European Politics* 31, no. 3 (2015): 314-325.

⁶⁶ Ammon Cheskin and Luke March, op. cit., 266-267

⁶⁷ Catherine Owen, "Consentful Contention" in a Corporate State: Human Rights Activists and Public Monitoring Commissions in Russia," *East European Politics* 31, no. 3 (2015): 274-293.

authoritarian politics is not total and there is some space for effective bottom-up activism even inside the pro-Kremlin movements.⁶⁸ Applying consentful compliance model, Eleanor Bindman examines how “socially oriented” NGOs in Russia (case-studies in Moscow, St. Petersburg, Ryazan, and Nizhniy Novgorod) adopt pragmatic approach in guaranteeing social rights and negotiate relations with the local authorities and other state institutions. Bindman concludes that in contrast to human rights and environment protection NGOs, which have to struggle to continue their activities, “socially oriented” civil organizations become partners to the state in their delivery of social services.⁶⁹

The Gramscian approach can be connected with both consentful compliance and consentful contention models of the state-civil society relations. In terms of consentful contention model, Elena Chebankova uses Gramsci’s concept of ‘war of position’ (ideological struggle for hegemony in political superstructure⁷⁰) for investigating possible appearance of opposition within the dominant state-organized civic institutions in Putin’s Russia. She analyzes state-created Territorial Self-Government, the National Charity Foundation, regional public chambers, think tanks, and few pro-Kremlin movements and ideological clubs. Chebankova argues that the complexity of these institutions allows some well-organized assailants to penetrate into the system conducting the Gramscian “war of position” by spreading new liberal values and disseminating possible systemic changes.⁷¹ Contrary to Chebankova, in my research, I emphasize consentful compliance model in Gramsci’s idea of “top-down” hegemony-consent and state-manageable civil society.

The analysis of state-supported civic organizations allows scholars to see how they help Putin to consolidate popular consent and control civil society. For instance, James Richter investigates the role of the Public Chamber, the mediate institution between state and society created by Putin in 2005. According to Richter, the Chamber helps Putin to legitimize his regime by managing civil

⁶⁸ Julie Hemment, "Nashi, Youth Voluntarism, and Potemkin NGOs: Making Sense of Civil Society in Post-Soviet Russia." *Slavic Review* 71, no. 2 (2012): 234-60.

⁶⁹ Eleanor Bindman, “The State, Civil Society and Social Rights in Contemporary Russia,” *East European Politics* 31, no. 3 (2015): 342-360.

⁷⁰ Antonio Gramsci, *Selections from the Prison Notebooks*, 108-111.

⁷¹ Elena Chebankova, *Civil Society in Putin's Russia* (New York, London: Routledge, 2013), 99-117.

society and by institutionalizing civil society keeping it outside of realm of politics. Richter notes that “rather than empowering civil society to make demands upon the bureaucracy, then, the Public Chamber’s structures and practices instead work to reaffirm the Kremlin’s centrality as the ultimate arbiter of Russian politics.”⁷²

Brian D. Taylor in his book on policing and coercion in Putin’s Russia investigates the connection between police and civil society. He emphasizes that during Putin’s presidency the independent NGOs, working on establishment civic control over state law enforcement organs (Citizen’s Watch, Center for Justice Assistance), were restricted by local authorities and the 2006 NGO Federal Law. Instead of supporting independent organization activity, in 2007 the government created the Ministry of Interior Affairs (MVD) Public Council which has only three representatives of NGOs out of forty-three members. As Taylor shows, The MVD Public Council is an advisory body of the Ministry and thus does not pursue the goal of fighting with corruption and predation. According to the secretary of the Council, its major priority is “support of films, books, and shows that would help “create a positive image” of the police.”⁷³ Taylor points out that “the problem with pseudo-civil society organizations like the Public Chamber and power ministry public councils works as “substitute institutions, designed to take the place of more independent civil society organizations and more publicly accountable state institutions.”⁷⁴

Series of comparative researches on civic institutions-mediators were conducted by Russian political scientist Alexander Sungurov and his colleagues. They analyze the practical work of such institutions as the Public Chambers and Public Councils (on federal and regional levels),⁷⁵ think tanks

⁷² James Richter, “Putin and the Public Chamber,” *Post-Soviet Affairs* 25, no. 1 (2009), 57. See also: Alfred B. Evans, “The First Steps of Russia’s Public Chamber: Representation or Coordination?” *Demokratizatsiya* 16, 4 (2008): 345-62.

⁷³ Brian D. Taylor, *State Building in Putin’s Russia. Policing and Coercion after Communism* (Cambridge, New York: Cambridge University Press, 2011), 240.

⁷⁴ Brian D. Taylor, *Op. cit.*, 243.

⁷⁵ Alexander Sungurov, Olga Zakharova, Lyudmila Petrova, Nikolai Raspopov, *Instituty-mediatory i ikh razvitie v sovremennoi Rossii. 1. Obschestvennye palaty i konsultativnye tsentry: federalnyi i regional’nyi opyt*, *Polis. Politicheskie Issledovaniya*, no. 1 (2012): 165-178.

(*fabriki mysli*) and centers of public politics,⁷⁶ and the institution of Russian Human Rights Ombudsman.⁷⁷ Scholars emphasize the significant role of the Presidential Council for the Development of Civil Society and Human Rights. According to federal law, the Council “provides the development of mechanisms of public control” and the Public Chamber “carries out public control over the activity of executive power.”⁷⁸ In reality, as authors stress, both institutions became a meeting place of their members and representatives of the executive power. Despite the projects of these institutions almost never transferred to law, the fact of their existence expands the space of public politics. According to the authors, in terms of their relations with the state, the Public Chamber demonstrates paternalistic model, whereas the Council employs partnership model.

The state institutionalization of Russian civil society can be connected with the Gramscian concept of civil society as “the ensemble of organisms commonly called ‘private’,”⁷⁹ which can be defined as mediating institutions⁸⁰ that help the state to exercise its hegemony (political and cultural leadership) and manage civil consent. In this research, I argue that Putin’s hegemonic mediating organizations, such as the Public Chamber or the All-Russia People’s Front, play a role of “substitutive informal institutions”⁸¹ or “substitutes”⁸² and “para-constitutional political practices,”⁸³ bringing about informal control within formal (bureaucratic, administrative) decision-making process and horizontal coordination within Putin’s power vertical (regional authorities, the ruling United Russia party, state corporations).

⁷⁶ Alexander Sungurov, Nikolai Raspopov, Alexander Belyaev, “Instituty-mediatory i ikh razvitie v sovremennoi Rossii. 2. Fabriki mysli I tsentry publichnoi politiki,” *Polis. Politicheskie Issledovaniya*, no. 4 (2012): 99-116.

⁷⁷ Alexander Sungurov, Nikolai Raspopov, Ekaterina Glukhova, “Instituty-mediatory i ikh razvitie v sovremennoi Rossii. III. Institut upolnomochennogo po pravam cheloveka,” *Polis. Politicheskie Issledovaniya*, no. 3 (2013): 108-124.

⁷⁸ Alexander Sungurov, Olga Zakharova, Lyudmila Petrova, Nikolai Raspopov, *Op. cit.*, 167.

⁷⁹ Antonio Gramsci, *Selections from Prison Notebooks*, 12.

⁸⁰ Victoria de Grazia, *The Culture of Consent. Mass Organization of Leisure in Fascist Italy* (Cambridge, New York: Cambridge University Press, 1981), 21.

⁸¹ Gretchen Helmke & Steven Levitsky, “Informal Institutions and Comparative Politics,” *Perspective on Politics* 2, no. 4 (2004), 728.

⁸² Nikolai Petrov, “Politicheskaya mekhanika possiiskoi vlasti: substituty protiv institutov,” *Vestnik obshchestvennogo mnenia: dannye. analiz, diskussii*, vol. 102, no. 4 (2009): 5-23.

⁸³ Richard Sakwa, “The Dual State in Russia,” *Post-Soviet Affaires* 26, no. 3 (2010): 185-206.

2.3. Analysis of New NGO Legislation

In Gramsci's terms, if ideology and institutions are hegemonic parts of the state since they create social consent, the state legal apparatus (including law, police, armed forces) carries out the function of state "direct domination" (or coercion) over civil society. From this perspective, there are some researches devoted to the new legal restrictions of the independent civil activity.

In the aftermath of the 2011-2012 protests and the 2014 Ukrainian crisis, researches pay attention to the increasing Russian coercive legislature against independent civil society organizations and public sphere as a whole. For example, Geir Flikke analyzes the new NGO legislation, namely the Law on Foreign Agents (2012) and the law draft On Public Control (2014). Flikke argues that whereas the attempts for liberalization of the state-civil society relations took place during Dmitry Medvedev's presidency (2008-2012), Putin has firmly rejected these opportunities and returned to his personalized power. Analyzing law on foreign agents, the author stresses out that the definition of "political activity" became the key defining mechanism of a "foreign agent," whereas civic organization, pursuing "societal interests," got more opportunities to receive government protection and financial support. Flikke points out that the new law promotes not efficiency but greater bureaucratization of Russian civil society.⁸⁴

Francoise Dauce analyzes the implementation of the "foreign agents" law by the coercive state apparatus, including large-scale inspections of the independent NGOs which began on March 2013. These inspections were carried out by the prosecutor's office, the Ministry of Justice, tax inspectorate, immigration agency, and Federal Security Service. As a result of this inspection, 215 organizations were identified as foreign agents since they receive foreign funding and engage in political activity. However, these non-profit groups refused to register as "foreign agents." As Dauce shows, some groups decided to contest the prosecutor's sanctions in the courts; other seek to bypass the legislature; some of them closed down their offices; others opened a subsidiary abroad for the

⁸⁴ Geir Flikke, "Resurgent Authoritarianism: the Case of Russia's New NGO Legislation," *Post-Soviet Affairs* 32, no. 2 (2016): 103-131.

transferring of foreign funds; some activists are seeking the possibility to register as commercial organizations.⁸⁵ At the same time, as Dauce's research demonstrates, the crackdown of NGOs was combined with state replacement of international funding. As the result of the Public Chamber distribution of presidential grants in 2013, independent human rights groups (including Memorial, For Human Rights, Agora, and Citizens Watch) also were chosen.⁸⁶

Kirill Lavinski investigates the evolution of post-Soviet Russian legislature on different types of civic organizations, such as non-governmental (NGOs), non-commercial, charitable and religious associations. Lavinski pays attention to the 2006 and 2012 amendments to Russian law on NGOs demonstrating the authoritarian trend in the development of Russian state-civil society relations. In particular, the author emphasizes that the new law makes it difficult for civil organizations with foreign connections to operate in Russia.⁸⁷ Same conclusion about legal restrictions of the development of independent NGOs can be found in other researches.⁸⁸ There are also the state legislative measures to limit freedom of speech and the right to public assembly⁸⁹ and Internet activity of Russian bloggers.⁹⁰

Taking into account these issues of Russia's post-Soviet state-civil society relations investigated in the modern literature, this research considers the ideological, institutional and legal mechanisms of Putin's manufacture of civil society. Applying Gramsci's approach, I show that Putin authoritarian top-down model of control over civil society is not only based on coercive crackdown of independent civil groups (Gramsci's domination), but it needs to demonstrate its legitimation through the nominally democratic (or bottom-up) practices and institutions (Gramsci's hegemony).

⁸⁵ Francoise Dauce, "The Duality of Coercion in Russia: Cracking Down on "Foreign Agents"," *Demokratizatsiya* 23, no. 1 (2015), 70-73

⁸⁶ *Ibid.*, 72.

⁸⁷ Kirill Lavitski, "Non-Governmental Organizations in Russia: Legal Aspects," *Voprosy rossiskogo i mezhdunarodnogo prava* 1 (2013): 10-34.

⁸⁸ See: Jo Crotty, Sarah Marie Hall and Sergej Ljubownikow, "Post-Soviet Civil Society Development in the Russian Federation: The Impact of the NGO Law," *Europe-Asia Studies* 66, no. 8 (2014): 1253-69.

⁸⁹ Miriam Lansky and Elspeth Suthers, "Outlawing the Opposition," *Journal of Democracy* 24, no. 3 (2013): 75-87.

⁹⁰ Andrei Soldatov, *Ukraschenie Interneta, Kontrapunkt*, no. 1 (September 2015): 1-11. http://www.counter-point.org/wp-content/uploads/2015/09/soldatov_counterpoint12.pdf

Therefore, in its manufacture of civil society, the Putin regime combines domination (coercion) over independent civic groups with ideological and institutional hegemony. Such combination helps Putin to establish and maintain popular consent within civil society and thereby to legitimize his personal power. In the following chapter, I analyze the Gramscian theoretical interpretations of hegemony and domination, paying specific attention to the top-down role of the so-called “dual state” which simultaneously combines hegemonic and coercive practices.

Chapter II. Research Theory: Application of Antonio Gramsci's

Approach to post-Soviet Russia

This chapter consists of two parts. In the first part, I present a theoretical analysis of Antonio Gramsci's concepts of hegemony and domination as two principles of state manufacture of civil society. There are two popular versions of Gramsci's interpretation of these terms: (1) the distinction and contradiction between hegemony (civil society) and domination (state coercive apparatus); (2) the combination of hegemony (consent) and domination (coercion) under the "integral" or "dual" state. According to the first interpretation civil society is formed by "active" (or "direct") consent or by "national-popular will." The second interpretation is closer to "passive" or "tacit" consent established by the hegemonic class via absorption and neutralization of popular interests. In the second case, the state brings about both ideological (cultural, intellectual) and institutional control over civil society and, at the same time, applies domination or a coercive practices (legislation, police, armed forces), enforcing discipline and coercion on those groups who do not consent and disagree with the state's politics. Whereas the first type of hegemony-domination relations is created by democratic regimes from bottom up, the latter is formed by authoritarian top-down hegemony-domination over civil society.

The second part of this chapter applies top-down model to the state-civil society relations in Putin's Russia. The Gramscian term "passive revolution" is used to describe post-Soviet Russia's transition of the 1990s which was based on "passive" consent. Gramsci's concept of "Caesarism" is applied for the analysis of the origin of Putin's personal power from "passive revolution" of the 1990s. While the Gramscian concepts have been already applied to post-Soviet Russia, in my analysis I implement them to the state manufacture of civil society under the Putin regime. I show that in order to enforce its power the Putin regime forms and maintains the authoritarian equilibrium or top-down (imposed) consent both among elites within the state apparatus (power vertical) and in Russian society (the so-called "Putin's majority").

1. Theoretical analysis of Gramsci's Concepts of Hegemony and Domination

In Gramsci's theory, hegemony and domination are presented as dialectically interdependent terms. It should be noted, however, that in Gramsci's *Prison Notebooks*, scholars find different correlations between these two categories. In this research, we consider the two most common versions of Gramsci's conceptual connection between hegemony and domination, between civil society and the state: (1) the dichotomy of the state or "political society" (domination-force) and civil society (hegemony-consent) and (2) the idea of the "integral" or "dual" state as an equilibrium between hegemony and domination.⁹¹

1.1. Hegemony vs. Domination.

According to Gramsci's first interpretation, hegemony-consent refers to civil society whereas domination-coercion is the state's prerogative. Civil society in this case represents so-called "private" institutions (including the church, trade unions, schools, and so on) whereas the state is equal to "political society" which includes "juridical" government, dictatorship, and coercive apparatus (police, armed forces).⁹² Here Gramsci's idea of the state is closer to Max Weber's definition of the state as "a monopoly of legitimate violence over a given territory"⁹³ and to Karl Marx's state as "a concentrated and organized force of society."⁹⁴ In this perspective, Gramsci counterpoises political society or the state to hegemony (consent, or civil society). This distinction allows him to theoretically project "an alternative proletariat hegemony within existing civil society upon which a postrevolutionary dictatorship of the proletariat can be founded."⁹⁵

⁹¹ James Martin, *Gramsci's Political Analysis. A Critical Introduction* (New York: St. Martin Press, 1998), 68-69.

⁹² Antonio Gramsci, *Selections from the Prison Notebooks* (New York: International Publishes, 1971), 12, hereafter *SPN*.

⁹³ Max Weber, "Politics as Vocation," in *From Max Weber: Essays in Sociology*, ed. H. Gerth and C. Wright Mills (London: Routledge, 1970), 78.

⁹⁴ Karl Marx, *Capital. Vol. 1* (London: Lawrence & Wishart, 1970), 703.

⁹⁵ Walter L. Adamson, *Hegemony and Revolution. A Study of Antonio Gramsci's Political and Cultural Theory* (Berkeley, Los Angeles: University of California Press, 1980), 171.

Here Gramsci follows Vladimir Lenin's definition of "hegemony" (*"gegemonia"*) emphasizing the proletariat goal to undermine the existing bourgeois hegemony through the revolutionary fight for the dictatorship of the proletariat. Gramsci applies the Russian social-democrats' distinction between "dictatorship," as domination of proletariat over bourgeoisie, and "hegemony," as "intellectual and moral direction" of proletariat over other exploited groups, including peasantry.⁹⁶ Moreover, Gramsci agrees with Lenin that revolution would not only happen as the result of Marx's contradictions within the economic mode of production but also as a "cultural struggle."⁹⁷ Gramsci names the Bolshevik Revolution "The Revolution against *Capital*," emphasizing that the Russian example contradicts Marx's logic, according to which the proletariat revolution only possible in the highly developed capitalist countries and bourgeois societies.⁹⁸ In contrast to Marx, Gramsci's civil society does not refer to the economic structure (modes of production), but it belongs to the level of superstructure existing between state and economy. As Gramsci points out, "between the economic structure and the State, with its legislation and coercion, stands civil society."⁹⁹ So while for Marx economic development mechanically determines the political system (feudal society is ruled by landlords, capitalist society is governed by the bourgeoisie), Gramsci emphasizes the priority of political hegemony based on ideology and civil institutions, transformations of which can change economic relations.

However, in contrast to Marxist tradition, in his interpretation of hegemony and domination Gramsci refers not only to the proletariat, but also to the bourgeoisie. In his *Prison Notebooks* Gramsci creates theoretical framework for his analysis of ascendancy of the Moderates over the Action Party during the Italian Risorgimento.¹⁰⁰ Here Gramsci borrows the terms "hegemony" and "domination" from Russian social democrats (Georgii Plekhanov, Pavel Axelrod, and Vladimir

⁹⁶ Perry Anderson, "The Antinomies of Antonio Gramsci," *New Left Review*, 100 (1976/1977), 18.

⁹⁷ Steve Jones, *Antonio Gramsci* (London, New York: Routledge, 2006), 43.

⁹⁸ See: Antonio Gramsci, "The Revolution Against Capital," in David Forgacs (ed.) *The Antonio Gramsci Reader. Selected Writings 1916-1935* (New York: New York University Press, 2000): 32-36.

⁹⁹ Gramsci, SPN, 208.

¹⁰⁰ Perry Anderson, op. cit., 21.

Lenin), but, in contrast to them, Gramsci applies both concepts for the study of capitalist (bourgeois) society rather than for the proletariat revolutionary strategy.

There is also another important distinction between classical Marxism and Gramsci's conception. The Leninist revolution, according to Gramsci, is an example of "war of maneuver" based on front attack on the state. This revolutionary tactics, as Gramsci emphasizes, can be applied in the East and particularly in Russia (the 1917 Bolshevik Revolution) since "in Russia the State was everything" and the "civil society was primordial and gelatinous."¹⁰¹ However, in contrast to Lenin's "war of maneuver," Gramsci argues a new form of revolution for the European countries, "war of position," based on class alliances, 'molecular' ideological and political work in civil society and popular consent. In Gramsci's perspective, the war of position is possible for Europe (here he keeps Italy in mind) since "in the West, there was a proper relation between State and civil society, and when the State trembled a sturdy structure of civil society was at once revealed." In the West, "the State was only an outer ditch, behind which there stood a powerful system of fortresses and earthworks."¹⁰² Contrary to "war of maneuver," which goal is to create a new domination (the dictatorship of proletariat over bourgeoisie in the Russian case) through the violent seizure of power, "war of position" establishes counter-hegemony (a new hegemony) within the boundaries of civil society and then encompasses political society or the state as well.¹⁰³ In other words, the war of position produces "dysfunction within the existing forms of social integration" and finally replaces "the old forms of consent with the new ones."¹⁰⁴ The war of position also can be understood as "the conflict of opposing hegemonies as it is waged ideologically and culturally on a field of battle defined by the complex structures and associations that constitute civil society."¹⁰⁵

¹⁰¹ Gramsci, SPN, 238

¹⁰² Gramsci, SPN, 238.

¹⁰³ Walter L. Adamson, *Hegemony and Revolution*, 225.

¹⁰⁴ Jean L. Cohen and Andrew Arato, *Civil Society and Political Theory* (Cambridge, MA, London, UK: The MIT Press, 1992), 150.

¹⁰⁵ Benedetto Fontana, Liberty and Domination: Civil Society in Gramsci, *Boundary 2*, no 33:2 (2006), 58.

Therefore, according to Gramsci, new hegemony develops bottom-up in civil society. Chantal Mouffe defines it as a “successful form of hegemony” or an “expansive hegemony” based on “active” and “direct” consensus, “resulting from the genuine adaptation of the interests of the popular classes by the hegemonic class, which give rise to the creation of a genuine ‘national-popular will’.”¹⁰⁶ This interpretation can be connected with alternative bottom-up civil actions and initiatives. As has been mentioned in the Literature Review chapter, Elena Chebankova applies Gramsci’s “war of position” (ideological battle for hegemony within civil society) to the analysis of alternative civil activities existing inside the pro-Kremlin civil organizations.¹⁰⁷ In my research, I use another interpretation of connection between hegemony and domination, exercised by top-down model and what Gramsci called an integral state.

1.2. Dual State = Hegemony + Domination.

From another perspective, which is applied for this research, Gramsci shows the state as an integral apparatus of hegemony and domination, civil society and political society. According to Gramsci, hegemony means the state’s manufacture of civil society and social consent whereas domination is carried out by the state coercive power which “‘legally’ enforces discipline on those groups who do not ‘consent’ either actively or passively.”¹⁰⁸ In other words, hegemony is established by an elite group, protecting the active or passive consent of the rest of society. On other hand, domination is based on state exercise of coercion, violence and force. Gramsci takes this dual perspective on state political action from “the dual nature of Machiavelli’s Centaur – half-animal and half-human.” For Gramsci, the Centaur metaphor represents two fundamental levels of political action, “the levels of force and of consent, autonomy and hegemony, violence and civilization.”¹⁰⁹ In

¹⁰⁶ Chantal Mouffe, “Hegemony and Ideology in Gramsci,” in Chantal Mouffe (ed.) *Gramsci and Marxist Theory* (London, Boston: Routledge & Kegan Paul, 1979), 182-183.

¹⁰⁷ See: Elena Chebankova, *Civil Society in Putin’s Russia* (London, New York: Routledge, 2013), 99-117.

¹⁰⁸ Gramsci, SPN, 12.

¹⁰⁹ Gramsci, SPN, 170.

another passage, Gramsci defines hegemony as “the moment of consent, of cultural direction,” distinguishing it from domination as “the moment of force, of constraint, of state-legislative or police intervention.”¹¹⁰ Thus Gramsci’s “integral” or “dual” state includes “not only the apparatus of government, but also the ‘private’ apparatus of hegemony or civil society.”¹¹¹ The sphere of state also lies outside coercive apparatus or political society. Gramsci adds: “In actual reality civil society and State are one and the same.”¹¹² His formula of the State in its integral meaning is “dictatorship + hegemony.”¹¹³ Gramsci points out that “the State is the entire complex of practical and theoretical activities with which the ruling class not only justifies and maintains its dominance, but manages to win the active consent of those over whom it rules.”¹¹⁴ The most successful form of hegemony manages bottom-up active consent within civil society. In Gramsci’s view, this active consent can be established both from top down (by the ruling class) and bottom-up (from civil society) types of the state formation. However, Gramsci shows that bottom-up active consent is the most successful form of hegemony. In this case, domination represents not coercive practices but leadership, since the state interests match up with the interests and aspirations of other groups.

According to Gramsci, “hegemony works through ideology but it does not consist of false ideas, perceptions, definitions. It works primarily by inserting the subordinate class into the key institutions and structures which support the power and social authority of the dominant order.”¹¹⁵ Gramsci’s hegemony is based on the “active consent” of the subordinate groups which is engineered through the exercise of intellectual and political leadership of the dominant group. But this active consent is created by elites from spontaneous, passive or tacit consent, and it is kept by domination-coercion – repressive state apparatus which includes the legal system, the police, and the army.

¹¹⁰ Quote from: Perry Anderson, “The Antinomies of Antonio Gramsci,” 21.

¹¹¹ Gramsci, SPN, 261

¹¹² Gramsci, SPN, 160.

¹¹³ Gramsci, SPN, 239.

¹¹⁴ Gramsci, SPN, 244.

¹¹⁵ Gramsci, SPN, 164.

Gramsci highlights: “The State does have and request consent, but it also “educates” this consent, by means of the political and syndical associations; these, however, are private organisms, left to the private initiatives of the ruling class.”¹¹⁶ In this sense, Gramsci’s state is closer to the Hegelian “cultural” or “ethical State,” the state as an “educator” of civil society. This is why Gramsci emphasizes the role of “traditional” and “organic” intellectuals as organizers, leaders and advocates of the state hegemony over civil society.

In this interpretation of integral (dual) state, Gramsci’s hegemony can also be compared with Max Weber’s concept of legitimacy. In his *Economy and Society*, Weber puts the state between legitimacy and domination. And Gramsci’s hegemony can be interpreted as “a sophisticated version of the political account of legitimacy.”¹¹⁷ According to Weber, legitimacy (like Gramsci’s hegemony) is connected with a “consensual action” or founded “consensus on the specific legitimacy”¹¹⁸ whereas domination represents the exercise of coercive power and “authoritarian power of command” or “administration.”¹¹⁹ Like Gramsci’s integral state (hegemony + domination), Weber’s state combines legitimation (social consensus, permission, or mandate from individual members of political community) and domination (coercion/violence of the impersonal/common “political community” or state) in order to act as “the monopolization of legitimate violence.”¹²⁰ As for Gramsci domination-coercion cannot exist without hegemony-consent, according to Weber, “every domination... always has the strongest need of self-justification through appealing to the principles of its legitimation.”¹²¹ It is generally known that in his research Weber points out three legitimate principles: rational rules (with bureaucracy as a structure of domination), tradition (with patriarchal domination), and charisma

¹¹⁶ Gramsci, SPN, 259.

¹¹⁷ James Martin, “Hegemony and the Crisis of Legitimacy in Gramsci.” *History of the Human Sciences*, vol. 10, no 1 (1997): 38, 42.

¹¹⁸ Max Weber, *Economy and Society* (New York: Bedminster Press, 1968), 904-905.

¹¹⁹ Ibid., 946.

¹²⁰ Weber, op. cit., 904.

¹²¹ Weber, op. cit., 954. For the comparison of Weber’s and Gramsci’s theories see: Carl Levy, Max Weber and Antonio Gramsci. In: Wolfgang J. Mommsen & Jürgen Osterhammel (ed.) *Max Weber and His Contemporaries* (London, Boston: Allen & Unwin, 1987): 382-402.

(when domination rests upon individual authority).¹²² Thus for both Weber and Gramsci domination exists only in conjunction with legitimation or hegemony.

For Gramsci, since civil society is integrated to the state, hegemony-consent is dialectically related to domination-coercion. In this light, “hegemony in civil society functions as the social basis of the dominant class’s political power in the state apparatus, which in turn reinforces its initiatives in civil society. The integral state, understood in this broader sense, is the process of the condensation and transformation of these class relations into institutional form.”¹²³ In other words, the integral or dual state creates civil society as an institutional mechanism for the implementation and legitimation of initiatives of dominant state apparatus.

For Gramsci, either the state was formed from the bottom up (by civil society) or from top down (by dominant class), the state is always interested in legitimation of its power via connection with civil society. While originated from bottom up, the state has organic consent; the top-down state formation creates passive or imposed consent-hegemony. Gramsci connects this way of top-down hegemony formation with “passive revolution” when the dominant class secures its hegemony by exclusion of active and antagonistic groups from their participation in political life. In contrast to the bottom-up hegemony based on “national-popular will” and “active” consensus, this “bastard form of hegemony” obtains passive or tacit consensus established by “a system of absorption and neutralization of their [masses’] interests in such a way as to prevent them from opposing those of the hegemonic class.”¹²⁴ Whereas the democratic bottom-up hegemony is created by civil society and thereby it becomes counterweight to the state, the top-down “bastard” hegemony is formed by the authoritarian state control over civil society. This research discusses the origin and development of

¹²² As an example of application of Max Weber’s approach to Putin’s Russia see: Stephen E. Hanson, “Plebiscitarian Patrimonialism in Putin’s Russia. Legitimizing Authoritarianism in a Postideological Era,” *The ANNALS of the American Academy of Political and Social Science*, vol. 636, no. 1 (July 2011): 32-48.

¹²³ Peter D. Thomas, *The Gramscian Moment* (Leiden, Boston: Brill, 2009), 144.

¹²⁴ Chantal Mouffe, “Hegemony and Ideology in Gramsci,” 182.

Putin's top-down hegemony which was formed as the result of the "passive revolution" of the 1990s and the establishment of a Caesarist leadership in the 2000s.

2. Gramsci's Approach to post-Soviet Russia.

2.1. *Passive Revolution*

The Risorgimento and Transformismo in Italy. In the *Prison Notebooks*, Gramsci introduces the concept of "passive revolution" for the analysis of the Risorgimento, the process of unification of Italy until 1861, and the Transformismo (between 1861 and 1922), the period of corrupted government coalitions and inter-elite collaboration in united Italy. The result of the passive revolution in Italy, according to Gramsci, was the establishment of the fascist regime of Benito Mussolini in 1922. During and after the Risorgimento, the Moderates (the party of bourgeoisie and rural nobility led by Camillo Cavour) established a hegemony in the Italian political life and limited the influence of the republican Action Party (led by Giuseppe Mazzini and then by Giuseppe Garibaldi). As a result, "individual political figures formed by the democratic opposition parties are incorporated individually into the conservative-moderate political class."¹²⁵

Therefore, as Gramsci argues, by the formation of "spontaneous" consent of the "private" and "molecular" interests of liberal elites, the Moderate Party did not allow the Risorgimento to transform into mass revolution which could form people's "organic" and "active" consent. So, in Gramsci's view, the Moderates limited the revolutionary opportunities of the Risorgimento and transformed it into "a revolution without revolution," a "revolution-restoration," or a "passive revolution." As Gramsci argues, in contrast to the developed Western countries (France, England, the United States), "Italy had never really experienced a bourgeois, democratic revolution."¹²⁶ The Italian bourgeoisie had never represented and protected the national interests and had not developed a modern nation-

¹²⁵ Gramsci, SPN, 58.

¹²⁶ Walter L. Adamson, "Gramsci's Interpretation of Fascism." *Journal of the History of Ideas*, vol. 41, no 4 (October-December 1980), 620.

state akin to the more progressive West. Thus, the Transformismo is an obstacle to further democratic revolutionary movement started by the Risorgimento. In other words, the Transformismo is a negation and corruption of the Risorgimento.

By examining Gramsci's description of the Italian passive revolution, one can define its most important features. The main principle of passive revolution is the exclusion of the people from real participation in political life, the so-called "depoliticisation of politics."¹²⁷ The lack of the radical-popular "Jacobin moment" does not completely destroy the *ancien régime* state, suppressing the development of a politically active bourgeoisie, a strong civil society and a parliamentary tradition. It creates a "crisis of authority," which includes a breakdown in the relation between state and society, a crisis of hegemony, and crisis of the state itself. The legitimacy and hegemony of the new order is based on "passive" civil consent rather than on self-governance and a general will. Due to the weakness of the bourgeois hegemonic project, the state bureaucratic apparatus becomes a legal force of domination-coercion formed by compromise between the new bourgeoisie and the old feudal aristocracy, both desiring to protect their narrow "economic-corporate" interests.¹²⁸

"Passive Revolution" in post-Soviet Russia. Some scholars apply the Gramscian conception of passive revolution to the analysis of post-Soviet Russia's transition. The authors emphasize Mikhail Gorbachev's partial reforms, which did not achieve compromise for the ruling class and, on the contrary, "initiated a struggle between various fractions of the *nomenklatura* itself over the spoils of privatization."¹²⁹ Despite the proclamations of glasnost and "revolutionary" perestroika, Gorbachev stimulated social engagement in reform without challenging the vanguard role of the Communist Party. During the 1989 elections to the USSR Congress of People's Deputies, one-third

¹²⁷ Peter D. Thomas, *The Gramscian Moment* (Leiden, Boston: Brill, 2009), 145-149.

¹²⁸ See: Alex Collinicos, "The Limits of Passive Revolution," *Capital & Class* 34, no. 3 (2010): 491-507.

¹²⁹ Kees van der Pijl, "State Socialism and Passive Revolution," in: Stephen Gill (ed.) *Gramsci, Historical Materialism and International Relations* (Cambridge: Cambridge University Press, 1993), 256-257.

of the seats were reserved for social organizations which did not compete with the Party.¹³⁰ Relying on existing Soviet institutions (the Party leadership, the system of soviets, Politburo), Gorbachev never based his leadership on a popular consent. Thus, as Jeremy Lester argues, in the perestroika time, civil society already became an instrument of state manipulation and did not have real political leverages.¹³¹ In contrast to Gorbachev, Yeltsin was a leader of Russian democratic mass mobilization challenging the Party leadership. However, after the Soviet collapse in 1991, the pro-Yeltsin liberal opposition gained control of former Soviet institutions by excluding public participation from them, mirroring the work of Cavour's Moderates after the Risorgimento.¹³²

In Russia's passive revolution, new "democrats" were formed by old Soviet apparatchiks. According to Olga Kryshтанovskaya's research, 77% of the new political elite and 41% of the business elite came from the Soviet nomenklatura (Communist Party, KGB, and Komsomol).¹³³ These elites were interested in the preservation of the *status quo*. The so-called "democratic" winning coalition formed around Yeltsin at the beginning of the 1990s was produced by a "negative consensus" of anti-Communist liberals and rent-seekers from different business groups. This coalition was not interested in building open political competition since they did not want to lose power. Anatoly Sobchak, then mayor of St. Petersburg under whom Putin worked as the head of the Committee for External Relations, noted: "We are in power; that is democracy."¹³⁴ Even after the failure of the August 1991 Communist coup, Yeltsin abolished elections in most Russian regions. He also combined the two posts of president and prime minister which gave him extraordinary power to release presidential decrees. Yeltsin's victory over Parliament in October 1993 additionally proved that the conflict between elite groups was based on the principle "winner takes all." The 1993

¹³⁰ Michael McFaul, *Russia's Unfinished Revolution: Political Change from Gorbachev to Putin* (Ithaca, NY: Cornell University Press, 2001), 49-50.

¹³¹ Jeremy Lester, *Modern Tsars and Princes: The Struggle for Hegemony in Russia* (London, New York: Verso, 1995), 32.

¹³² Rick Simon, "Passive Revolution, Perestroika, and the Emergence of the New Russia." *Capital & Class* 34, no. 2 (2010), 437.

¹³³ Olga Kryshтанovskaya, *Anatomia Rossiiskoi Elity* (Moskva: Zakharov, 2005), 318.

¹³⁴ Vladimir Gel'man, *Authoritarian Russia. Analyzing Post-Soviet Regime Changes* (Pittsburg: University of Pittsburg Press, 2015), 50.

Russian Constitution legitimized this victory, maximizing presidential powers and limiting the parliamentary checks and balances.¹³⁵

In Russia of the 1990s, “the centralization of the state has been mirrored by the fragmentation of civil society,”¹³⁶ similar to Italy during the Transformismo. Yeltsin’s “negative” consent allowed elite groups to win from “shock therapy” and “insider privatization,” which caused the distribution of energy resources and raw materials among new oligarchs and former Soviet apparatchiks. On the other hand, the vast majority of the Russian people faced a hostile socio-economic environment. As a result of hyperinflation in the first half of the 1990s, GDP contracted by 34%, average wages dropped by more than 50% and the unemployment rate reached 20%. The state social benefits, including education, housing, health and child-care, were dissolving. 36% of Russians found themselves below the poverty line.¹³⁷ Moreover, “insider privatization” increased the role of corruption and the high degree of criminalization in the Russian economy. According to the Ministry of Internal Affairs, Russia’s “shadow economy” exceeded 40 % of GDP.¹³⁸

Being actively involved into insider privatization and redistribution of the former Soviet property, the Yeltsin state was disconnected with society. In the Gramscian perspective, the post-Soviet state did not even try to establish top-down hegemony over society. Despite the state legal regulations of NGOs (the Law on Public Associations, the Law on Noncommercial Organizations, and the Law on Philanthropic Activities and Organizations), in practice, the federal civil legislation was confused with the regional laws and was not regulated by the Ministry of Justice.¹³⁹ On the other hand, the formation of civil society from bottom up was also not possible. In the 1990s, Russian people ignored civil activity due to the mistrust of former communist organizations, the persistence of

¹³⁵ Ibid., 47-56

¹³⁶ Rick Simon, op. cit., 445.

¹³⁷ Tony Wood, “Collapse as Crucible,” *New Left Review* 74 (March-April 2012), 20-23.

¹³⁸ Natalya Prokhorova, “Rossyiskii Bizness Prestupen Napolovinu,” *Utro.ru*, October 5, 2005.

¹³⁹ Sarah L. Henderson, “Civil Society in Russia: State-Society Relations in the Post-Yeltsin Era,” *Problems of Post-Communism* 58, no. 3 (2011), 15.

friendship networks, and the disappointment with socio-economic crisis of post-communism.¹⁴⁰ Since the state's "over-withdrawal" from the social sphere, Russian citizens participated in personalized informal networks, including friend and familial relations, which allowed them to survive during ongoing economic hardship.¹⁴¹ Under such conditions, both "top-down" hegemony with "passive" civil consent and "expansive" hegemony, based on active bottom-up consent and popular will, were not developed. Like during the Italian passive revolution, people were alienated from politics.

Both "passive revolutions" in Italy (1861-1922) and in Russia (1991-1999) led to the breakdown of hegemony, creating imbalance between the state and civil society. In both cases, the ruling elite pursued narrow economic interests, hiding behind slogans of democracy and freedom. The state was in an "organic" crisis of authority functioning with weak and fragile popular consent. In such a situation, following Gramsci's logic, the balance between the state and civil society could be restored only by the emergence of a "third force" from outside – either via social revolution or the appearance of a Caesarist personal power. In both cases, the latter alternative was victorious and led to the appearance of authoritarian regimes – Mussolini's fascism in Italy and Putinism in Russia.¹⁴²

2.2. From "Passive Revolution" to Caesarism.

Fascism as Reactionary Caesarism. Gramsci defines Caesarism as a political solution in which an authoritarian leader carries out arbitrary function between the state and society and creates an "equilibrium of forces" preventing potential instability and threat to the regime that might occur both within ruling elite and at the level of civil society.¹⁴³ The Gramscian approach allows us to find some parallels between the origin of Putin's system and the victory of Benito Mussolini's fascism.

¹⁴⁰ Marc M. Howard, *The Weakness of Civil Society in Post-Communist Europe* (Cambridge, UK: Cambridge University Press, 2003), 122-145.

¹⁴¹ Sergei Ljubownikow, Jo Crotty, and Peter W. Rodgers, "The State and Civil Society in Post-Soviet Russia: The Development of a Russian-Style Civil Society," *Progress in Development Studies* 13, no. 2 (2013), 158.

¹⁴² Some authors compare both regimes. See: Zbigniew Brzezinski, "Moscow's Mussolini," *The Washington Post*, September 20, 2004; Alexander J. Motyl, "Russia's Systemic Transformations since Perestroika: From Totalitarian to Authoritarianism to Democracy – to Fascism?" *The Harriman Review* 17, no. 2 (2010): 1-14.

¹⁴³ Gramsci, SPN, 219.

Regarding the analysis of the Italian fascist political regime, Gramsci uses the term “*reactionary Caesarism*.” In contrast to “progressive Caesarism,” which could produce qualitative changes and complete revolution (Caesar and Napoleon I), “reactionary Caesarism” fills the power vacuum and establishes equilibrium of political forces without reforming weak institutions and reordering social relations. The examples of reactionary Caesarism are Napoleon III and Bismarck. Consequently, the fascist Caesarism continued Italy’s passive revolution, “becoming a machine for the preservation of the *status quo* rather than a mainspring for forward movement.”¹⁴⁴ In contrast to old forms of Caesarism which were formed by a leader rested on the army force, fascism as modern Caesarism is more complex political leadership based on manufacture of civil society and public consent.

In this sense, Gramsci’s analysis of Mussolini’s fascism as a modern Caesarism allows us to understand the genesis of Putin’s leadership. For Gramsci, Italian fascism represents not only a coercive apparatus, but also the combination of domination (coercion, police) and hegemony (popular consent, intellectual, and moral leadership). Therefore, the fascist organization of civil mediating institutions (via party coalitions, trade unions, sport clubs, veteran, and youth organizations) played an important role in the manufacture of consent, which always existed under the constant threat of force. The fascist hegemony in civil society legitimized the use of force due to the fascist consent that was manipulated by the concept of emergency. As Gramsci points out, in fascist Italy, “physical violence and police persecution are utilized systematically, above all in the countryside, to strike terror and preserve a situation of emergency.”¹⁴⁵ He also emphasizes that “fascism has actually created a permanently revolutionary situation” and had not only attenuated and continued, but had never solved the post-war Italian crisis.¹⁴⁶ At this point, Gramsci’s Caesarist power draws parallels

¹⁴⁴ Quote from: Lorenzo Santoro, “Antonio Gramsci: The Fascist Leadership as Modern Reactionary Caesarism and the Novelty of the Corporate State,” *Leadership* 8, no. 3 (2012), 281.

¹⁴⁵ Antonio Gramsci, “The Italian Situation and the Tasks of the PCdI (Lyons Theses),” in: David Forgacs (ed.) *The Antonio Gramsci Reader. Selected Writings 1916-1935* (New York: New York University Press, 2000), 151.

¹⁴⁶ Walter L. Adamson, “Gramsci’s Interpretation of Fascism,” 627.

with Carl Schmitt's famous statement that the "sovereign is he who decides on the exception."¹⁴⁷

According to Gramsci, the "preservation" of permanent emergency gives unlimited personal power to Mussolini, putting him above the law and above existing political institutions (the Crown, parliament, political parties), consolidating different political forces. As we show in the third chapter, ideology of exception was also developed in Putin's Russia.

At the same time, we can find some parallels between Gramsci's Caesarism and Marx's Bonapartism. In his *Prison Notebooks*, Gramsci does not distinguish between these two concepts talking about a Bonapartist-Caesarist type of leadership.¹⁴⁸ While Gramsci applies Caesarism to the Mussolini fascist regime, Marx characterizes Napoleon III's power by term "Bonapartism." Marx emphasizes that the Louis Napoleon Bonaparte regime was based on individual despotism rather than on class despotism of bourgeoisie. Louis Bonaparte "would like to appear as the patriarchal benefactor of all classes."¹⁴⁹ He proclaimed the battle against the bourgeoisie, but his regime was based on its financial support. This is why Bonaparte's appeal to the peasantry (the middle class of small-holding peasants) represented only "hallucinations of its death straggle, words transformed into phrases, ideas into specters, befitting dress into preposterous costumes."¹⁵⁰ By destroying democracy, establishing military regime and fighting with the bourgeoisie, Bonaparte was not independent from bourgeois class. As a result, Napoleon III did not give real political power to the middle class. According to Marx, in reality Bonapartism became a bourgeois political order which established state control over civil society: it "put public meetings under police surveillance," "imposed a state of siege," and "suppressed every impulse in society through the use of state power."¹⁵¹ To a certain extent, these measures were ideological and coercive parts of the state manufacture of civil society in Putin's Russia.

¹⁴⁷ Carl Schmitt, *Political Theology* (Chicago, London: The University of Chicago Press, 2005), 5.

¹⁴⁸ Gramsci, SPN, 227.

¹⁴⁹ Karl Marx, "Eighteenth Brumaire of Louis Bonaparte," in Karl Marx, *Later Political Writings* (Cambridge, UK; New York: Cambridge University Press, 1996), 124.

¹⁵⁰ *Ibid.*, 123-124.

¹⁵¹ *Ibid.*, 111-12.

Like Louis Bonaparte, from the very beginning of his presidency Putin also appealed to Russian middle class represented by civil servants (including doctors, teachers, bureaucrats, military, and police), or “losers” of the economic reforms and inner privatization of the 1990s. Indeed, during his first presidential term, Putin has been fighting with class of oligarchs in order to establish his independent power above them. As a result, some oligarchs (Berezovsky, Gusinsky, and Khodorkovsky) were subdued, but many of them (Abramovich, Deripaska, Potanin, Prokhorov and others) became a part of Putin’s team. Moreover, some close friends of Putin (Timchenko, the Rotenberg brothers) became the new oligarchs. So like Napoleon III, Putin only apparently represents “the man of the middle class”, but “in reality he is the man of the oligarchs.”¹⁵²

Putinism as Caesarism. From Gramsci’s perspective, the appearance of Putin’s Caesarist regime was the aftermath of Russia’s passive revolution of the 1990s, which did not create transition from a “spontaneous” consensus of elites to an “active” civil consent. By the end of the Yeltsin’s second presidential term, the post-Soviet “organic” crisis was not overcome, but instead expanded in terms of greater development of weak institutions, including state capacity and law practices, fragmentation of the elite, and a low degree of mass support for the government.¹⁵³ Putin established “managed” and “imposed” consensus both among the elites and within Russian society via his personal leadership and manually-operated power vertical, a combination of formal institutions with informal networks. In the Gramscian terms, Putin installed the balance between hegemony (popular consent) and domination (state coercive apparatus).

According to Adam Przeworski, Putin’s “*authoritarian equilibrium*” keeps the Gramscian balance between consent (civil society) and force (state coercion), in which “institutions function under the shadow of violence.”¹⁵⁴ As Przeworski emphasizes, Putin creates the Gramscian

¹⁵² Marcel H. Van Herpen, *Putinism: The Slow Rise of a Radical Right Regime in Russia* (London, New York: Palgrave MacMillan, 2013), 177.

¹⁵³ Vladimir Gel'man, op. cit., 73.

¹⁵⁴ Adam Przeworski, “Political Institutions and Political Order(s),” in Adam Przeworski (ed.), *Democracy in a Russian Mirror* (New York: Cambridge University Press, 2015), 249.

equilibrium not only in order to control civil society existed outside the state apparatus, but also to gain autonomy from the state bureaucracy and repressive forces including the Federal Security Service (the former KGB). Having popular support, Putin, as a KGB delegate in the Kremlin, is free from the influence of security services and bureaucratic apparatus. Thus, playing force and consent against each other, Putin increased his personal power and autonomy with regard to both – state apparatus and civil society.¹⁵⁵

This equilibrium allows Putin to maintain his regime without transforming the old system of state-society relations. According to Owen Worth, “the top-down enforcement of policy under Putin can only be an indication of the reliance of elements of Caesarism in an effort to consolidate the process of passive revolution.”¹⁵⁶ Putin created “imposed consensus” among the elites through the selective application of violence vis-à-vis regime’s rivals, giving loyal oligarchs and bureaucrats a tremendous rent-seeking opportunity. In this system corruption became a mechanism for both the enrichment of supporters and the punishment of the disloyal actors.¹⁵⁷ In Gramsci’s view, corruption (fraud) exists between consent (hegemony) and force (domination) in “certain situations when it is hard to exercise the hegemonic function, and when the use of force is too risky.”¹⁵⁸ Thus, in Putin’s system corruption combines both functions: on the one hand it creates loyalty (consent) of elites to the President and, at the same time, implements force when representatives of the elite group refuse to follow the leader’s interests.

As a result, unlike Yeltsin, during whose presidency the struggle for hegemony was possible (due to confrontations between different oligarchic groups, regional leaders, and political opponents – communists, conservatives, and liberals), Putin created the Gramscian equilibrium of forces. He formed the political coalition with a new ruling elite, “*siloviki*,” Putin’s friends from St. Petersburg

¹⁵⁵ Ibid., 263

¹⁵⁶ Owen Worth, *Hegemony, International Political Economy and Post-Communist Russia* (Aldershot, UK; Burlington, VT: Ashgate, 2005), 154.

¹⁵⁷ Vladimir Gel’man, op. cit., 74.

¹⁵⁸ Gramsci, SPN,

affiliated with the former KGB and other security services. This equilibrium of elites is consolidated by Putin's "vertical of power," which works as a telephone system, transmitting signals from the Kremlin to the regions without accepting bottom-up initiatives.¹⁵⁹

In addition to the equilibrium of elites, Putin also established popular consent in Russian society. This consent was not possible without economic growth which took place during Putin's first two presidential terms (2000-2008). According to Gramsci, "though hegemony is ethical-political, it must also be economic, must necessary be based on the decisive function exercised by the leading group in the decisive nucleus of economic activity."¹⁶⁰ In contrast to economic decline of the 1990s, Putin's first presidential term has coincided with growing oil prices. While during Yeltsin's presidency oil, Russia's main export resource, cost about \$17 per barrel, by 2002 oil prices had doubled and by 2008 they reached \$132.32. As a result, between 2000 and 2008, Russia's GDP per capita grew 7 percent per year and between 2004-2008 wages increased 400 percent.¹⁶¹ As different researches demonstrate, increasing Putin's popularity was coincided with Russia's post collapse economic growth.¹⁶² As Kathryn Stoner and Michael McFall argue, Putin's unwritten social contract with the Russian people was based on the agreement – high economic growth in return for increasing autocratic practices and contracted political rights.¹⁶³

However, economic hegemony is not possible without ideological and institutional hegemonies. In the next chapter, I analyze Putin's ideology and mediating institutions which allow the regime to keep public consent and manage civil society even in the time of economic decline (after the 2008-2009 global financial meltdown) and international isolation (after EU and U.S. economic sanctions caused by the 2014 Russia's annexation of Crimea).

¹⁵⁹ Gleb Pavlovsky, "Putin's World Outlook," *New Left Review* 88 (July-August 2012), 57.

¹⁶⁰ Gramsci, SPN, 161.

¹⁶¹ Kathryn Stoner and Michael McFall, "Who Lost Russia (This Time)? Vladimir Putin," *The Washington Quarterly* 38, no. 2 (2015), 175.

¹⁶² See: Timothy Colton and Henry Hale, "The Putin Vote: Presidential Electorates in a Hybrid Regime," *Slavic Review* 68, no. 3 (2009): 473-503; Daniel Treisman, "Putin's Popularity since 2010: Why Did Support for the Kremlin Plunge, Then Stabilize?" *Post-Soviet Affairs* 30, no. 5 (2014): 370-388.

¹⁶³ Kathryn Stoner and Michael McFall, op. cit., 176.

Chapter III. Putin's Ideological and Institutional Hegemonies

This chapter analyses the two most important components of Putin's hegemony – ideology and mediating institutions. In the first part, I demonstrate that ideological hegemony helps Putin to establish and manage popular consent. As has been noted in previous chapter, like Mussolini's Caesarism, Putinism is based on what Gramsci names “situation of emergency” or “permanent revolution any situation.” Such ideology legitimizes the *status quo* of anti-democratic and top-down “passive revolution” of the 1990s and presents Putin's power as its legal successor. This ideology puts Russia into the Gramscian interregnum, a time without trajectory, a non-developing time between the collapsed Soviet Union and unfinished transition to modernity and democracy. This ideology is created and developed by different instruments, including the conservative ideas of stability and statehood, discourse of Russia's state of siege, the Cold-war rhetoric of internal and external enemies, anti-Americanism and anti-liberalism.

The second part of this chapter is devoted to the analysis of Putin's mediating institutions which exist between the state apparatus and civil society. By mediating institutions Gramsci understands the “hegemonic apparatuses” or ensemble of “private” organizations, including schools, churches, political parties, civil and intellectual groups, and the media. Their function is to create social support for the established political order.¹⁶⁴ However, Gramsci only intuited the idea of mediating institutions and did not analyze the mechanisms through which institutional hegemony is exercised by the dominant group.¹⁶⁵ Therefore, I enrich Gramsci's idea through the application of other institutional conceptions that allow us to understand the purpose of Putin's mediating institutions. These concepts include “substitutive informal institutions” (or “substitutes”), “para-constitutional political practices,” and “nominally democratic institutions.” My analysis of the All-Russia People's Front shows the combination of these institutional functions.

¹⁶⁴ Gramsci, SPN, 12.

¹⁶⁵ Chantal Mouffe, “Hegemony and Ideology in Gramsci,” 188.

1. Ideology of Stability and Discourse of Emergency

Although in his “millennium” article, published in December 1999, Putin emphasized that he is against the restoration of official ideology in Russia, the core elements of his worldview have formed the popular consent. These ideological elements include national greatness of Russia as a country (*derzhavnost'*), social, political and economic stability (*stabilnost'*), “pride in the Fatherland” (patriotism), and a strong Russian state as “the source and guarantor of order” (statism or *gosudarstvennost'*). According to Putin, civic agreement or solidarity (*grazhdanskoe soglasie*) and consolidation of Russian society (*konsolidatsia obshchestva*), undermined in the 1990s, should be reestablished on these ideological principles.¹⁶⁶ Under the discourse of stability, the social consensus concerning Putin’s legitimacy was established among “losers” of the 1990s. These social groups include those who suffered under Yeltsin’s reign, – employees of the state bureaucracy and security services, the regional bureaucracy, some of the intelligentsia (teachers, doctors, and scientists), and armies of the unemployed and impoverished pensioners. This constituency formed the so-called “Putin’s majority.”

At the same time, Putin’s ideology legitimizes the *status quo* of anti-democratic and top-down “passive revolution” of the 1990s and present Putin’s power as its legal successor. As Gramsci’s work shows, hegemony is “effectively subordinated to passive revolution, as a mere ‘mechanism’ of its realization,” since hegemony provides “the primacy of stability over instability” rather than real social and political transformation.¹⁶⁷ It is no coincidence that Putin frequently argues against radical transformation and revolutions. For instance, in 2001, Putin claimed to finish the revolutionary period of the 1990s: “The past decade has been tumultuous for Russia; it can be said without any exaggeration: it was revolutionary. But it’s time to firmly say: this cycle is completed; there will be neither revolutions, nor counter-revolutions. The robust and economically reasonable state stability is

¹⁶⁶ Vladimir Putin, “Rossiya na rubezhe tysyacheletii,” *Nezavisimaya Gazeta*, December 30, 1999

¹⁶⁷ Peter D. Thomas, “Hegemony, Passive Revolution and the Modern Prince,” *Thesis Eleven*, 117, 20 (2013), 23.

good for Russia and its people.”¹⁶⁸ While commenting about the post-Soviet “color revolutions” that happened in 2003-2005 in Georgia, Ukraine and Kyrgyzstan, Putin pointed out that the problems in those countries should be solved not via the “introduction of democracy from outside,” but “in the framework of the constitution and stability.”¹⁶⁹

In December 2011, when the mass street protests against the Duma fraud elections took place in Moscow and other big cities, Putin did not believe that Russian civil society could organize itself against the state. He compared the demonstrations with “experienced and accumulated scheme” of “color revolutions” whose goal is “to destabilize society” from outside.¹⁷⁰ According to Putin, “real democracy is not created instantly; it cannot be copied from the external model. It is necessary that society has to be ready to use democratic mechanisms.”¹⁷¹ However, the 2011-2012 street protests demonstrated that modern Russian society has the potential for civic and political mobilization, and no lack of social capital, trust or democratic values. But the state does not create the institutional and legal environment for the civic participation in politics.¹⁷²

Since the Putin’s discourse of stability has the goal of maintaining the existing order without possible modernization and democratization, one can argue that Putin’s hegemony exists in the Gramscian “*interregnum*,” “the fact that the old is dying and the new cannot be born,”¹⁷³ an “inert” and “empty” time that prevents “the cathartic moment” or real social and political transformation.¹⁷⁴ It seems that Putinism protects the interregnum of stability – the time between the collapsed Soviet Union and unfinished transition to modernity. According to Lilia Shevtsova, Putin’s interregnum

¹⁶⁸ Vladimir Putin, “Poslanie Federalnomu Sobraniyu Rossiiskoi Federatsii,” *Website of President of Russia*, April 3, 2001 <http://archive.kremlin.ru/text/appears/2001/04/28514.shtml>

¹⁶⁹ Vladimir Putin, “Interviu “Radio Slovensko” i slovanzkoj telekompanii STV,” *Website of President of Russia*, February 22, 2005. <http://kremlin.ru/events/president/transcripts/page/325>

¹⁷⁰ Vladimir Putin, “Razgovor s Vladimirom Putinyim. Polnyi Tekst,” *Vesti.ru*, December 15, 2011. <http://www.vesti.ru/doc.html?id=661862>

¹⁷¹ Vladimir Putin, “Demokratia i kachestvo gosudartstva,” *Kommersant*, February 6, 2012 <http://www.kommersant.ru/doc/1866753>

¹⁷² See: Samuel A. Greene, *Moscow in Movement. Power and Opposition in Putin’s Russia* (Stanford, CA: Stanford University Press, 2014), 202-218; Graeme Robertson, “Protesting Putinism. The Election Protests of 2011-2012 in Broader Perspective,” *Problems of Post-Communism* 60, no.2 (March-April 2013): 11-23.

¹⁷³ Gramsci, SPN, 276.

¹⁷⁴ Peter D. Thomas, *The Gramscian Moment*, 152.

means “an advanced state of decay,” or “a time without a trajectory,” within which the Russian elites do not bring about democratic reforms and modernization in the country, increasingly distancing Russia from the West.¹⁷⁵

This interregnum can exist only under the permanent crisis and in situation of emergency. As has been noted above, Gramsci characterizes Mussolini’s fascism as a situation of emergency or permanent revolutionary situation based on a distinction between enemy and allied groups. Under this ideology of emergency, the Kremlin narrative puts Russia into state of siege created by both internal enemies (the so-called “fifth column” or “foreign agents”) and external enemies (the United States, NATO, the Islamic State). The rhetoric of emergency designs a negative image of democratic transformation, connecting it with the revolutionary 1990s, the “color revolutions” on the post-Soviet space, or the Arab Spring. From this perspective, Putin interprets the 2014 Ukrainian crisis as an anti-constitutional *coup d’état* organized by nationalists, neo-Nazis, Russophobes and anti-Semites.¹⁷⁶ In this situation, Russia represents itself as a guarantor of stability and protector of Eurasia, including *Russkii Mir* (Russian World) and *Novorossiia* (New Russia), from possible revolutions.

It is interesting that Alexander Dugin, the prominent Kremlin ideologue and a head of the International Eurasian Movement, applies the Gramscian approach in order to emphasize the potential of Putin’s Caesarism in forming Eurasian counter-hegemony vis-à-vis the U.S.-European global hegemony. According to Dugin, “in ‘Caesarism,’ the main point is not the authoritarian principle of rule, but specifically a delay in the multidimensional installation of the full values of a capitalist system on the Western model.”¹⁷⁷ From Dugin’s view, in order to save its sovereignty, Russia needs to protect Putin’s authoritarian Caesarism.¹⁷⁸ Since Putin’s Caesarist regime is not completely integrated into the core of the liberal hegemony, Russian-Eurasian project of ‘counter-

¹⁷⁵ Lilia Shevtsova, *Interregnum. Russia between Past and Future* (Washington D.C.: Carnegie Endowment for International Peace, 2014), 14-15.

¹⁷⁶ Vladimir Putin, “Address by President of the Russian Federation,” *Website of President of Russia*, March 18, 2014 <http://en.kremlin.ru/events/president/news/20603>

¹⁷⁷ Alexander Dugin, *Putin vs Putin. Vladimir Putin Viewed From the Right* (London: Arktos, 2014), 260.

¹⁷⁸ *Ibid.*, 262.

hegemony' can fight for a multipolar world against the West. However, Dugin misinterprets Gramsci. Whereas for Dugin counter-hegemony can be established only from the top by Caesarist leadership, for Gramsci, as has been shown in the chapter two of this research, it is alternative bottom-up hegemony created within the boundaries of civil society as a public consensus over several ideological discourses ("war of position").

In Gramsci's terminology, Dugin belongs to the group of "organic intellectuals" who legitimize the existing political system by introducing ideological concepts and playing a mediating role of "educators" between the state and society. According to Marlene Laruelle, during and after the 2014 crisis in Ukraine, three nationalist discourses on the Novorossiia project have been developed.¹⁷⁹ One group (Natalia Narochnitskaya, Maxim Kalashnikov, Vitaliy Averianov) calls for ethnonationalism, emphasizing the important role of ethnic Russians (*Russkie*), Russian speakers and the Orthodox Christians in the protection of Donbass from Kiev's fascist junta; the other group (Alexander Dugin and Mikhail Leontiev) argues the restoration of Russian Empire as a large "Eurasia's Russian World" (*Russkiy mir Yevrasii*), including Southern and Eastern Ukraine, Crimea, and Transnistria; some are proponents of Soviet great power (Alexander Prokhanov, Mikhail Delyagin, Sergei Graziev). All of these "organic intellectuals" are members of the Izborsk Club, a think-tank offering national consensus based on the conservative ideas of Russian nationalism, anti-liberalism, and anti-Americanism. Even before the 2014 Ukrainian revolution, these ideological principles began to play important roles in responding to the 2011-2012 mass anti-regime political protests and slowing economic development.¹⁸⁰

As well as organic intellectuals, the media propaganda in Putin's Russia represents another important mechanism of ideological hegemony regarding the formation of public opinion and popular

¹⁷⁹ Marlene Laruelle, "The Three Colors of Novorossiia, or the Russian Nationalist Mythmaking of the Ukrainian Crisis," *Post-Soviet Affairs* 32, no.1 (2016), 58.

¹⁸⁰ As the result of the 2008-2009 global economic meltdown, Russian economy shrank by 8 percent, and grew at around 4 percent in 2012. See: Kathryn Stoner and Michael McFall, "Who Lost Russia (This Time)? Vladimir Putin," *The Washington Quarterly* 38, no. 2 (2015), 176.

consent. According to Gramsci, “the state, when it wants to undertake an unpopular action, creates adequate public opinion to protest itself; in other words, it organizes and centralizes certain elements within civil society.”¹⁸¹ In such conditions, the mass “is kept happy by means of moralizing sermons, emotional stimuli, messianic myths of an awaited golden age, in which all present contradictions and miseries will be automatically resolved and made well.”¹⁸² Through the production of the “messianic myths” about restoration of the Soviet Empire or Russian leadership in Eurasia, the Kremlin propaganda forms the “adequate public opinion” necessary for the legitimization of Putin’s authoritarian practices.

Since the majority of Russians gets information from official television channels, Gleb Pavlovsky suggests that after the 2014 Ukrainian crisis, Russian television has been playing the role of repressive media by dictating the behavioral position for audience and controlling the political opposition to the regime. The key question for this system is how the mass audience can be used against deviating opposition. Pavlovsky believes that it is going to be the re-export of “Novorossiia methodology” (illegal support of pro-Russian separatists in Eastern Ukraine) to Russia. According to him, the role of informal security groups in Russia will be increased and their crime will have a reaction: “God knows who they are! Just like in the 1990s, found dead, they say: “Probably, it is related to its business activities.” Such things, as pointed injections, are stronger than prosecutions and arrests like in Stalin’s time. It is concentrated fear in ampoules.”¹⁸³ This Pavlovsky’s interpretation seems to predict the murder of Boris Netsov, one of the leaders of liberal opposition, who was arguing against Russia’s annexation of Crimea. He was killed at the end of February 2015 in Moscow, on a bridge by the walls of the Kremlin.

The pro-Kremlin media marginalizes the liberal opposition and creates virtual “passive majority” alienated from politics. However, according to Tatyana Vorozheikina, after the 2014

¹⁸¹ Quote from: Walter L. Adamson, *Hegemony and Revolution*, 219-220.

¹⁸² Gramsci, SPN, 150.

¹⁸³ Gleb Pavlovsky, “Kreml’: Ot konservativnoy politiki k revolyutsii” (interview with Alexander Morozov), *Russkii Zhurnal*, June 4, 2014 <http://www.russ.ru/Mirovaya-povestka/Kreml-ot-konservativnoj-politiki-k-revoljucii>

Ukrainian crisis, under influence of state propaganda, this “passive majority” was transformed into the active and mobilized supporters of the state. The majority of Russians expressed their personal connection with the state as a real representative of the national interests for the restoration of the Soviet empire.¹⁸⁴ Kirill Rogov defines this transformation from passive to active consent as “authoritarian mobilization.” In fact, the Ukrainian crisis increased both interest of Russians in politics (from 30% in 2013 to around 40% in 2014) and popular Putin’s support (from less than 65% in 2013 to more than 80% in 2014).¹⁸⁵

According to the independent Levada Center’s polls conducted in April 2015, 89 percent of Russians support accession of Crimea and 83 percent think that the war in the Eastern Ukraine should be continue. 56 percent of respondents think that “the war in Eastern Ukraine is continuing because the leadership of the U.S. and other Western countries needs this conflict to place blame on Russia and restrain Russia’s growth and influence in the world and elevate their own ideals.”¹⁸⁶ The “Crimean syndrome” combined official state discourse (conservatism, anti-Western nationalism, and state stability) with the growing post-Soviet revanchist expectations of the majority of Russians. In Gramsci’s terminology, this means that the “Crimean consensus” allows Putin to balance hegemony (popular and civil consent) with domination (coercive practices against regime’s enemies). In the last chapter of my thesis, I analyze the implementation of coercive legislature against the so-called “foreign agents” and “undesirable organization.” In the following section I explore another part of Putin’s hegemony – mediating institutions.

¹⁸⁴ Tatiana Vorozheikina, “Grazhdanskoe obschestvo: chto dal’she?” *Otechestvennye Zapiski* 60, no. 3 (2014) <http://www.strana-oz.ru/2014/3/grazhdanskoe-obshchestvo-cto-dalshe>

¹⁸⁵ Kirill Rogov, “Krymskyi sindrom’: mekhanizmy avtoritarnoi mobilizatsii,” *Kontrapunkt*, no. 1 (2015): 1-18. http://www.counter-point.org/wp-content/uploads/2015/09/rogov_countepoint1.pdf

¹⁸⁶ “The Ukrainian Crisis,” *The Levada Center Website*, June 10, 2015. <http://www.levada.ru/eng/ukrainian-crisis>

2. Mediating Institutions: Between the State Apparatus and Civil Society

Since Putin's power vertical is manually-operated system, exploiting personal networks and loyalty to Putin, it does not have strong institutional mechanisms of governance. Under Putin, all existing political institutions (the State Duma, the Federation Council, governors, elections, etc.) have been weakened, but the presidential power and security services became stronger. However, in order to legitimize his Caesarist leadership, Putin relies on the connection between the state and society provided by the mediating institutions, such as the Public Chamber, the Presidential Council for Human Rights and Civil Society, and the All-Russia People's Front. These institutions-mediators help Putin to increase political hegemony both within the state apparatus and within society. As Alfred B. Evans notes, "Putin seeks a hegemonic rather than a monopolistic centralization of power, so that many groups and institutions that retain token independence, remaining formally outside the vertical executive hierarchy of the state, have become part of the base of support for the administrative structures headed by Putin."¹⁸⁷

According to Gramsci, the mediating institutions are "hegemonic apparatuses" or ensemble of "private" organizations, including schools, churches, political parties, civil and intellectual groups, and the media. Their goal is to organize society in creating support for the political hegemony of the dominant class. Such institutions can be created in two ways – bottom-up in democracies and top-down in authoritarian regimes. Putin's Caesarist hegemony is based on top-down mediating institutions which imitate democratic cooperation between the state and society.

In his prison notebooks, however, Gramsci did not develop his idea of institutions either systemically or theoretically. From my perspective, the limitations of Gramsci's approach can be overcome through the application of institutional theories developed in modern comparative politics. These theories will help us to understand the purpose of Putin's mediating institutions existing inside and outside the state apparatus and imitating civil activities and democratic practices.

¹⁸⁷ Alfred B. Evans, "Vladimir Putin's Design for Civil Society," in: Evans, Alfred B., Laura A. Henry, and Lisa McIntosh Sundstrom (eds.) *Russian Civil Society: A Critical Assessment* (Armonk, New York: M.E. Sharpe, 2005), 148.

2.1. Institutions in Hybrid Regimes: Theories and Russia's Reality

Gramsci's idea of institutions-mediators can be enriched by contemporary institutional theories. In this section, I introduce those theories which provide a framework for broader analysis of Putin's mediating institutions existing between the state apparatus and society. For instance, Gretchen Helmke and Steven Levitsky introduced the concept of "*substitutive informal institutions*." Such institutions "are employed by actors who seek outcomes compatible with formal rules and procedures"; "they exist in environments where formal rules are not routinely enforced"; and therefore they "achieve what formal institutions were designed, but failed, to achieve."¹⁸⁸ Substitutive institutions are developed in the areas where state official structures are ineffective and weak in the implementation of their functions. In some cases, substitutive institutions can contribute to the formal (constitutional) structures. At the same time, however, they can "crowd out" the function of formal institutions by introducing new actors who are interested in the preservation of the informal (personal) practices and subversion of formal rules.¹⁸⁹

Applied to Russian reality, these "substitutive informal institutions" are closer to what Nikolai Petrov names "*substitutes*," the informal and personal connections, diminishing the role of existing state institutions.¹⁹⁰ According to Petrov, in Putin's system, when all political institutions have been weakened (the State Duma, the Federation Council, governors, elections, etc.) and the presidential power and coercive apparatus have become stronger, the substitutes play an important role in the established vertical of power. Substitutes exist in parallel with weak institutions. For example, in addition to regional governors, Putin appointed presidential representatives (*polpredy*) in seven federal districts that unite provinces and republics of the Russian Federation. Since Putin banned the election of the regional governors and began to appoint them, the function of the

¹⁸⁸ Gretchen Helmke and Steven Levitsky, "Informal Institutions and Comparative Politics," *Perspective on Politics* 2, no. 4 (2004), 729. See also: Gretchen Helmke & Steven Levitsky (eds.), *Informal Institutions and Democracy: Lessons from Latin America* (Baltimore: The Johns Hopkins University Press, 2006), 16.

¹⁸⁹ *Ibid.*, 730.

¹⁹⁰ Nikolay Petrov, "Politicheskaya mekhanika rossiiskoi vlasti: substituty protiv institutov," *Vestnik obshchestvennogo mnenia: dannye. analiz, diskussii*, vol. 102, no. 4 (2009), 15.

Federation Council, the upper chamber of the Russian Parliament, was transformed to nominal procedure of the approval of the Kremlin's law projects. Putin's Security Council and Presidential Administration are also substitutes of the Russian Government. State oil and gas corporations are playing the roles of some economic ministries. The ruling party United Russia represents the club of federal and local bureaucrats. It has not been transformed into the institutionalized political party, formulating political agenda and developing bottom-up initiatives. United Russia represents the hierarchical network transferring signals from top down without of independent decision-making mechanism. It organized and managed from outside by the President and prime minister.

One of the main functions of the Russian substitutes is to imitate democratic political process and thereby legitimize Putin's authoritarian rule. According to Jennifer Gandhi and Adam Przeworski, the authoritarian regimes rely on "*nominally democratic institutions*" since the autocrats "need to neutralize threats from larger groups within society and to solicit the cooperation of outsiders."¹⁹¹ Such institutions, including legislatures and political parties, are not just "window dressing," but they are established as the result of strategic choice in order to incorporate opposition forces from civil society and thereby lengthen the ruler's tenure. However, these nominally democratic institutions can generate threats to the existing authoritarian regime by making policy concessions and distributing spoils.¹⁹² Therefore, only the adequate degree of institutionalization and policy compromises can help autocrats to prevent the risk of instability. Adam Przeworski calls this balance "the authoritarian equilibrium": through the institutionalization (elections, political parties, civil organizations) authoritarian leaders can better hide the fact of their corruption from public knowledge.¹⁹³ This authoritarian equilibrium also means Gramsci's equilibrium of consent

¹⁹¹ Jennifer Gandhi and Adam Przeworski, "Authoritarian Institutions and Survival of Autocrats," *Comparative Political Studies* 40, no. 11 (2007), 1280. See also: Jennifer Gandhi, *Political Institutions under Dictatorship* (New York: Cambridge University Press, 2008), 34-41.

¹⁹² Jennifer Gandhi & Adam Przeworski, op. cit., 1283.

¹⁹³ Adam Przeworski, "Political Institutions and Political Order(s)," in Adam Przeworski (ed.), *Democracy in a Russian Mirror* (New York: Cambridge University Press, 2015), 262.

(institutions) and force (coercion), the combination of hegemony and domination, where “institutions function under the shadow of violence.”¹⁹⁴

According to Przeworski, Putin creates the Gramscian equilibrium not only in order to control civil society existed outside the state apparatus, but also to gain autonomy from the state bureaucracy and repressive forces, including the Federal Security Service (FSB, the former KGB). Even noncompetitive elections allow Putin to be independent from repressive and bureaucratic apparatus. Having popular support, Putin, as a KGB delegate in the government, is free from the influence of security services. Therefore, “playing two sources of support – organized force and elections – against one another gives rulers some autonomy with regard to both.”¹⁹⁵ This research also demonstrates how the state-organized All-Russia People’s Front, provide Putin’s autonomy from the state apparatus via manufacture of popular support and imitation of civic control over bureaucratic power vertical.

Partially following the Gramscian concept of the integral state, Richard Sakwa characterizes Putin’s system as a dual state which comprises, on the one hand, the normative state, including formal constitutional order and the institutionalized law-governed system, and, on the other hand, the administrative regime formed by para-constitutional political practices, including authoritarian actions and personalized leadership.¹⁹⁶ Here a normative state could be connected with Gramsci’s domination or state apparatus, whereas an administrative state, which Sakwa also defines as “prerogative state,” represents the Gramscian hegemony, which includes the state political actions outside governed institutions. These para-constitutional bodies or hegemonic institutions in Putin’s power vertical include, for example, the State Council, which unites the regional governors and operates in parallel with the Federation Council, and the Public Chamber, which diminishes the role of the State Duma in terms of law and civil initiatives, imitating the connection between the state and

¹⁹⁴ Ibid., 249.

¹⁹⁵ Ibid., 263.

¹⁹⁶ Richard Sakwa, “The Dual State in Russia,” *Post-Soviet Affairs* 26, no. 3 (2010), 187-188.

society. According to Sakwa, since the para-constitutional institutions encourage corruption and lack of responsibility, they are unable to provide coherent governance; thereby their primary purpose is to prevent and regulate intra-elite conflict inside Putin's manual vertical of power.¹⁹⁷

The aforementioned institutional conceptions enrich the Gramscian idea of mediating institutions as top-down "hegemonic apparatuses" existing between the state and civil society. In following section, I apply these conceptions for the analysis of the All-Russia People's Front which incorporates different institutional forms: (1) "substitutive informal institution" as a substitute of such political institutions as the Duma, United Russia, the Public Chamber, some federal ministries and security services; (2) "nominally democratic institution" which neutralizes the threat from civil society and opposition, helps Putin to maintain "the authoritarian equilibrium" between consent and force, and at the same time creates Putin's autonomy from both the state apparatus and civil society; (3) "para-constitutional political practice" which combines democratic forms (civil bottom-up activity and control of the state bureaucracy) with Putin's authoritarian actions and personalized leadership for the regulation of intra-elite conflicts. It should be noted that before the establishment of the Front in 2011, Putin made some efforts to manage civil society via creation of such mediating institutions as the Civic Forum and the Public Chamber.

2.2. From the Civic Forum to the Public Chamber

In contrast to Yeltsin's concentration on the post-Soviet "inner privatization" and state ignorance of civil society, Putin began with creation of civil and popular consent through the institutionalization of civil society and its incorporation to state interests. From the very beginning of his presidency, Putin's leadership has been based not only on building of the elite consensus (influential role of siloviki, manually-organized power vertical, informal networks) but also on the creation of hegemonic equilibrium between state administrative apparatus and civil society.

¹⁹⁷ Richard Sakwa, op. cit., 197.

In 2000-2001, Putin initiated the dialog between the state and civil activists via personal meetings with representatives of non-government (NGOs) and non-commercial (NKO) organizations. In these meetings, however, Putin already made some preferences for certain organizations over others. He did not invite representatives of most critical, independent and authoritative NGOs, including the Memorial, the Civil Dignity, the Committee of Soldiers' Mothers, and the Moscow-Helsinki Group. In December 2000, these groups created the People's Assembly as an "umbrella group of civil society," alternative to the pro-Kremlin organizations.¹⁹⁸ The Assembly called for accountability of the government for their decisions and wanted to develop equal partnership and dialogue between civil society and the state.

In 2001, when the Presidential Administration realized that it was not possible to establish the consent between the state and all civil groups without participation of more authoritative NGOs, it asked the Assembly to join the Civil Forum (*Grazhdanskii Forum*) and participate in its organizational committees. In November 21, 2001, the Civic Forum was opened by the Kremlin organized conference which involved 5000 civil activists and the government officials from across the country.¹⁹⁹ In his address to the Forum, Putin emphasized that "the biggest task... is to avoid the bureaucratization of initiatives and to establish the institutions and processes necessary to strengthen civil society."²⁰⁰ Furthermore, Putin put forward twofold goal for the Civil Forum: "to promote democratization and to engage civil society activities in the daunting task of tackling Russia's serious social problems."²⁰¹

There were 21 negotiating sessions ("*peregovornye ploschadki*") during the Forum, including "Chechnya ways to achieve peace and agreement," "Civic control and civic expertise," "Guaranteeing human rights in the justice and penal system," "Open sources of information from the

¹⁹⁸ Marcia A. Weigle, "On the Road to the Civic Forum: State and Civil Society from Yeltsin to Putin," *Demokratizatsiya* 10, no. 2 (2002), 133.

¹⁹⁹ See detail analysis of the Forum and prior negotiations: Mary McAuley, *Human Rights in Russia. Citizens and the State from Perestroika to Putin* (London, New York: I.B. Tauris, 2015), 129-154.

²⁰⁰ Marcia A. Weigle, op. cit., 137.

²⁰¹ Ibid.

state,” “A social contract: society – business – government,” and “Local self-government.”²⁰² The purpose of these sessions was a dialogue between the state officials and civil activists. As expected, this dialog will be maintained in the future. There are different opinions on the Forum. Some activists pointed out that it was meaningless public event; others believed that the state and civil society finally will establish “equitable interaction.”²⁰³ According to Liudmila Alexeeva, a leader of the Moscow-Helsinki Group, “the Forum was a sincere endeavor on the part of the authorities to have a dialogue with society”; it “was a wish to build society under the authorities’ control”; and “the Forum was simply an empty bureaucratic idea.” At the same time, as Alexeeva mentioned, this event in some extent meant that “the authorities recognized that a civil society already exists in Russia and wants to have some active contact with it.”²⁰⁴

After the Forum, however, none of the sessions’ proposals (demilitarization of Chechnya, draft law on alternative service for army conscripts, and others) was approved by the Russian Government. Moreover, the Forum attracted little interest from society. Thus, Putin’s attempt to create “nominally democratic institution” was failed.

In 2004 Putin initiated the establishment of new mediating institution, the Public Chamber, for the control over civil initiatives and cooperation between state and civil society. Its creation was caused by internal and external factors. On March 14, Putin was reelected to his second presidential term. On September 1, Chechen terrorists seized an elementary school in Beslan, North Ossetia. There were 1,100 hostages held during a three-day siege. The school’s storming by the federal army brought deaths of 334 hostages, including 186 children. The threat of terrorism was recognized as a destabilizing factor for Russian internal politics. At the same time, there were threats on the post-Soviet space. In Georgia in 2003 and then in Ukraine in 2004, the streets’ protests (the so-called

²⁰² Mary McAuley, *op. cit.*, 147.

²⁰³ Marcia A. Weigle, *op. cit.*, 137.

²⁰⁴ Quote from: Mary McAuley, *op. cit.*, 150.

“color revolutions”), where independent NGOs played important role, brought in new pro-Western rulers in both countries – Mikhail Saakashvili and Viktor Yushchenko.

Taking into account both circumstances, on September 13, 2004, President Putin called for formation of the Public Chamber “as a platform for wide dialogue, where civic initiatives can be presented and discussed in detail. No less importantly, this chamber should become a place for conducting public examinations of key state decisions, and above all of draft laws that concern prospects for the country development of national significance.”²⁰⁵ At the same time, Putin initiated the centralization of state apparatus; he cancelled the elections of regional governors and diminished their function by creating seven federal districts (*okruga*) united several regions and the Presidential representatives (*polpredy*).

According to legislation on the Public Chamber passed in 2005 by the State Duma, membership in the Chamber is driven from the top down: 42 members are chosen by the President; they in turn choose 42 more from different Russian civil associations; then altogether (84 members) pick a further 42 from regional NGOs. None of the independent human rights organizations were chosen to become the Chamber members. Some well-known human rights NGOs refused to participate in the Chamber’s creation arguing that it is “an attempt to create a dummy of a civil society” as part of Putin’s plan of reinforcing “the vertical chain of command” by building civil society from the top down.²⁰⁶ According to James Richter, “the public chamber as an institutional form is not meant to advocate the particular interests of different constituencies, but an apolitical body of prominent individuals offering technical advice to improve state governance.”²⁰⁷

Chamber members are not active agents but dependent supplicants of the Kremlin. His interviews with members of the Chamber illustrate that some of them believe that their expertise and

²⁰⁵ Vladimir Putin, “Speech at the Enlarged Government Meeting with the Government and Heads of the Regions,” September 13, 2004. <http://en.kremlin.ru/events/president/transcripts/22592>

²⁰⁶ Alfred B. Evans, “Vladimir Putin’s Design for Civil Society,” 151.

²⁰⁷ James Richter, “The Ministry of Civil Society? The Public Chambers in the Regions,” *Problems of Post-Communism* 56, no 6 (2009), 8.

information help official government agencies in the implementation of more effective policy. Other members just want to use the Chamber to increase their own prestige. Only several members have produced some influential policy projects for the State Duma. As Richter shows, the Chamber helps Putin to legitimize his regime by managing civil society and by institutionalizing civil society keeping it outside of realm of politics. Richter notes that “rather than empowering civil society to make demands upon the bureaucracy, then, the Public Chamber’s structures and practices instead work to reaffirm the Kremlin’s centrality as the ultimate arbiter of Russian politics.”²⁰⁸

The Public Chamber is also a government authorized distributor of state grants for Russian NGOs. During Putin’s second presidential term, the state financial support for “socially oriented NGOs” was significantly increased: \$15 million in 2006, \$50 million in 2007 and \$70 million in 2008.²⁰⁹ In 2010 the Chamber was responsible for distribution of one billion rubles (\$32 million) and two billion rubles (\$64 million) in 2012. According to the Chamber, these funds are distributed on the basis of comparative grants. However, in practice the distribution of grants demonstrate a lack of transparency. As a result, in 2010, for example, only 604 out of 300,000 estimated Russia’s NGOs have received this funding.²¹⁰

At the same time, the Chamber plays insignificant role in Russian social life. According to the 2009 VTsIOM’s poll, 57 percent of Russians do not even know the public chamber exists; 37 percent had “heard something,” and only 5 percent considered themselves well-informed about its activities.²¹¹ This low level of popularity of the Public Chamber shows that this “nominal democratic institution” or substitute only imitates the connection between the state and civil society without providing direct social participation in decision-making process. As the “ministry of civil society,”

²⁰⁸ James Richter, “Putin and the Public Chamber,” *Post-Soviet Affairs* 25, no. 1 (2009), 57. See also: Alfred B. Evans, “The First Steps of Russia’s Public Chamber: Representation or Coordination?” *Demokratizatsiya* 16, 4 (2008): 345-62.

²⁰⁹ Sarah L. Henderson, “Civil Society in Russia. State-Society Relations in the Post-Yeltsin Era,” *Problems of Post-Communism* 58, no. 3 (May/June 2011), 20.

²¹⁰ Jo Crotty, Sarah Marie Hall, Sergej Ljubovnikov, “Post-Soviet Civil Society Development in the Russian Federation: The Impact of the NGO Law,” *Europe-Asia Studies* 66, no. 8 (2014), 1256-57.

²¹¹ Henderson, op. cit., 25.

the Chamber represents Putin's view of civil society as "a coherent, ordered space where individuals assist the state in the interest of the whole."²¹² As Richter concludes, "the Public Chamber sought to institutionalize a vision of civil society as a realm without politics, unified behind a unitary state."²¹³

It should be noted that in 2004 Putin also initiated the establishment of the Presidential Council for the Development of Civil Society and Human Rights. In contrast to the Public Chamber, which does not represent independent NGOs, the Council includes members and heads of such well-known human rights groups as the Moscow-Helsinki Group (Lyudmila Alekseeva), the historical center Memorial (Sergei Krivenko), the election monitoring Golos Association (Lilia Shibanova), the human rights organization Agora (Pavel Chikov), the Committee of Soldiers' Mothers (Mara Polyakova), the Committee for Human Rights (Andrei Borshev), the Liberal Mission Foundation (Evgeny Yasin).²¹⁴ According to federal law, the Council "provides the development of mechanisms of public control," whereas the Public Chamber "carries out public control over the activity of executive power."²¹⁵ So the Council does not have right for a law drafting but gives only its recommendations and reports on the problems of civil society development to Putin (personally during annual meetings), the Presidential Administration and the Government ministries.

2.3. The All-Russia People's Front (Obscherossiiskii narodnyi front)

As a substitutive informal institution, the Public Chamber diminishes the role of the State Duma and the ruling United Russia party in the production of law and civil initiatives and in the implementation of public control over state executive power.²¹⁶ That degree of control is possible since United Russia has never transformed to "fully institutionalized ruling party."²¹⁷ It does not

²¹² James Richter, *The Ministry of Civil Society*, 8.

²¹³ James Richter, *Putin and the Public Chamber*, 61.

²¹⁴ See the Council official website: <http://president-sovet.ru/members/constitution/>

²¹⁵ Alexander Sungurov, Olga Zakharova, Lyudmila Petrova, Nikolai Raspopov, "Instituty-mediatory i ikh razvitie v sovremennoi Rossii. Obschestvennye palaty i konsultatsionnye sovety," *Polis* 1 (2012), 167.

²¹⁶ Nikolay Petrov, op. cit., 16.

²¹⁷ Fiona Hill and Clifford G. Gaddy, *Mr. Putin. Operative in the Kremlin* (Washington, D.C.: Brookings Institution Press, 2013), 243.

produce independent bottom-up initiatives and its members represent state bureaucracy (regional governors, federal ministers, mayors, etc.) rather than society. Therefore, even unlike the Communist Party of the Soviet Union (CPSU), United Russia cannot participate in the state decision-making process. According to Gleb Pavlovsky, United Russia “has absolutely no independence and cannot act on its own, in contrast to the old CPSU. It cannot fulfil political directives. It needs full instructions, one, two, three, four and five. If three and four are missing, it stops and waits to be told what to do.”²¹⁸ So United Russia has nothing in common with the CPSU and only imitates the function of ruling party.

Due to the weakness of the popular support of United Russia (opposition named it “the party of bureaucrats” or “the party of crooks and thieves”), in May 2011, right before the Duma and presidential elections, Putin created one more substitute, the All-Russia People’s Front. On May 6, 2011, on the eve of the 66th anniversary of the Victory Day in the Great Patriotic War at the United Russia Conference in Volgograd (former Stalingrad) then-Prime Minister Putin emphasized the necessity of consolidation of forces. Putin said that that before the election to the State Duma “this form of consolidation among the various political forces [...] has been used and is still used in different countries at different times and by different political forces - the left, and what we have called the right-liberal, nationalist, patriotic. It is a tool for association of like-minded political forces. And I would really like [the consolidation of] United Russia, and some other political parties, trade unions, women's organizations, youth groups, organizations,... including veterans of the Great Patriotic War and veterans of the war in Afghanistan. [I would like for] all the people, – united by common goals to strengthen our country, united by the idea for searching for the most appropriate solutions to the problems facing us, – [to act] in a single platform, let's call it, say, the all-Russia People's Front, because on the eve of May 9 and in Stalingrad, such rhetoric seems to me quite

²¹⁸ Pavlovsky, *Putin's World Outlook.*, 57-58.

appropriate. The All-Russia People's Front.”²¹⁹ So under the Soviet rhetoric (the Great Patriotic War, Stalingrad battle, unity of Russian people against the common enemy), Putin called for the consolidation of his allies for a political purpose – victory in the upcoming parliament and presidential elections. According to Stanislav Belkovsky, Putin created the Front in the image of the National Front of the German Democratic Republic, where Putin served as a KGB officer in the 1980s. The German National Front also consisted of the ruling party (Socialist Unity), as well as nominally opposition parties and many public organizations loyal to the government.²²⁰

Putin’s Front has united those who generally agree with the government, but are not members of the ruling party. As a result of the December 2011 Duma elections, about 80 deputies from the Front were elected. Now they consist of the parliamentary faction of United Russia, but not all of them join a party. The Front unites different pro-Kremlin organizations, such as “socially oriented” and “government-organized” NGOs, trade unions, youth movements, sport associations, and regional activists. These Front organizations include the Union of Russian Women, the Federation of Independent Trade Unions, the Russian Union of Afghan Veterans, the Union of Pensioners of Russia, the interregional public organization of motorists “Freedom of Choice,” and others. According to the official information, by June 1, 2011, less than a month after its establishment, 445 organizations joined the Front.²²¹

After the 2011-2012 parliament and Presidential election, the Front became a “President’s collective representative,” monitoring the implementation of Putin’s socio-economic program (the so-called May 2012 decrees). In 2013 President Putin became a leader of the Front whereas Prime Minister Dmitri Medvedev led United Russia. In the upcoming parliamentary elections in fall 2016, the Front activists plan to participate both via party lists and single-mandate constituencies. They will

²¹⁹ Quote from: Olga Skabeeva, “Premier predlozhil ob’edinit’ blizkie po dukhu politicheskie sily,” *Vesti.ru*, May 6, 2011. <http://www.vesti.ru/doc.html?id=450636&tid=90355>

²²⁰ Stanislav Belkovsky, “V Rot Front,” *Moskovsky Komsomolets*, May 9, 2011.

<http://www.mk.ru/politics/2011/05/09/587507-v-rot-front.html>

²²¹ “Obscherossiiskii narodnyi front. Politicheskoe ob’edinenie na baze Edinoi Rossii.” <https://lenta.ru/lib/14211400/>

not only be nominated by the ruling United Russia, but also by other pro-Kremlin parties such as Rodina, Just Russia, and Patriots of Russia.²²² This non-party identity of the Front creates imitation of party pluralism and allows Putin as its leader to stay above the existing political forces and represent not only state bureaucracy but society as a whole.

The Front functions combine some competences of federal ministries, the Public Chamber, and the State Duma: collection of the law and civic initiatives, public control over the state bureaucracy, protection from state corruption, control over medical services, ecological, housing and utilities problems.²²³ For the implementation of these priorities, the five working groups were organized within the central headquarters. They include “Society and Power: a Direct Dialogue,” “Education and Culture as a Basis of National Identity,” “Everyday Life Quality,” “Fair and Effective Economy,” and “Social Justice.” There are also monitoring centers “For Fair Procurement,” “National Examination,” “For the Rights of Borrowers,” and the Public Monitoring Centre for Ecology and Forest Protection. These groups and centers were also created in all Russia’s regions. Their functions are carried out in parallel with the federal ministries of the Russian Government and regional state apparatus. The Audit Department of Presidential Administration, which receives the government’s reports on the implementation of presidential decrees, sends them to the Front. In their turn, the Front experts analyze these reports, comparing them with the situation on the ground, with the signals that come from citizens.

Working under the control of the Presidential Administration, the Front implements the function of nominally democratic institution, neutralizing the threat from independent civil activists and political opposition. According to Alexei Makarkin, while the Front plays the role of “safe opposition” in helping to soften the popular anger under control of the authorities, people do not have enough independent representatives in the state apparatus. For the opposition it is much more difficult

²²² Dina Ushakova, “Prifrontovaya Duma,” in *Lenta.ru*, May 29, 2015 <https://lenta.ru/articles/2015/05/29/duma/>

²²³ Olga Vandysheva, “Kollektivnyi predstavitel’ presidenta,” *Expert* 24, no. 948, June 8, 2015. <http://expert.ru/expert/2015/24/kollektivnyij-predstavitel-prezidenta/>

to achieve a result, and the Front intercepts its agenda. Contrary to opposition, the People's Front can act as the controllers of the state power and at the same time can be loyal to it, just like in the Committee of People's Control in Soviet Union.²²⁴

Despite the Front presents itself as a “popular movement” and a non-party union of civil organizations, all its activity is coordinated by the Kremlin. The Front sends all reports to the President’s Control Department, which evaluates the information and transfers it to the President Administration for final decisions. The Front’s information is also checked by state coercive apparatus, including the Audit Chamber and the General Prosecutor's Office, and the Federal Antimonopoly Service, and other services.²²⁵ Moreover, the Front leaders are personally connected with the state apparatus. For instance, the Front’s Board is headed by Alexei Anisimov, a former deputy head of the Department of Internal Policy and one of the closest associates of Vyacheslav Volodin, a first deputy Chief of Staff of the Presidential Administration. The co-chairman of the Front’s Central Headquarters is Alexander Brechalov who is also a secretary of other mediating institution – the Public Chamber. Brechalov shares his chairmanship with two members of the State Duma (the United Russia faction) – film director Stanislav Govorukhin and journalist Olga Timofeeva, as well as Alexander Galushko, the Minister of the Development of the Russian Far East and co-chairman of civil association *Delovaya Rossiya* (Business Russia). The other leaders include representatives of pro-Kremlin political parties (United Russia, Rodina, and the Patriots of Russia), chairmen of influential trade unions, youth and veteran organizations, two regional governors, active members of the Public Chamber, some state universities’ provosts, and few pro-Putin journalists.²²⁶ Selection of people for the Front’s headquarters is held under strict control of the Presidential Administration.

²²⁴ Anna Baidakova, “El’fy presidenta,” *Novaya Gazeta*, no. 102, September 18, 2015
<http://www.novayagazeta.ru/politics/69976.html>

²²⁵ Olga Vandysheva, op. cit.

²²⁶ For more information see the Front’s official website: <http://onf.ru/structure/rukovodstvo-0/>

Moreover, the Front activists receive their wages from the federal budget. According to the RBK investigation, money from the state budget to the Front activists goes indirectly. As Brechalov said, “we accept donations from commercial, public and non-state actors. Of course, it is incorrect to disclose the names and amounts, without the consent of the organizations. It is common practice in business and in business relations.”²²⁷ However, these donations come from NGOs which receive presidential grants. According to the RBK data, these NGOs either develop the Front’s projects (For the Rights of Borrowers, the Public Expertise) or the heads of those NGOs (United Society, Health, the Killed Roads) are the Front’s experts, co-chairmen, members of central and regional headquarters. According to RBK, in 2015, the organizations close to the Front received 287 million rubles from presidential grants. In 2014 it amounted to 188.4 million rubles. However, as RBK estimates, in 2015 the Front’s minimum spending consisted 455.3 million rubles, including the Front’s wage costs (195.4 million), the Front’s Fund Truth and Justice’s expenses and journalists’ awards (110.5 million rubles), rent of offices (65 million), the organizations of forums and conferences (84.4 million).²²⁸

The Front’s controlling functions create a possibility for intra-elite conflict: on one side there are ministers of the Federal Government and regional governments who are not interested in the Front’s controlling practices; on the other – the Presidential Administration, protecting and supervising the Front activities. For example, in December 2014, when the Government reported that 80 % of presidential decrees were implemented, the Front concluded that only 20% of decrees were fulfilled, while 80% cannot be removed from President’s control. In this situation, Putin took the Front side and urged the Government to cooperate its work with the Front.²²⁹ Under the presidential protection, the Front also carries out its anti-corruption control over state bureaucracy. The Front

²²⁷ Polina Nikolskaya, Elizaveta Surnacheva, “Rassledovanie RBK: na kakie den’gi zhivet Narodnyi front Vladimira Putina,” *Rbk.ru*, March 10, 2016. <http://www.rbc.ru/investigation/politics/10/03/2016/56e032829a79470e5a4ef173>

²²⁸ Ibid.

²²⁹ “Stenogramma plenarnogo zasedaniya vtorogo “Foruma deystviy” ONF,” *ONF Official Website*, December 5, 2014, <http://onf.ru/category/vtoroy-forum-deystviy/>

project “For Fair Procurement” controls wasteful and inefficient use of budget funds. With this project, the Front activists can detect when any product or service sold at unreasonably high prices, contrary to the law or common sense. In two and a half years of the project, the activists have identified 600 suspicious purchases amounting to about 175 billion rubles.²³⁰ There were revealed the facts as officials spent tens, hundreds of millions, if not billions to buy luxurious cars, air charters and its own PR. In 2014 the cost to the car park amounted to 20 billion rubles, and branding expenditure exceeded 36 billion rubles. The project “For Fair Procurement” also prepares the extravagance index of authorities and state corporations, which includes the purchase of luxury items, organization of corporate parties, and building of expansive business offices.²³¹

In 2014-2015, as a result of the Front’s investigation, the governors of Chelyabinsk, Volgograd, Bryansk, Novosibirsk and Sakhalin regions were suspected in corruption, removed from the office, and persecuted.²³² For example, according to the Front investigations, Sakhalin governor Alexander Khoroshavin spent 850 million rubles of budget resources for expensive repairing of government buildings and over 680 million rubles for the creation of his favorable image.²³³ In January 2016, top-manager of TransTelecom, a subsidiary of state corporation Russian Railways, was fired since the Front activists found out that he purchased luxury Mercedes-Benz S500 worth almost 9 million rubles.²³⁴ Such bureaucratic “purges” increase Putin’s legitimacy and authority. As a leader of the Front, Putin is perceived as a zealous fighter against state corruption and protector of people’s interests. The showy fight with corruption has the Gramscian meaning since on the one hand it helps Putin to exercise the hegemonic function via mobilization of public consent against singular corrupt

²³⁰ “ONF predotvratil realizatsiu somnitelnykh zakupok na 175 mlrd rublei,” *RIA Novosti*, January 24, 2016. <http://ria.ru/economy/20160124/1364304757.html#ixzz426ha0bn>

²³¹ See: “Indeks rastochitelnosti organov vlasti i goskompanii za 2015 god,” *ONF Official Website*, January 20, 2016. <http://onf.ru/2016/01/20/onf-sostavil-itogovyy-indeks-rastochitelnosti-organov-vlasti-i-goskompaniy-za-2015-god/>

²³² Olga Vandysheva, op. cit.

²³³ “V ONF vozmushcheny tratami sahalinskogo gubernatora,” *ONF Official Web Site*, September 8, 2014. <http://onf.ru/2014/09/08/v-onf-vozmushcheny-tratami-sahalinskogo-gubernatora/>

²³⁴ “V RZhD nachali uvolnyat’ nachal’nikov za dorogie mersedesy,” *Lenta.ru*, February 2, 2016. http://lenta.ru/news/2016/02/02/rzd_mersedes/

authorities, and on the other, it implements force against disloyal bureaucrats.²³⁵ In this sense, the Front exploits classical Russian archetype: “we have troubles because the King does not know the truth about the people’s life. We must reach out to the King – and then he will accurately judge with justice and restore order.”²³⁶

Thus, the incorporation of the modern institutional theories to the analysis of All-Russia People’s Front allows us to identify how this “civil movement” combines different mediating functions. Firstly, as a “nominally democratic institution,” the Front imitates democratic social activity (bottom-up control over the state bureaucracy, participation in the election) and thereby alienates independent civil organizations and non-systemic opposition from politics. Secondly, playing role of a para-constitutional institution, the Front legitimizes Putin’s authoritarian leadership, constraining and regulating intra-elite conflict. Thirdly, as a substitute or “informal substitutive institution,” the Front exists in parallel with weak political institutions including the Duma, United Russia, and federal ministries, implementing part of their functions. Finally, the Front helps Putin to maintain the Gramscian authoritarian equilibrium between consent and force, providing his role of arbiter between the state apparatus and civil society.

²³⁵ Gramsci, SPN, 80.

²³⁶ Petr Kozlov, Margarita Papchenkova, *op. cit.*

Chapter IV. State Domination over Civil Society

Through the application of Gramsci's approach in chapter three, I have demonstrated how Putin exercises hegemony over civil society through the ideology of stability and mediating institutions. This chapter analyzes Putin's domination over civil society in terms of development and implementation of coercive legislation against independent civic organizations. In Gramsci's perspective, whereas hegemony is a state's creation of civil society and management of public consent, domination is the state bureaucratic and coercive apparatuses, which "legally enforce[s] discipline on those groups who do not 'consent' either actively or passively."²³⁷ In other words, for Gramsci, domination is applied when hegemony does not create full consent among civil groups. The other goal of domination is to maintain the threat to civil society, since hegemony (including ideology and institutions) functions under "the shadow of violence."²³⁸

1. Legal Restrictions of Civil Activity (2012-2015)

In the aftermath of the 2011-2012 protests against electoral falsifications, the Russian government introduced a series of restrictive laws which interfered in the work of independent NGOs. In particular, this new legislation includes the so-called "foreign agents" law (2012), legal restriction of peaceful public assembly and gathering (2012), the LGBT propaganda law (2013), the law of bloggers and online media (2014), and the so-called "undesirable organizations" law (2015). In this section, I describe these laws, paying specific attention to the "foreign agents" law.

1.1. New Amendments to the Public Assembly Legislation.

After the mass Bolotnaya square protests against Putin's third-term presidential inauguration (May 6, 2012), the ruling United Russia party initiated new amendments to the public assembly legislation. The new law was accepted by the State Duma on June 5, 2012. According to these

²³⁷ Gramsci, SPN, 12.

²³⁸ Adam Przeworski, "Political Institutions and Political Order(s)," 249.

amendments, a new type of administrative punishment – “mandatory work” - was introduced. For not performing compulsory work, the penalty was set at the amount of 150,000 to 300,000 rubles, or administrative arrest for up to fifteen days.²³⁹ According to the law, all agitation and meetings should be conducted only after the consent of the executive authorities of the Russian Federation or local authorities. This requirement did not exist before the amendment.²⁴⁰ As some experts argue, this law restricts the Russian Constitution (article 31), according to which Russian citizens have the right to gather peacefully, without weapons, and hold rallies, meetings and demonstrations, marches and pickets.²⁴¹

After the 2014 Maidan revolution in Ukraine, a second amendment to the law on meetings was adopted by the State Duma on July 4, 2014. This amendment (Article 212.1) introduces criminal liability for repeated violations of the law on meetings and demonstrations uncoordinated with the authorities. The fines are up to 1,000,000 rubles for those citizens who were arrested at street actions more than two times in 180 days.²⁴² In December 2015, the law was implemented for the first time. Ildar Dadin, an opposition activist, was sentenced to three years because of the four-time participation in uncoordinated protests.²⁴³ Also journalists without identification are considered as participants of demonstrations; in order to avoid this, they must have proof of identity and journalistic credentials” and “have a clearly visible distinguishing mark of the media.”²⁴⁴ It means regular person cannot take pictures during the demonstrations.

²³⁹ “Federal'nyy zakon ot 8 iyunya 2012 g. N 65-FZ g. Moskva "O vnesenii izmeneniy v Kodeks Rossiyskoy Federatsii ob administrativnykh pravnorusheniyakh i Federal'nyy zakon "O sobraniyakh, mitingakh, demonstratsiyakh, shestviyakh i piketirovaniyakh,” *Rossiiskaya Gazeta*, June 9, 2012. <http://rg.ru/2012/06/09/miting-dok.html>

²⁴⁰ “Novye pravila provedenia mitingov,” <http://www.kommersant.ru/doc/1952813>

²⁴¹ Boris Vishnevsky, “Dumu na mylo. Sil'neye vsego ot prinyatiya novogo zakona o mitingakh dolzhny postradat' futbol'nyye fanaty,” *Novaya Gazeta*, June 6, 2012. <http://www.novayagazeta.ru/politics/52998.html>

²⁴² “Duma prinyala zakon o nakazaniyakh za narusheniya na mitingakh,” *Russkaya Sluzhba BBC*, July 4, 2014. http://www.bbc.com/russian/rolling_news/2014/07/140704_rn_duma_rallies_prison.shtml

²⁴³ Ilya Azar, “Za uporstvo i neterpimost,” *Meduza*, December 7, 2015. <https://meduza.io/feature/2015/12/07/za-uporstvo-i-nepirimimost>

²⁴⁴ Ilya Shepelin, “Deputy predlozhili sazhat' za neodnokratnoye uchastiye v nesoglasovannykh mitingakh,” *Slon.ru*, March 31, 2014. <http://slon.ru/fast/russia/deputy-pytayutsya-vnov-uzhestochit-pravila-mitingov-1078110.xhtml>

1.2. The LGBT Propaganda Law

The law on banning propaganda of nontraditional sexual orientations was adopted in June 2013. According to experts, the law has vague language defining “propaganda” as “any sort of public exposure of homosexuality-related issues.”²⁴⁵ Such wider interpretation allows authorities to criminalize any discussions of homosexuality. The law includes punishments for gay propaganda – ordinary Russians can be fined 4,000 to 5,000 rubles (\$119 to \$148), while legal entities can either be fined 800,000 to 1,000,000 rubles (\$23,700 to \$29,630) or ordered to cease their operations for up to 90 days.²⁴⁶ Moreover, for gay propaganda on the Internet citizens can be fined from 50,000 to 100,000 rubles, officials – from 100,000 to 200,000 rubles, legal entities - up to million rubles.²⁴⁷

1.3. Law on Bloggers

According to the 2014 “law on bloggers,” the authors of Internet resources (websites, blogs, etc.) with the audience of “more than 3,000 people a day,” are required to register in Roskomnadzor (the Federal Surveillance Service for Mass Media and Communications). This registration legally equates the popular blogger’s websites with the mass media and imposes a number of restrictions on the content of these resources. Roskomnadzor received the right to request personal information about the owners and resource users. Moreover, Russian authority is empowered to conduct the register of sites, pages and their owners. Under the new law, popular bloggers have to comply with the basic provisions of the media law: to check the accuracy of the published information, to follow the rules of election campaigning (for example, do not publish exit polls before the end of voting

²⁴⁵ Andrey Makarychev and Sergey Medvedev, “Biopolitics and Power in Putin’s Russia,” *Problems of Post-Communism* 62 (2015), 47.

²⁴⁶ Gabrielle Tétrault-Farber, “Russia’s ‘Gay Propaganda’ Law One Year On,” *The Moscow Times*, June 29, 2014.

²⁴⁷ Tamara Shkel, “Zakon pod ‘Bravo!’” *Rossiiskaya Gazeta*, June 13, 2013. <http://rg.ru/2013/06/13/chuvstva.html>

throughout the country), not to infringe on the privacy of others, to specify an age limit, to avoid the spread of extremist materials and to swear.²⁴⁸

According to the law, content-hosting providers in the Runet (the Russian Internet) must save and provide the personal data on bloggers and web-sites at the request of the Russian security services.²⁴⁹ It should be noted that the “law on bloggers” continues the law on the Internet content restrictions which came into effect in November 2012. The older law authorized the federal authorities and Roscomnadzor to create and maintain the register of blacklisted websites. Moreover, it gives authority to several government agencies, including the Interior Ministry, the Federal Drug Control Service, and Rospotrebnadzor (the Federal Service on Surveillance for Consumer Rights Protection and Human Well-Being) to submit websites for registry without a court decision.²⁵⁰ Now the blog or website owners are not able to defend their rights in court. Thus, the new laws restrictions on Runet directly connect Internet censorship with the Federal Security Services’ surveillance.²⁵¹

1.4. The “Foreign Agents” Law

In order to analyze this new law, we have to understand the previous 1990s legislation on civil organizations in Russia. During the Yeltsin presidency, the NGO laws legalized activity of different forms of non-profit organizations (or the so-called “third sector”), including non-commercial, commercial and non-governmental organizations, charitable and religious associations. Despite some bureaucratic restrictions, the 1990s legislation was created in the more liberal political conditions. For instance, the 1995 Federal Law on Social Associations granted the freedom of associations for the Russian citizens. Moreover, this law was not discriminatory to foreign nationalities and stateless

²⁴⁸ “Sovet Federatsii odobril skandal’nyi zakon o blogerakh,” *Novaya Gazeta*, April 29, 2014 <http://www.novayagazeta.ru/news/1681510.html>

²⁴⁹ Andrei Soldatov, “Ukraschenie Interneta,” *Kontrapunkt*, no. 1 (2015), 7. http://www.counter-point.org/wp-content/uploads/2015/09/soldatov_counterpoint12.pdf

²⁵⁰ *Laws of Attritions. Crackdown on Russia’s Civil Society after Putin’s Return to the Presidency* (Moscow: Human Rights Watch, 2013), 54.

²⁵¹ Soldatov, op. cit., 5.

persons and gave them rights to associations in Russia if they do not violate the federal laws and international treaties of the Russian Federation.²⁵² The law also prohibited the state interference in the affairs of civil organizations except cases permitted by the law. Like the law on social associations, the 1995 Law on Charitable Activities and Charitable Organizations did not establish special restrictions on donations from foreign and international organizations or stateless persons. The 1996 Law on Non-Commercial Organizations (NKO) regulates the status of civil associations that do not pursue goals to earn any profits from their activity.²⁵³

Although this was liberal legislation, in practice it was confusing and poorly articulated. There was no central regulation system; registration could be carried out either by local (or regional) administrations or by the Ministry of Justice; the State Duma made no legal incentives to stimulate and support civil activism.²⁵⁴

The 2006 amendments to existing laws on civil organizations was Putin's first important step to restriction of the 1990s liberal legislation. After the 2004-2005 waves of "color revolutions" in Georgia, Ukraine, and Kyrgyzstan, the new law was the first Putin's attempt in restricting a foreign influence and overseas financial support for Russian NGOs.²⁵⁵ For example, in 2004 Putin stated: "In our country, there are thousands of public associations and unions that work constructively. But not all of the organizations are oriented towards standing up for people's real interests. For some of them, the priority is to receive financing from influential foreign foundations. Others serve dubious group and commercial interests. And the most serious problems of the country and its citizens remain unnoticed."²⁵⁶ At the time it became important for Putin that some legal restrictions for independent non-profit groups must be implemented.

²⁵² Kirill Lavitski, "Non-Governmental Organizations in Russia: Legal Aspects," *Voprosy rossijskogo i mezhdunarodnogo prava* 1 (2013), 13.

²⁵³ Ibid., 16-19.

²⁵⁴ Sarah L. Henderson, "Civil Society in Russia. State-Society Relations in the Post-Yeltsin Era," 15.

²⁵⁵ Jo Crotty, Sarah Marie Hall, Sergej Ljubovnikov, "Post-Soviet Civil Society Development in the Russian Federation: The Impact of the NGO Law," *Europe-Asia Studies* 66, no. 8 (2014), 1256.

²⁵⁶ Vladimir Putin, "Annual Address to the Federal Assembly of the Russian Federation," *Website of the Russian President*, May 26, 2004. <http://en.kremlin.ru/events/president/transcripts/22494>

The 2006 law created stiffer registration requirements for NGOs. The law offers the state verification of their submitted information, control of NGOs activity in accordance with the Federal Law on Anti-Extremism and their conformity with the moral, national and religious sentiments of Russian citizens. According to new amendments, the state officials can monitor the activity of NGOs, including annual audits, scrutiny of operating documents and information regarding financial and internal activities of organizations, and send state representatives to NGO meetings. Moreover, there are additional conditions for liquidation of “branches” or “divisions” of foreign NGOs.²⁵⁷ According to this amendment, foreign NGOs may be refused to register if their “goals and objectives... create a threat to the sovereignty, political independence, territorial integrity, national unity, unique character, cultural heritage and national interests of the Russian Federation.”²⁵⁸ Thus, the law increased the state control over both domestic and foreign civil associations.

The so-called 2012 “foreign agent” law is the latest amendments to the 1995 Law on NGOs. Alexander Sidyakin is an initiator of these amendments. Sidyakin was one of the “independent” deputies who were elected as members of the pro-Putin All-Russia People’s Front, whose activity and influence have been discussed in chapter three. In 2011-2013, Sidyakin was the Front's coordinator in the Volga Federal District. He also initiated the amendments to public assembly legislation and criminal persecutions of protests’ participants.

Although the “foreign agents” law is based on the U.S. Foreign Agent Registration Act, the Russian law gives vague definitions which can be applied for any civil organization. For instance, according to Article 2, point 6 of Federal Law N 121-FZ (enacted on July 20, 2012), a foreign agent is defined as “any Russian non-commercial organization, which receives funding and other property from foreign states, their government structures, international and foreign organizations, citizens of foreign countries, people without citizenship, or their empowered representatives; or from Russian legal entities receiving funding or other property from sources indicated above (except for open joint-

²⁵⁷ Kirill Lavinski, *op. cit.*, 25-27.

²⁵⁸ Sarah L. Henderson, *op. cit.*, 20.

stock companies with state participation and their subsidiaries)... and which is involved, including the interests of foreign sources, to political activities carried out in the territory of the Russian Federation.”²⁵⁹ The term “political activity” has also diffuse definition. According to the law, “non-profit organization, with the exception of political parties, is considered participating in political activities... if, regardless of the goals and objectives set out in its founding documents, it is involved (including through financing) in organizing and conducting political activities in order to influence on the state decision-making process aimed at changing the state of their policies, as well as in shaping public opinion for the aforementioned purposes.”²⁶⁰

Thus, the new law requires NGOs to register as “foreign agents” in two cases – if they receive financial support from abroad and if they engage in “political activities.” In October 2012, the State Duma introduced a fine between 10,000 and 30,000 rubles for officials and between 100,000 and 300,000 rubles for NGOs who have failed to register as “foreign agents.” Furthermore, according to the new amendments, the publishing or distribution of materials by NGOs in the media or on the Internet without the indication that this material is published by a “foreign agent” should be penalized between 100,000 and 300,000 rubles for individuals and between 300,000 and 500,000 rubles for organizations.²⁶¹

The law introduced additional reporting requirements for organizations identified as “foreign agents” which have to maintain separate records for expenditure of funds received from foreign sources. They must submit those records to the Tax Service and Ministry of Justice. These records include: reports on their management team and their activities twice a year, quarterly expense reports (contrary to annual reports required for other NGOs). The organizations also should conduct a

²⁵⁹ “Federal'nyy zakon ot 20 iyulya 2012 g. N 121-FZ "O vnesenii izmeneniy v otdel'nyye zakonodatel'nyye akty Rossiyskoy Federatsii v chasti regulirovaniya deyatel'nosti nekommercheskikh organizatsiy, vpolnyayushchikh funktsii inostrannogo agenta", *Rossiiskaya Gazeta*, July 23, 2012. <http://rg.ru/2012/07/23/nko-dok.html>

²⁶⁰ Ibid.

²⁶¹ Geir Flikke, “Resurgent Authoritarianism: the Case of Russia’s New NGO Legislation,” *Post-Soviet Affairs* 32, no. 2 (2016), 111.

compulsory annual audit.²⁶² The law empowers coercive authorities to conduct annual or even unannounced inspections of “foreign agents” in case of violation of this law or any other Russian law, or suspicions of extremist activities.²⁶³

The law on “foreign agents” is widely criticized by the representatives of independent human rights organizations. The activists argue that the law applies the Soviet interpretation of “foreign agents” as “spies” establishing repressive mechanisms to control, persecute and close independent NGOs.²⁶⁴ The law creates a social mistrust to the organizations recognized as foreign agents. Moreover, in 2014 Putin gave the Ministry of Justice the power to put any organization in the registry of foreign agents in accordance with its own investigations even if the NGO refuses to register. This extension of the law gives the Ministry legal opportunity to conduct unplanned inspections in any non-profit group.

The Presidential Council for the Civil Society and Human Rights formed by the representatives of independent NGOs (as has been shown in chapter three), is trying to introduce amendments to the law. In particular, the Council disagrees with definition “foreign agents” and vague category “political activity” applied to NGOs. According to Mikhail Fedorov, a chairman of the Presidential Council, the human rights organization cannot be a “foreign agent,” because it does not act on behalf of a foreign government and does not carry out the interests of another state or the foreign private fund.²⁶⁵ On October 1, 2015, during his last annual meeting with the Council, Vladimir Putin asked the Council and the Ministry of Justice to clarify the concept of “political activity.” According to Putin, “the rule prohibiting financial support of domestic political activities is

²⁶² Laws of Attrition, 15.

²⁶³ Ibid., 15-16.

²⁶⁴ Tanya Lokshina, “Back to the (Soviet) Future,” *Foreign Policy*, December 5, 2012. <http://foreignpolicy.com/2012/12/06/back-to-the-soviet-future/>

²⁶⁵ Anna Baidanova, “Tainaya zhyzn inostrannykh agentov,” *Novaya Gazeta*, August 17, 2015. <http://www.novayagazeta.ru/politics/69567.html>

implemented in the vast majority of foreign countries,” however, “the very notion of political activity should not be blurred, it should not be a rubber, and should be uniformly understood”²⁶⁶

Following this Putin’s permission, the Council introduces a new definition of political activity. According to the Council’s proposal, “political activity of NGOs is their purposeful and systematic intervention in the interests of a foreign power in the activities of public authorities to develop and implement internal and external policies or obstructing such activities.”²⁶⁷ Here the Council emphasizes “purposeful and systematic intervention” rather than broader “influence on the state decision-making process” presented in the original law. This elaboration concretizes political activity of NGOs only as their “participation in activities aimed at obtaining a specific result in the elections, a referendum, in the formation of election committees, referendum committees, and in the activities of political parties.”²⁶⁸

The Council emphasizes that the vague definition of political activity in the existing 2012 law and in the Ministry of Justice’s version does not allow NGOs to participate in such important activities as civil control over state bureaucracy, organization of conferences and other forms of discussions devoted to economic, social and political issues, NGO’s participation in the advisory bodies of the government on federal and regional levels. It prevents independent NGOs to get help from the state in solving socially significant problems, including environment protection or help for orphans and disabled people. Therefore, from the Council’s point of view, the current law not only denies the civil organizations’ right to influence and control state politics, but also does not help NGOs to address social issues which cannot be solved without the governmental assistance.

It should be noted that there is a distinction between “politically active” and “socially oriented” NGOs in the Russian legislation. In 2010, the State Duma adopted the law on state support

²⁶⁶ Vladimir Putin, “Zasedanie soveta po razvitiyu grazhdanskogo obschestva i pravam cheloveka,” *The Official Website of the Russian President*, October 1, 2015. <http://special.kremlin.ru/events/president/news/50411>

²⁶⁷ “O vnesenii izmeneniy v punkt 6 stat'i 2 Federal'nogo zakona «O nekommercheskikh organizatsiyakh» v chasti utochneniya ponyatiya politicheskoy deyatel'nosti,” *Official Website of the Presidential Council for Civil Society and Human Rights*, March 1, 2016. <http://www.president-sovet.ru/presscenter/news/read/3037/>

²⁶⁸ Ibid.

of “socially oriented NGOs” including to this category organizations focusing on social support of Russian citizens, welfare assistance, environment protection, historical and cultural preservation, charity, emergency protection, human rights activity, education and science.²⁶⁹ All presidential grants redistributed by the Public Chamber have priority for the “socially oriented” organizations. Some of them are also involved in the pro-Putin All-Russia People’s Front, but despite of that they are not recognized as the “politically active” groups. The government support for such organizations includes the use of state and municipal property, tax remissions of these NGOs and tax benefits to their donors.²⁷⁰

Thus both the 2012 law on “foreign agents” and the 2010 law create a boundary line between anti-state “politically active” and pro-state “socially oriented” civil organizations. Such distinction is tightly connected with Putin’s ideological hegemony (which has been analyzed in chapter three) including an enemy-friend dichotomy and an internal situation of emergency which allow the regime to manufacture civil society and public consent from the top down. According to Gramsci, the area of law lies between hegemony and domination, simultaneously applying coercion and producing particular moral and behavior standards. As Gramsci argues, the law “exercises a collective pressure and obtains objective results in determining customs, ways of thinking and behaving, morals, and so on.”²⁷¹ All aforementioned legal restrictions of civil activities have ideological and pedagogical functions. At the same time, the implementation of the “foreign agents” law demonstrates coercive exercise of power (or the Gramscian domination) against those civil groups that do not consent with Putin’s hegemony.

²⁶⁹ “Federal’nyy zakon ot 5 aprelya 2010 g. N 40-FZ “O vnesenii izmeneniy v otchel’nyye zakonodatel’nyye akty Rossiyskoy Federatsii po voprosu podderzhki sotsial’no oriyentirovannykh nekommercheskikh organizatsiy,” *Rossiiskaya Gazeta*, April 7, 2010. <http://rg.ru/2010/04/07/nko-dok.html>

²⁷⁰ Henderson, op. cit., 20.

²⁷¹ Gramsci, SPN, 242.

2. Implementation of the “Foreign Agents” Law

The large-scale inspections of the independent NGOs began on March 2013. These inspections were carried out by the prosecutor’s office, the Ministry of Justice, tax inspectorate, immigration agency, and Federal Security Service.²⁷² As a result of this inspection of about 1500-2000 NGOs, 215 organizations were identified as foreign agents since they receive foreign funding and were engaged in political activities. These NGOs included the historical and civil rights society Memorial, the Moscow Helsinki Group, For Human Rights, the election monitoring association Golos, the human rights group Agora, the Solders’ Mother, the Levada Center, Citizens Watch, the Committee Against Torture, Social Verdict and others. According to Human Rights Watch, after the inspection wave in 2014, at least 55 groups received warnings not to violate the law and at least 20 groups received official notices of violation, requiring them to register as “foreign agents.” Also, the prosecutor’s office and the Ministry of Justice filed 12 administrative cases against NGOs for failure to follow to the law and 6 administrative cases against NGO leaders.²⁷³ By November 2015, the list of “foreign agents” included 101 NGOs, among which were not only “politically active” organizations, but also ecological, cultural, and scientific non-profit groups.²⁷⁴

As we have seen, the amount of the “foreign agents” has been reduced from 215 (in March, 2013) to 101 (in November 2015).²⁷⁵ This reduction can be explained by the fact that since many non-profit groups refused to register as “foreign agents,” they found different ways to avoid the new coercive legislation. For instance, as Francoise Dauce shows, some groups decided to contest the prosecutor’s sanctions in the courts; other seek to bypass the legislature; some of them closed down their offices (like Dynasty Foundation); others opened a subsidiary abroad for the transferring of

²⁷² Laws of Attrition, 29.

²⁷³ “Russia: Government against Rights Group,” *Human Rights Watch Report*, December 15, 2014. <http://www.hrw.org/news/2014/12/15/russia-government-against-rights-groups>

²⁷⁴ Heather McGill, “Russian NGOs Cynically Treated like Enemies of the State,” *Amnesty International*, November 13, 2015. <https://www.amnesty.org/en/latest/news/2015/11/russian-ngos-cynically-treated-like-enemies-of-the-state/>

²⁷⁵ The amount of “foreign agents” continues to change. Some of them are excluded from the list, others are added. The current list of “foreign agents” is regularly renewed on the Russian Ministry of Justice official website: <http://unro.minjust.ru/NKOForeignAgent.aspx>

foreign funds; some activists are seeking the possibility to register as commercial organizations.²⁷⁶ At the same time, according to Dauce's research, the crackdown of NGOs was combined with the state replacement of international funding. As the result, in 2013 the Public Chamber distributed presidential grants (which were increased up to 3 billion rubles) not only among pro-state organizations but included some independent human rights groups, such as Memorial, For Human Rights, Agora, and Citizens Watch.²⁷⁷

The other way of the state control over the foreign financial support of Russian NGOs was the "undesirable organizations" law signed by Putin in May 2015. According to this law, a foreign or international organization can be recognized as "undesirable" if it "poses a threat to the fundamentals of the constitutional order of the Russian Federation, its defense and security."²⁷⁸ The law establishes administrative punishment or penalty for work for the organization, recognized as "undesirable" on the territory of Russia. For individuals penalty is between 5,000 and 15,000 rubles, for legal entities between 50,000 and 100,000, and for officials - from 20,000 to 50,000 rubles. For the plural (for the second time in one year) caught in a leading or participating in the activities of the "undesirable" organization, the law establishes imprisonment for up to 6 years or significant fines - from 300,000 to 500,000.²⁷⁹

This law gives the Ministry of Justice the power to define foreign civil organizations as "undesirable" and accordingly shut them down. According to Heather McGill, a researcher on Europe and Central Asia at Amnesty International, "while the "foreign agents law" was intended to discredit and stigmatize NGOs in the eyes of the general public by using Cold War terminology to brand them as spies, the new law was designed to cut off their funding."²⁸⁰ The "patriotic stop-list" of such

²⁷⁶ Francoise Dauce, "The Duality of Coercion in Russia: Cracking Down on "Foreign Agents", *Demokratizatsiya* 23, no. 1 (2015), 70-73

²⁷⁷ Ibid., 72.

²⁷⁸ Federal'nyy zakon ot 23 maya 2015 g. N 129-FZ "O vnesenii izmeneniy v otdel'nyye zakonodatel'nyye akty Rossiyskoy Federatsii," *Rossiiskaya Gazeta*, May 26, 2015. <http://rg.ru/2015/05/26/fz129-dok.html>

²⁷⁹ Ibid.

²⁸⁰ Heather McGill, op. cit.

organizations has been provided by the Federal Council (the upper chamber of the Russian Parliament) and included such organizations as the National Endowment for Democracy, George Soros's Open Society Institute, the MacArthur Foundation and the Charles Stewart Mott Foundation.²⁸¹

However, despite this ambiguous combination of carrot (state grants) and stick (reduction of foreign funding opportunity), after the implementation of the "foreign agent" law some independent NGOs are still under coercive and administrative pressure. In following sections, I will demonstrate how three civil organizations (Memorial, Golos and Agora) exist and survive under the "foreign agent" legislation.

2.1. Memorial as "Foreign Agent"

Memorial is one of the oldest independent NGOs in post-Soviet Russia. Memorial has emerged as an informal organization in 1987. It was officially established on 26-28 January 1989 as All Soviet Voluntary Historical and Educational Society "Memorial." Andrei Sakharov, a Soviet academician, dissident and human rights activist, became first chairman of the organization. In 1991, the Human Rights Center Memorial was created for "organizing and coordinating the work of human rights."²⁸² Now Memorial is an international historical, educational, human rights and humanitarian society which unites 62 organizations in Russia, Germany, Kazakhstan, Latvia, Armenia, Georgia and Ukraine, carrying out research, advocacy and educational work. Since 1990, Memorial has launched a special program for human rights protection in post-Soviet conflict zones, including Nagorno-Karabakh, South Ossetia, Tajikistan (during the civil war in 1992), Moldova, Transnistria, and Chechnya. In 2008 the Memorial activists worked in the area of the Russian-Georgian conflict.

²⁸¹ Ivan Nechepurenko, "Russian Senators Propose Ban of 12 Foreign NGOs, Reining In Civil Society," *The Moscow Times*, July 8, 2015. <http://www.themoscowtimes.com/news/article/russian-senators-propose-ban-of-12-foreign-ngos-reining-in-civil-society/525320.html>; See also: Vitaly Petrov, "Spisok na proverku," *Rossiiskaya Gazeta*, July 7, 2015 <http://rg.ru/2015/07/08/nko.html>

²⁸² "Iz istorii Memoriala," *Official Website of Memorial*, <http://www.memo.ru/d/24.html>

Since the spring of 2014, it has regularly monitored the conflict zone in eastern Ukraine. Since 2008, the other Memorial program has supported people and civil activists persecuted for political reasons. Since 1996, the Memorial program “Migration and Right” has provided legal assistance for refugees, internally displaced persons, and migrant workers in the Russian regions.²⁸³ In terms of historical and educational activities, Memorial regularly publishes researches on victims of political repressions in the USSR and on Soviet dissidents.²⁸⁴

In April 2013, members of the Prosecutor's Office, Ministry of Justice and the tax service launched an inspection of Memorial in order to find the sources of its financing. On the same day the head of the Memorial Arseny Roginsky stated that the organization will not refuse foreign funding and will not be registered as a “foreign agent.” After the investigation, the Prosecutor's Office had issued a determination for Memorial to register as a foreign agent. Memorial decided to contest the prosecutor's decision in the courts. However, in May 2014 the Moscow Zamoskvoretskiy District Court recognized that the center is engaged in political activities supported by foreign financing and ordered the Memorial to register as a foreign agent. In September 2014, the Moscow City Court dismissed the Memorial's complaint and proved the Zamoskvoretsky Court decision on the recognition of the group as a foreign agent.²⁸⁵ In October 2014, the Ministry of Justice appealed to the Supreme Court with a claim to Memorial's liquidation. But in January 2015 this claim was rejected by the Supreme Court.²⁸⁶

Thus Memorial was officially recognized as a “foreign agent” by the Ministry of Justice, but the organization refused this label. This recognition allows the Ministry of Justice to persecute and penalize the Memorial. For example, in accordance with the 2012 “foreign agent” law, in September 2015, the organization was fined 600,000 rubles for publication of materials on its official website

²⁸³ <http://memohrc.org/#programs>

²⁸⁴ <http://www.memo.ru/s/319.html>

²⁸⁵ “Mosgorsud nashel v deyatelnosti “Memoriala” priznaki inostrannogo agenta,” *TASS. Russian Information Agency Website*, May 12, 2014. <http://tass.ru/politika/1437926>

²⁸⁶ “Verkhovnyi sud otkazalsya likvidirovat Memorial,” *Russkaya sluzhba BBC*, January 28, 2015 http://www.bbc.com/russian/russia/2015/01/150128_memorial_court_elimination_suit

without mark “published by foreign agent.”²⁸⁷ In February 2016, the Yekaterinburg branch of Memorial was fined 300,000 rubles because, according to the regional court’s decision, the organization received foreign funding and was engaged in political activities but has not filed an application for inclusion in the register of “NGOs that perform functions of a foreign agent.” However, according to lawyers, the Yekaterinburg Memorial did not have any funding at all; the organization did not even have a checking account.²⁸⁸

The Memorial case demonstrates that the organization is trying to bypass the existing “foreign agents” legislation and contests the Ministry of Justice sanctions in the courts.

2.2. Liquidation of Agora

In contrast to Memorial, which continues to defend its existence in Russian courts, the human rights organization Agora was liquidated by the court decision in February 2016. Agora has been registered in Kazan (Tatarstan) in 2005, and became the human rights organization on the federal scale. The association brings together 35 lawyers in 40 regions, providing free legal aid and legal education. Over the last few years, the Agora lawyers have given legal aid to defendants in high-profile cases. In 2011, they offered free assistance to detainees at the street protests. In social networks, they spread telephone numbers, you can call to contact a lawyer, if you are detained. In 2012, lawyers defended the so-called “Bolotnoe delo” participants.²⁸⁹ They also defended Pussy Riot activists in 2012. The Agora has represented the victim’s side in the lawsuit on the murder of Stanislav Markelov and Anastasia Baburova (2009), in the case of beating journalist Oleg Kashin (2010), and other human rights cases. Recently the Agora lawyers defended Ukrainian director Oleg

²⁸⁷ Memorial Official Website: <http://memohrc.org/news/pravozashchitnomu-centru-memorial-ne-udalos-osporit-shtrafy-za-narushenie-zakona-ob-nko>

²⁸⁸ <http://www.memo.ru/d/255661.html>

²⁸⁹ The so-called “*Bolotnoe delo*” is a lawsuit against participants in the mass demonstration on the Bolotnaya ploschad (“Swamp Square”) in Moscow during third Vladimir Putin’s inauguration on May 6, 2012.

Sentsov who was accused of terrorism in Crimea.²⁹⁰ These cases show that the Agora activists protected people that make real threats to the Putin regime.

In 2014, the organization was put in the Ministry of Justice list of "foreign agents." According to officials, Agora was engaged in political activities in the form of "public events" and "shaping public opinion," receiving funding from foreign foundations, such as the National Endowment for Democracy (NED), Freedom House, the MacArthur Foundation and others. However, since 2014 Agora has not conducted any activity. Its lawyers went to another legal entity, the International Human Rights Group Agora, which, according to Pavel Chikov, a chairman of the group, does not have registration in Russia and thereby does not need to follow the Russian legislation. This group brings together lawyers from Russia, Great Britain, Bulgaria and Finland, who work in the post-Soviet countries.²⁹¹

In February 10, 2016 the Supreme Court of Tatarstan ordered the liquidation of the Human Rights Association Agora at the suit of the Ministry of Justice. This is the first such precedent in the country. The Agora lawyers think that the court does not have sufficient evidences for the liquidation and they are going to challenge the decision in the Supreme Court. As a result of the audit, conducted by the Ministry of Justice in September 2015, officials accused Agora of following violations: the organization did not regularly hold its general meetings, that it did not audit its financial activity, and had simplified financial statements and published 19 materials on the Internet without stating that they are issued by "foreign agent." In addition, Agora activists were accused of rejecting to register as a "foreign agent" and continuing to engage in "political activity".²⁹²

The Agora case demonstrates the first precedent of liquidation of the non-profit group in Russia. However, the Agora activists found the way to skirt the "foreign agent" law: they changed the

²⁹⁰ Vyacheslav Kozlov, "V Rossii likvidirovali odnu iz samykh aktivnykh pravozaschitnykh organizatsii," *RBK*, February 10, 2016. <http://www.rbc.ru/politics/10/02/2016/56bb14c89a79472433ad22c1>

²⁹¹ Françoise Dauce, op. cit., 73.

²⁹² Anna Baidakova, "Likvidatsia Agory," *Novaya Gazeta*, February 11, 2016. <http://www.novayagazeta.ru/politics/71812.html>

status and registered it as an international organization not related to Russian legislation. Moreover, Pavel Chikov of Agora holds his position as a member of the Presidential Council for Human Rights and Civil Society.

2.3. Golos Association

The election-monitoring association Golos was established in 2000. Its main goal is the public observation of the elections throughout Russia. Since 2000, Golos activists have observed elections on different levels – from local and regional to central, including parliamentary and presidential elections. Golos also carries out trainings for volunteers who want to become observers during the elections. From 2008 to 2010, Golos has worked with leading Russian experts on the creation of the new Electoral Code of Russia. In 2011-2012 Golos activists revealed numerous violations during the Duma and presidential elections. In 2012, Golos created the service of the parallel counting of votes SMS-CEC in order to control the rewriting protocols of election commissions during the 2012 presidential elections.²⁹³

In February-April 2013, the Federal Tax Service carried out inspections of Golos's headquarters in Moscow and its branches in Samara, Chelyabinsk, and Novosibirsk. During these inspections, many Golos activists (election observers) were summoned as witnesses "to a tax crime."²⁹⁴ But they were interrogated not by tax officials but by officers of the Center for Combating Extremism. The inspectors found out that the organization is funded by the US National Endowment for Democracy. As a result, the Ministry of Justice includes Golos into the registry of organizations performing the functions of a foreign agent. The Ministry also recognized foreign funding of 7,700 Euro of Sakharov Prize as a foreign funding and the drafting of the Electoral Code of Russia as a "political activity." But Golos activists refused to register as "foreign agents." Consequently, the

²⁹³ <http://www.golosinfo.org/ru/about>

²⁹⁴ Laws of Attrition, 35.

Ministry of Justice suspended the activity of the association for 6 months. Golos was fined 300,000 rubles for rejecting the new law.²⁹⁵

In order to avoid the prosecution, Golos activists changed the legal status of the organization, transforming it from “association” into a “social movement” with the same name. It allowed them to justify the refusal to register as a foreign agent. In September 2014, the Moscow City Court quashed the judicial acts against the Association and its executive director. Subsequently, the Ministry of Justice returned the fines, while the “foreign agent” status remained in force.²⁹⁶

This status allowed the state to continue its further oppressive politics against Golos. In April 2016, as a result of new inspections conducted by the Ministry of Justice and Roskomnadzor (the Federal Surveillance Service for Mass Media and Communications), Golos was fined 1.7 million rubles by the court decision for the Internet publication of materials without marking “foreign agent.” In the history of state fighting with “foreign agents” this is the largest fine. According to Grigory Melkonyants, co-chairman of Golos movement, since the organization has no opportunity to pay, the penalty will be doubled and will reach 3.4 million. It means the destruction of the organization. Melkonyants thinks that such crackdown on Golos is connected with the upcoming Duma elections in September 2016.²⁹⁷

At the same time, with regard to Golos the state combines such crackdown with cooperation. For instance, in 2014-2015 Golos received two presidential grants for the implementation of its project “Time for Fair Elections.” Moreover, like Pavel Chikov of Agora, Lilia Shibanova, a Golos chairwoman, is a member of the Presidential Council for Human Rights and Civil Society.

To conclude, our analysis of the implementation of the “foreign agents” law demonstrates that the state carries out dual politics vis-a-vis independent NGOs. On the one hand, the law gives unlimited power for the coercive state apparatus (including the Ministry of Justice, Roscomnadzor,

²⁹⁵ <http://www.golosinfo.org/ru/about>

²⁹⁶ “Mosgorsud oproverg iskluchenie Golosa iz chisla inostrannykh agentov,” *Polit.ru*, September 11, 2014

<http://polit.ru/news/2014/09/11/voice/>

²⁹⁷ Vera Chelischeva, “Delo Golosa,” *Novaya Gazeta*, April 25, 2016. <http://www.novayagazeta.ru/inquests/72837.html>

prosecutor's office) to conduct inspections of any non-profit groups carrying out any "political activity" or receiving foreign funding. In response to such crackdowns, NGOs refuse to register voluntarily as foreign agents and try to avoid the law's implementation. Memorial, for example, contests the Ministry of Justice sanctions in the courts; Agora, before its legal liquidation, registered as an international organization and thereby does not need to follow the existing legislation; Golos also changed its legal status from "association" to "social movement." However these attempts do not protect the organizations from the state oppressive politics against them.

At the same time, the above case-studies demonstrate that the state has some ways of cooperation with these NGOs. For instance, all their representatives (including chairpersons of Golos and Agora) are members of the Presidential Council for Human Rights and Civil Society. Such representation gives these organizations a chance to influence state politics regarding NGOs and to provide new proposals and amendments to the existing legislation. However, as some experts argue, the Presidential Council does not affect state decisions and exists only as "window-dressing" which just imitates the state-civil society dialog and thereby legitimizes Putin's politics. The other way by which civil groups cooperate with the state is by receiving the presidential grants as a form of replacement of their international funding. After 2013 Memorial, Agora and Golos received these grants for the implementation of their projects.

In the Gramscian perspective, the implementation of the "foreign agents" law demonstrates the state ambiguous politics towards independent non-profit groups who do not consent with existing political system. In this sense, Putin's regime carries out the function of the Gramscian "dual state": on the one hand it applies domination (coercive legislation and crackdowns) against independent NGOs, but at the same time, the regime uses hegemonic practices trying to institutionalize and cooperate with these organizations.

Conclusion

This research applied the Gramscian concepts of hegemony and domination to the analysis of state-civil society nexus in Putin's Russia. While the Gramscian theoretical framework has been already used for the interpretation of post-Soviet transition, in my analysis I implemented it to examine the state manufacture of civil society under Putin's regime.

As has been shown in chapter two, Gramsci distinguishes between two different interpretations of hegemony-domination relations. The first interpretation represents the bottom-up model, when counter-hegemony to the existing political order can be formed within civil society and then encompasses the state (political society). There are two forms of the bottom-up formation of hegemony. The first is "war of position," an ideological and political struggle between different civil groups, when the winning team encompasses the state. Such war of position is represented by bourgeois (democratic) revolutions in the Western countries with strong and developed civil society (England, France, the United States). In this case, domination (the state apparatus) is defined as a leadership since the state interests match up with the interests and aspirations of other groups. The second form of the bottom-up hegemony can be established through "war of maneuver," a front attack on the state, as a result of which new domination (dictatorship) is established. According to Gramsci, "war of maneuver" is possible in the East, where the state is more powerful than civil society. The 1917 Bolshevik Revolution in Russia is an example of war of maneuver. In both Western and Eastern cases, bottom-up hegemony is formed by active (direct) consent or what Gramsci names "national-popular will."

The second interpretation of the hegemony-domination nexus represents the top-down model. In this case, the state plays an important role in the formation of what Gramsci calls "passive" or "tacit" consent via the absorption and neutralization of civil interests. In the top-down model, there is a "dual state" which, on the one hand, brings about both ideological (cultural, intellectual) and institutional hegemonies over civil society, and at the same time, the state applies domination not as a

leadership by applying oppressive legislation and using coercive apparatus (police and army forces) for enforcing discipline on those civil groups who do not consent with existing political order. The top-down model of hegemony-domination relations is formed by what Gramsci defines as “passive revolution,” or “revolution-restoration.” This is a revolution in the “molecular” interests of elite groups, who alienate civil society from political process. Gramsci analyzes this type of revolution in Italy, when after the unification (the Risorgimento) in 1861, the new inter-elite collaboration (consent) under the Moderate party (the party of bourgeoisie and nobility) limited the political influence of civil groups. Then, after the World War I, as a result of political crisis, the power vacuum was filled by the fascist regime of Benito Mussolini. The Mussolini’s main purpose was not to provide an opportunity for political transition but, on the contrary, to preserve the *status quo* of elites’ political and economic positions. Gramsci called this phenomenon “reactionary Caesarism,” which formed a new elite consent under charismatic leadership. Mussolini established new equilibrium of political forces via combination of domination (coercive practices) with hegemony (creation of popular consent via fascist ideology and mediating institutions existed between the state and society).

In my research I demonstrate how Putin’s manufacture of civil society can be analyzed by the Gramscian hegemony-domination framework. In the second part of chapter two, I explain the origin of Putin’s system by using the Gramscian term “passive revolution,” which allows us to understand the post-Soviet Russia’s transition as a struggle between elite groups over the spoils of privatization of the former Soviet property and resources (the so-called “insider privatization”). By participating in the redistribution of property, these elite groups formed “molecular” or “private” consent under Boris Yeltsin’s presidency. Once these elites got power, they were interested in the preservation of the *status quo* rather than in further democratic reforms. As a result, the huge gap between the state and society was further developed. This gap formed an “organic” crisis: the development of weak institutions, lawlessness, fragmentation within the elite groups (between central and regional leaders),

and a low degree of mass support of the government. Exercising the Caesarist leadership, Vladimir Putin filled the power vacuum and formed “imposed” consent both among the elites and between the state and society.

In chapter three, I focus on the two most important components of Putin’s hegemony – ideology and mediating institutions. In terms of ideological hegemony, I demonstrate how Putin manufactures popular consent via an ideology of emergency and stability, via the development of conservative ideas of statehood, imperial ambitions of the Soviet Union restoration, and the Cold-war rhetoric of internal and external enemies, anti-Americanism and anti-liberalism. I show that the so-called “Crimea consensus,” established in Russian society after the annexation of Crimea in 2014, brings about the authoritarian mobilization transforming passive consent into active popular support of the regime. This ideology puts Russia into the Gramscian “interregnum,” a time without trajectory or a non-progressive time between the collapse of the Soviet Union and unfinished transition to modernity and democracy.

In terms of institutional hegemony, Putin established mediating institutions or what Gramsci calls “hegemonic apparatuses” existing between the state and civil society. I analyze such mediating institutions as the Civil Forum, the Public Chamber, and the Presidential Council for Human Rights and Civil Society. I pay particular attention to the analysis of the All-Russia People’s Front, a pro-Putin “civil movement” and I show how it combines different mediating functions in four ways. Firstly, as a “nominally democratic institution,” the Front imitates democratic social activity via bottom-up control over the state bureaucracy and participation in the election. Thereby it alienates independent civil organizations and non-systemic opposition from politics. Secondly, playing role of a para-constitutional institution, the Front legitimizes Putin’s authoritarian leadership, constraining and regulating intra-elite conflict within power vertical. Thirdly, as a substitute or “informal substitutive institution,” the Front exists in parallel with weak political institutions including the Duma, United Russia, and federal ministries, and implements part of their functions. Finally, working

under the control of the Presidential Administration, the Front is used as a public or civil coercive tool against bureaucratic elites (regional governors) who abuse their office positions and participate in corrupt practices through inefficient use of budget funds.

The fourth chapter explores Putin's domination over civil society in terms of development and implementation of coercive legislation against independent civic organizations. In particular, I show that after the 2011-2012 mass-street protests against the electoral falsifications and the 2014 Maidan revolution, Putin has elaborated new coercive legislation against independent NGOs and the public sphere in general. I review new amendments restricting peaceful public assembly and gathering (2012), the LGBT propaganda law (2013), the law on bloggers and online media (2014), and the so-called "undesirable organizations" law (2015). Specifically, I analyze the so-called "foreign agents" law (2012) which gives a vague interpretation of "foreign funding" and "political activity" of NGOs. This law empowers the coercive state apparatus (the Ministry of Justice, Roscomnadzor, and the prosecutor's office) to conduct inspections of any non-profit groups which carry out political activity or receive foreign funding.

My case-studies show that in response to such crackdowns, many NGOs refuse to register voluntarily as foreign agents and try to avoid the law's implementation. For example, the historical and human rights organization Memorial contests the Ministry of Justice sanctions in the courts; the human rights group Agora, before its legal liquidation in February 2016, registered as an international organization and thereby does not need to follow the existing legislation; the election monitoring group Golos also changed its legal status from "association" to "social movement." However, these attempts do not protect organizations from the state oppressive politics against them. The Ministry of Justice continues identifying them as foreign agents, accusing them of political activity and imposing administrative fines on them. The Ministry also insists on closing these civil groups. At the same time, the state applies some ways of cooperation with these NGOs: their representatives became

members of the Presidential Council for Human Rights and Civil Society and these organizations receive presidential grants for their projects.

As this research shows, on the one hand, this dual politics vis-à-vis independent NGOs creates a “shadow of violence” for them, restricting their independence by coercive legislation. But at the same time, it provides opportunities for independent NGOs to cooperate with the state. These opportunities, however, are “window-dressings” which imitate the democratic state-civil society dialog and thereby legitimize Putin’s power.

From Gramsci’s perspective, such ambiguous politics is implemented by the dual or integral state which combines the exercise of hegemony (consent, institutionalization and cooperation) and domination (crackdowns and coercion). This dual politics helps Putin to maintain the Gramscian authoritarian equilibrium allowing him simultaneously to play coercive and hegemonic roles. As my analysis demonstrates, Putin is a part of state coercive apparatus (security services, bureaucracy) which oppresses the independent civil groups. At the same time, he plays a role of “national” leader relying on the civil and popular consent formed by ideology of stability and such mediating institutions as the All-Russia People’s Front. This public support raises Putin above the state apparatus and thereby helps him as a representative of civil society in regulating the inter-elite conflicts. Thus, Putin’s dual existence between hegemony and domination legitimizes his personal power as an independent “arbiter” or “mediator” between the state and society.

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